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19 **SUPERIOR COURT OF CALIFORNIA**

20 **COUNTY OF MONTEREY**

21 **JESSICA KONEN and A.G., her minor child,**

22 **Plaintiffs,**

23 **v.**

24 **LORI CALDEIRA, in her personal capacity;**

25 **KELLY BARAKI, in her personal capacity;**

26 **KATELYN PAGARAN, in her personal**

27 **capacity; and SPRECKELS UNION**

28 **SCHOOL DISTRICT,**

**Defendants.**

Case No:

**COMPLAINT**

**42 U.S.C. § 1983; 42 U.S.C. § 1985(3);  
INTENTIONAL INFLICTION OF  
EMOTIONAL DISTRESS / GOV'T  
CODE § 815.2; NEGLIGENCE / GOV'T  
CODE § 815.2; NEGLIGENCE PER SE /  
GOV'T CODE §§ 815.2 AND 815.6;  
BANE ACT / GOV'T CODE § 815.2;  
CIVIL CONSPIRACY**

**DEMAND FOR JURY TRIAL**

29 Jessica Konen and A.G., her minor child (collectively, "Plaintiffs"), through their undersigned  
30 counsel, state the following claims for relief against Lori Caldeira, in her personal capacity; Kelly

1 Baraki, in her personal capacity; Katelyn Pagaran, in her personal capacity; and the Spreckels Union  
2 School District (collectively, “Defendants”):

3 **INTRODUCTION**

4 1. Ms. Konen brings this action to vindicate her fundamental right under the Fourteenth  
5 Amendment to the United States Constitution to direct the upbringing of her minor child, A.G.  
6 Defendants, teachers and administrators at A.G.’s middle school, along with the school itself, secretly  
7 convinced A.G.—who was 11 years old at the time—first, that she was bisexual and, later, that she  
8 was transgender—*i.e.*, that her gender did not correspond with her biological sex. Despite the  
9 profound mental stress these actions inflicted on A.G., Defendants attempted to counsel A.G.  
10 themselves, without her mother’s involvement, instructing A.G. that she must not tell her mother, her  
11 closest confidant, about her new supposed gender identity.

12 2. At Defendants’ sustained urging and direction, A.G. assumed a new gender identity,  
13 different from her biological sex, including assuming a new name associated with her new gender  
14 identity and going by new pronouns. Defendants began referring to A.G. by her new name and  
15 pronouns, changed A.G.’s name in certain educational records, and arranged for A.G. to use the unisex  
16 bathroom at school that was otherwise reserved for teachers, all without informing or consulting with  
17 her mother, Ms. Konen.

18 3. In fact, Defendants attempted to actively deceive Ms. Konen of A.G.’s new gender  
19 identity by using A.G.’s birth name and corresponding pronouns in her (Ms. Konen’s) presence while  
20 using A.G.’s new name and pronouns when she (Ms. Konen) was not present, by instructing A.G. that  
21 she must not tell her mother about her new gender identity, and by otherwise concealing facts  
22 regarding A.G.’s new gender identity from Ms. Konen.

23 4. Ms. Konen supports her daughter, regardless of the decisions she makes. Ms. Konen  
24 simply wants to be a part of her daughter’s life and exercise her rights as a parent to direct the  
25 upbringing of her child. Defendants denied Ms. Konen of that right during a crucial phase of A.G.’s  
26 development, choosing for themselves how to direct A.G.’s upbringing regarding the major life  
27 decision of A.G.’s gender identity, and concealing critical facts from Ms. Konen, her parent.



1 12. At all times relevant herein, Lori Caldeira was a teacher at Buena Vista, an agent,  
2 servant, and / or employee of Spreckels Union, and acting in the scope of her authority. Caldeira,  
3 among others, is responsible for implementing the policies, practices, customs, and procedures of  
4 Spreckels Union at Buena Vista as adopted by others and for the acts she committed that resulted in  
5 the deprivation of Plaintiffs' rights as set forth herein.

6 13. At all times relevant herein, Kelly Baraki was a teacher at Buena Vista, an agent,  
7 servant, and / or employee of Spreckels Union, and acting in the scope of her authority. Baraki, among  
8 others, is responsible for implementing the policies, practices, customs, and procedures of Spreckels  
9 Union at Buena Vista as adopted by others and for the acts she committed that resulted in the  
10 deprivation of Plaintiffs' rights as set forth herein.

11 **STATEMENT OF FACTS**

12 **Spreckels Union Adopts the Parental Secrecy Policy**

13 14. Spreckels Union adopted and implemented a policy, practice, procedure, and/or  
14 custom at Buena Vista under which teachers and staff would keep certain information about students'  
15 gender identity and expression secret from parents (the "Parental Secrecy Policy"). Under the Parental  
16 Secrecy Policy, Spreckels Union teachers and staff at Buena Vista would conceal from parents that  
17 their minor children had articulated confusion about their gender identity, evinced a desire to change  
18 their gender identity, or assumed or expressed a new gender identity, unless the student expressly  
19 authorized the parents to be informed.

20 15. Despite keeping this information secret from parents, Spreckels Union and its teachers  
21 and staff at Buena Vista would enable minor children to change their gender identity and expression  
22 at school by, among other things: (a) affirming students' gender confusion and compounding the  
23 confusion by encouraging students to transition gender identities; (b) addressing students by any new  
24 names associated with their new gender identity that they wanted to be called; (c) addressing students  
25 by pronouns the students indicated they wished to be called by; (d) changing educational records to  
26 reflect the students' new name and pronouns; and (e) pushing these students to use the unisex restroom  
27 otherwise reserved for teachers.

1           16. In addition, Spreckels Union and its teachers and staff at Buena Vista would  
2 intentionally deceive parents regarding students’ new gender identity and expression by, among other  
3 things, not publishing the Parental Secrecy Policy on the Spreckels Union website, using students’  
4 birth names and pronouns in communications with parents despite using students’ new names and  
5 pronouns when parents were not there, instructing students they were not to tell their parents about  
6 their new gender identity or expression because their parents “couldn’t be trusted,” and otherwise  
7 concealing those facts from parents.

8           17. The Parental Secrecy Policy, as described above and as adopted by Spreckels Union,  
9 authorizes minor children to make mature, consequential, and potentially life-altering decisions—such  
10 as what gender to identify as; how to express their gender identity, including, but not limited to,  
11 females binding their breasts so they look more like males; what name to be called; what pronouns to  
12 use; and what privacy facilities to use—with no notification to or input from parents.

13           18. On information and belief, based on her role as Principal of Buena Vista, Pagaran was  
14 the Spreckels Union employee responsible for overseeing the implementation of the Parental Secrecy  
15 Policy at Buena Vista (although not for adopting the Parental Secrecy Policy, which would have been  
16 undertaken by the Spreckels Union Board of Trustees), for overseeing the educational environment  
17 and the performance of teachers and counselors, including, but not limited to Caldeira and Baraki, and  
18 for ensuring that teachers and staff, including but not limited to Caldeira and Baraki, were trained on  
19 the Parental Secrecy Policy.

20           19. Pagaran, Caldeira, and Baraki, among others, implemented the Parental Secrecy Policy  
21 at Buena Vista.

22                   **Caldeira and Baraki Operate the Equality Club and Hide it From Parents**

23           20. Caldeira and Baraki are seventh-grade teachers at Buena Vista. In addition to teaching,  
24 Caldeira and Baraki operated the Equality Club, a school-based club for students comprised primarily  
25 of students that Caldeira and Baraki had identified as students who they believed might be receptive  
26 to ideas such as homosexuality, bisexuality, transgenderism, gender non-conformity, etc.

27           21. Caldeira and Baraki identified students for the Equality Club based on comments  
28 students made to them, comments that they overheard students make to others, and their own

1 observations of students in the classroom setting, and otherwise. Once they identified students for the  
2 club, Caldeira and Baraki would invite them to participate. In addition, often at Caldeira's and  
3 Baraki's suggestion, students already in the Equality Club would recruit other students to attend  
4 Equality Club meetings.

5 22. At Equality Club meetings, Caldeira and Baraki would, among other things, discuss  
6 issues related to homosexuality, bisexuality, transgenderism, gender non-conformity, *etc.* Through  
7 these discussions, Caldeira and Baraki coached students on how to express those identities. Caldeira  
8 and Baraki instructed students to research a particular topic and then have follow-up discussions with  
9 the student about that research.

10 23. Sometimes, Caldeira and Baraki would introduce and push identities on students, and  
11 the students resisted.

12 24. Caldeira and Baraki took measures to keep students' participation in the Equality Club  
13 and student's new gender identities secret from students' parents. Specifically, Caldeira and Baraki:  
14 (1) instructed students that they should not tell their parents about their new gender identities; (2)  
15 purposefully failed to keep Equality Club rosters or records so that parents could not discover their  
16 children's participation in the club or new gender identities; and (3) held Equality Club meetings  
17 during lunch—as opposed to after school when other student clubs meet—so that students, who were  
18 too young to drive, did not have to ask their parents to pick them up so they could better hide their  
19 participation in the club and their new gender identities.

20 25. Caldeira and Baraki took these measures because they knew some children's parents  
21 would not want their children to participate in a club in which homosexuality, bisexuality,  
22 transgenderism, gender non-conformity, *etc.*, were being promoted or to adopt these identities.<sup>1</sup>

23 26. Pagaran was aware of the Equality Club and Caldeira's and Baraki's tactics as set forth  
24 above and approved of them. In fact, Pagaran frequently attended Equality Club meetings.

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26 <sup>1</sup> Caldeira and Baraki later changed the name of the Equality Club to the UBU (or, "You Be You")  
27 Club. On information and belief, based on news reporting discussed in Paragraphs 57-64, Caldeira  
28 and Baraki changed the name of the club because parents had begun to learn about the goings on of  
the Equality Club, and they changed its name an effort better to avoid parental knowledge.

1 **Caldeira and Baraki Begin Secretly Influencing A.G. and Instructing her to Hide Information**  
2 **from Ms. Konen**

3 27. A.G. started school at Buena Vista in the sixth grade during the 2018-2019 school year.  
4 At the time, A.G. was 11 years old.

5 28. Near the beginning of A.G.’s sixth-grade year, she attended an Equality Club meeting  
6 at the invitation of a friend. Initially, A.G. was not interested in the discussion, and she decided not to  
7 come back to the club. About two weeks later, Caldeira approached A.G. and asked her to come back  
8 to the club. Caldeira told A.G. that she “fit in perfectly.” A.G. agreed to come back at Caldeira’s  
9 direction, and she began attending Equality Club meetings on a regular basis.

10 29. At these meetings and in other discussions, Caldeira and Baraki told A.G. that she was  
11 bisexual. That idea did not originate with A.G. In fact, she did not fully understand what that term  
12 meant.

13 30. Shortly thereafter, Caldeira and Baraki told A.G. that she was transgender—*i.e.*, that  
14 her gender did not match her biological sex. As with the bisexual label the teachers applied to A.G.,  
15 the idea that A.G. was instead transgender, did not originate with A.G., nor did A.G. fully understand  
16 what it meant.

17 31. At the time Caldeira and Baraki labeled A.G. transgender, A.G. was pre-pubescent.

18 32. By the spring of 2019, A.G. went to a Buena Vista school counselor complaining of  
19 depression and stress. A.G. began attending weekly counseling sessions with the school counselor,  
20 and, after the sessions with the counselor, Caldeira and Pagaran would often have follow-up meetings  
21 with A.G. and the school counselor regarding the same topics that were discussed in the counseling  
22 sessions. During those meetings, the counselor and Caldeira informed A.G. that the feelings she was  
23 having were because she was “not being who she was” and that if she became her “true self,” her  
24 depression and stress would be better (or words to that effect).

25 33. Caldeira and Baraki encouraged A.G. to change her name to a boy’s name as an  
26 expression of the new identity they were encouraging her to take on. A.G. assumed the name “S.G.”  
27 and began wearing boys’ clothing. At first, A.G. used the name S.G. at Equality Club and among her  
28 friends only. Caldeira and Baraki also began referring to A.G. as S.G.

1           34.     Caldeira and Baraki instructed A.G. not to tell her mother about her new gender identity  
2 or new name, saying that her mother might not be supportive of her and that she couldn't trust her  
3 mother. They instructed A.G. that she should instead talk to them if she had anything she needed to  
4 talk about. Caldeira and Baraki were teachers, and A.G. trusted their authority over her. Accordingly,  
5 she complied with this directive.

6           35.     On information and belief, based on Pagaran's role as Principal of Buena Vista,  
7 involvement in the Equality Club, and involvement with A.G.'s counseling, Pagaran was aware that  
8 Caldeira and Baraki gave A.G. these instructions about concealing the new identity from her mother  
9 and approved of them.

10          36.     Caldeira signed A.G.'s Buena Vista's 2018-2019 yearbook, writing "S.G., Stay you!  
11 Looking forward to working with you next year."

12                   **Defendants Formally Acknowledge A.G.'s New Name/Pronouns and Attempt to Hide the**  
13   **Information from Ms. Konen**

14          37.     For A.G.'s seventh-grade year, which was the 2019-2020 school year, Caldeira and  
15 Baraki were two of her teachers. For this reason, they had more interaction with A.G. during that year,  
16 and they were able to form a closer relationship with her.

17          38.     Over the summer of 2019, A.G. received correspondence from Buena Vista regarding  
18 the upcoming school year. After receiving this correspondence, A.G. emailed Caldeira to ask her what  
19 name she should write on her school materials in light of the fact she was now going by S.G. in certain  
20 school settings. Caldeira instructed A.G. to "write whatever your mother will approve, and we'll fix  
21 it when you get to school" or words to that effect.

22          39.     Caldeira also emailed A.G. a Gender Support Plan, which is a Buena Vista document  
23 designed to govern how the school will treat students who want to identify as new gender. The Gender  
24 Support Plan contained questions regarding student preferences on such matters as their preferred  
25 name, pronouns, and restrooms, and whether students want their preferences to be made known to  
26 other teachers and administrators.

27          40.     Ms. Konen was not informed of the Gender Support Plan.  
28



1           41.     In the first week of her seventh-grade year, A.G. completed the Gender Support Plan  
2 with Caldeira and Baraki, with A.G. verbally responding to the questions on the Gender Support Plan  
3 and Caldeira writing the responses down. On at least three occasions, Caldeira wrote responses that  
4 did not comply with A.G.'s wishes and that, instead, pushed A.G.'s new gender identity. For example,  
5 the Gender Support Plan asked whether the student authorized administration to use the student's new  
6 name in correspondence with the student's parents. A.G. informed Caldeira that her response to that  
7 question was "Not yet." Caldeira, however, wrote "Not ever. Parent is not supportive" or words to  
8 that effect. In addition, the Gender Support Plan asked if the student authorized use of their new name  
9 and pronouns in the presence of other staff. A.G. informed Caldeira that her response to that question  
10 was "Maybe," but Caldeira wrote "Yes." Further, the Gender Support Plan asked if the student  
11 preferred to use different restrooms. A.G. informed Caldeira that she did not have a preference, but  
12 Caldeira wrote that she preferred to use the unisex teachers' restroom, which required the use of a key  
13 that teachers had.

14           42.     After A.G.'s Gender Support Plan was created, Caldeira sent an email to A.G.'s other  
15 teachers about A.G.'s new name, pronouns, and use of the unisex teachers' restroom. A.G.'s other  
16 teachers began referring to her as S.G. and using male pronouns to refer to her, and she began using  
17 the unisex teacher's restroom.

18           43.     On information and belief, based on Pagaran's role as Principal of Buena Vista,  
19 involvement in the Equality Club, and involvement with A.G.'s counseling, Pagaran approved of  
20 Caldeira's use of the Gender Support Plan for A.G. In addition, after Caldeira completed the Gender  
21 Support Plan, Pagaran started referring to A.G. as S.G. as well.

22           44.     Ms. Konen was not informed about the Gender Support Plan or the changes in the way  
23 Buena Vista addressed and treated A.G. Moreover, Ms. Konen received correspondence regarding  
24 A.G. from Buena Vista and had meetings with school personnel, including Caldeira, after Buena Vista  
25 changed the way it referred to and treated A.G. pursuant to the Gender Support Plan. Despite the fact  
26 Pagaran and Caldeira called A.G. by the name "S.G." and used masculine pronouns when referring to  
27 her at school, in correspondence from Buena Vista and in meetings with Ms. Konen, the school and  
28

1 Caldeira referred to A.G. as “A.G.” and used female pronouns to refer to her in an effort to deceive  
2 her about A.G.’s new identity and expression.

3 45. In one in-person meeting with Ms. Konen, Caldeira accidentally referred to A.G. as  
4 S.G. She realized the mistake, and quickly moved on. The next day, Caldeira told A.G. that she had  
5 “messed up” in the conversation with her mother.

6 46. On information and belief, based on her role as Principal of Buena Vista, involvement  
7 in the Equality Club, and involvement in A.G.’s counseling, Pagarán knew about this deception of Ms.  
8 Konen and approved of it.

9 47. Early in A.G.’s seventh-grade year, during Caldeira’s English class, Caldeira gave A.G.  
10 a print-out of approximately five articles on adopting a new gender identity and instructed her to read  
11 them. The articles included such topics as approaches children could take to hide their new gender  
12 identify from parents. A.G. informed Caldeira that she did not want to read the articles, but Caldeira  
13 insisted. Caldeira also instructed A.G. to keep the articles with her school papers so her mother would  
14 not discover them. A.G. complied with this directive.

15 48. Caldeira also gave A.G. advice on how to bind her breasts so that she would look more  
16 like a boy.

17 49. In the fall of 2019, A.G. informed Caldeira that she wanted her mother to know about  
18 her new gender identity. Caldeira instructed A.G. not to tell her mother. A.G. complied with this  
19 directive.

20 **Pagarán and Caldeira Arrange for Ms. Konen to be informed of her daughter’s**  
21 **new gender identity**

22 50. On or about December 18, 2019, Pagarán called Ms. Konen to her office to discuss  
23 A.G. Pagarán did not inform Ms. Konen what the meeting was about. Caldeira was present at the  
24 meeting. A.G. was also called to the meeting, although she also was not informed what it was about.  
25 At the meeting, Caldeira and Pagarán informed Ms. Konen that A.G. was now S.G., that Buena Vista  
26 was referring to her daughter by her new name, that Buena Vista was referring to her daughter with  
27 male pronouns, and that she would be using the unisex teachers’ bathroom.  
28

1           51. Ms. Konen was taken aback by this news, and she reasonably believed that if she did  
2 not process what was going on quickly enough, Defendants would attempt to have her daughter taken  
3 from her. She was supportive of A.G, and as a show of that support, she authorized an “a/k/a” of S.G.  
4 to be added to A.G.’s attendance roster, although she did not approve of any other changes to Buena  
5 Vista’s records. Defendants, however, went further than Ms. Konen’s wishes and arranged for A.G.’s  
6 name to be changed to S.G. in Buena Vista’s formal records, including progress reports, report cards,  
7 and her Google Meet online identity, and for A.G. to be given new email address with the name S.G.

8           52. On information and belief, based on her role as Principal of Buena Vista, involvement  
9 in the Equality Club, and involvement in A.G.’s counseling, Pagaran authorized these actions.

10           53. On or about March 13, 2020, Buena Vista, like other schools in California, began  
11 remote learning in response to the coronavirus pandemic. When students were engaged in online  
12 learning, teachers are able to see what students are doing on the internet through an application called  
13 Go Guardian. Caldeira and Baraki secretly used Go Guardian to pay close attention to the type of  
14 information that A.G. was looking up on the internet in order to better be able to continue to influence  
15 her in the distance learning environment.

16           54. Over the remainder of the 2019-2020 school year, Ms. Konen had email  
17 correspondence with Caldeira regarding A.G. In that correspondence, Caldeira referred to A.G. by the  
18 name S.G. and used male pronouns to refer to her.

19                               **A.G. is Freed from Caldeira’s and Baraki’s Influence**

20           55. For the 2020-2021 school year, A.G.’s eighth-grade year, Buena Vista continued  
21 remote operations, and if students chose, they could stay remote for the duration of that school year.  
22 A.G. chose to be remote for the entire school year. Although distance learning was difficult for A.G.  
23 (like many students), there was a silver lining—because A.G. was at home throughout the school day,  
24 she was no longer in the clutches of Caldeira and Baraki. Freed from their influence, A.G. began to  
25 return to her original self.

26           56. A.G. started high school in the fall of 2021 in a new school district. At her new school,  
27 A.G. goes by the name “A.G.” and uses female pronouns. A.G. is confused about issues relating to  
28 her sexuality and gender, a confusion that Defendants caused. A.G. was pressured by Defendants into

1 portraying a character they created, a character that, by being inhabited and hidden from her mother,  
2 has taken on elements of reality that A.G. must now learn to understand and live with.

### 3 **The California Teachers Association Conference**

4 57. On information and belief, based on news reporting regarding the event, on October  
5 29-31, 2021, the California Teachers Association (“CTA”) held a conference in Palm Springs, Florida  
6 called “2021 LGBTQ+ Issues Conference, Beyond the Binary: Identity & Imagining Possibilities.”  
7 Among other things, the CTA Conference involved best practices workshops that encouraged teachers  
8 to “have the courage to create a safe environment that fosters bravery to explore sexual orientation,  
9 gender identity and expression.”

10 58. On information and belief, based on news reporting regarding the event, Caldeira and  
11 Baraki led a workshop at the CTA Conference, titled “How we run a[n Equality Club] in Conservative  
12 Communities.” The workshop focused on how Caldeira and Baraki ran the Equality Club in such a  
13 way as to avoid parental detection.

14 59. On information and belief, based on news reporting regarding the event, in the  
15 workshop, Caldeira admitted that she and Baraki intentionally kept no club rosters for the Equality  
16 Club and that they instructed club participants not to disclose information or documentation regarding  
17 the club to their parents in order to limit parental knowledge of its workings. Caldeira admitted that  
18 the reason she and Baraki took these measures was because some parents might not want their children  
19 to be participants in such a club.

20 60. On information and belief, based on news reporting regarding the event, in the  
21 workshop, Caldeira admitted that, because attendance at the Equality Club was down toward the end  
22 of the 2019-2020 school year, in order to boost club attendance, she and Baraki “stalked what  
23 [students] were doing on Google” when students were doing distance learning in an effort to identify  
24 candidates for the club and to help them determine how best to coach students to pursue a new gender  
25 identity, among other things.

26 61. On information and belief, based on news reporting regarding the event, in the  
27 workshop, Baraki admitted that she and Caldeira also used their “observations of kids in the  
28

1 classroom” to determine which students to invite to the Equality Club. Baraki admitted that students  
2 often don’t want to attend on their own and “need sort of a little bit of an invitation.”

3 62. On information and belief, based on news reporting regarding the event, in the  
4 workshop, Caldeira admitted that she volunteered to run morning announcements at Buena Vista so  
5 that she would be in a position to “control[s] the messaging.” That way, she said, she could “control  
6 the information that goes home.”

7 63. On information and belief, based on news reporting regarding the event, a recording  
8 was made of Caldeira’s and Baraki’s presentation at the CTA conference.

9 64. Or about November 18, 2021, news reports began being published regarding the CTA  
10 Conference based, in part, on the recording. The news reports focused on Caldeira’s and Baraki’s  
11 efforts to convince students to identify as homosexual, bisexual, transgender, gender non-conformists,  
12 *etc.*, and to keep that information secret from parents.

13 65. Plaintiffs do not have first-hand knowledge regarding the events of the CTA  
14 conference. They base their allegations regarding the goings-on at the conference from the news  
15 reports of that event that they have read.

16 66. Ms. Konen and A.G. became aware of the news reports soon after they were published.  
17 Since that time, Ms. Konen and her daughter have discussed Defendants’ activities in coaching A.G.  
18 to believe she was bisexual and transgender, efforts to convince A.G. to believe that Ms. Konen would  
19 not be supportive of her, and efforts to conceal A.G.’s new gender identity, new name, use of pronouns,  
20 and use of the unisex teachers’ bathrooms, none of which Ms. Konen knew before. Further, based on  
21 the news reports, A.G. has come to realize that Defendants pushed the new gender identity upon her  
22 rather than the idea originating with her. Prior to reading these news reports, Plaintiffs did not know  
23 these facts and were unable to learn them through the exercise of reasonable diligence.

24 67. Plaintiffs’ claims as set forth herein did not accrue until November 18, 2021, at the  
25 earliest.

### 26 **Ms. Konen’s and A.G.’s Harm**

27 68. Ms. Konen respects her daughter’s life choices and is supportive of her, no matter what  
28 those choices ultimately may be. Ms. Konen simply wants to be involved in A.G.’s life and assist her

1 with those choices that have fundamental importance to the rest of her life, such as her gender identity,  
2 including, if necessary, seeking professional mental and spiritual health guidance and assistance to  
3 assist both A.G. and herself through the process. Defendants, however, deprived Ms. Konen of that  
4 right, foisting a new gender identity upon A.G. and concealing that fact from Ms. Konen, depriving  
5 her of her daughter's trust during a crucial phase of her development, causing great harm to her  
6 relationship with her daughter, and disrupting the integrity of her family.

7         69. Defendants' acts have driven a wedge between Ms. Konen and her daughter, sending  
8 the message to A.G. that her mother cannot be trusted and does not support her, and Ms. Konen's  
9 relationship with her daughter has been seriously damaged because of Defendants' actions as set forth  
10 herein. By cutting Ms. Konen out of the decision-making process for A.G. on matters as intimate and  
11 consequential as gender identity, Defendants have caused Ms. Konen and A.G. to suffer severe  
12 emotional distress, mental anguish, psychological damage, and damage to their family dynamic of  
13 such a substantial or enduring quality that no reasonable person in a civilized society should be  
14 expected to endure it and reasonable people would be unable adequately to cope with it.

15         70. Defendants caused Plaintiffs harm that will require separate counseling and healing.  
16 Both Ms. Konen and her daughter have sought guidance from their pastor in attempting to overcome  
17 the harm set forth herein, and they are likely to continue seeking such guidance in the future, among  
18 other potential mental health treatment. In addition, A.G. has required professional care and treatment  
19 from medical providers, which Ms. Konen has been required to pay for, and she is likely to continue  
20 requiring such care and treatment in the future.

21                                 **Exhaustion of Claims Under the Government Claims Act**

22         71. On January 19, 2022, Plaintiffs, through their undersigned counsel, presented a claim  
23 under the Government Claims Act to Spreckels Union based on the facts alleged herein. The claim  
24 (1) was made on the claim form published by Spreckels Union pursuant to Gov't Code § 910.4; (2)  
25 complied or substantially complied as to form and content with Gov't Code §§ 910, 910.2, 910.4 and  
26 all other provisions of law; (3) was mailed, first class mail through the United States Post Office, to  
27 Spreckels Union at the address set forth on the claim form in compliance or substantial compliance  
28 with Gov't Code § 915(a)(2); and (4) was emailed to the email address of Spreckels Union's business

1 manager, who was designated as the recipient on the Spreckels Union claim form. Plaintiffs thus  
2 complied or substantially complied with all claim presentation requirements.

3 72. Spreckels Union did not respond to the claim within the 45-day period set forth in Gov't  
4 Code § 912.4(a) or the additional grace period set forth in Gov't Code § 915.2(b).

5 73. Under Gov't Code § 912.4(c), Spreckels Union's failure to act on Plaintiffs claim  
6 within the time period provided by law is deemed a rejection of the claim. Accordingly, the claim is  
7 exhausted.

## 8 CLAIMS

### 9 FIRST CAUSE OF ACTION

#### 10 VIOLATION OF CIVIL RIGHTS UNDER 42 U.S.C. § 1983

##### 11 (Substantive Due Process Right to Direct the Upbringing of One's Children)

12 74. Ms. Konen incorporates all allegations of this Complaint by reference as if set forth in  
13 full herein.

14 75. The Due Process Clause of the 14th Amendment to the United States Constitution  
15 protects the fundamental rights of parents to direct the upbringing of their children; to make decisions  
16 concerning the care, custody, and control of their children; to direct the medical and mental health  
17 decision-making for their children; and to make private familial decisions regarding their children  
18 without interference by the state, among other things.

19 76. Defendants have infringed upon Ms. Konen's parental rights under the Due Process  
20 Clause by, among other things: (1) manipulating A.G. into believing she was bisexual and that her  
21 gender did not match her biological sex; (2) excluding Ms. Konen from discussions regarding A.G.'s  
22 assertion of a new gender identity and expression and adopting protocols aimed at secretly  
23 affirming A.G.'s new gender identity and expression; (3) deceiving Ms. Konen by instructing A.G. not  
24 to tell her about the new gender identity and expression; (4) deceiving Ms. Konen by referring to A.G.  
25 by one name and pronouns in communications with her while referring to A.G. by a different name  
26 and pronouns outside of her presence; (5) usurping Ms. Konen's responsibility for the health and well-  
27 being of A.G. and seeking to supplant their authority for Ms. Konen's authority as parent to be the  
28 ultimate decisionmaker regarding A.G.'s mental health and well-being, including decisions related to

1 A.G.'s gender identity and expression and mental health; (6) impermissibly injecting themselves into  
2 the private realm of Ms. Konen's family and usurping Ms. Konen's right to make decisions regarding  
3 A.G.'s gender identity and expression and mental health and well-being; (7) informing A.G. that her  
4 mother did not "support" her sufficiently to participate in decision-making related to her gender  
5 identity and expression, thereby sowing seeds of doubt in A.G.'s mind about whether Ms. Konen was  
6 acting in her best interest and creating a rift in the parent-child relationship; and (8) failing to  
7 adequately train and / or supervise Caldeira and Baraki in such a way that they were permitted to  
8 commit the violations of law set forth herein despite knowing their dangerous proclivities and  
9 deception of parents.

10 77. Defendants have no compelling, significant, important, or legitimate interest that is  
11 served by disregarding Ms. Konen's constitutional rights to direct the upbringing of her child. Further,  
12 Defendants' actions as alleged herein do not further any such interest, is not narrowly tailored to do  
13 so, and is without any rational basis.

14 78. Pagaran inadequately trained and /or supervised Caldeira and Baraki, knew of and  
15 acquiesced to the constitutional deprivations alleged herein, and was deliberately indifferent to Ms.  
16 Konen's parental rights.

17 79. Ms. Konen has suffered severe or extreme emotional distress and monetary losses that  
18 were actually and proximately caused by Defendants' conduct.

19 80. Defendants' actions, as alleged herein, were grossly negligent, in reckless disregard of  
20 Ms. Konen's rights, wanton, willful, malicious, and oppressive.

21 **SECOND CAUSE OF ACTION**

22 **CONSPIRACY TO VIOLATE CONSTITUTIONAL RIGHTS**

23 **IN VIOLATION OF 42 U.S.C. § 1985(3)**

24 81. Plaintiffs incorporate all allegations of this Complaint as if set forth in full herein.

25 82. Defendants formed and operated a conspiracy by agreeing to undertake a common plan  
26 or design for the purpose of violating Ms. Konen's constitutional rights as alleged herein. As  
27 evidenced by the title of Caldeira and Baraki CTA Convention workshop, Defendants predicated their  
28 policies and actions on the belief that parents with a conservative political or religious affiliation could



1 not be trusted with information about their children’s change in gender identity and expression, a belief  
2 that constitutions class-based, invidiously discriminatory animus.

3 83. Defendants committed wrongful acts in furtherance of the conspiracy by, among other  
4 things: (1) manipulating A.G. into believing she was bisexual and that her gender did not match her  
5 biological sex; (2) excluding Ms. Konen from discussions regarding A.G.’s assertion of a new gender  
6 identity and expression and adopting protocols aimed at secretly affirming A.G.’s new gender  
7 identity and expression; (3) deceiving Ms. Konen by instructing A.G. not to tell her about the new  
8 gender identity and expression; (4) deceiving Ms. Konen by referring to A.G. by one name and  
9 pronouns in communications with her while referring to A.G. by a different name and pronouns  
10 outside of her presence; (5) usurping Ms. Konen’s responsibility for the health and well-being of A.G.  
11 and seeking to supplant their authority for Ms. Konen’s authority as parent to be the ultimate decision  
12 maker regarding A.G.’s mental health and well-being, including decisions related to A.G.’s gender  
13 identity and expression and mental health; (6) impermissibly injecting themselves into the private  
14 realm of Ms. Konen’s family and usurping Ms. Konen’s right to make decisions regarding A.G.’s  
15 gender identity and expression and mental health and well-being; and (7) informing A.G. that her  
16 mother did not “support” her sufficiently to participate in decision-making related to her gender  
17 identity and expression, thereby sowing seeds of doubt in A.G.’s mind about whether Ms. Konen was  
18 acting in her best interest and creating a rift in the parent-child relationship.

19 84. Ms. Konen has suffered severe or extreme emotional distress and monetary losses that  
20 were actually and proximately caused by Defendants’ conduct.

21 85. Defendants’ actions as alleged herein, were grossly negligent, in reckless disregard of  
22 Plaintiffs’ rights, wanton, willful, malicious, and oppressive.

23 **THIRD CAUSE OF ACTION**

24 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS / GOV’T CODE § 815.2**

25 86. Plaintiffs incorporate all allegations of this Complaint as if set forth in full herein.

26 87. Defendants have engaged in extreme and outrageous conduct with malice and the  
27 intention of causing, or reckless disregard for the probability of causing, emotional distress upon  
28 Plaintiffs. Specifically, Defendants engaged in extreme and outrageous conduct in the following ways,

1 among others: (1) manipulating A.G. into believing she was bisexual and that her gender did not match  
2 her biological sex; (2) excluding Ms. Konen from discussions regarding A.G.'s assertion of a new  
3 gender identity and expression and adopting protocols aimed at secretively affirming A.G.'s new  
4 gender identity and expression; (3) deceiving Ms. Konen by instructing A.G. not to tell her about the  
5 new gender identity and expression; (4) deceiving Ms. Konen by referring to A.G. by one name and  
6 pronouns in communications with her while referring to A.G. by a different name and pronouns  
7 outside of her presence; (5) usurping Ms. Konen's responsibility for the health and well-being of A.G.  
8 and seeking to supplant their authority for Ms. Konen's authority as parent to be the ultimate  
9 decisionmaker regarding A.G.'s mental health and well-being, including decisions related to A.G.'s  
10 gender identity and expression and mental health; (6) impermissibly injecting themselves into the  
11 private realm of Ms. Konen's family and usurping Ms. Konen's right to make decisions regarding  
12 A.G.'s gender identity and expression and mental health and well-being; (7) informing A.G. that her  
13 mother did not "support" her sufficiently to participate in decision-making related to her gender  
14 identity and expression, thereby sowing seeds of doubt in A.G.'s mind about whether Ms. Konen was  
15 acting in her best interest and creating a rift in the parent-child relationship; and (8) failing to  
16 adequately train and / or supervise Caldeira and Baraki in such a way that they were permitted to  
17 commit the violations of law set forth herein despite knowing their dangerous proclivities and  
18 deception of parents.

19 88. Plaintiffs have suffered severe or extreme emotional distress and monetary losses that  
20 were actually and proximately caused by Defendants' conduct.

21 89. Defendants' actions, as alleged herein, were grossly negligent, in reckless disregard of  
22 Plaintiffs' rights, wanton, willful, malicious, and oppressive.

#### 23 **FOURTH CAUSE OF ACTION**

#### 24 **NEGLIGENCE / GOV'T CODE § 815.2**

#### 25 **(Negligence, Negligent Infliction of Emotional Distress, and Negligent Supervision)**

26 90. Plaintiffs incorporate all allegations of this Complaint as if set forth in full herein.

27 91. As A.G.'s school, principal, and teachers, Defendants were in a special relationship  
28 with A.G. This special relationship imposed upon Defendants the duty not to harm A.G. and to take

1 all reasonable steps to protect her from foreseeable dangers, including, but not limited to, those created  
2 by other Spreckels Union employees.

3 92. Because Defendants engaged in a cover-up to conceal information from Ms. Konen  
4 about A.G.'s new gender identity and expression and use of the teachers' restroom and because  
5 Defendants should have foreseen that this concealment would cause Ms. Konen more emotional  
6 distress than merely informing her of these facts in the first place, Defendants also were in a special  
7 relationship with Ms. Konen. As such, Defendants' deliberately usurped Ms. Konen's parental  
8 prerogative to protect A.G., and Ms. Konen is thus a direct victim of Defendants' negligence.

9 93. Defendants breached their duties to Plaintiffs by, among other things: (1) manipulating  
10 A.G. into believing she was bisexual and that her gender did not match her biological sex; (2)  
11 excluding Ms. Konen from discussions regarding A.G.'s assertion of a new gender identity and  
12 expression and adopting protocols aimed at secretly affirming A.G.'s new gender identity and  
13 expression; (3) deceiving Ms. Konen by instructing A.G. not to tell her about the new gender identity  
14 and expression; (4) deceiving Ms. Konen by referring to A.G. by one name and pronouns in  
15 communications with her while referring to A.G. by a different name and pronouns outside of her  
16 presence; (5) usurping Ms. Konen's responsibility for the health and well-being of A.G. and seeking  
17 to supplant their authority for Ms. Konen's authority as parent to be the ultimate decisionmaker  
18 regarding A.G.'s mental health and well-being, including decisions related to A.G.'s gender identity  
19 and expression and mental health; (6) impermissibly injecting themselves into the private realm of  
20 Ms. Konen's family and usurping Ms. Konen's right to make decisions regarding A.G.'s gender  
21 identity and expression and mental health and well-being; (7) informing A.G. that her mother did not  
22 "support" her sufficiently to participate in decision-making related to her gender identity and  
23 expression, thereby sowing seeds of doubt in A.G.'s mind about whether Ms. Konen was acting in her  
24 best interest and creating a rift in the parent-child relationship; and (8) failing to adequately train and  
25 / or supervise Caldeira and Baraki in such a way that they were permitted to commit the violations of  
26 law set forth herein despite knowing their dangerous proclivities and deception of parents.

27 94. Plaintiffs have suffered severe or extreme emotional distress and monetary losses that  
28 were actually and proximately caused by Defendants' conduct.

1 95. Defendants’ actions, as alleged herein, were grossly negligent, in reckless disregard of  
2 Plaintiffs’ rights, wanton, willful, malicious, and oppressive.

3 **FIFTH CAUSE OF ACTION**

4 **NEGLIGENCE *PER SE* / GOV’T CODE §§ 815.2 AND 815.6**

5 **(Violation of Cal. Educ. Code § 51100, *et seq.*)**

6 96. Plaintiffs incorporate all allegations of this Complaint as if set forth in full herein.

7 97. Under Cal. Educ. Code § 51100, it is the public policy of this State that “parents . . . of  
8 school age children attending public schools [should be involved] in improving public education  
9 institutions” and that “involving parents . . . in the education process is fundamental to healthy system  
10 of public education.” Under Cal. Educ. Code § 51101(a)(9), (10) (12), Defendants owed Ms. Konen  
11 a duty to “inform[ her] of [A.G.’s] progress in school,” to provide her access to A.G.’s “school  
12 records,” to “inform[ her] . . . about school rules,” and to allow her to “participate in [A.G.’s]  
13 education.”

14 98. These duties were designed to protect against the particular types of injuries alleged  
15 herein.

16 99. Defendants breached these duties by, among other things: (1) failing to provide notice  
17 to Ms. Konen of the Parental Secrecy Policy; (2) excluding Ms. Konen from discussions regarding  
18 A.G.’s assertion of a new gender identity and expression and adopting protocols aimed at secretly  
19 affirming the new gender identity and expression; (3) deceiving Ms. Konen by instructing A.G. not to  
20 tell her mother about her new gender identity and expression; (4) deceiving Ms. Konen by referring to  
21 A.G. by one name and pronouns in communications with her while referring to A.G. by a different  
22 name and pronouns outside of her presence; (5) usurping Ms. Konen’s responsibility for the health  
23 and well-being of A.G. and seeking to supplant their authority for Ms. Konen’s authority as parent to  
24 be the ultimate decisionmaker regarding the mental health of A.G., including decisions related to  
25 A.G.’s gender identity and expression and mental health and well-being; (6) impermissibly injecting  
26 themselves into the private realm of Ms. Konen’s family and usurping Ms. Konen’s right to make  
27 decisions regarding A.G.’s gender identity and expression and mental health and well-being; (7)  
28 informing A.G. that her mother did not “support” her sufficiently to participate in decision-making

1 related to her gender identity and expression, thereby sowing seeds of doubt in A.G.'s mind about  
2 whether Ms. Konen is acting in her best interest and creating a rift in the parent-child relationship; and  
3 (8) failing to adequately train and / or supervise Caldeira and Baraki in such a way that they were  
4 permitted to commit the violations of law set forth herein despite knowing their dangerous proclivities  
5 and deception of parents.

6 100. Plaintiffs have suffered severe or extreme emotional distress and monetary losses that  
7 were actually and proximately caused by Defendants' conduct.

8 101. Defendants' actions, as alleged herein, were grossly negligent, in reckless disregard of  
9 Plaintiffs' rights, wanton, willful, malicious, and oppressive.

10 **SIXTH CAUSE OF ACTION**  
11 **VIOLATION OF BANE ACT / GOV'T CODE § 815.2**  
12 **(Cal Civ. Code § 52.1(b))**

13 102. Ms. Konen incorporates all allegations of this Complaint as if set forth in full herein.

14 103. The Due Process Clause of the 14th Amendment to the United States Constitution  
15 protects the fundamental rights of parents to direct the upbringing of their children; to make decisions  
16 concerning the care, custody, and control of their children; to direct the medical and mental health  
17 decision-making for their children; and to make private familial decisions regarding their children  
18 without interference by the state, among other things.

19 104. Defendants have infringed upon Ms. Konen's parental rights under the Due Process  
20 Clause by, among other things: (1) manipulating A.G. into believing she was bisexual and that her  
21 gender did not match her biological sex; (2) excluding Ms. Konen from discussions regarding A.G.'s  
22 assertion of a new gender identity and expression and adopting protocols aimed at secretly  
23 affirming A.G.'s new gender identity and expression; (3) deceiving Ms. Konen by instructing A.G. not  
24 to tell her about the new gender identity and expression; (4) deceiving Ms. Konen by referring to A.G.  
25 by one name and pronouns in communications with her while referring to A.G. by a different name  
26 and pronouns outside of her presence; (5) usurping Ms. Konen's responsibility for the health and well-  
27 being of A.G. and seeking to supplant their authority for Ms. Konen's authority as parent to be the  
28 ultimate decisionmaker regarding A.G.'s mental health and well-being, including decisions related to

1 A.G.'s gender identity and expression and mental health; (6) impermissibly injecting themselves into  
2 the private realm of Ms. Konen's family and usurping Ms. Konen's right to make decisions regarding  
3 A.G.'s gender identity and expression and mental health and well-being; (7) informing A.G. that her  
4 mother did not "support" her sufficiently to participate in decision-making related to her gender  
5 identity and expression, thereby sowing seeds of doubt in A.G.'s mind about whether Ms. Konen was  
6 acting in her best interest and creating a rift in the parent-child relationship; and (8) failing to  
7 adequately train and/or supervise Caldeira and Baraki in such a way that they were permitted to  
8 commit the violations of law set forth herein despite knowing their dangerous proclivities and  
9 deception of parents.

10 105. Defendants have no compelling, significant, important, or legitimate interest that is  
11 served by disregarding Ms. Konen's constitutional rights to direct the upbringing of her child. Further,  
12 Defendants' actions as alleged herein do not further any such interest, is not narrowly tailored to do  
13 so, and is without any rational basis.

14 106. Defendants accomplished or attempted to accomplish the infringement of Ms. Konen's  
15 rights under the Due Process Clause through coercion. Specifically, Caldeira and Baraki were A.G.'s  
16 teachers and, by imposition of their authority as such, their directive to A.G. to withhold information  
17 from her mother was unlawfully coercive in violation of the Bane Act.

18 107. Plaintiffs have suffered severe or extreme emotional distress and monetary losses that  
19 were actually and proximately caused by Defendants' conduct.

20 108. Defendants' actions, as alleged herein, were grossly negligent, in reckless disregard of  
21 Plaintiffs' rights, wanton, willful, malicious, and oppressive.

22 **SEVENTH CAUSE OF ACTION**

23 **CIVIL CONSPIRACY**

24 **(Against Caldeira, Baraki, and Pagaran)**

25 109. Plaintiffs incorporate all allegations of this Complaint as if set forth in full herein.

26 110. Caldeira, Baraki, and Pagaran formed and operated a conspiracy by agreeing to a  
27 common plan or design to commit tortious acts as alleged herein. Caldeira, Baraki, and Pagaran had  
28

1 actual knowledge that a tort was planned and concurred in the tortious scheme with knowledge of its  
2 unlawful purpose.

3 111. Caldeira, Baraki, and Pagaran committed wrongful acts in furtherance of the conspiracy  
4 by, among other things: (1) manipulating A.G. into believing she was bisexual and that her gender did  
5 not match her biological sex; (2) excluding Ms. Konen from discussions regarding A.G.'s assertion of  
6 a new gender identity and expression and adopting protocols aimed at secretly affirming A.G.'s new  
7 gender identity and expression; (3) deceiving Ms. Konen by instructing A.G. not to tell her about the  
8 new gender identity and expression; (4) deceiving Ms. Konen by referring to A.G. by one name and  
9 pronouns in communications with her while referring to A.G. by a different name and pronouns  
10 outside of her presence; (5) usurping Ms. Konen's responsibility for the health and well-being of A.G.  
11 and seeking to supplant their authority for Ms. Konen's authority as parent to be the ultimate  
12 decisionmaker regarding A.G.'s mental health and well-being, including decisions related to A.G.'s  
13 gender identity and expression and mental health; (6) impermissibly injecting themselves into the  
14 private realm of Ms. Konen's family and usurping Ms. Konen's right to make decisions regarding  
15 A.G.'s gender identity and expression and mental health and well-being; and (7) informing A.G. that  
16 her mother did not "support" her sufficiently to participate in decision-making related to her gender  
17 identity and expression, thereby sowing seeds of doubt in A.G.'s mind about whether Ms. Konen was  
18 acting in her best interest and creating a rift in the parent-child relationship.

19 112. Plaintiffs have suffered severe or extreme emotional distress and monetary losses that  
20 were actually and proximately caused by Defendants' conduct.

21 113. The actions of Caldeira, Baraki, and Pagaran, as alleged herein, were grossly negligent,  
22 in reckless disregard of Plaintiffs' rights, wanton, willful, malicious, and oppressive.

### 23 **PRAYER FOR RELIEF**

24 WHEREFORE, Plaintiffs pray this Court grant the relief requested herein, specifically that the  
25 Court render the following judgment in Plaintiffs' favor and against Defendants:

- 26 i. A declaration that Defendants violated Plaintiffs' rights as alleged herein;  
27 ii. Nominal, compensatory, treble, and punitive damages in an amount greater than  
28 \$25,000;

1           iii.       Attorneys' fees and costs pursuant to 42 U.S.C. § 1988, California Civil Code § 52.1(i),  
2 and California Code of Civil Procedure § 1021.5; and

3           iv.       Such other relief as the Court deems proper.  
4

5  
6 Date: June 14, 2022

DHILLON LAW GROUP INC.

7 By:   
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\**Pro hac vice* motion forthcoming

*Attorneys for Plaintiffs Jessica Konen and A.G.,  
her minor child*



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**DEMAND FOR JURY TRIAL**

Plaintiffs demand trial by jury in this action of all issues so triable.

Date: June 14, 2022

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her minor child*