

2. Defendant North Andover School District is a government entity with an official place of business at 1600 Osgood Landing, Suite 3059, North Andover, Essex County, Massachusetts.

### Facts

3. The Plaintiff was punished by the North Andover School District for an alleged infraction of North Andover High School rules applicable to student-athletes related to a party that occurred recently in Boxford. Sanctions include that Erin lost her status as Captain of the varsity volleyball team, and was suspended for five games.

4. The Plaintiff was afforded no hearing prior to the suspension decision other than being called into the office and told that because she was present at the party, she would suffer the aforementioned sanctions, and if she did not agree to them, more sanctions would be added.

5. The Plaintiff did not consume or possess alcohol, directly or constructively, at any time.

6. The Plaintiff worked at the Andover Inn on the night in question, and was at an ice cream shop with a friend until she received a call from a friend in need at the Boxford party who asked her to pick her up.

7. The Plaintiff agreed to pick her friend up in Boxford and told her friend she would call her when she arrived at the address so she could come out, but when she arrived and tried to call, her friend's phone went directly to voicemail.

8. Clearly not intending to stay, the Plaintiff parked her car in a manner that blocked several other cars in a driveway. She brought only her phone into the house in the event her friend was no longer present or tried to contact her again, and went to find her friend to retrieve her and take her home.

9. The party was very noisy and crowded and when the Plaintiff finally found her friend, she had difficulty convincing her to leave. Within 30 minutes, the police arrived. The Plaintiff immediately texted her mother and told her that the police were there.

10. When the Plaintiff's mother arrived moments later, the Plaintiff was standing with a Boxford police officer named Brian Neeley. Neeley stated, "I know that your daughter is sober and has not been drinking." Officer Neeley subsequently prepared a statement to this effect for and sent it to North Andover School Officials. He also told an attorney for the Plaintiff's family that the Plaintiff "had no odor of alcohol, had not been drinking, had no intention of drinking, had arrived only moments before he arrived and was there only to help a friend."

11. Officer Neeley told the Plaintiff's mother that "everyone at the party" receives a summons for "minor in possession."

12. The following Monday, the Plaintiff enjoyed a normal day at school and she played in a varsity volleyball game, and served as Captain, at her home court.