

JUL 25 2022

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
TAMMY H. DOWNS, CLERK
Kittling
DEP CLERK

MELISSA BOSCH

vs.

PLAINTIFF

CABOT PUBLIC SCHOOL SUPERINTENDENT
TONY THURMAN, CABOT PUBLIC SCHOOL
DISTRICT, CITY OF CABOT, ARKANSAS

DEFENDANTS

No.: 4:22-cv-077-LPR

COMPLAINT

COMES NOW Melissa Bosch, by and through her attorneys, and
for her complaint states: This case assigned to District Judge Rudofsky
and to Magistrate Judge Volpe

JURISDICTION AND VENUE

1. That this Court has jurisdiction of this matter as it is an action for a violation of 42 U.S.C. §§ 1983 and 1985. All state law claims are brought pursuant to this Court's pendent jurisdiction. See 28 U.S.C. § 1367.

2. That the events giving rise to this action occurred from June 2022 forward and are well within any statute of limitations.

3. That the parties are residents of Lonoke County, Arkansas.

4. That venue in this Court is proper pursuant to 28 U.S.C. § 1391.

PARTIES

5. That Melissa Bosch is a resident of Lonoke County, Arkansas.

6. That Cabot Public School Superintendent Tony Thurman, Cabot Public School District, and the City of Cabot are residents of Lonoke County, Arkansas.

7. The Cabot Public School District (CPS) and the City of Cabot are local government entities.

8. That Cabot Public School Superintendent Tony Thurman is a local government employee.

FACTS

9. On June 9, 2022, Melissa Bosch attended the Moms for Liberty meeting at Crossroads Café. This was the first “working meeting” in months to discuss people running for school board, the status of the Open-Enrollment Charter school, and updates for those that are part of the Lonoke County Republican Committee.

10. On June 13, 2022, someone anonymously posted a 30 second audio clip from the Moms for Liberty meeting to Facebook, taken out of context, to falsely make it sound like Melissa Bosch wanted to shoot up a school. Melissa Bosch was notified by a friend of the post. She called the

police herself and filed a police report, knowing she never threatened anyone and the clip sounded altered.

11. On June 14, 2022, Cabot Public School Superintendent Tony Thurman filed a police report against Melissa Bosch and also called the FBI, falsely stating that Bosch threatened to shoot employees at the school.

12. Thurman never contacted Bosch to find out the facts.

13. Without any proper investigation, Thurman had a Cabot police officer and a school resource officer (whose authority is limited to school property) hand deliver the letter to Melissa Bosch stating she is barred from all CPS property unless she calls 24 hours in advance (letter attached).

14. Thurman acted recklessly and wantonly. No reasonable government official would act in such a manner.

15. On June 20, 2022, Kevin Tipton, an elected school board member and also the Treasurer for the Lonoke County Republican committee sent Melissa Bosch an email, furthering the lie that she was going to harm people and if he should be worried for himself and others at the next Republican Committee meeting.

16. On June 22, 2022, Police Investigator, Sergeant Baugh called Melissa Bosch to come to the police department to talk about the findings of the investigations. Sergeant Baugh told Melissa Bosch that the investigation concluded that *she was not threatening in any way* and nothing would be filed against her or anyone at the meeting.

17. Sergeant Baugh also told Superintendent Thurman that the audio was not threatening in anyway and no charges would be filed against Melissa Bosch.

18. Sergeant Baugh told Melissa Bosch that even though she didn't threaten or do anything wrong, Tony Thurman doubled down on his improper activity and reckless behavior: Thurman told the Sergeant to tell Melissa Bosch that Thurman would not rescind the letter and she was still prohibited from school property.

FIRST CAUSE OF ACTION

19. That every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and

laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. 42 U.S.C. § 1983.

20. That the defendants may not use their government authority or position to unilaterally deprive any citizen or other person within the jurisdiction of his or her right to attend public meetings and otherwise interact with a public school without the due process of law.

21. That the defendants are government entities and its chief administrator.

22. That the defendants' actions are attributable to themselves and the City of Cabot as they used their authority, title, and enablement to violate the rights of the plaintiffs.

23. That at all times the defendants acted as state actors exercising their authority and responsibilities pursuant to state laws.

24. That using their authority and responsibility under color of state law, the defendants illegally prevented Plaintiff from exercising her rights to enter public school property without having to provide special notice and receive special permission.

25. That these defendants should pay damages to the plaintiffs.

26. That the actions of these defendants were willful, wanton, and egregious. These defendants should be ordered to pay punitive damages to the plaintiffs.

SECOND CAUSE OF ACTION

27. That all previous allegations in this complaint are incorporated into this cause of action as though they were set forth word for word.

28. That these defendants are government entities and administrators.

29. That these defendants had the power of a policy maker clothed with authority of state and government law.

30. That the defendants implemented government policy under the authority of state law.

31. That the defendants' actions are attributable to the government and/or government entities, as defendants used their authority, title, and enablement to violate the rights of the plaintiff.

32. That at all times, defendants acted as government actors exercising their authority and responsibilities pursuant to state laws.

33. That using their authority and responsibility under color of state law, defendants ordered, directed, and/or committed violations of plaintiff's rights.

34. That the plaintiff has been damaged as a result of the defendants' actions.

35. That these defendants should pay damages to the plaintiff.

36. That the actions of these defendants were willful, wanton, and egregious. These defendants should be ordered to pay punitive damages to the plaintiff.

REQUESTED RELIEF

37. That the defendants should pay damages to the plaintiff.

38. That the defendants should pay punitive damages to the plaintiff.

39. That the defendants should pay the plaintiff's attorney's fees and costs are required by federal and state law.

40. That, pursuant to Fed. R. Civ. P. 38, the plaintiff demands a trial by jury on all issues so triable.

WHEREFORE, Plaintiff prays this honorable Court grant judgment in her favor; for damages, including punitive damages, in an

amount to be proven at trial; for attorney's fees and costs; all other relief to which she is entitled.

Respectfully Submitted,

/s/Chris P. Corbitt



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