

## COUNT II – CIVIL RIGHTS

32. The Plaintiff repeats and incorporates paragraphs 1-31 above.

33. The Defendant violated the Plaintiff's Civil Rights by imposing sanctions against her "based on sex," in a disparate manner and with deliberate indifference as to her rights, and imposed sanctions against her "based on sex" more severe than sanctions imposed on male students who committed worse offenses.

34. As a result, the Plaintiff has suffered and will continue to suffer a violation of her Civil Rights.

## COUNT III – STATE TORT CLAIMS ACT (emotional distress)

35. The Plaintiff repeats and incorporates paragraphs 1-34 above.

36. The Defendant originally caused the Plaintiff to suffer severe emotional distress by the imposition of sanctions and public shame and humiliation, without legal justification or authority.

37. As a result, the Plaintiff has suffered and will continue to suffer emotional distress.

## COUNT IV – PROCEDURAL DUE PROCESS

38. The Plaintiff repeats and incorporates paragraphs 1-37 above.

39. The Defendant violated the Plaintiff's rights by imposing sanctions without compliance with procedural due process in the nature of a meaningful hearing or by applying the standards set forth in the school's own disciplinary policies.

40. As a result, the Plaintiff has suffered and will continue to suffer a violation of her rights.

## **RELIEF**

WHEREFORE, Pursuant to G.L.c.218, §19 and 19C, Plaintiff respectfully seeks judgment in her favor, and requests the following:

1. Issue a temporary restraining order immediately reinstating the Plaintiff's captaincy and vacating the sanctions against her so that she can play with her team on October 11, 2013;