

COMMONWEALTH OF KENTUCKY
 ROWAN COUNTY CIRCUIT COURT
 CIVIL ACTION NO. _____
 DIVISION NO. _____
 HON. JUDGE _____

Electronically Filed

JANE DOE

PLAINTIFF

v.

ROWAN COUNTY BOARD OF EDUCATION
 551 Viking Drive
 Morehead, KY 40351

DEFENDANTS

SERVE: Superintendent John Maxey
 551 Viking Drive
 Morehead, KY 40351

-and-

JORDAN MANN, in his Individual Capacity
 499 Viking Drive
 Morehead, KY 40351

-and-

JOHN MAXEY, in his Individual Capacity
 551 Viking Drive
 Morehead, KY 40351

-and-

ANDREW ZAHERI, in his Individual Capacity
 810 Knapp Avenue
 Morehead, KY 40351

PLAINTIFF’S COMPLAINT

INTRODUCTION

1. Beginning when she was 14 years old, Jane Doe endured repeated acts of grooming, sexual abuse, molestation, and harassment by her high school teacher and coach, Andrew Zaheri.

He continued to sexually abuse her until she was nearly 18. The abuse was made possible by Zaheri's position and stature within Rowan County Senior High School, and the failure of the institution to act on its knowledge and protect Jane Doe from Zaheri. As the result of the Defendants' collective conduct, Plaintiff and her family have suffered gravely. This action is for all damages and other relief to which the Plaintiff is entitled against the Defendants under Kentucky law.

PARTIES, JURISDICTION & VENUE

2. Plaintiff Jane Doe is, and was at all times relevant hereto, a resident of Rowan County, Kentucky.

3. Defendant Rowan County Board of Education is located at 551 Viking Drive, Morehead, KY 40351.

4. Upon information and belief, Defendant Jordan Mann is, and was at all times relevant hereto, a resident of Rowan County, Kentucky. This action is brought against Defendant Mann in his Individual Capacity.

5. Upon information and belief, Defendant John Maxey is, and was at all times relevant hereto, a resident of Rowan County, Kentucky. This action is brought against Defendant Maxey in his Individual Capacity.

6. Upon information and belief, Defendant Andrew Zaheri is, and was at all times relevant hereto, a resident of Rowan County, Kentucky. This action is brought against Defendant Zaheri in his Individual Capacity.

7. The primary incidents giving rise to this action occurred in Rowan County, Kentucky.

8. The claims set forth herein all arise solely under Kentucky's common law and

statutory law.

FACTS

9. In Kentucky, school certified personnel are required by KRS 161.028 to adhere to the Professional Code of Ethics for Kentucky Certified Personnel, as codified in 16 KAR 1:020.

10. The Professional Code of Ethics of Kentucky Certified Personnel, as codified in 16 KAR 1:020, imposes the following ethical requirements (as well as others) on school certified personnel:

- a. Take reasonable measures to protect the health, safety, and emotional well-being of students;
- b. Not use professional relationships or authority with students for personal advantage;
- c. Not engage in any sexually related behavior with a student with or without consent... (s)exually related behaviors shall include behaviors such as sexual jokes; sexual remarks; sexual kidding or teasing; sexual innuendo; pressure for dates or sexual favors; inappropriate physical touching, kissing, or grabbing; rape; threats of physical harm; and sexual assault.
- d. Make reasonable effort to communicate to parents information which should be revealed in the interest of the student.
- e. Exemplify behaviors which maintain the dignity and integrity of the position.

11. Andrew Zaheri has served in a coaching and teaching capacity with the Rowan County School District for multiple stints dating back to at least 2007.

12. Throughout Zaheri's history of employment within the Rowan County School District, standards existed within KRS 161.028 for school districts, including but not limited to

Rowan County.

13. These standards include those for training on the dynamics of sexual misconduct of professionals, including the abuse of authority, characteristics of the offender, the impact of the victim, investigative procedures in sex offense cases, and effective intervention with victims and offenders.

14. These standards also require school districts, including Rowan County, to develop specific guidelines to follow upon receipt of an allegation of sexual misconduct by a certified employee. The guidelines shall include investigation, inquiry, and hearing procedures.

15. Andrew Zaheri coached as an assistant with Rowan County boys' basketball from 2007-2011.

16. Zaheri coached with the Defendant Jordan Mann during this time period.

17. During this time period, Zaheri became sexually involved with a female teenager who had attended Rowan County Senior High School.

18. Shortly after she graduated and while still a teenager, she became pregnant with Zaheri's child.

19. The pregnancy of the recently graduated teen, along with Zaheri's status as the father, was known to those with investigative, supervisory, and/or disciplinary authority over Zaheri within the Rowan County school district.

20. Upon information and belief, nobody with investigative, supervisory, and/or disciplinary authority within the Rowan County school district scrutinized Zaheri's relationship with the recent teen graduate to discern when and how it began.

21. In essence, those with investigative, supervisory, and/or disciplinary authority within the Rowan County school district turned a blind eye to a situation in which a substantial

likelihood existed that Zaheri, who was in a position of trust and authority as an educator and coach to students within the Rowan County school district, was having improper and impermissible relations with a female student attending Rowan County Senior High School.

22. In June of 2011, Zaheri received tenure with Rowan County as a teacher.

23. In September of 2011, Zaheri resigned from Rowan County.

24. Following Zaheri's abrupt resignation from Rowan County, he applied for a position with Danville High School.

25. Zaheri was hired by Danville to coach and teach at the high school.

26. Zaheri abruptly resigned from his employment at Danville on July 10, 2013, which was only two years into his position.

27. Prior to Zaheri's July 2013 resignation, he was hired in June of 2013 by Rowan County to be a substitute middle school teacher.

28. Zaheri also returned to his position as an assistant coach with the Rowan County high school boys basketball team.

29. Defendant Mann continued coaching as an assistant with Zaheri.

30. Mann and Zaheri continued to maintain a close friendship both within and outside of work.

31. In 2016, Zaheri obtained full-time employment with the Rowan County school district in the work transition program.

32. In 2019, Zaheri became an assistant coach with the Rowan County Senior High School girls soccer team.

33. In 2020, Zaheri became the Rowan County Senior High School's physical education and health teacher.

34. Zaheri resigned from his position as assistant girls soccer coach in March of 2021, which was less than two years into the position.

Zaheri's Sexual Grooming of Jane Doe

35. Zaheri's grooming and abuse of Jane Doe took place throughout each year she was in high school, beginning with her freshman year in 2019.

36. Jane Doe participated in athletics in all four years of high school at Rowan County.

37. Zaheri coached the Plaintiff in soccer from 2019-2021.

38. Beginning with Jane Doe's freshman year when she was 14 years of age, Zaheri began grooming her, showering her with excessive attention and flirting with her.

39. Zaheri repeatedly asked Jane Doe questions about her personal life as a freshman, including which boys she was dating.

40. Zaheri offered his advice on whether certain boys were good or bad, advising Jane Doe as a freshman that she could trust him and talk with him regarding sensitive topics.

41. On an out-of-state soccer trip while Jane Doe was a freshman, Zaheri rearranged the scheduled rooming arrangements to place Jane Doe in a "senior room" that was adjacent to Zaheri's own room.

42. Zaheri later advised Jane Doe that he had a personal key for the "senior room" to which she was assigned during the trip.

43. Zaheri advised Jane Doe that during the multi-night trip, he smelled her underwear, watched her sleep, fixed her shirt back because her breast was uncovered and took her soiled soccer jersey to sleep with himself.

44. On numerous occasions, Zaheri offered to massage Jane Doe's legs when she would get cramps during soccer.

45. Zaheri later told Jane Doe that he became sexually aroused during each massage he provided to her.

46. Following a soccer trip, Zaheri utilized the Rowan County School Board's Infinite Campus program to identify Jane Doe's family's home address.

47. Zaheri routinely drove by Jane Doe's house to watch her.

48. In 2019, Zaheri drove by Jane Doe's house on Christmas morning while Jane Doe and her family opened Christmas presents.

49. Following this occurrence, Zaheri began calling the Plaintiff the nickname "Christmas morning".

50. When Jane Doe was 16 years old, Zaheri obtained work at the high school as a physical education and health teacher.

51. Zaheri began exchanging letters back and forth with Jane Doe.

52. One of Zaheri's communications to Jane Doe requested that she serve as his teacher's assistant.

53. Because of all the attention given to her by Zaheri, Jane Doe was initially interested in becoming his teacher assistant.

54. Jane Doe then decided against it, which made Zaheri upset.

55. Zaheri continued to pressure Jane Doe to be his assistant, ultimately resulting in her agreement to the same.

56. Jane Doe lost the opportunity to participate in a class for college credit due to Zaheri coaxing her to be his teacher's assistant.

57. When Jane Doe was volunteering at a softball fundraiser for the school, Zaheri solicited her cell phone number, indicating that he would donate to her.

58. Zaheri did not donate to Jane Doe; he simply used the situation to get her cell phone number.

59. One evening shortly following the fundraiser, Zaheri sent a blank text message to Jane Doe's cell phone, later pretending to not know what Jane Doe was referring to when she asked if it had been sent by mistake.

60. Zaheri then began to exchange text messages with Jane Doe frequently.

61. Zaheri stared at Jane Doe at school dances with direct eye contact, not attempting to hide his gazes and glares.

62. Zaheri began buying gifts for Jane Doe, including two sets of earrings, a necklace, and items of clothes.

63. Zaheri became upset with Jane Doe if she did not wear the gifts had purchased for her.

64. Zaheri became increasingly territorial of Jane Doe, attending school dances so that he could keep a close and uncomfortable eye on her while she was around her teenage male friends.

65. Zaheri then sexually assaulted Jane Doe.

66. Zaheri continued to sexually assault Jane Doe with frequency, both on and off school property.

67. Zaheri's sexual abuse of Jane Doe on school property took place in classrooms, offices, closets, and locker rooms.

68. On several occasions, Zaheri requested for colleagues and supervisors to cover his classroom so that he could sexually abuse Jane Doe during school hours.

69. Zaheri regularly sent photos and videos of himself masturbating to Jane Doe, both at home and on school property.

70. Zaheri and Jane Doe frequently met in public locations, prompting those who knew Jane Doe to advise her of their observations of the two together in public.

71. Zaheri intentionally ejaculated inside of Jane Doe against her will, resulting in Jane Doe being required to seek emergency contraception medication out of fear of becoming pregnant.

72. Zaheri and Jane Doe were observed extremely close to each other on school property.

73. On one of these occasions, a picture of the two of them was posted on social media, resulting in public questioning of the nature of the relationship.

Notice, Inaction and Deliberate Indifference

74. In September of 2022, a report was made by multiple females to Director of Student Services, Robert Ginter which raised concerns about the relationship between Jane Doe and Zaheri.

75. The report identified that the two were seen alone in public together at Wal-Mart and at the Morehead State Athletic gym, that the two had numerous private communications in classrooms at the high school, that the two were frequently having private conversations in the hallways, that the two sat closely together by themselves on the bleachers, and that the relationship was concerning and “creepy”.

76. The concerns were forwarded to the Defendant Mann.

77. Mann did not advise Jane Doe’s parents of the concerns.

78. Mann did not speak with Jane Doe to obtain further information related to the concerns.

79. Mann spoke with Zaheri regarding the concerns and simply accepted Zaheri at his word that it was coincidence that the two were at Wal-Mart, that there was open gym on Morehead’s campus for all boys and girls players, and that the two conversed about soccer and

“things of that nature” on campus.

80. Mann did not document addressing with Zaheri the reports of Jane Doe and Zaheri sitting in close proximity to each other while alone on the bleachers.

81. Mann reported the concerns to the school administration and the Defendant Superintendent Maxey.

82. Neither administrators nor Maxey requested that further investigation be done into the matter.

83. Neither administrators nor Maxey reported the concerns to Jane Doe’s parents.

84. Neither administrators nor Maxey spoke with Jane Doe regarding the concerns.

85. At no time did Mann, administrators, or Maxey speak with those who reported the concerns regarding the nature of the concerns.

86. At no time did Mann, administrators, or Maxey investigate or otherwise question why Zaheri and Jane Doe were seen alone together on Morehead State’s campus.

87. In November of 2022, Defendant Mann was informed of concerns that Jane Doe and Zaheri were again spotted alone together on Wal-Mart property.

88. Mann did not advise Jane Doe’s parents of the concerns.

89. Mann did not speak with Jane Doe to obtain further information related to the concerns.

90. Mann spoke with Zaheri regarding the concerns and simply accepted Mann at his word that he was not at Wal-Mart.

91. Mann reported the concern to the school administration and the Defendant Superintendent Maxey.

92. Neither administrators nor Maxey requested that further investigation be done into

the matter.

93. Neither administrators nor Maxey reported the concerns to Jane Doe's parents.

94. Neither administrators nor Maxey spoke with Jane Doe regarding the concerns.

95. Mann received another report in November 2022, this time advising him that Jane Doe was observed wearing Zaheri's clothes.

96. Upon information and belief, the individual reporting the concern to Mann indicated to Mann that the sources of the information were multiple prominent members of the community.

97. Mann did not record any notes in his file in November 2022 regarding this phone call nor does it appear that any investigation was conducted immediately following this call.

98. Mann did not immediately report this concern to the school administration and Defendant Superintendent Maxey.

99. Mann did not advise Jane Doe's parents of the concerns.

100. Mann did not speak with Jane Doe to obtain further information related to the concerns.

101. Mann did not make any efforts to independently corroborate the concerns.

102. Following the September 2022 and November 2022 reports of concerns related to the relationship between Jane Doe and Zaheri, on December 26, 2022, Mann documented that he received a report from a community member that Jane Doe was wearing Zaheri's clothes.

103. Mann did not advise Jane Doe's parents of the concerns.

104. Mann did not speak with Jane Doe to obtain further information related to the concerns.

105. Mann spoke with Zaheri regarding the concerns and simply accepted Zaheri at his

word that he had not given Jane Doe any clothes.

106. Mann reported the concern to the school administration and the Defendant Superintendent Maxey.

107. Neither administrators nor Maxey requested that further investigation be done into the matter.

108. Neither administrators nor Maxey reported the concerns to Jane Doe's parents.

109. Neither administrators nor Maxey spoke with Jane Doe regarding the concerns.

110. Certain reporting complainants were not interviewed.

111. Mann and Maxey each respectively had reasonable cause to believe abuse had occurred and/or was actively occurring.

Continued Abuse Due to Inaction and Deliberate Indifference

112. Zaheri's sexual abuse of Jane Doe continued after each of the aforementioned reported concerns were dismissed by principal Mann, school administrators and superintendent Maxey.

113. In January of 2023, Jane Doe repeatedly expressed to Zaheri that she wanted to stop communicating with him and seeing him.

114. Jane Doe advised Zaheri on multiple occasions that she wanted to be a normal high school student and have a relationship with another high school student.

115. Each time, Zaheri responded harshly.

116. Zaheri would send non-stop text messages to Jane Doe for hours at a time, going until past 2:00 a.m., begging her and pleading with her to keep seeing him.

117. Defendant John Maxey served as the Superintendent of the Rowan County School System throughout the time of Defendant Zaheri's grooming and sexual abuse of Jane Doe.

118. Defendant Jordan Mann worked within the Rowan County School District throughout the time of the Defendant Zaheri's grooming and sexual abuse of Jane Doe.

119. Mann served as the Assistant Principal of Rowan County Senior High School from 2019 to 2022 before being named Principal in the summer of 2022.

120. Upon information and belief, Mann and Zaheri remained close friends throughout the time Zaheri was employed within the School District.

121. Mann continued to work as an assistant basketball coach with Zaheri and spent considerable time with Zaheri for three decades.

122. Mann knew or should have known of Zaheri's grooming, sexual harassment, and/or sexual abuse of teenaged female players and students.

123. Upon information and belief, Mann and Zaheri joked about marks on Zaheri's body resulting from sexual acts with Jane Doe.

124. Upon information and belief, Mann not only failed to conduct a meaningful investigation into Zaheri upon receiving notice of his inappropriate relations with female high school students, but also took affirmative steps to prevent an investigation from being conducted.

Notice and Inaction of Other Incidents

125. Kentucky public school educators and administrators have a special relationship with the students of their districts, imposing an affirmative duty upon them to take all reasonable steps to prevent foreseeable harm to students.

126. Despite this obligation, multiple school officials with the responsibility to report sexual harassment and abuse kept silent and tolerated Zaheri's and others' grooming, harassment, and abuse of female students throughout his multiple stints at Rowan County.

127. School officials turned a blind eye when Zaheri impregnated a female student

shortly after her graduation, failing to acknowledge and report that the relationship began while the female was still a high school student.

128. School officials knew or should have known, but failed to investigate or report, that Zaheri routinely provided inappropriate “massages” to female student athletes.

129. School officials knew or should have known, but failed to investigate or report, that Zaheri physically assisted female student athletes with workout routines in the school gym.

130. School officials knew or should have known, but failed to investigate or report, that Zaheri continually made lewd and inappropriate comments to female students about their bodies and the bodies of others.

131. School officials knew or should have known, but failed to investigate or report, that Zaheri constantly stared at the breasts of female students in his health and physical education classes.

132. The Zaheri situation is not unique. School officials at Rowan County have deliberately ignored or otherwise inadequately responded to multiple instances of well-known sexual abuse by other coaches.

133. Upon information and belief, additional coaches/educators within the School District have engaged in the grooming and/or sexual abuse of minor students.

134. Upon information and belief, the School District has repeatedly failed to investigate circumstances where coaches/educators were grooming, sexually harassing and/or sexually abusing minor students.

135. For example, during Zaheri’s first stint with Rowan County, a successful male head coach of a female athletics team at the school resigned in 2012.

136. The reason for the coach’s resignation was originally reported to be so that he could

return home to coach his alma mater.

137. The coach did not return home to coach his alma mater.

138. The coach did not continue coaching high school females.

139. The coach proceeded to have a child with one of his former Rowan County players.

140. The coach is 26 years older than his former player with whom he had a child.

141. Upon information and belief, the School District did not investigate the coach for grooming of minor females and/or sexual relations with players.

Zaheri's Arrest and Termination

142. On February 13, 2023, Mann and Maxey received reports of an inappropriate relationship between Zaheri and Jane Doe.

143. Neither investigated the matter.

144. Instead, on February 14, 2023, it was the high school Guidance Counselor who reported the allegations to the Kentucky Cabinet for Health and Family Services.

145. The Guidance Counselor's February 2023 report was the first time that any administrator within the School District reported Zaheri to state authorities.

146. Rather than terminating Zaheri, Maxey and Mann placed him on leave.

147. Zaheri was subsequently arrested and charged with felony Rape of Jane Doe.

148. Only after the arrest was Zaheri fired from his job.

149. Following Zaheri's arrest and termination, Jane Doe's parents were advised by Mann and Maxey that neither of them had any prior reports of an inappropriate relationship between Jane Doe and Zaheri or they would have acted. This was not true.

Ratification and Disregard for Obligations

150. Zaheri should have been investigated, reported and fired for his prior inappropriate

relationships with teenage girls, including but not limited to the relationship which resulted in the 2009 pregnancy of a teenager who had just graduated from the high school.

151. Mann and Maxey should have investigated, reported, and fired Zaheri when they had notice of Jane Doe wearing Zaheri's clothing.

152. Mann and Maxey had respective ministerial requirements to investigate potential issues of abuse brought to their attention.

153. Mann and Maxey had respective mandatory, ministerial requirements to conduct a good faith investigation into the allegations of potential abuse of the Plaintiff by Defendant Zaheri.

154. No good faith investigation was ever conducted into the continued reported allegations.

155. Mann and Maxey should have investigated, reported, and fired Zaheri upon receiving notice that he was meeting with Jane Doe alone both on and off school property.

156. Mann and Maxey should have investigated, reported, and fired Zaheri when photos appeared online showing Zaheri and Jane Doe seated together on school property in inappropriately close positions to each other.

157. Mann should have investigated, reported, and fired Zaheri when he observed Zaheri with physical markings obtained during sexually abusive acts with Jane Doe.

158. Instead, Mann ratified Zaheri's conduct in December of 2022, conducting a "Certified Teacher Review" of Zaheri and giving him a rating of Excellent in his Professional Responsibilities.

159. Mann's December 2022 review of Zaheri made no mention of the allegations of sexual misconduct, instead stating:

- a. "Very friendly interactions with students...it is evident that the teacher knows his

students and their abilities.”

- b. “Teacher has clear procedures set such as coming in and finding their stretching and roll call spots.”
- c. “Teacher communicated with parents and families on a regular basis.”
- d. “Teacher initiates important activities to contribute to the profession.”
- e. “Teacher is very professional in appearance, preparation for class, interactions with students and coworkers...”

160. Pursuant to Rowan County Public Schools’ policies, Mann and Maxey each had absolute, ministerial duties to report Zaheri to the Title IX Coordinator and pursue an investigation regarding the relationship between Zaheri and Jane Doe each time they received the previously mentioned complaints.

161. Under its policy and Code of Conduct, Rowan County Public Schools policy 03.1621 states that:

- a. Title IX Sexual Harassment in educational programs or activities of the District is prohibited.
- b. “Title IX Sexual Harassment” means conduct on the basis of sex that satisfies one or more of the following:
 - i. An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual’s participation in unwelcome sexual conduct (i.e., quid pro quo sexual harassment);
 - ii. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District’s education program or activity;

- c. Employees who believe or have been made aware that they or any other employee, student, or visitor has been subject to Title IX Sexual Harassment shall report it to the Title IX Coordinator (the individual or individuals designated and authorized to coordinate District Title IX programs). Failure to make such a report shall be grounds for discipline up to and including termination. If the knowledge of the reporting party gives rise to reasonable cause to believe that the reported conduct constitutes child abuse Policy 09.227 or a reportable criminal offense Policy 09.2211, notification of state officials shall be made as required by law.
- d. The TIXC, investigator, decisionmaker(s), and any informal resolution facilitator shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. These individuals are to serve impartially without prejudgment of the facts at issue. The investigative, initial decision-making, appellate decision-making, and resolution functions must be performed by different trained individuals, who may be District employees or contractors.

162. Maxey and Mann both repeatedly failed to adhere to their mandatory reporting requirements.

163. As a result of the deliberate indifference of Mann and Maxey to repeated credible reports of Zaheri's sexual misconduct and ongoing inappropriate relationship with a student, Zaheri continued to repeatedly sexually abuse Jane Doe.

PLAINTIFF'S CLAIMS

Count I: Violations of KRS 344.145 AND 344.555 **(ROWAN COUNTY BOARD OF EDUCATION)**

164. Jane Doe incorporates by reference all allegations in all of the paragraphs of this

Complaint as if fully set forth herein.

165. At all times material herein, the School District received state funding as contemplated under Kentucky Revised Statute (KRS) 344.145 and 344.555.

166. Jane Doe is in the class of persons contemplated by KRS 344.450 and as such is entitled to pursue all applicable damages against the School District for violations of Chapter 344, specifically including KRS 344.145 and KRS 344.555.

167. As a public school system, the School District provides services which are a right guaranteed to all Kentuckians.

168. At all times material herein, the Defendant Zaheri was employed by the School District as a teacher and/or coach.

169. Jane Doe was a student at Rowan County High School from the fall of 2019 through the spring of 2023.

170. Zaheri sexually groomed and abused Jane Doe from the time she was a freshman until she was a senior.

171. Zaheri sent sexually explicit messages to Jane Doe.

172. Zaheri sexually abused Jane Doe on School District property.

173. Zaheri sexually abused Jane Doe on school-sponsored trips.

174. Zaheri's actions created a discriminatory environment of sexual harassment and sexual hostility at Rowan County Senior High School from Jane Doe's freshman year through her senior year.

175. Upon information and belief, School District officials with authority to act on the matter – including but not limited to the Principal and Superintendent – knew or should have known of Zaheri's harassment and abuse, both historically and while Jane Doe was a student at

Rowan County High School, and failed to act on the matter.

176. School District officials with authority to act on the matter failed to thoroughly investigate multiple complaints of Zaheri's sexual grooming, harassment, and abuse.

177. School District officials with authority to act on the matter failed to meaningfully investigate multiple complaints of Zaheri's inappropriate relationship Jane Doe specifically.

178. This failure of the School District to investigate complaints against Zaheri resulted in the continuous sexual abuse of Jane Doe by Zaheri.

179. The failure of School District officials to comply with their ministerial obligations of meaningfully investigating and reporting resulted in the continuous sexual abuse of Jane Doe by Zaheri.

180. The School District was deliberately indifferent to sexual grooming, harassment, and abuse of which it had direct and actual knowledge.

181. As a result, Zaheri sexually abused Jane Doe consistently for multiple years.

182. The conduct of the Rowan County Board of Education, by and through the actions and inactions of its employees and officials, deprived the Plaintiff of her protection against sexual discrimination as afforded by KRS 344.145 and KRS 344.555.

183. These violations amount to negligence *per se*.

184. This Defendant's statutory violations directly and proximately caused and will continue to cause Jane Doe's extensive physical and emotional pain and suffering, humiliation and embarrassment, reputation damage, medical expenses, loss of educational opportunities and reduced earning capacity.

Count II: Negligence and Gross Negligence
(MANN AND MAXEY)

185. Jane Doe incorporates by reference all allegations in all of the paragraphs of this

Complaint as if fully set forth herein.

186. Defendants Mann and Maxey had the duty to properly monitor and supervise employee teachers of Rowan County Senior High School and to protect the student body.

187. As part of said obligations, Defendants Mann and Maxey each had ministerial duties to reasonably, thoroughly, and appropriately investigate allegations of impropriety between teachers and students.

188. That officials must do some investigation after a potential issue of abuse is brought to his or her attention; the requirement to investigate, to ascertain the facts, is plainly a ministerial function.

189. Defendants Mann and Maxey acted with deliberate indifference to their responsibilities, rendering no meaningful response or investigations into the several months of reported allegations of impropriety of the relationship between Defendant Zaheri and the Plaintiff.

190. The actions and inactions of Defendants Mann and Maxey amounted to a deliberate indifference to the Plaintiff's rights, were each a substantial factor in causing the continued injuries and resulting damages to the Plaintiff, and constituted negligence and/or gross negligence.

191. Defendants Mann and Maxey directly and proximately caused and will continue to cause Jane Doe's extensive physical and emotional pain and suffering, humiliation and embarrassment, reputation damage, medical expenses, loss of educational opportunities and reduced earning capacity.

192. Jane Doe is entitled to compensatory and punitive damages from Defendants Mann and Maxey, plus costs and attorney fees in bringing this action.

Count III: Negligent Retention and Supervision
(MANN AND MAXEY)

193. Jane Doe incorporates by reference all allegations in all of the paragraphs of this

Complaint as if fully set forth herein.

194. Defendants Mann and Maxey, through their respective positions as principal and superintendent, had respective duties to exercise reasonable care in the retention and supervision of Rowan County Senior High School teachers and coaches, including Andrew Zaheri.

195. Defendants Mann and Maxey each knew, or should have known, that the Defendant Zaheri had a history and known reputation of inappropriate relationships with female students of Rowan County Senior High School.

196. Defendants Mann and Maxey were each deliberately indifferent to the Defendant Zaheri's history and known reputation of inappropriate relationships with female students of Rowan County Senior High School.

197. Defendants Mann and Maxey were each presented with repeated evidence that Defendant Zaheri was engaging in an inappropriate and/or sexual relationship with the Plaintiff.

198. As part of said obligations, Defendants Mann and Maxey each had a ministerial duty to act reasonably in the investigation, retention and supervision of Zaheri, who was a Rowan County Senior High School coach and certified teacher.

199. These Defendants failed to perform their ministerial obligations of supervising Zaheri, investigating Zaheri, reporting Zaheri and terminating Zaheri when provided repeated credible reports of his inappropriate relations with a female student athlete.

200. Defendants Mann and Maxey acted with deliberate indifference to their responsibilities in the investigation, supervision, reporting, and retention of Defendant Zaheri.

201. The actions and inactions of Defendants Mann and Maxey amounted to a deliberate indifference to the Plaintiff's rights and constituted negligence and/or gross negligence.

202. The actions and inactions of Defendants Mann and Maxey amounted to negligence

and/or gross negligence.

203. Defendants Mann and Maxey directly and proximately caused and will continue to cause Jane Doe's extensive physical and emotional pain and suffering, humiliation and embarrassment, reputation damage, medical expenses, loss of educational opportunities and reduced earning capacity.

204. Jane Doe is entitled to compensatory and punitive damages from Defendants Mann and Maxey, plus costs and attorney fees in bringing this action.

Count IV: Violations of KRS 620.030(1)
(MANN AND MAXEY)

205. Jane Doe incorporates by reference all allegations in all of the paragraphs of this Complaint as if fully set forth herein.

206. KRS 466.070 creates a private right of action for Plaintiff for the damages she sustained due to violation of any statute that is penal in nature and provides no civil remedy when she is within the class of persons the statute is intended to protect.

207. Pursuant to KRS 620.030(1), "any person who knows or has reasonable cause to believe that a child is dependent, neglected, or abused shall immediately cause an oral or written report to be made to a local law enforcement agency or to the Department of Kentucky State Police, the cabinet or its designated representative, the Commonwealth's attorney, or the county attorney by telephone or otherwise. Any supervisor who receives from an employee a report of suspected dependency, neglect, or abuse shall promptly make a report to the proper authorities for investigation."

208. Defendants Mann and Maxey were each given repeated notice of reasonable cause to believe that an inappropriate relationship was ongoing between Defendant Zaheri and Jane Doe.

209. That these Defendants did not cause an oral or written report to be made to a local

law enforcement agency or to the Department of Kentucky State Police, the cabinet or its designated representative, the Commonwealth's attorney, or the county attorney by telephone or otherwise upon receiving credible allegations in September, November, and December 2022 of an inappropriate relationship between the Defendant Zaheri and Jane Doe.

210. Defendants Mann and Maxey failed to conduct a baseline investigation as to whether reasonable cause existed to believe Defendant Zaheri had abused and/or was actively abusing Jane Doe.

211. That Defendant Zaheri's sexual abuse of Jane Doe continued in 2023.

212. That the Defendants Mann and Maxey each violated KRS 620.030(1) through their repeated failures to report, and reasonably and thoroughly investigate, the credible allegations against Zaheri.

213. That Defendants Mann and Maxey had a mandatory, ministerial requirement to report to a proper authority pursuant to § 620.030.

214. That Mann and Maxey's repeated violations of KRS 620.030(1) each constituted negligence *per se* and were substantial factors in causing damages and injuries to the Plaintiff.

215. Defendants Mann and Maxey directly and proximately caused and will continue to cause Jane Doe's extensive physical and emotional pain and suffering, humiliation and embarrassment, reputation damage, medical expenses, loss of educational opportunities and reduced earning capacity.

216. Jane Doe is entitled to compensatory and punitive damages from Defendants Mann and Maxey, plus costs and attorney fees in bringing this action.

Count V: Sexual Assault and Battery
(ZAHERI)

217. Jane Doe incorporates by reference all allegations in all of the paragraphs of this

Complaint as if fully set forth herein.

218. At all times material herein, Zaheri knew that Jane Doe was a minor child.

219. That Defendant Zaheri solicited or attempted to engage in sexual contact with Jane Doe for more than three years, all while Jane Doe was a minor child, with the intent to engage in sexual contact with her.

220. These actions by Zaheri constituted consistent, repeated instances of assault.

221. That Defendant Zaheri had nonconsensual, physical sexual contact with Jane Doe for more than two years while she was a minor.

222. Zaheri repeatedly and consistently sexually battered Jane Doe on numerous occasions.

223. Zaheri's assault and battery directly and proximately caused and will continue to cause Jane Doe's extensive physical and emotional pain and suffering, humiliation and embarrassment, reputation damage, medical expenses, loss of educational opportunities and reduced earning capacity.

224. Jane Doe is entitled to compensatory and punitive damages from Zaheri, plus costs and attorney fees in bringing this action.

Count VI: Violations of KRS 510.060(1)(d)
(ZAHERI)

225. Jane Doe incorporates by reference all allegations in all of the paragraphs of this Complaint as if fully set forth herein.

226. KRS 466.070 creates a private right of action for Plaintiff for the damages she sustained due to violation of any statute that is penal in nature and provides no civil remedy when she is within the class of persons the statute is intended to protect.

227. Pursuant to KRS 510.060(1)(d), "a person is guilty of rape in the third degree

when... being a person in a position of authority or position of special trust, as defined in KRS 532.045, he or she engages in sexual intercourse with a minor under eighteen (18) years old with whom he or she comes into contact as a result of that position.”

228. Defendant Zaheri was in a position of authority and/or position of special trust at all times referenced herein.

229. Defendant Zaheri violated KRS 510.060(1)(d) on each occasion he engaged in sexual intercourse with Jane Doe.

230. Defendant Zaheri’s repeated violations of KRS 510.060(1)(d) each constituted negligence *per se* and were a substantial factor in causing damages and injuries to the Plaintiff.

231. Zaheri’s assault and battery directly and proximately caused and will continue to cause Jane Doe’s extensive physical and emotional pain and suffering, humiliation and embarrassment, reputation damage, medical expenses, loss of educational opportunities and reduced earning capacity.

232. Jane Doe is entitled to compensatory and punitive damages from Zaheri, plus costs and attorney fees in bringing this action.

DAMAGES COMMON TO ALL COUNTS

233. As a result of the actions of the Defendants as set forth previously herein, Plaintiff was caused to suffer discomfort, physical and mental distress; incur medical expenses and will incur future medical expenses; suffered past pain and mental anguish and will suffer pain and mental anguish in the future; has experienced embarrassment, loss of self-esteem, fright, grief, humiliation and loss of enjoyment of life; is at an increased risk for future harms and medical expenses; and has suffered a destruction of her power to labor and earn money and perform household services. Said damages are in excess of the jurisdictional minimum limits of this Court.

234. All individual capacity Defendants are liable to the Plaintiff for punitive damages as a result of their individual and joint willful and wanton conduct and gross negligence, including, but not limited to, the actions and omissions set forth herein, all of which evidence oppression, malice, and the reckless disregard for the lives and safety of other, including the Plaintiff.

WHEREFORE, Plaintiff, by counsel, demands as follows:

1. That a copy of this Complaint and summonses be served upon the above-named Defendants;
2. Judgment against the Defendants in favor of Plaintiff Jane Doe, jointly and severally, in an amount in excess of the jurisdictional limits of this Court, said amount to be that which is determined as being fair and reasonable by all the evidence for the damages claimed herein, specifically including punitive damages against the individual capacity Defendants;
3. Pre-judgment and post-judgment interest;
4. Attorney fees and court costs reasonably incurred or expended;
5. Trial by jury; and,
6. All just and proper relief to which Plaintiff may appear entitled, including the right to Amend this Complaint.

Respectfully submitted,

SAM AGUIAR INJURY LAWYERS, PLLC

/s/Jonathan B. Hollan _____

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-and-

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Presiding Judge: HON. DAVID A. BARBER (621401)

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