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2017 SEP -7 PM 3:36

I. KAPAONA
CLERK

Attorney for Plaintiffs

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

MICHELLE L. CHAVIS, Individually, and
as Next Friend of EJALEE CHAVIS, a
Minor, and EDDIE CHAVIS,

Plaintiffs,

vs.

STATE OF HAWAII, DEPARTMENT OF
EDUCATION, and DOES 1-20,

Defendants.

CIVIL NO. 17-1-1455-09 V L C
(Other Non-Vehicle Tort)

COMPLAINT; SUMMONS

COMPLAINT

COMES NOW Plaintiff MICHELLE L. CHAVIS, Individually, and as Next Friend of EJALEE CHAVIS, a Minor, and EDDIE CHAVIS, by and through their attorney, HARRISON L. KIEHM, and for cause of action against Defendant STATE OF HAWAII, DEPARTMENT OF EDUCATION, and DOES 1-20, alleges and avers as follows:

1. At all times material to this Complaint, Plaintiff MICHELLE L. CHAVIS was and is a resident of the City and County of Honolulu, State of Hawaii.

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2. At all times material to this Complaint, Plaintiff EDDIE CHAVIS, was and is a resident of the City and County of Honolulu, State of Hawaii.

3. At all times material to this Complaint, Plaintiff EJALEE CHAVIS (“Minor”), was and is a resident of the City and County of Honolulu, State of Hawaii.

4. Upon information and belief and at all times material to this Complaint, Defendant STATE OF HAWAII, DEPARTMENT OF EDUCATION (“Defendant DOE”), is a governmental agency of the State of Hawaii and is organized under the laws of the State of Hawaii.

5. Defendants DOES 1 through 20 are sued in this action under fictitious names for the reason that their true names, identities and involvement in the matters which are the subjects of this action are presently unknown to Plaintiffs, except that these unidentified Defendants are connected in some manner with the named Defendant as agents, servants, employees, employers, representatives, co-venturers, associates, contractors, vendors, suppliers or manufacturers acting for or in connection with the named Defendant, or are otherwise causally related to the activities and circumstances which are the subject of this action and are in some manner responsible for injury and damages to Plaintiffs. Plaintiffs reserve the right to request leave to insert their true names, identities, capacities, and activities connected to the subjects of this action, and the damages for which they, or any of them, may be responsible when the same are ascertained.

6. All events material to this Complaint occurred within the City and County of Honolulu, State of Hawaii, and within the jurisdiction of the Circuit Court of the First Circuit.

7. On or about September 11, 2015, Minor was a student at Kaimuki Middle School and was attending a history class with other students.

8. Minor and her classmates were being shown a video about the tragic and horrifying events of the September 11, 2001 terrorist attack on our nation, when a man wearing a mask, rushed into the classroom swinging a large hammer while threatening the students with serious bodily injury and/or death.

9. Minor and her classmates were immediately placed in fear for their lives. The masked man then walked out of the classroom with the classroom teacher running out behind the masked man, apparently in pursuit of the masked man. Upon the classroom teacher's return, the teacher locked the classroom doors and called the school office to notify the school administration of the masked man.

10. Minor and other students in the classroom were crying and feared for their lives, as they believed they were going to be killed. The classroom teacher was pacing around the classroom and appeared scared, as well.

11. It was announced by the school administration that this was a planned lockdown drill meant to be as realistic as possible.

12. Subsequently, Minor presented herself to a psychologist of whom she had been under treatment and care since July 2013.

13. Kaimuki Middle School administration knew of, and was aware of Minor's mental health concerns prior to the planned lockdown drill.

14. As a consequence of the lockdown drill, Minor suffered and continues to suffer from mental health concerns, such as, but not limited to, post-traumatic stress disorder.

15. At all times material to this Complaint, Defendant DOE had a duty to reasonably prevent harm to Minor as a student at Kaimuki Middle School.

16. At all times material to this Complaint, Defendant DOE breached said duty when it conducted a lockdown drill that negligently placed Minor in fear for her life and Defendant DOE did not reasonably notify Minor, and/or Plaintiffs' Michelle L. Chavis and/or Eddie Chavis as Minor's parents, of the planned lockdown drill, and/or remove Minor as a victim of the planned lockdown drill.

17. As a direct and proximate cause and consequence of Defendant DOE's above-described negligence, among others, Minor sustained special damages, including but not limited to, medical, mental health and rehabilitative expenses, all in amounts to be proven at trial.

18. As a direct and proximate cause and consequence of Defendant DOE's above-described negligence, among others, Minor suffered personal injuries to both her body and mind and sustained general damages, including but not limited to, pain and suffering, emotional distress, mental distress, loss of economic opportunity, loss of society, and loss of enjoyment of life, all in amounts to be proven at trial.

19. As a direct and proximate cause and consequence of Defendants above-described negligence, among others, Plaintiff Michelle L. Chavis and Plaintiff Eddie Chavis as parents of Minor sustained derivative and/or general damages, including, but not limited to, loss of consortium, loss of society and loss of enjoyment of life, all in amounts to be proven at trial.

20. No negligence on the part of the Plaintiffs caused or contributed to the above-described events and/or injuries or damages.

WHEREFORE, Plaintiffs demand judgment against Defendants, jointly and severally, for:

1. Special damages in amounts to be proven at trial;
2. General damages in amounts to be proven at trial;
3. For costs and fees incurred herein as may be permitted by law;
4. For interest as may be allowed by law; and
5. For such other and further relief as may be deemed just and appropriate

under the premises.

DATED: Honolulu, Hawaii, September 7, 2017,


HARRISON L. KIEHM
Attorney for Plaintiffs