

**RETURN DATE: DECEMBER 6, 2022**

<b>Dkt. No.</b>	:	<b>SUPERIOR COURT</b>
	:	
<b>JASON ZANDRI, individually and and as PPA for ANGELA ZANDRI and ADAM ZANDRI; RENATA ZANDRI, individually and as PPA for ANGELA ZANDRI and ADAM ZANDRI; TODD HERBST, individually and As PPA for HUNTER HERBST; SUZANNE HERBST, individually and As PPA for HUNTER HERBST;</b>	:	<b>J.D. of New Haven</b>
	:	
<b><i>for themselves and other similarly situated students</i></b>	:	<b>AT NEW HAVEN</b>
	:	
<b>Plaintiffs,</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>STACY BUTKUS; LUZ MANSON, THEODORE OCZKOWSKI; ELLEN SOLEK;</b>	:	
	:	
<b>Defendants.</b>	:	<b>NOVEMBER 7, 2022</b>

**CLASS ACTION COMPLAINT**

*“Next in importance to freedom and justice is popular education, without which neither justice nor freedom can be permanently maintained” – President James A. Garfield.*

1. This is a class action to stop a game of bureaucratic roulette with hundreds of Connecticut high school students’ futures and for compensation to repair the damage already done to their future prospects – both in careers and in life. It seeks injunctive and mandamus relief under Article Eighth of the Connecticut Constitution. It also seeks damages, costs, and attorney’s fees as allowed by law for claims arising under Article Eighth of the Connecticut Constitution and intentional infliction of emotional distress.

## INTRODUCTION

2. Article Eighth, § 1 of the Connecticut Constitution guarantees Connecticut children a free and minimally adequate public education. *Connecticut Coalition for Justice Education Funding, Inc. v. Rell*, 327 Conn. 650, 696-697 (2018).

3. To survive constitutional muster on the “free and minimally adequate public education” standard, the state of Connecticut must provide four components:

- a. “minimally adequate physical facilities and classrooms which provide enough light, space, heat, and air to permit children to learn....”
- b. “minimally adequate instrumentalities of learning such as desks, chairs, pencils, and reasonably current textbooks....”
- c. minimally adequate teaching of reasonably up-to-date basic curricula such as reading, writing, mathematics, science, and social studies, and...”
- d. “sufficient personnel adequately trained to teach those subject areas.”

See *Rell*, 327 Conn. at 696-697 (internal quotation marks and citations omitted).

4. The state of Connecticut has unequivocally failed to meet this constitutional standard at H.C. Wilcox Technical High School in the Fall 2022 school year.

5. For almost two months, it relegated approximately 100 eleventh grade high school students to a geometry classroom to be overseen by a substitute teacher who does not instruct them in geometry and who, upon information and belief, is not adequately trained to teach geometry. Additionally, the substitute teacher has, on at least one occasion, explicitly attempted to prevent one student – Angela Zandri – from seeking the assistance of a qualified geometry teacher in an effort to actually learn the subject.

6. H.C. Wilcox Technical High School officials took this failure a step further. They denied applications from affected students to transfer into classes that had open seats and competent geometry teachers. Upon information and belief, they also rejected an offer from a current H.C. Wilcox Technical High School geometry teacher to combine some of the classes without a geometry teacher with his class.

7. Notwithstanding its failure to instruct them, the state of Connecticut still compelled the affected students to complete graded homework within the same deadlines that they would be required to adhere to if they had instruction. If the students struggled due to the lack of instruction and failed to complete the assignment within the deadline, they received a grade of “zero.”

8. The result is that, upon information and belief, the approximately 100 or so affected students saw their grades plummet, which, in turn, will affect their college opportunities at elite schools and their eligibility for college scholarships. Those lost opportunities will cascade into more long-term consequences like student loan debt or putting these students at competitive disadvantages for prestigious careers.

9. Even more concerning is that these affected students will not possess the knowledge of geometry necessary to succeed on their Preliminary SAT/National Merit Scholarship Qualifying Tests and their SATs, which will also affect their college opportunities at elite schools and their eligibility for college scholarships.

10. After H.C. Wilcox Technical High School officials received notice from the Plaintiffs explaining the unconstitutional nature of their conduct, the officials first obfuscated, misleading both parents and students as to solutions to the problem. When the officials saw that obfuscation failed because the Plaintiffs turned to the media to plead

their case for their children's future, they sought to protect themselves from legal accountability by depriving, upon information and belief, hundreds of 9<sup>th</sup> and 10<sup>th</sup> graders of their algebra teacher in an attempt to pacify the Plaintiffs and forcing those 9<sup>th</sup> and 10<sup>th</sup> graders into the exact same situation as the 11<sup>th</sup> grade geometry students were previously in despite having actual notice of just how devastating their conduct was to the 11<sup>th</sup> graders.

11. Per the "Nation's Report Card" – a national assessment conducted by the U.S. Department of Education's National Center of Education Statistics (NECS), 2022 saw the largest decline ever in fourth- and eighth-graders in mathematics. NECS Commissioner Peggy G. Carr stated:

The results show the profound toll on student learning during the pandemic, as the size and scope of the declines are the largest ever in mathematics... The results also underscore the importance of instruction and the role of schools in both students' academic growth and their overall wellbeing. It's clear we all need to come together—policymakers and community leaders at every level—as partners in helping our educators, children, and families succeed.

See **Exhibit A**.

12. While the assessment concerns only fourth- and eighth-graders, it underscores the challenges that all students have faced throughout the COVID-19 pandemic and the importance of proper educators to preserve children's futures and help them learn mathematics.

13. Math is hard, and COVID-19 made it harder for the young minds that pass through the schoolhouse doors every day. The Defendants, however, have made it impossible hard for the Plaintiffs and all similarly situated students at H.C. Wilcox Technical High School.

14. Adding insult to injury, the Defendants have callously ignored the advocacy and concerns of students and parents alike, threatening to cut communication with them if they did not moderate their advocacy.

15. The Plaintiffs seek this Court's intervention to obtain the minimally adequate education that they are constitutionally entitled to and to repair the damage caused to their futures.

### **PARTIES**

16. Plaintiffs Jason and Renata Zandri are Wallingford, Connecticut residents and parents to Angela Zandri – an 11th-grade student at H.C. Wilcox Technical High School – and Adam Zandri – a 9th-grade student at H.C. Wilcox Technical High School.

17. Plaintiffs Todd and Suzanne Herbst are Connecticut residents and parents to Hunter Herbst – an 11th-grade student at H.C. Wilcox Technical High School.

18. Defendant Stacy Butkus is the principal of H.C. Wilcox Technical High School. She is sued in both her official and individual capacities.

19. Defendant Luz Manson is one of two assistant principals for H.C. Wilcox Technical High School. She is sued in both her official and individual capacities.

20. Defendant Theodore Oczkowski is the assistant principal of H.C. Wilcox Technical High School. He is sued in both his official and individual capacities.

21. Defendant Ellen Solek is the interim superintendent for the Connecticut Technical High School System. She is sued in both her official and individual capacities.

## **FACTUAL ALLEGATIONS**

### ***H.C. Wilcox Technical High School***

22. H.C. Wilcox Technical High School (hereinafter, “Wilcox Tech”) is part of Connecticut’s technical education and career system. It provides a unique educational opportunity for students in the sense that it combines academics with career and trade training.

23. Overall, Wilcox Tech holds itself out to the public as providing “a world-class, unique and rigorous learning environment for high school and adult learners....” It also emphasizes that it will prepare students to be “life ready,” emphasizing four key areas of readiness: work readiness, job readiness, career readiness, and college readiness.

24. Wilcox Tech measures its success in college readiness by the number of its students who have no need for remedial education in English or mathematics.

25. Academically, Wilcox Tech holds itself out as focusing on STEM or “an education pathway of excellence for all of its students in every technology...; a mindset; a ‘best teaching practice’ incorporating problem solving, project-based learning and critical thinking.” It seeks to teach students by connecting “science, technology, engineering and math to every area of learning as it pertains to every curriculum in each career cluster.”

26. Technically, Wilcox Tech offers a variety of trade programs including automotive skills, carpentry, electrical, graphic design, health technology, and information technology.

27. Upon information and belief, Wilcox Tech has followed this model for decades, and at least one of its alumni has reach the highest levels of the United States federal government: U.S. Secretary of Education Miguel Cardona.

28. Wilcox Tech's curriculum follows a cyclical model. Students can expect to spend approximately one to two weeks in an academic cycle before being rotated to their trade cycle for approximately one to two weeks. These cycles alternate on more or less the same schedule throughout the school year.

### ***A Faltering Commitment To A World Class Education?***

29. On August 30, 2022, Wilcox Tech's students returned to school from their summer vacation refreshed and ready to learn.

30. As it customarily does, Wilcox Tech broke its student body up into cycles, classes, and classrooms to ensure an appropriate student-to-teacher ratio.

31. Upon information and belief, it broke its geometry class into four classrooms – each classroom handling approximately four to five classes a day.

32. Upon information and belief, each class is comprised of 20 to 25 students.

33. Angela Zandri and Hunter Herbst were among approximately 80 to 100 eleventh-grade students students assigned to a class entitled "Geometry, Math 2" that was held in Room B211 at Wilcox Tech.

34. When the Room B211 students including Angela Zandri and Hunter Herbst arrived for their geometry class on or about August 30, 2022, they did not have an assigned geometry teacher. Instead, they were assigned a substitute teacher.

35. Upon information and belief, the substitute teacher that the Defendants assigned to Room B211 was not qualified or trained to instruct students in geometry.

36. Instead of acting as a teacher or even making an effort to act as a substitute teacher, the substitute teacher assigned to Room B211 functionally acted as a glorified baby-sitter, monitoring the students to make sure that they physically behaved themselves.

37. In some instances as discussed further below, the substitute teacher acted in such a manner as to discourage learning and to prevent students from obtaining the help that they needed to understand the geometry that the Defendants were making no effort to provide them instruction in.

38. To obtain any instruction or assistance, the Room B211 students were left to fend for themselves and beg for help from other geometry teachers when they had a spare moment or work among themselves in often fruitless attempts to figure out difficult concepts. Upon information and belief, they were even told to consult the Google search engine.

39. Despite completely failing to provide any classroom instruction, let alone minimally adequate classroom instruction, the Defendants still found time to browbeat the Room B211 students with graded assignments.

40. Upon information and belief, the graded assignments given to the Room B211 students were not prepared by their substitute teacher, but rather by other geometry teachers at Wilcox Tech who prepared the assignments in their spare time. A computer then automatically graded the assignments.

41. If the Room B211 students failed to complete the homework assignments within the time allotted, they received a grade of "zero" for the assignment.



42. Upon information and belief, the Room B211 students have struggled tremendously with completing a large portion of their assignments on time, resulting in many of them receiving numerous “zeros.”

43. Upon information and belief, the Room B211 students have generally performed horribly to the point that the majority of them can be considered to be failing the geometry class.

### ***Angela Zandri And Her Parents Take A Stand***

44. Angela Zandri has compiled a stellar high school record. In her first two years of high school, she earned high honors in her academics.

45. Her stellar performance has continued in the 2022 school year as she has brought home honors level grades in every one of her classes except one.

46. The one class? Ms. Zandri had the misfortune to be assigned to Room B211 “Geometry, Math 2.” Her grade in that class plummeted as the Defendants failed to provide her with adequate instruction.

47. Unable to complete many of the graded assignments which, upon information and belief, doubled as the only in-classroom “instruction” that the Room B211 students received, Ms. Zandri was functionally failing her geometry class.

48. Ms. Zandri, however, would not simply accept this state of affairs. She repeatedly sought help from other geometry teachers in the little spare time that she had during the school day. Despite their help, her grades did not greatly improve.

49. Ms. Zandri encountered another problem though. On at least one occasion when she attempted to leave Room B211 to seek assistance from another geometry

teacher, the substitute teacher assigned to babysit Room B211 and who was not providing any instruction in geometry attempted to prevent her from going to seek help.

50. When Ms. Zandri explained that she was going to seek help from another geometry teacher, the substitute teacher told her that she was not allowed to leave the classroom and threatened her with discipline if she left. Ms. Zandri, however, left to seek help any way.

51. Ms. Zandri did not just stop at seeking help from other geometry teachers. She also sought to transfer from her Room B211 class into another geometry class that she knew had both open seats for additional students and a competent geometry teacher.

52. The Defendants, however, denied her request to transfer into another class, informing her that she just needed to be patient as they expected to have a new geometry teacher assigned to her classroom shortly.

53. Since the Defendants gave Ms. Zandri the expectation of quickly receiving a new geometry teacher who would actually teach instead of babysitting students, Ms. Zandri sought its performance. Each time that she inquired of the Defendants though, she received a different and more misleading answer.

54. Ms. Zandri ultimately concluded that the Defendants were more interested in deflecting her concerns instead of addressing them, and she escalated her concerns to her parents.

55. Mr. and Mrs. Zandri were understandably outraged when they learned of how the Defendants treated their daughter and her classmates, and Mr. Zandri personally took over the advocacy that his daughter had been pursuing to that point.

56. Mr. Zandri contacted the Defendants repeatedly and sought answers. His initial repeated calls received nothing more than a “we are working on it” response. Instead of being candid and providing concrete solutions, the Defendants provided “pass the buck” excuses, blaming teacher shortages and the state’s human resources hiring process.

57. When Mr. Zandri finally reached Defendant Butkus by phone and attempted to express his concerns to her, he was understandably frustrated and emotional at how the Defendants had mistreated his daughter and her classmates. As he pled their case to Defendant Butkus, Mr. Zandri’s voice rose – much like a lawyer who grows impassioned about his case in front of a jury. He remained professional in his words, and he did not yell though.

58. Defendant Butkus, however, had no sympathy or understanding for Mr. Zandri’s passion. She curtly informed him that, if he did not change his tone, she would hang up on him. When Mr. Zandri continued to demand answers, she refused to provide him anything more than the same vague answers and excuses that the other Defendants had provided.

59. Mr. Zandri then attempted to escalate the matter to Defendant Solek. Defendant Solek, however, repeatedly ignored Mr. Zandri’s phone calls.

60. At a loss on what to do, Mr. Zandri reached out to several Connecticut state representatives. One of them, Catherine Abercrombie, took an interest in the Wilcox Tech students’ plight and wrote to Defendant Solek seeking answers on October 7, 2022.

61. Defendant Solek finally responded to Representative Abercrombie stating that Wilcox Tech had “a finalist math teacher candidate who has been offered the permanent math position” and that it was awaiting on when they would accept it.

62. Defendant Solek, however, made no attempt to address the concerns about the Wilcox Tech students’ education while Wilcox Tech was awaiting a potential solution.

63. Justifiably unsatisfied, Mr. Zandri responded by email to Defendant Solek asking for a more definite solution and remedial education and grading for the Room B211 students.

64. Instead of responding in writing with definite solutions, Defendant Solek attempted to schedule a meeting with Mr. Zandri and a “academic/math accountability team” to listen to his concerns. Mr. Zandri ignored the invite and left the matter to counsel to pursue further, having lost all confidence in the Defendants’ candor.

### ***Hunter Herbst And His Parents***

65. Hunter Herbst has also compiled an excellent high school academic record. Save for several classes in which he received a “B,” he has generally earned “A’s” throughout high school.

66. His strong academic performance has continued into 2022-23 school year as he has regularly brought home “A’s.”

67. There is one glaring blemish on Hunter Herbst’s academic record though: his grades in Room B211 “Geometry, Math 2.”

68. Subjected to the same lack of instruction as Angela Zandri and the same draconian time restrictions, Hunter Herbst received grades that relegated him to an “F” for the class.

69. When Suzanne Herbst attempted to contact the Defendants to learn why he was failing his math class, they simply never responded to her.

70. Hunter Herbst simply would not give up on his future and his education though. By the dint of hard work and persistence, he managed to raise his grade to a “D” – a passing grade, but one that is totally uncharacteristic of his overall performance as a student.

### ***The Defendants Ignored Multiple Potential Solutions***

71. In the 21<sup>st</sup> century, the Defendants’ failure to meet their minimal constitutional obligations defies the imagination because it strains credulity to ask anyone to believe that the Defendants could not have foreseen this issue arising well in advance and because they had multiple solutions available to provide an adequate instructor and adequate instruction to the Room B211 students.

72. First, the Defendants could have temporarily assigned the Room B211 students to the other geometry classrooms.

73. Second, they could have made arrangements to change the schedule of the Room B211 classrooms to provide them a proper instructor from the geometry teachers who apparently man the other classrooms.

74. Third, they could have reached out to retired geometry teachers and asked them to fill in until a full-time replacement could be hired.

75. Fourth, they could have hired a competent substitute teacher who was qualified to teach geometry.

76. Fifth, it could have made arrangements to use a video technology platform like Microsoft Teams or Zoom to livestream other geometry classes occurring at the same

time to the Room B211 students. In a world where virtually everyone possesses a smartphone or a computer, this solution was the easiest and most readily available, and it becomes especially baffling that the Defendants did not implement this solution at Wilcox Tech because students are compelled to use a computer to complete the graded geometry assignments.

77. Sixth, upon information and belief, a Wilcox Tech geometry teacher made an offer to the Defendants to combine his class with at least one Room B211 class so that the students would receive an adequate instructor. The Defendants rebuffed that offer.

***The Defendants Supply A Late Solution That Continues The Game of Bureaucratic Roulette***

78. After the Zandris obtained legal counsel, submitted a demand letter to the Defendants (**Exhibit B**), and took their case to the press in an effort to protect Angela Zandri's and her classmates' future, the Defendants realized that they had a constitutional problem of serious proportions on their hands.

79. Their response, however, was an ill-fated attempt to protect themselves from the Zandris, the Herbsts, and any other Room B211 parents and children who rightfully opposed a state of affairs that is unacceptable in 21<sup>st</sup> century America. To use the vernacular, the Defendants sought to cover their own backsides instead of fulfilling their constitutional duties.

80. On October 24, 2022, Kathleen Swenor – a math teacher at H.C. Wilcox Technical High School – sent an email to the parents of the students assigned to the Room B211 11<sup>th</sup> grade geometry class informing them that she would be taking over the

class and would institute a review curriculum to help the students make up the ground that they have lost due to the Defendants' conduct. See **Exhibit C**.

81. When Angela Zandri and Hunter Herbst returned to their Room B211 11<sup>th</sup> grade geometry class on October 31, 2022, Swenor was, indeed, their new teacher, and she did, in fact, make an effort to teach them geometry.

82. On or about November 2, 2022, Jason Zandri learned from Angela and Adam Zandri that Swenor had begun the 2022-23 school year as the algebra teacher for the 9<sup>th</sup> and 10<sup>th</sup> grade algebra classes occurring in Room B211.

83. To "fix" the Room B211 problem after the Zandris warned that they would pursue litigation if it was not fixed, the Defendants reassigned Swenor to the 11<sup>th</sup> grade, Room B211 geometry class, leaving the 9<sup>th</sup> and 10<sup>th</sup> grade, Room B211 algebra classes without a teacher.

84. The Defendants, however, have already begun the same course of conduct with the 9<sup>th</sup> and 10<sup>th</sup> grade, Room B211 algebra classes that they were subjecting the 11<sup>th</sup> grade, Room B211 geometry students to.

85. They have assigned two substitute teachers to "babysit" the 9<sup>th</sup> and 10<sup>th</sup> grade, Room B211 algebra students, including Adam Zandri, on a split basis. Upon information and belief, one of the substitute teachers assigned to the 9<sup>th</sup> and 10<sup>th</sup> grade, Room B211 algebra students is the same substitute teacher who previously presided over the 11<sup>th</sup> grade, Room B211 geometry disaster. That same substitute teacher is now presiding over an identical disaster for the 9<sup>th</sup> and 10<sup>th</sup> grade, Room B211 algebra students three to four times a week. On the fifth day, another substitute teacher picks up right where her colleague has left off.

86. The substitute teachers' conduct remains the same, and the Defendants have made no effort to change it. The substitute teachers have assigned computer-graded tests to the Room B211 algebra students without providing them with any instruction on the subject of algebra.

### **CLASS ALLEGATIONS**

87. The Plaintiffs bring this action for themselves and on behalf of a class of similarly situated H.C. Wilcox Technical High School students defined as follows:

- a. All 11<sup>th</sup> grade, Room B211 geometry students for the Fall 2022 school year; and
- b. All 9<sup>th</sup> and 10<sup>th</sup> grade, Room B211 algebra students for the Fall 2022 school year.

88. Class certification for these claims is appropriate under Connecticut Practice Book § 9-7 and 9-8 because all of the requirements of those Rules are met:

- a. *The class is so numerous that joinder of all members is impractical* (Practice Book § 9-7(1)): Upon information and belief, the Defendants assigned approximately 200 to 300 students to Room B211 across 9<sup>th</sup>, 10<sup>th</sup>, and 11<sup>th</sup> grade and subjected them to same conduct as they did the named plaintiffs. While the exact number and identities of class members are unknown at this time and can only be ascertained through appropriate discovery, the named Plaintiffs have personal knowledge that enables them to estimate that the approximate number of affected students is 200 to 300 students.



- b. *There are questions of law and fact common to the class* (Practice Book § 9-7(2)): The state constitutional claim that the named Plaintiffs bring is the same one that any affected student would need to bring to state a cause of action against the Defendants. The intentional infliction of emotional distress claim arises from the same facts and circumstances and would be a common issue of law and fact for all of the proposed class members.
- c. *The named Plaintiffs' claims are typical and representative of those of the class members* (Practice Book § 9-7(3)): The named Plaintiffs' claims encompass the Defendants' course of conduct. Their claims are based on the same legal theories that any member of the proposed class would need to advance to pursue this case. The legal issues as to whether the Defendants violated their duty under the Connecticut Constitution are the same for all members of the class as are the issues in the emotional distress claim.
- d. *The named Plaintiffs will fairly and adequately protect the interests of the class* (Practice Book § 9-7(4)): The named Plaintiffs will fairly and adequately protect the interests of the class. The named Plaintiffs' claims are not antagonistic to any of those that the proposed class could advance and are, in fact, the same. The named Plaintiffs have retained counsel who has experience in complex litigation and, as a precautionary measure, has taken additional steps to refresh his knowledge of the prosecution of class-action litigation. Additionally, the

Plaintiffs' selection of counsel came on the recommendation of another attorney who is also a representative in the Connecticut General Assembly and vouched for counsel's experience and expertise in matters of constitutional law. Finally, the Plaintiffs have taken unparalleled steps to advocate for themselves and others even prior to litigation, repeatedly asking the Defendants to resolve the issue, petitioning state officials to intervene, seeking assistance from their representatives in the General Assembly, and subjecting themselves to public exposure and the very real possibility of retaliation in an effort to publicly advocate for themselves and the proposed class.

- e. *Common questions of law and fact predominate over questions affecting only individuals, and a class action is superior to other available methods for the fair and efficient adjudication of this controversy* (Practice Book § 9-8): The individual compensatory damages suffered by each class member are not insignificant, but they are likely not substantial enough to justify the expense and burden of individual litigation until and unless a jury concludes otherwise. To conduct this action as a class action under Practice Book §§ 9-7 and 9-8 presents few management difficulties, conserves the resources of the parties and the court system, protects the rights of each class member, and maximizes recovery to them. Individual litigation, on the other hand, would result in hundreds of lawsuits all presenting the same issue.

**COUNT ONE – FAILURE TO PROVIDE A MINIMALLY ADEQUATE EDUCATION IN VIOLATION OF ARTICLE EIGHTH OF THE CONNECTICUT CONSTITUTION AS TO ALL DEFENDANTS**

89. Paragraphs 1 through 89 are incorporated herein by reference.

90. Article Eighth, § 1 of the Connecticut Constitution guarantees Connecticut children a free and minimally adequate public education. *Connecticut Coalition for Justice Education Funding, Inc. v. Rell*, 327 Conn. 650, 696-697 (2018).

91. To survive constitutional muster on the “free and minimally adequate public education” standard, the state of Connecticut must provide four components:

- a. “minimally adequate physical facilities and classrooms which provide enough light, space, heat, and air to permit children to learn...,” *Id.*
- b. “minimally adequate instrumentalities of learning such as desks, chairs, pencils, and reasonably current textbooks...,” *Id.*
- c. “minimally adequate teaching of reasonably up-to-date basic curricula such as reading, writing, mathematics, science, and social studies, and...” *Id.*
- d. “sufficient personnel adequately trained to teach those subject areas.” *Id.*

92. As described previously, the Defendants have failed to provide both the Plaintiffs and the class they seek certification for the “minimally adequate teaching of reasonably up-to-date basic curricula such as... mathematics.”

93. As described previously, the Defendants have failed to provide both the Plaintiffs and the class they seek certification for “sufficient personnel adequately trained to teach” mathematics.

94. The Defendants’ duty to provide these benefits is a non-discretionary constitutional duty.

95. The Defendants have betrayed the public's trust and their obligations under the Connecticut Constitution by failing to provide these benefits.

96. The Defendants' initial failure to provide these benefits to the 11<sup>th</sup> grade, Room B211 geometry students was inexcusable and constitutes reckless and wanton conduct because they had multiple potential solutions to fulfill their constitutional obligations, had prior knowledge well in advance of the circumstances that gave rise to the necessity of alternative solution, and were repeatedly placed on notice of their failure to meet their constitutional duties.

97. The Defendants' subsequent failure to provide these benefits to the 9<sup>th</sup> and 10<sup>th</sup> grade, Room B211 algebra students is even more inexcusable and constitutes reckless and wanton conduct because, in a futile attempt to avoid legal accountability for unconscionable and clearly unconstitutional conduct, they have intentionally engaged in the very course of unconscionable and clearly unconstitutional conduct that they were put on notice of in the first place despite being on notice of:

- a. Its unconscionable and clearly unconstitutional nature;
- b. Multiple potential solutions to avoid the conduct and effects; and
- c. The disastrous effect of the conduct on its victims.

98. In other words, the Defendants have spun their bureaucratic roulette wheel again in a self-serving effort to protect themselves with no regard for the damage that they have already caused, and will cause, to the Plaintiffs' future and the futures of the class that they seek certification for.

## **COUNT TWO – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

99. Paragraphs 1 through 99 are incorporated herein by reference.

100. The Defendants knew or should have known that the infliction of emotional distress was the likely result of their conduct when they failed to provide the minimally adequate educational benefits required by the Connecticut Constitution to the Room B211 geometry students and repeatedly frustrated, stonewalled, and obfuscated both students' and parents' efforts to protect their children's future for almost two months as described above.

101. The Defendants knew or should have known that the infliction of emotional distress was the likely result of their conduct when they devised a so-called "solution" for the Room B211 geometry students that intentionally deprived the 9<sup>th</sup> and 10<sup>th</sup> grade, Room B211 algebra students of the minimally adequate educational benefits required by the Connecticut Constitution in a self-serving attempt to avoid legal accountability.

102. The Defendants' conduct in both instances was reckless, wanton, extreme, and outrageous – exceeding all bounds of decency that any 21<sup>st</sup> century decent society could tolerate.

103. The Defendants' conduct in both instances caused the Plaintiffs and the members of the class that they seek certification for severe emotional distress. In particular, the Defendants' conduct caused the Plaintiffs such severe emotional distress that they defied school rules and school officials in their frantic efforts to protect their own futures. The Plaintiffs also have incurred anxiousness and have lost sleep over the matters complained of above.

The Plaintiff

By: \_\_\_\_\_

Cameron L. Atkinson (442289)  
ATKINSON LAW, LLC (443770)  
122 Litchfield Rd, Ste. 2  
P.O. Box 340  
Harwinton, CT 06791  
Tel: 203-677-0782  
Fax: 203-672-6551  
[catkinson@atkinsonlawfirm.com](mailto:catkinson@atkinsonlawfirm.com)

Dkt. No.	:	SUPERIOR COURT
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	:	
<i>for themselves and other similarly situated students</i>	:	AT NEW HAVEN
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
STACY BUTKUS; LUZ MANSON, THEODORE OCZKOWSKI; ELLEN SOLEK;	:	
	:	
Defendants.	:	NOVEMBER 7, 2022

**DEMAND FOR RELIEF**

Pursuant to Practice Book § 10-20, the Plaintiffs respectfully ask the Court for the following relief:

1. An injunction halting the Defendants' failure to provide both the Room B211 geometry students and the Room B211 algebra students with the minimally adequate educational benefits guaranteed by Article Eighth, § 1 of the Connecticut Constitution;
2. An injunction prohibiting the Defendants from making any grades or lack thereof part of any Room B211 geometry students' permanent or preliminary transcripts;

3. An injunction prohibiting the Defendants from recording any grades or lack thereof as part of any Room B211 algebra student's permanent or preliminary transcript so long as they do not receive constitutionally adequate instruction;

4. A mandamus order commanding the Defendants to immediately and permanently erase any recorded grades for all of the Room B211 geometry students at H.C. Wilcox Technical High School that they received while they did not have constitutionally adequate instruction;

5. A mandamus order commanding the Defendants to immediately and permanently erase any recorded grades for any recorded grades for all of the Room B211 algebra students at H.C. Wilcox Technical High School that they received while they did not have constitutionally adequate instruction:

6. A mandamus order commanding the Defendants to immediately provide sufficient personnel adequately trained to teach mathematics to all of the Room B211 mathematics students at H.C. Wilcox Technical High School;

7. A mandamus order commanding the Defendants to immediately provide adequate instruction to all of the Room B211 mathematics students at H.C. Wilcox Technical High School;

8. An order appointing a neutral third-party educational consulting firm or another suitable organization to audit H.C. Wilcox Technical High School for compliance with the educational requirements of Article Eighth, § 1 of the Connecticut Constitution and directing that the state of Connecticut bear the reasonable expenses of that audit;

9. An order certifying the class of H.C. Wilcox Technical High School that the Plaintiffs propose and appointing the undersigned as class counsel;



10. An award of compensatory damages to the Plaintiffs against the Defendants in their individual capacities only;

11. An award of punitive damages to the Plaintiffs against the Defendants in their individual capacities only as permitted by law.

12. An award of costs and attorney's fees as permitted by law; and

13. Any and all other further relief that the Court deems just and necessary.

Pursuant to Conn. Gen. Stat. § 52-91, the Plaintiffs claim that the amount of the damages that they demand for Count One on behalf of themselves and the class that they seek certification for are in excess of \$15,000.

Pursuant to Conn. Gen. Stat. § 52-91, the Plaintiffs claim that the amount of damages that they demand for Count One on behalf of themselves and the class that they seek certification for are in excess of \$15,000.

The Plaintiff

By: \_\_\_\_\_

Cameron L. Atkinson (442289)  
ATKINSON LAW, LLC (443770)  
122 Litchfield Rd, Ste. 2  
P.O. Box 340  
Harwinton, CT 06791  
Tel: 203-677-0782  
Fax: 203-672-6551  
[catkinson@atkinsonlawfirm.com](mailto:catkinson@atkinsonlawfirm.com)

Dkt. No.	:	SUPERIOR COURT
	:	
JASON ZANDRI, individually and and as PPA for ANGELA ZANDRI and ADAM ZANDRI; RENATA ZANDRI, individually and as PPA for ANGELA ZANDRI and ADAM ZANDRI; TODD HERBST, individually and As PPA for HUNTER HERBST; SUZANNE HERBST, individually and As PPA for HUNTER HERBST;	:	J.D. of New Haven
	:	
<i>for themselves and other similarly situated students</i>	:	AT NEW HAVEN
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
STACY BUTKUS; LUZ MANSON, THEODORE OCZKOWSKI; ELLEN SOLEK;	:	
	:	
Defendants.	:	NOVEMBER 7, 2022

**JURY DEMAND**

The Plaintiffs hereby claim their right to a jury trial pursuant to the Seventh Amendment to the United States Constitution, Article First, § 19 of the Connecticut Constitution, Conn. Gen. Stat. § 52-215, and Practice Book § 14-10.

The Plaintiff

By: \_\_\_\_\_  
Cameron L. Atkinson (442289)  
ATKINSON LAW, LLC (443770)  
122 Litchfield Rd, Ste. 2  
P.O. Box 340  
Harwinton, CT 06791  
Tel: 203-677-0782  
Fax: 203-672-6551  
[catkinson@atkinsonlawfirm.com](mailto:catkinson@atkinsonlawfirm.com)