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Attorney for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JANE DOE and  
JOHN DOE

Plaintiffs

v.

PLEASANT VALLEY SCHOOL,  
DISTRICT, PLEASANT VALLEY  
SCHOOL BOARD, JOHN J. GRESS,  
Principal, in his individual capacity,  
and DR. FRANK A. PULLO,  
Superintendent in his individual  
capacity,

Defendants

CIVIL ACTION – LAW

JURY TRIAL DEMANDED

NO.

**COMPLAINT**

NOW comes the Plaintiff, JANE DOE AND JOHN DOE, by their attorney, Cynthia L. Pollick, Esquire, and file the following Complaint against Defendants and avers as follows:

**PARTIES**

1. Plaintiffs, JANE DOE and JOHN DOE, are adult, competent individuals who reside in Monroe County.

2. Defendant, PLEASANT VALLEY SCHOOL DISTRICT, is a governmental entity with a principal office at District Office, Route 115, Brodheadsville, Pennsylvania.

3. Defendant, JOHN J. GRESS, is High School Principal of Pleasant Valley School District, with a principal office at District Office, Route 115, Brodheadsville, Pennsylvania.

4. Defendant, DR. FRANK PULLO, is Superintendent of Pleasant Valley School District, with a principal office at District Office, Route 115, Brodheadsville, Pennsylvania.

5. At all times pertinent hereto, Defendants, GRESS and PULLO, were servants, agents, and/or employees of Defendant PLEASANT VALLEY SCHOOL DISTRICT and were acting under color of state law when they engaged in official policy, custom, and decision to retaliation against Plaintiffs.

### **JURISDICTION**

6. This suit is brought and jurisdiction lies pursuant to the 42 U.S.C. § 1983 for constitutional violations of Plaintiffs' First and Fourteenth Amendments. Plaintiff also asserts state claims, including but not limited to the Pennsylvania Constitution, for which this Court has supplemental jurisdiction over.

**COUNT I**  
**VIOLATION OF FREE SPEECH AND PETITION RIGHTS**  
**PLAINTIFFS V. DEFENDANTS**

7. Plaintiffs, JANE DOE and JOHN DOE, hereby incorporate by reference paragraphs one (1) through six (6) above as if set forth herein at length.

8. PLAINTIFFS petitioned the government by filing verbal and written requests that DEFENDANTS address the situation that 20<sup>th</sup> Century History Teacher, Bruce H. Smith, Jr., was exposing sixteen (16) and seventeen (17) year-olds to sexually explicit and offensive material in violation of School Board Policy Rule 448, Unlawful Harassment, and Rule 806, Child/Student Abuse.

9. PLAINTIFFS told Defendants GRESS and PULLO, government officials, that Mr. Bruce Smith, Jr., showed photographs of naked murdered and dismembered females during his history class, as well as asked female students about what they were wearing during a pillow fight (i.e. panties), discussed push-up bras, and that he skipped college classes to “bang the cheerleader”. (See Attached, which are not all the photos used during his class)

10. Moreover, PLAINTIFFS told Defendants, government officials, that Mr. Smith provided his sexually explicit, Memoirs of a Class President, to 16-17 year olds, minors, which included sexually offensive comments including but not limited to:

- “I didn’t like the guy I caught my mom having sex with ...”. (page 6 of Memoirs of a Class President)

- “I guess a blow job is out of the question?” (page 149 of Memoirs of a Class President)
- “It all but happened. We started out on her couch and ended up in her bed. The kissing evolved into the steady shedding of clothes until we were naked beneath the blankets ... I got my first blowjob it was the first time I have given oral sex. I almost panicked and reached to cover her mouth when she orgasmed... Did oral sex count? Did I lose my virginity?” (page 523 Memoirs of a Class President)
- “It happened in the rec room downstairs. The very same room where I caught that showy girl riding Bill Shearer at my first party ... At first it went like it always did: necking, kissing, touching, feeling. Clothes were shed piece by piece. I didn’t rush. I loved foreplay because it’s what had sustained me since I had become sexually active with Maria. It was all I had. I just kept them wanting more. Now it was time to perform. You’re shaking, she said gently ... (page 729, Memoirs of a Class President)
- ... “Her hands ran down me and found my penis. She helped guide it to her. I lowered myself down to her. My breathing was rapid. She hushed me and pulled me closer to her. I entered her easily. My eyes widened as I realized what I had done. .... I couldn’t believe I was actually inside her. I wasn’t a boy anymore ... I was a failure . I came within minutes .... I was embarrassed at performing so badly and even more at the smear of semen across her belly. She didn’t even have a chance to orgasm.” (page 730, Memoirs of a Class President)

11. PLAINTIFFS engaged in speech on matters of public concern since a high school teacher exposing 16-17 year olds, minors, to graphic, disturbing, sexual photos and material is significant, which obviously is a matter of social, educational, and safety concerns for the community of Pleasant Valley School District.

12. PLAINTIFFS were retaliated against for petitioning the government and engaging in free speech when the government publicly disclosed the identity of Jane Doe and John Doe, allowed Bruce H. Smith, Jr. to scare victims, as well as directing Bruce Smith, Jr. to contact PLAINTIFFS at their home to somehow excuse his offensive, sexual conduct all the while knowing that the PLAINTIFFS wanted to remain anonymous due to their safety and educational concerns.

13. PLAINTIFFS have suffered substantial anxiety and emotional distress as a result of Defendants exposing and retaliating against them for petitioning government to stop the abuse and corruption of minors.

**WHEREFORE**, Plaintiff seeks all remedies available pursuant to U.S.C. § 1983, including but not limited to injunctive relief in the form of ceasing the retaliatory conduct as well as the continued abuse and corruption of minor children, nominal damages, punitive damages against individual defendants, attorney fees and costs, pre- and post- interest, delay damages, and emotional distress.

**COUNT II**  
**VIOLATION OF PLAINTIFFS**  
**CONSTITUTIONAL RIGHTS**  
**FAILURE TO TRAIN**  
**PLAINTIFFS V. DEFENDANTS**

14. Plaintiffs, JANE DOE and JOHN DOE, hereby incorporates by reference paragraphs one (1) through six (6) above as if set forth herein at length.

15. Defendants PLEASANT VALLEY SCHOOL DISTRICT, AND PLEASANT VALLEY SCHOOL BOARD, failed to train its employees and agents not to retaliate against employees who petition the government for redress.

16. Defendants PLEASANT VALLEY SCHOOL DISTRICT, AND PLEASANT VALLEY SCHOOL BOARD, were deliberately indifferent to PLAINTIFFS' rights and intentionally failed to train its employees adequately as referenced above as well as failed to have policies in place prohibiting the conduct in question.

17. Defendant PLEASANT VALLEY SCHOOL DISTRICT, AND PLEASANT VALLEY SCHOOL BOARD'S failure to train caused PLAINTIFFS to be harmed as stated above.

A Jury Trial is demanded.

By: s/ Cynthia L. Pollick  
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