

JVR No. 2210110009, 2022 WL 7381147 (D.Kan.) (Verdict and Settlement Summary)

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United States District Court, D. Kansas.

RICARD v. USD 475 GEARY CTY. SCH. SCH. BD. MEMBERS ET AL.

5:22CV04015

DATE OF FILING: March 07, 2022

DATE OF TRIAL/SETTLEMENT: August 31, 2022

**SUMMARY**

**Outcome: Settlement**

**Total: \$95,000**

**EXPERT-WITNESSES:**

**ATTORNEY:**

Plaintiff:

[Tyson C. Langhofer](#), Alliance Defending Freedom, Lansdowne, VA

[Joshua A. Ney](#), Kriegshauser Ney Law Group, Olathe, KS

[Ryan A. Kriegshauser](#), Kriegshauser Ney Law Group, Olathe, KS

Alan M. Vester, Kriegshauser Ney Law Group, Olathe, KS

Defendant:

[David R. Cooper](#), Fisher, Patterson, Sayler & Smith LLP, Topeka, KS

Crystal Moe, Fisher, Patterson, Sayler & Smith LLP, Topeka, KS

JUDGE: [Holly L. Teeter](#)

RANGE AMOUNT: \$50,000 - 99,999

STATE: Kansas

COUNTY: Not Applicable

**SUMMARY**

**PLAINTIFF:**

Sex: F

Age: Adult

General Occupation: Teacher

**DEFENDANT:**

Sex: O

Organization Type: USD 475 Geary Cty. Sch. Sch. Bd. Members

Sex: N

RICARD v. USD 475 GEARY CTY. SCH. SCH. BD...., JVR No. 2210110009...

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Organization Type: Eggleston

Sex: N

Organization Type: Brennan

**DAMAGES:**

Total Compensatory Award: \$95,000

**ADVERSE ACTION**

Closer Supervision: false

Constructive Discharge: false

Demotion: false

Denial Tenure: false

Failure Accomodate: true

Failure Grant Leave: false

Failure Hire: false

Failure Promote: false

Suspension: true

Sexual Harassment: false

Harassment: false

Hostile Work Env: false

Isolation: false

Lay Off: false

Loss Benefits: false

Loss Pay: false

Loss Seniority: false

RICARD v. USD 475 GEARY CTY. SCH. SCH. BD...., JVR No. 2210110009...

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Negative Eval: false

Negative Reference: false

Pay Increase Denial: false

Reassignment: false

Reduction Pay: false

Reprimands: true

Restrictions: false

Termination: false

**Entity Type: Public Educational Institution**

**STATUTES**

**Primary Specific Statute**

Primary Name: Title VII

**Primary General Statute**

**Primary Name: Religion Discrimination**

Primary General Statute Discrimination: true

Specific Statute: General

**General Statute: Retaliation**

General Statute Discrimination: false

Comparative Negligence Percentage: 0

**FACTS:**

Plaintiff Pamela Ricard, of the Christian faith, reportedly worked as a public middle school teacher and was informed by a school counselor that Student 1 preferred to be called by a first name different than that indicated in the school district's record system. The plaintiff then addressed Student 1 by Student 1's last name and addressed Student 1 in class with the prefix 'Miss'.

After class, Student 2 reportedly informed the plaintiff that Student 1's pronouns were he/him. The plaintiff said that Student 1 never directly asked her to use a name or pronouns different from the record system when addressing Student 1.

The next day, the plaintiff reportedly addressed Student 1 by just Student 1's last name and issued a discipline form to Student 2 due to the failure to work on assignments. Student 2 allegedly altered the discipline form, including the name portion, threw the form away, and indicated a preferred first name and pronouns.

RICARD v. USD 475 GEARY CTY. SCH. SCH. BD...., JVR No. 2210110009...

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The plaintiff said she was suspended for violation of district policies and was given a formal reprimand, which contained future performance expectations, including that she use preferred names and pronouns. She appealed the disciplinary decision and requested a religious accommodation to the preferred pronoun policy which would allow her to use students' names as they were listed in the record system.

The plaintiff said defendants USD 475 Geary County Schools School Board Members denied her appeal, denied her request for religious accommodation, and issued a district-wide preferred pronoun policy and intended practice of not informing parents of a student's preferred name or pronoun request unless the student asked the district to share the information with the parents.

The plaintiff claimed other teachers failed or forgot to use a student's preferred pronouns but were not subjected to disciplinary action. According to plaintiff's counsel, the plaintiff indicated that forcing her to use a student's preferred name when addressing the student and use the student's legal name when addressing the student's parents violated her conscience.

The plaintiff, in an action against the board members, defendant Reginald Eggleston, the district superintendent, and defendant Kathleen Brennan, principal of the middle school, asserted claims under [42 U.S.C.A. Sec. 1983](#) for violation of her First Amendment right to freedom of speech, including retaliation, content and viewpoint discrimination, and compelled speech, claims under [Sec. 1983](#) for violation of her First Amendment right to free exercise of religion, her right to be free from unconstitutional conditions, and her Fourteenth Amendment rights to due process of law and equal protection of the law, and a claim of breach of contract.

The defendants contended the plaintiff was disciplined for intentionally discriminating against transgender students in her classroom. They claimed that prior to the incidents involving Students 1 and 2, the prior school principal had instructed school staff to use a student's preferred name once they became aware of the name.

The defendants denied the plaintiff's speech was protected by the First Amendment, claiming it was government speech over which the district could exercise editorial control or was school sponsored speech over which the school could exercise editorial control.

According to plaintiff's counsel, a settlement was reached, which included the issuing of a statement by school officials that the plaintiff was in good standing without any disciplinary actions against her at the time of her retirement.

Jury Verdict Research  
COURT: USDC

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