

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ARKANSAS  
\_\_\_\_\_  
DIVISION

ALQUANTAVIOUS STOKES

PLAINTIFF

VS.

CASE NO. \_\_\_\_\_

MICHAEL NELLUMS, in his individual and  
Official capacities, JEREMY OWOH, in his official  
capacity, and PINE BLUFF SCHOOL DISTRICT

DEFENDANTS

CLASS ACTION COMPLAINT

COMES NOW, the Plaintiff, by and through counsel, who for her Complaint, states:

PARTIES AND JURISDICTION

1. Plaintiff is a resident of Jefferson County, Arkansas, who went to high school at Pine Bluff School District in Jefferson County, Arkansas.
2. Defendant Nellums is the Principal of Pine Bluff High School, and lives and works in Jefferson County, Arkansas. Pine Bluff School District is a school district operating in Jefferson County, Arkansas. Defendant Jeremy Owoh is the Superintendent of Pine Bluff School District.
3. This is an action for violation of Ark. Code Ann. 16-123-105, for negligent supervision and retention, and the tort of outrage. It is also brought against the District, and Nellums, in his individual and official capacity for violation of the Arkansas Civil Rights Act, Section 105 and the Arkansas Constitution, in an amount exceeding that required for diversity jurisdiction.
4. The events leading to this lawsuit all occurred in Jefferson County, Arkansas.

## FACTS

5. Plaintiff is now 19 years old.

6. Plaintiff went to High School at Pine Bluff High in Ninth and Tenth grade. Defendant Nellums was the Principal. He was always relevant over the age of 18. Nellums was a mandated reporter under 12-18-402(b) and was in a position of trust over the children in his school.

7. Plaintiff participated in sports.

8. Plaintiff got into a fight. Plaintiff was brought into Nellums' office and threatened with expulsion.

9. Nellums then came behind Plaintiff and started rubbing Plaintiff's back, while at the same time Nellums held his own genitals. Nellums said Plaintiff said you ain't got to get expelled. Nellums then said what you do for me.

10. This sort of thing continued. Plaintiff did not submit to Nellums' advances, but Nellums continued to regularly call Plaintiff into his office and sexually harass Plaintiff.

11. To escape this, Plaintiff withdrew from Pine Bluff High School and tried to go to Watson Chapel School District.

12. But Pine Bluff School District contacted Watson Chapel and caused Plaintiff to be forced to return to Pine Bluff High School.

13. Nellums would then pull Plaintiff into his office during the latter part of the day so much it was hard for him to get his work done. This was for more harassment.

14. On one occasion Nellums tossed an object to Plaintiff, which Plaintiff caught.

15. The object was drug paraphernalia. Nellums said now you're going to do some time. Plaintiff said you tossed it to me. Nellums denied it and said what you going to do for me.

16. Plaintiff was threatened with various other discipline for things like absences and Nellums would say it could be taken care of but would ask what you going to do for me.

17. Then, in Eleventh grade, Nellums left Pine Bluff High and was replaced by Ken Moore. This was good for plaintiff as he was not harassed.

18. However, at the end of that year, Plaintiff learned that Nellums would be returning as principal.

19. Plaintiff did not want further harassment, so he went to North Little Rock to graduate High School.

20. Defendant Nellums' conduct made Plaintiff not want to go to school. It caused him to worry about school from home. It caused him to fear assault, discipline, and even criminal action. As a result of refusing advances, Plaintiff was disciplined and denied the opportunity to participate in sports and other school activities.

21. Defendant Nellums has also sexually harassed teachers. The District was well aware of this, for example, there was the Alexander lawsuit. They failed to do anything.

22. For instance, Nellums had attempted to frame a Pulaski County School Board member on a false bribery charge.

23. Yet the Board hired Nellums anyway. Indeed, the former superintendent testified that Nellums had the ear of several board members and had more power in the district than the Superintendent did.

#### **CLASS ALLEGATIONS**

24. Nellums did this to other children who went to Pine Bluff High School. Upon information and belief, he successfully engaged in sexual activity with some of them.

25. Nellums worked with security guards who were also sexually harassing students. His behavior was well known to the board.

26. Upon information and belief, there are far more than 23 students who have been sexually harassed by Nellums or security guards. The number of victims could be in the hundreds. Accordingly, the number of plaintiffs is too many for joinder to be convenient.

27. Parents, teachers, and children have all complained about this conduct, making the school district aware of it, yet Nellums continues to be employed and harass children.

28. Accordingly, Nellums' conduct and injuries to students was a result of policy and custom of the school district.

29. Given the number of persons, the class is so numerous that joinder is not practical.

30. Common questions of law and fact predominate over individual questions given that same law is applicable, and the conduct directed at any one individual is a part of the larger pattern and practice.

31. Plaintiff's claims are typical of the class, which is students at Pine Bluff High School, when Nellums was principal, who were subjected to sexual harassment, sexual touching sexual requests or actual sexual assault, who were harassed at any time in the last three years, or who are now under the age of 21, and accordingly within the statute of limitations for outrage or negligence claims.

32. Plaintiff will fairly and adequately protect the interests of the class.

### COUNT I

33. Plaintiff restates the foregoing as if fully alleged herein.

34. By virtue of the facts alleged herein, Defendants have attempted to deny, and has denied Plaintiff, and similarly situated children, the rights, privileges, and immunities, of a free and appropriate public education.

35. As a result of the foregoing, Plaintiffs have endured mental, emotional, and physical suffering, lost wages, incurred medical bills, and suffered other damages.

36. Defendant Nellums has acted in an intentional, malicious, and reckless manner, meriting punitive damages.

### **COUNT II**

37. Plaintiff restates the foregoing as if fully alleged herein.

38. By virtue of the facts alleged herein, Plaintiff has been denied the right to equal protection under the laws of Arkansas based on gender, in violation of Ark. Code Ann. 16-123-105.

39. As a result of the foregoing, Plaintiff has endured mental, emotional, and physical suffering, lost wages, incurred medical bills, and suffered other damages. All Defendants are sued for these damages.

40. Nellums' actions have been intentional, willful, reckless, and malicious violation of Plaintiff's rights, meriting an award of punitive damages against them in his individual capacity.

### **COUNT III**

41. Plaintiff restates the foregoing as if fully alleged herein.

42. By virtue of the facts alleged herein, Defendant Nellums' conduct has risen to the level of criminal misconduct. It was intentional. It was intended to cause severe emotional distress, or Nellums reasonably should have known it would cause such distress. It did in fact cause

severe emotional distress. The conduct was utterly outrageous in the view of civilized society. Accordingly, Defendant has committed the tort of outrage.

43. As a result of the foregoing, Plaintiff has endured mental, emotional, and physical suffering, lost wages, incurred medical bills, and suffered other damages. All Defendants are sued for these damages.

44. Nellums' actions have been intentional, willful, reckless, and malicious violation of Plaintiff's rights, meriting an award of punitive damages against them in his individual capacity.

#### COUNT IV

45. Plaintiff restates the foregoing as if fully alleged herein.

46. By virtue of the facts alleged herein, Defendant PBSB has failed to protect and been negligent in terms of protecting its children from sexual harassment and abuse by failing to supervise Nellums and retaining him after they knew, or reasonably should have known he was a danger to the children.

47. As a result of the foregoing, Plaintiffs have endured mental, emotional, and physical suffering, lost wages, incurred medical bills, and suffered other damages. All Defendants are sued for these damages.

48. Nellums' actions have been intentional, willful, reckless, and malicious violation of Plaintiff's rights, meriting an award of punitive damages against them in his individual capacity.

**PRAYER**

**WHEREFORE**, Plaintiff prays that the court award back pay and front-pay or reinstatement, compensatory and punitive damages in an amount exceeding that required for diversity jurisdiction, reasonable fees and costs, removal of negative materials from her file, designation as rehirable, a positive reference, training, an 800#, pre-judgment interest, for a jury trial on all matters so triable, and all other appropriate relief.

Respectfully submitted,

**SUTTER & GILLHAM, P.L.L.C.**

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