

**IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO
Civil Division**

AMY GONZALEZ, *individually and as mother and next friend of her minor daughter, A.G.*; **ANDREA GROSS**, *individually and as mother and next friend of her minor children, M.G. and G.G.*; and **PRO CA COALITION**,

Plaintiffs,

v.

THE COLUMBUS ACADEMY

4300 Cherry Blossom Road
Gahanna, OH 43230

**BOARD OF TRUSTEES OF THE
COLUMBUS ACADEMY**

4300 Cherry Blossom Road
Gahanna, OH 43230

MELISSA SODERBERG

4300 Cherry Blossom Road
Gahanna, OH 43230

Defendants.

Civil Action No.: _____

JURY TRIAL DEMANDED

COMPLAINT

Plaintiffs Andrea G., individually and as mother and next friend of her minor children, M.G. and G.G.; Amy G., individually and as mother and next friend of her minor daughter, A.G.; and the Pro CA Coalition (collectively, “Plaintiffs”), file this action against The Columbus Academy (“Columbus Academy”), the Board of Trustees of The Columbus Academy (the “Board” or “Trustees”), and Melissa Soderberg (collectively, “Defendants”) on the grounds and in the amount set forth as follows:

INTRODUCTION

This case seeks justice on behalf of three students whose young lives and reputations have been crippled by the malicious and deeply disappointing actions of their own school, The Columbus Academy. The once prestigious educational institution produced some of the nation's highest performing students; teenagers who excelled in science, history, mathematics, and other core areas of academic study. Today, however, Columbus Academy students are no longer taught *how* to think—they are taught *what* to think.

Upon hiring of Melissa Soderberg as its new Headmaster, Columbus Academy shifted the focus of its curriculum from academic achievement to abiding by Ms. Soderberg's one-sided political agenda—an agenda that promotes racial segregation through concepts like “Critical Race Theory” and the ideology being one of structural oppression, supremacy, patriarchy, and all things seen through the lens of an immutable characteristic, skin color. The agenda spectrum promotes sexual promiscuity and exposes adolescents to animal posters of “pansexuwhales” and “transgendeer,” advocates problematic privacy policies, impersonates mental health services with “Social and Emotional Learning” programs, and endorses gender identity data collection with the enticement of minors.¹ In short, Ms. Soderberg's NAIS-approved² agenda demands parents pay around \$30,000 a year for Ms. Soderberg to indoctrinate your kids and undermine your parental rights while simultaneously denying any meaningful monitoring. And if you dare stand up and speak out on behalf of the freedoms and liberties of your own children, they are out.

This is what happened to Andrea G. and Amy. G. Their children, A.G., M.G., and G.G. were nothing shy of exemplary students. Superb grades, involved in extracurriculars, and not a

¹ Ms. Soderberg is the Chairwoman of SPARC, a gender identity collection initiative partnered with the University of Pennsylvania.

² “NAIS” is the National Association of Independent Schools, the parent organization of the Ohio Association of Independent Schools (“OAIS”), an organization for which Ms. Soderberg serves as the President.

single derogatory mark on their behavioral records, A.G., M.G., and G.G. are no longer permitted to attend Columbus Academy yet students who have engaged in a range of misconduct including the racial targeting and assault of another student, posting a video online in which a student tells Plaintiffs to “suck on a horse cock”, and even an instance in which a student brought a weapon to school are still in attendance at Columbus Academy. So, what did A.G., M.G., and G.G. do to get expelled? Absolutely nothing. In Ms. Soderberg’s eyes, the young girls were nothing more than collateral damage after their mothers simply *questioned* what Columbus Academy had been teaching their minor daughters.

Plaintiffs quickly learned that interference with Ms. Soderberg’s agenda had repercussions. Whether your children are expelled, the police are called based on non-existent threats, or even claims of FBI involvement are falsely shared with hundreds in the school community, one thing is for certain—Ms. Soderberg will stop at nothing to indoctrinate your children, and the Board of Trustees will not fulfill their fiduciary duties and protect your children, either.

In an authoritative attempt to silence any questions concerning the “academic curriculum” Columbus Academy prides itself upon, Ms. Soderberg, along with a rubber stamp from the Board of Trustees, expelled M.G., G.G., and A.G. because their mothers objected to the “curriculum” and repulsive academic environment to which their children were subjected. Plaintiffs, along with dozens of other parents made voluminous attempts to speak with the Board of Trustees and in efforts to respectfully bring forth their questions and concerns regarding the declining state of Columbus Academy, but the attempts were to no avail. As a result, Andrea G. and Amy G. penned an *Open Letter & Appendix*, which highlighted the concerns of the Columbus Academy community and provided detailed, first-hand instances of educational misconduct perpetrated by Columbus Academy faculty and administrators.

Following publication of the *Open Letter & Appendix*, the Board finally agreed to meet with Andrea G. and Amy G., albeit Ms. Soderberg *had* to be in attendance and just four of the twenty-two (4 of 22) board members participated. Perhaps unsurprisingly, nothing was done to cure the issues raised after the meeting; however, what did follow was a campaign of vitriol targeting Plaintiffs in hopes that Columbus Academy's fear-driven reaction to the academic misconduct exposed in the *Open Letter & Appendix* would culminate in fear-driven results, ultimately silencing Plaintiffs. Because the latter did not manifest, this action follows.

Defendants' campaign of vitriol has upended Plaintiffs lives and the lives of their families; destroyed their reputations in the communities in which they have lived for decades; risked the young girls' health, safety, security, academic opportunity, and scholarship potential; jeopardized their ability to participate in competitive athletics; and stripped them of long-established friendships and even the familiarities of the only school they have ever known. Plaintiffs have suffered and continue to suffer economic, emotional, and reputational harm and file this action to be made whole as redress from the same.

THE PARTIES

1. Plaintiff A.G. is a minor child, the daughter of Plaintiff Amy G., and a resident of Franklin County, Ohio. A.G. is a former student of Columbus Academy, and the intended third-party beneficiary of the Enrollment Contract entered into by and between her mother, Amy G. and Columbus Academy.

2. Plaintiff M.G. is a minor child, the daughter of Plaintiff Andrea G., and a resident of Franklin County, Ohio. M.G. is a former student of Columbus Academy, and an intended third-party beneficiary of the Enrollment Contract entered into by and between her mother, Andrea G. and Columbus Academy.

3. Plaintiff G.G. is a minor child, the daughter of Plaintiff Andrea G., and a resident of Franklin County, Ohio. G.G. is a former student of Columbus Academy, and an intended third-party beneficiary of the Enrollment Contract entered into by and between her mother, Andrea G. and Columbus Academy.

4. Plaintiff Andrea G. is the mother and next friend of her minor daughters, M.G. and G.G., and a resident of Franklin County, Ohio. Andrea G. brings this lawsuit in her individual capacity and on behalf of M.G. and G.G.

5. Plaintiff Amy G. is the mother and next friend of her minor daughter, A.G., and a resident of Franklin County, Ohio. Amy G. brings this lawsuit in her individual capacity and on behalf of A.G.

6. Defendant The Columbus Academy is an Ohio nonprofit corporation that operates as a nonpublic National Association of Independent Schools (“NAIS”) charter school. Columbus Academy maintains its principal place of business in Franklin County, Ohio.

7. Defendant Board Trustees of Columbus Academy³ (the “Board”) is the decision-making entity of Columbus Academy and responsible for the approval or disapproval of academic-related matters, including without limitation, curriculum implementation, scholarship awards, disciplinary measures such as expulsion, and business-related matters including without limitation, contract renewals, spending and financially related matters, contract bids, and contract awards. Pursuant to Paragraph 15 of the Enrollment Contract entered into by and between The Columbus Academy and Plaintiffs, the Enrollment Contract “is intended and understood to be binding upon

³ The Board of Trustees consists of Jonathan Kass, President; Sandy Doyle-Ahern, Vice President; Susan S. Williams, Secretary; Christine Freytag, Treasurer; Victor Thorne, Immediate Past President; Craig Tann, Alumni Board Representative; Tracie Klinefelter, Parents 'Association Representative; Dr. Rita Agrawal; Kevin Barney; Tanisha Lyon Brown; Beth Fisher; Ronda Gaiser; Matthew Harris; Ching-Chu Hu; Klay Huddleston; Karen Jennings; Kevin Malhame; Jessica Chi Nimjee; Niles Overly; William G. Porter; Jennifer Salopek; George Skestos; Dr. Pankaj Tiwari; and Matthew Zeiger.

all officers, directors, trustees, parents, guardians, affiliates, predecessors, agents, heirs, successors and assigns of each party.” Therefore, the Board of Trustees is a proper party. *See* R.C. 3314.03(A)(1) and 3314.03(A)(14).

8. Defendant Melissa Soderberg (“Ms. Soderberg”) is the Headmaster of Columbus Academy and is a resident of Franklin County, Ohio.

JURISDICTION & VENUE

9. Amy G. and Andrea G. are the proper representatives of their minor children, A.G., M.G., and G.G. *See* Ohio Civ. R. 17(B).

10. This Court has personal jurisdiction over this action because Defendants are incorporated in Ohio, conduct business in Franklin County, Ohio, maintain a principal place of business or residence in Franklin County, Ohio, and the underlying Enrollment Contract was drafted, signed, and executed by the parties in Franklin County, Ohio.

11. Subject matter jurisdiction and venue are proper in Franklin County, Ohio because all events giving rise to this action occurred in Franklin County, Ohio unless otherwise stated. *See* Ohio Civ. R. 3(c)(3).

FACTUAL ALLEGATIONS

A. History of Columbus Academy & Changes in its Academic Environment

12. Founded in 1911, Columbus Academy advertises itself as “one of the premier co-educational country day schools in the United States” and offers its students aged three through 12th grade “an exceptional academic education” and “a wide array of extracurricular opportunities.” For 102 years this held true; Columbus Academy educated its students with precision, provided a well-rounded curriculum, and offered a robust array of extracurriculars.

13. Beginning in 2013, however, Columbus Academy started to undergo a complete academic overhaul spearheaded by its newly hired Headmaster, Melissa Soderberg (“Ms. Soderberg”).

14. According to Columbus Academy’s website, Ms. Soderberg is the board chair for the Ohio Association of Independent Schools (“OAIS”) and the University of Pennsylvania’s Student Participatory Action Research Collaborative (“SPARC”) and serves as the Treasurer for Independent Schools Association of the Central States (“ISACS”). She is also a member of the Headmasters Association, the Headmistresses Association of the East, the Country Day Headmasters Association, and the Head’s Network, and previously spent half a decade working as a faculty member for the National Association of Independent Schools (“NAIS”) Institute for Aspiring Heads.

15. Perhaps unsurprisingly, Columbus Academy obtained an NAIS charter contemporaneously with Ms. Soderberg’s hiring.

16. In furtherance of her own career aspirations, Ms. Soderberg abandoned the century-old values upon which Columbus Academy was founded and implemented a new, radical academic curriculum that shifted Columbus Academy’s focus from educating to indoctrinating.

17. Columbus Academy shifted its focus from teaching its students *how* to think and began telling its students *what* to think. Under Ms. Soderberg’s leadership, Columbus Academy began teaching its students that racism is acceptable through deplorable concepts such as “Critical Race Theory” and introduced the *1619 Project*. Faculty and staff instruct children to abjectly ignore provable fact and abide by the teachings of a gender studies program riddled with scientific falsehoods. Students – or in this case, parents – who even question Columbus Academy’s curriculum are marginalized, isolated, bullied, harassed, and met with hostility. If that doesn’t

silence any adversary to Ms. Soderberg's agenda, the solution is simple: you (or your child) will no longer attend Columbus Academy.

18. Noticing the damage these academic and environmental changes had on their daughters and the Community, Andrea G. and Amy G. attempted on numerous occasions to ask questions at all levels of the administration.

19. For example, Plaintiffs asked why the very individual tasked with *promoting* diversity does nothing of the sort. This question was prompted upon learning that Columbus Academy's Director of Diversity and Community Life, Beckett Broh, marginalizes students based on race. In August 2020, Ms. Broh publicly commented on the Columbus Academy community, stating "what [Columbus Academy] [is] dealing with here is more than 110 years of white supremacy."

20. On another occasion, Ms. Broh attempted to instigate more anti-white animosity by claiming the school's Caravel Ship logo and Viking mascot must be cancelled because "[the Caravel Ship] was a slave ship, and the Viking mascot represents a white male that raped and pillaged." Amy G. mentioned Ms. Broh's comment to Executive Board of Trustees member, Victor Thorne, who expressed his disdain for the comment and stated that "the hair on the back of [his] neck [was] standing up."

21. Mr. Thorne advised Amy G. that the Board of Trustees had not voted on whether the school would cancel the Caravel Ship as its logo let alone had the Board approved its removal. Nevertheless, Ms. Broh publicly announced to the entire Columbus Academy community that the Caravel Ship would, in fact, be cancelled and removed from school-related materials.

22. Continuing the conversation, Mr. Thorne then informed Amy G. “the Black Community [including “MOSAIC”⁴] were making 30 demands of the school.”

23. Concluding the conversation, Mr. Thorne advised Amy G. that he would immediately raise her concerns with Mr. Kass, President of the Board, as he felt the discussion was an urgent matter.

24. A few weeks later, Mr. Thorne advised he had raised the concerns, but Ms. Soderberg and Board President, Jonathan Kass, expressed no interest in addressing Ms. Broh’s statements or making any institutional changes.

25. In September 2020, Amy G. met with Karen Jennings, another member of the Board of Trustees and again voiced the Community concerns with Ms. Broh’s statements and the disappointment in school leadership. Just as Mr. Thorne advised, Ms. Jennings also reiterated that Mr. Kass and Columbus Academy leadership had no interest in addressing or discussing the Community concerns.

26. Other examples of inappropriate academic conduct include the push for students to ignore science and adopt the provably false scientific teachings of “gender studies” programs that explore the radical idea that there are more than two genders: male and female.

27. Throughout the school, Defendants displayed pro-sexual orientation and attraction posters, including a “Pansexu-whale” with an image of a whale depicted below. In addition to the “pansexu-whale”, Columbus Academy displayed other inappropriate posters, including a “gendeerfluid”, “genderdeer”, “homosexuwhale”, “transgendeer”, “asexuwhale”, “ally turtle”, and “bisexuwhale”. *See Exhibit 1.*

⁴ According to the Parent Association for Columbus Academy’s website, “MOSAIC is an organization for parents and students of African descent” that aims to “foster a more inclusive community.”

28. Due to ongoing apparent political extremism, marginalization, sexually inappropriate (and scientifically inaccurate) teachings, and race-based favoritism, exhibited by Columbus Academy leadership, current parents and students as well as former parents and alumni, despite what the Board and school leadership proclaimed, realized the incidents were not isolated.

29. Upon hearing about the experiences that other members of the Columbus Academy community had endured, Andrea G. and Amy G. discovered Columbus Academy leadership had let the academic environment not only deteriorate into a racism-plagued quagmire, but also allowed the nearly \$30,000.00/year institution to become infested with anti-police rhetoric, teachings of scientific falsehoods, and sexual promiscuity was even promoted amongst minors.

B. Instances of Academic Misconduct

30. Specifically, some of the notable instances⁵ of educational misconduct that formed the basis of Andrea G. and Amy G.'s concerns about the academic environment to which A.G., M.G. and G.G. were subjected include:

INSTANCES OF INTIMIDATION AND BULLYING

Instance No. 1: PARENT 1 stated that on his child's first day of freshman year, his child's English teacher told the class that he did not believe he would be able to speak with any student of his who supported then-President Trump and therefore, he preferred "not to know." Because of this, PARENT 1's child felt as though he has been "scared into silence" and barred (implicitly or explicitly) from engaging in any open and substantive discourse about politics – a topic frequently discussed throughout the course. As a direct and proximate result of his teacher's political extremism, intolerance, and inability to educate without disenfranchising students with views different than his, PARENT 1's child's English teacher fostered an environment of "agree with me or shut up" which unconscionably amounts to, at a minimum, intimidation and bullying.

Instance No. 2: PARENT 2 discussed how her 1st grade child expressed what was best described as worry and trepidation when simply sharing personal thoughts in class. On one occasion, the child's former first-grade teacher made every child stand in a circle and tell the entire class aloud which Presidential candidate he or she supported during the 2020 election.

⁵ Names of the specific persons referenced in the summaries provided are omitted for confidentiality reasons.

Instance No. 3: PARENT 3 stated that his child used to be excited for school and had a "learner's mindset." But because Columbus Academy politicized virtually every single lesson it could, the inescapable political tone caused PARENT 3's child to become depressed, frustrated, overwhelmed and silenced to the point the child needed to seek psychological treatment.

Instance No. 4: MISC. STUDENTS in the Middle and Upper Schools often feel obligated to write papers and complete assignments in a manner that runs contrary to their actual beliefs; otherwise, failure to do so would result in a reduced grade and subject the student to being labeled and/or excluded from class activities.

Instance No. 5: PARENT 4 expressed how his son will no longer offer his opinion on matters because when he had opined previously, Columbus Academy faculty and staff responded with strong, negative reactions—not respectful discourse or dialogue—and PARENT 4's son refuses to address the manner in which Columbus Academy faculty and staff respond out of fear they will retaliate against him.

Instance No. 6: On October 20, 2020, the Upper School Dean of Students circulated a survey to the students. The questions ranged from asking if the students felt the school was highly, somewhat, or not at all biased towards the Democratic and Republican parties. Pressured by their peer group to support a particular political candidate, to whether they felt the teachers, parents, or adults in their lives influenced their opinions on politics. Numerous students acknowledged, "they did not answer honestly," and even texted home to let their parents know "they answered how they should," some saying, "if I get kicked out of school, you will know why." Students have felt intimidated into silence and unable to freely express themselves. On numerous occasions, parent concerns and children's negative experiences were brought to the Assistant Head of School, the Director of Diversity and Community Life, and various Board members. While in good faith pursuing the appropriate channels to address concerns, it appears in most cases, those concerns have been dismissed and discussed in small sessions thus avoiding awareness by the Board in totality.

Instance No. 7: On January 15, 2021, the Upper School Dean of Students, Special Assistant to the Head of School for Student Outreach, and the Director of Diversity and Community Life participated in a "civil disobedience" walk out. The exercise resulted in students being called racist because, "[they] did not get to the gym fast enough." Other students were also called racists because they "did not go to the gym after the first video interruption." One student advised his parents that the school was experiencing "civil unrest" and didn't know what was going on. Other students reported they felt bullied and intimidated and ended up participating because they didn't want to receive the same negative treatment being experienced by others. Many students reported being called "a racist" with faculty present and nothing was said or done about it.

Instance No. 8: The exercise was represented as an MLK tribute. However, with faculty present, students in the field house reported that other students yelled at their peers, "Malcom X," "Black Empowerment," "You are racist," and "Silence is Violence."

Instance No. 9: One parent commented, "Interestingly, he was actually pushed by his teacher to comply with the request to walk out versus staying and working on his academics. As he explained the exercise to me, it seemed he was actually practicing Obedience to comply with the request, rather than Disobedience, which I found ironic."

Instance No. 10: Some parents shared it was unacceptable for Columbus Academy faculty, whom we pay to teach our children, to stand by watching the situation escalate and allowing other students to exhibit behaviors completely contrary to the norms set forth by the schools own Diversity Department, the schools Mission Statement, and the school's student handbook.

Instance No. 11: A video was shown to the entire Upper School, portraying their "civil disobedience" as a spontaneous and an organic event. To the contrary, it was a scripted, edited, and a scheduled event.

Instance No. 12: Some parents feel the faculty's actions were a disservice to the Upper School student community. The students on the video are passionate and intelligent students who wanted to make a statement and deserved to be heard. Unfortunately, we feel they were misled by a contrived set of circumstances. The students watching the video appear to be the only ones who were unaware of the scheduled event. The video shows the Upper School Dean of Students and Special Assistant to the Head of School for Student Outreach being "interrupted" with students stating, "watching a video is easy, making change is not, progress is uncomfortable, now we are going to ask you to do something that will make you uncomfortable. If you want to learn about real civil disobedience, stand up and leave your classroom, do not look to your teacher for an answer, make your own decision, if you prefer to stay where you are, remain seated and the video will continue, teachers feel free to pause the video while the students decide. Don't worry about the video you will be able to watch it later, this is a community activity, on your way down we suggest you think about why you didn't come after our first interruption." (This quote was taken directly from a video sent out via Instagram by the Upper School Dean of Students. Interestingly, the Instagram video was taken down two days after the walk out).

Instance No. 13: Some parents feel that Columbus Academy leadership continues to avoid transparency on this event, and that the faculty had an obligation to ensure the students informed the entire Columbus Academy community involved. Notification being sent home encouraging parents and students to engage in dialogue could have better positioned the students for a successful outcome. Confused students in an unexpected circumstance, didn't feel they had a choice. If they stayed, they stated they were afraid to be, "harassed, pressured, and bullied" like some of the other kids.

Instance No. 14: The faculty present during the walk out permitted children to be placed in an uncomfortable situation. Specifically, in an Executive PACA meeting, the Assistant Head of School for Development/External Relations was told by a PACA parent that their child felt, "pressured to walk out." The Assistant Head of School indignantly responded, "I was in the field house, it wasn't that bad."

LACK OF COMMITMENT TO DIVERSITY & INCLUSION

Instance No. 15: One Columbus Academy community member is deeply concerned about the gross underrepresentation of Hispanics/Latinos as students at Columbus Academy and in positions of power and leadership at Columbus Academy. Some feel that this seems to be a problem perpetuated by the Head of School. For example, the concerned Columbus Academy member shared that Hispanics/Latinos are the largest minority population in the United States of America accounting for 18.5% of the population, while Columbus Academy's Hispanic/Latino population remains at a stagnate ~2%. Meanwhile, Ms. Soderberg and the Board of Trustees unanimously signed and distributed a community-wide email titled *United Against Racism* purported to combat racism as a whole, yet upon reading the email, the only concerns addressed pertained to the school's black population while the overwhelmingly and disproportionately underrepresented Hispanic and Latino population remained unaddressed.

Instance No. 16: Parents have reported speech in our school on this topic is being silenced and/or censored. For example, during Hispanic Heritage Month, two parents created a video explaining the history of salsa dancing. They credited the dance, an important part of their culture, to the slave rhythms that were brought from Africa. (They found this analogous to Mosaic's guest, Eric Dozier, who spoke of slave Gospel hymns and slave songs during his visit to Columbus Academy for Black History Month.) Yet, the Assistant Director of Diversity and Community Life censored the video and removed the word "slave" when it was part of a Hispanic cultural video. The parents challenged the reasonableness of the censorship in a discussion with the Head of Lower School, and the Assistant Director of Diversity and Community Life was supposed to follow up with the parents. To date, there has been no follow up from the Director of Diversity and Community Life.

Instance No. 17: Parents and kids have reported Columbus Academy faculty and administration have openly discussed the "privileged kids in their private planes, going to see Biden"; "privileged parents walking around talking about Aspen; "speaking about diversity and equity in her Gucci sneakers with Starbucks; and kids should not mention "going on vacation with other kids, as it makes others feel bad." These reports cause some parents to question how the Columbus Academy leadership and faculty view and feel about many of the members of our community.

Instance No. 18: In August, as the pandemic was at the forefront of public health concerns, a parent from the Chinese Parents Association expressed the disquietude of

the group to The Director of Diversity and Community Life. With the start of school, the parent wished to discuss how the community might react to what some called the "China virus" and how the Asian student population and community may become affected by this negative discourse. There was no follow up from the Director of Diversity and Community Life and no communication from the school on the topic.

Instance No. 19: As recent as January 29, 2021, the Director of Admissions and Tuition Assistance stated Black students are very worried at Columbus Academy. There are ongoing reports of kids being called the "N-word", being asked for "N-passes", and Columbus Academy athletes being called the "N-word" yet Columbus Academy leadership failed to take appropriate disciplinary action.

Instance No. 20: One parent shared this example: In 2020, two of our female students were called the "N-word". Neither of the parents were notified at the time and the action resulted in a 1-day suspension. More than a year later and after the summer field gathering this year, one parent was contacted asking if they would like to discuss it. These incidents and disciplinary action taken, fall squarely on the shoulders of the Head of School. The fact our children did not even come home and tell their parents about these incidents in some cases is an indication they did not feel supported at school.

FAILURE TO FOCUS ON ACADEMIC EXCELLENCE

Instance No. 21: A parent asked (1) what percentage of time is spent in faculty meetings discussing racism; (2) what about current political topics; and (3) what percentage of time is spent in faculty meetings discussing or addressing academic excellence, yet Columbus Academy failed to respond or even acknowledge these reasonable questions.

Instance No. 22: Another parent shares, "My Upper School child has seen very little progress academically this year with the hybrid model. So much time has been focused on non-academic issues that academics are falling by the wayside."

Instance No. 23: One parent, in looking at Columbus Academy's history of academic excellence, reported that in 2010, on average, 28.4% of the last five graduating classes received recognition in the National Merit and National Achievement Scholarship competitions. What is the current percentage of National Merit scholars? Please provide percentages for the National Merit competitions for 2010 to present.

Instance No. 24: Additionally, the Class of 2010 took 431 Advanced Placement Exams, for an average of 4.68 per student. Please provide Advanced Placement information for 2010 to the present.

Instance No. 25: Another parent asked whether any leadership has conducted an evaluation of the academic "costs" (and other potential costs) to our students resulting

from the changes to education, yet Columbus Academy failed to respond or even acknowledge this reasonable question.

Instance No. 26: Another parent says: Currently our Lower School children, due to the high number of homeroom classes, are receiving 33% less of their science and lab experiments, Spanish, technology, art, and music classes. There has been no answer as to what is available support-wise for missed curriculum and the strategic plan to ensure academic excellence for our students.

LACK OF DIVERSITY AT THE BOARD LEVEL

Instance No. 27: Many parents question whether there is any diversity at the board level, and whether this may be a symptom of a structural problem. Questions have been asked, including: (1) how is the Board of Directors selected; (2) how is the President of the Board of Directors selected; (3) how much input the Head of School has in selecting the members of the Board of Directors and the President of the Board; (4) what measures are taken to ensure diversity of representation amongst the Board of Directors; and (5) whether all decisions are made by the Board as a collective or only certain board members; and (6) whether board meetings are recorded and the Meeting Minutes are available for parents and other Columbus Academy community members to review, yet there has been no response or acknowledgment to these reasonable questions.

Instance No. 28: Parents report attempting to take concerns before the Board and/or to various Board members, only to be told their concerns will not be heard because that is not the correct protocol. Questions such as: (1) what protocol exists for bringing concerns before the Board; (2) whether written protocols outlining how the Board operates exist; (3) who the Board members are permitted to speak with; and (4) who determines the protocols for the Board and how it interfaces with the school community have been asked as there appears to be a disconnect between the Board and the school community at large. The questions remain unanswered.

Instance No. 29: One parent asked how funds donated to the Parent Association of Columbus Academy were being dispersed and further inquired as to whether Columbus Academy is willing to provide an audit of its finances, inclusive of the Parent Association of Columbus Academy's donations and expenditures. These questions remain unanswered.

INSTANCES OF POLITICAL EXTREMISM

Instance No. 30: In August of 2020, the faculty were asked to return to school for 2 weeks of training. During this time the Director of Diversity and Community Life sent an email to the faculty regarding defunding the police, along with a link to a page asking for donations to defund the police—a paradoxical proposition to say the least.

Instance No. 31: On July 30, 2020, during a video call with affinity group parents discussing Columbus Academy, the Director of Diversity and Community Life stated, 'what we are dealing with here is 110 years of white supremacy.' Questions about (1) whether Columbus Academy faculty and administrators agree with the statement; and whether the Director of Diversity and Community life believes that the Columbus Academy students, alumni, and faculty who graciously donate efforts and substantial resources to benefit and positively impact our community at large represent 110 years of white supremacy remain unanswered.

Instance No. 32: In August of 2020, the school provided training to the faculty along with materials by Dr. Ibram X. Kendi. Some members of our community believe that Dr. Kendi's teachings are radical and include tactics of intimidation and overt political extremism. For example, the definition of "racism" that Dr. Kendi proposes is so broad that it encompasses virtually every single conservative person, policy, or idea, including notable *black* conservatives such as Barry Goldwater, Justice Clarence Thomas, and former Housing and Urban Development Secretary, Dr. Ben Carson. Dr. Kendi also offers the spectacularly cavalier idea that, should one disagree with his overinclusive definition of "racism", that individual, too, is racist by virtue of nothing more than disagreement of opinion. Dr. Kendi's liberal positions on public policy matters, such as climate change, organized labor, tax policy, military funding, and the Affordable Care Act are likewise not subject to disagreement; otherwise, should your opinion divert from his, you are also a racist. Perhaps most intriguing is Dr. Kendi's views on capitalism. Opining on the subject, Dr. Kendi has stated those who "love capitalism end up loving racism" yet ironically, Dr. Kendi made this statement during a lecture for which his speaking fees routinely range between \$25,000 to \$35,000.

Instance No. 33: While discussing censorship of speech with CA leadership, it was revealed the Assistant Director of Diversity and Community Life was reviewing books in the Lower School in order to remove books unilaterally determined to be "racist" or no longer allowed. When questioned how many books in the Lower School could possibly need to be removed, Columbus Academy leadership merely replied by stating the Assistant Director of Diversity and Community Life had been given one (1) hour per week to review/remove books. To date, questions as to (1) which books were actually removed; (2) why would one person be responsible for deciding what is acceptable and what is not; and (3) what the Director of Diversity and Community Life's directive actually is have not yet been answered.

Instance No. 34: Some parents are interested in the scope of the censorship and cancellation criteria and who is responsible for establishing and approving these processes and procedures. There are rumors that Beethoven and other Classical music pieces are targeted for removal and cancellation because others feel they are works by elitists and white supremacists. Some parents heard that *To Kill a Mockingbird* by Harper Lee, *Adventures of Huckleberry Finn* by Mark Twain, and many other works of literature are possibly on the timeline for removal by the Director of Diversity and Community Life. Questions about whether these reports are founded in any fact have not yet been answered.

Instance No. 35: One parent reported that the Director of Diversity and Community Life took down artwork at the school displaying the Caravel ship. Questions about the current location of Columbus Academy's artwork and whether the artwork that has been removed was or currently is in the personal possession of the Director of Diversity and Community Life have not been answered.

Instance No. 36: On August 6, 2020, the Director of Diversity and Community Life sent an email to the Columbus Academy Community indicating that, upon consultation with the Board, the Caravel ship was, "used to transport enslaved African peoples and by colonists responsible for great violence against the indigenous peoples in the Americas." Many within the Columbus Academy community disagree as a factual matter with this premise and Columbus Academy leadership has failed to produce any factual support for this assertion.

Instance No. 37: One parent contacted the England-based National Maritime Museum, the top maritime museum in the world, the Museum Maritime de Barcelona in Spain, and the National Museum of African American History and Culture in Washington D.C. to seek such information regarding the Caravel ship. Upon review of the documents and information provided, there was no evidence whatsoever that the Caravel ship transported enslaved African peoples.

Instance No. 38: Various faculty and parents have indicated that the Director of Diversity and Community Life expresses that the Viking mascot needs to go because it represents white, males who raped and pillaged.

Instance No. 39: A former Columbus Academy teacher asked Ms. Soderberg, why she, as the Head of School, thought it was appropriate to insert her personal politics into the manner in which she manages the faculty. The former teacher continued to mention that on November 4, 2016, Ms. Soderberg asked a newly hired faculty member how they were doing regarding the election results. The faculty member replied "great", to which Ms. Soderberg told the former teacher "you cannot be happy" and proceeded to liken the election to "another 9/11."

Instance No. 40: Some parents questioned why Ms. Broh routinely offered her unsolicited personal political views during meetings with parents and was never subject to reprimand for making racist remarks such as calling a parent "white girl", referring to various foods as "white food", and describing a community event as a "white party".

Instance No. 41: On February 3, 2021, a teacher sent a survey to students asking for suggestions on course instruction. One student's written reply stated he thought class needs to be focused on English, not politics. There have been quite a few classes when my teacher starts out class by talking about the latest political events or his own political opinion. I would like to learn about English, not be taught someone else's political opinion. It can be frustrating at times because I feel like I can't share my own

opinion in fear that I will be wrong" or disliked because my opinion differs from my teacher." Bravely, this student handed the written assessment back to their teacher.

Instance No. 42: One faculty member objected to colleagues sharing their personal opinions about the Supreme Court Justice while the Bret Kavanaugh hearings aired in the Upper School.

Instance No. 43: Another parent complains about the integration of political discussions during an apolitical science class. Rather than learning about the core teachings of a scientific curriculum, the focus of the course was "how to take Trump down." In doing so, Columbus Academy faculty not only failed to satisfy its duty in educating students about science, but also, this one-sided agenda wholly precludes any student from engaging in free speech or expressing their own, independent opinions.

Instance No. 44: Another parent wonders to what extent may students freely discuss their own views and beliefs without fear that Columbus Academy faculty will penalize their grade or ostracize the student as a means to suppress their freedom of expression.

LACK OF TRANSPARENCY

Instance No. 45: In an October 23, 2020, email titled *United Against Racism*, Ms. Soderberg and the Board of Trustees distributed "student demographic information" yet the email only mentioned "black students and students of color." Upon request for demographic information as to other races, ages, genders, or religion, Columbus Academy failed to provide a response or otherwise make such information available.

Instance No. 46: School leadership has stated that members of our Black community made 30 demands of the school. We came together this summer for discussions on this important topic, yet have not been included in hearing the 30 most meaningful issues for our Black community nor helping to address these concerns. Did CA meet the demands? If not, why not?

Instance No. 47: On January 14, 2021, the 1619 Project was introduced to the Cultural Consciousness Committee with intent to present to the Board. Is Columbus Academy adopting a history curriculum based on the 1619 Project?

Instance No. 48: Multiple parents asked Erich Hunker, the Assistant Head of School for Development and External Relations and Mark Hansen, the Head of the Lower School, to provide copies of the materials Columbus Academy used to teach students about racism. Their request was ignored, and no such materials or information were ever provided.

Instance No. 49: Parents asked about what specific changes had been made to Columbus Academy's curriculum over the past five years, including the cancellation of (1) Columbus Day as a means of "sanitizing [Christopher Columbus'] actions,"; (2) teachings about Native American History; (3) the family tree project, and (4) gender

studies, and whether Columbus Academy authorized its Director of Diversity and Community to make such changes unilaterally and without oversight. To date, Columbus Academy has not provided a response to these reasonable questions.

Instance No. 50: One parent expressed concern that our students are being taught in Health there are 80+ genders. For example, “lunagender”, defined as a fluid gender identity that changes on a consistent, orderly cycle, much like a lunar cycle. When students asked if this was opinion or fact, the teacher replied “fact.” Students questioned gender versus respecting how an individual identifies themselves.

Instance No. 51: Many parents have reported in Health, their children are being given the names and addresses of free "child friendly" clinics where they can go and be tested without parental consent for STD's, get free condoms, etc. Additionally, the videos and lectures being shown in Health, state that if you contract an STD, not to worry, you can get free medication for STD's and your parent's will not know. One parent stated, "the videos definitely spend more time talking about having multiple sex partners starting at a very young age and really dismisses the idea of abstinence until marriage. As a person coming from a faith-based point of view and strong biblical teachings this all seems totally outrageous to me."

Instance No. 52: The Director of Diversity and Community Life routinely distributed community wide email notifications to raise awareness about religious holidays, but only offered vague references to Christian-based holidays when confronted about the disproportionate attention non-Christian-based holidays received.

32. Andrea G. and Amy G. attempted to schedule a meeting with the entire twenty-two (22) member Board of Trustees to address their concerns, but their efforts were ignored.

33. The aforesaid instances of educational misconduct give rise to reasonable and legitimate concerns that any parent of a minor child would wish to discuss with school leadership. What is *not* reasonable, however, is the refusal of the Board of Trustees, as the school's governing body, to discuss the grave concerns Plaintiffs had regarding their minor daughters, especially in light of their willingness to meet with MOSAIC regarding their concerns. Indeed, Andrea G. and Amy G. were not the only individuals concerned with the sordid direction in which Columbus Academy leadership had steered the school.

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C. The Pro CA Coalition and Plaintiffs' *Open Letter & Appendix*

34. The Pro CA Coalition's mission statement is to stand *against* political extremism, fear- and intimidation-driven academic environments, administrative bloat, and excessive spending and take a stand *for* academic excellence, freedom of expression (including respectful disagreement in opinion), meaningful diversity & inclusion, and responsible educational & fiscal management.

35. The Pro CA Coalition consists of hundreds of individuals from the Columbus Academy community and its members range from current parents across the Upper, Middle and Lower Schools to current students, former parents and alumni, and even includes some current members of Columbus Academy's faculty.

36. Together, the Pro CA Coalition and its members shared first-hand instances of educational misconduct they (or their children) experienced, which fall into six different areas of concern: (1) intimidation and bullying; (2) lack of commitment to diversity and inclusion; (3) failure to focus on academic excellence; (4) lack of diversity at the Board level; (5) political extremism; and (6) lack of transparency.

37. On or about February 4, 2021, Andrea G. and Amy G. sent the Board of Trustees President, Jonathan Kass, and all other Board members for whom Plaintiffs could obtain contact information their *Open Letter & Appendix* via electronic mail after their repeated efforts to read the *Open Letter & Appendix* to the entire Board of Trustees had been denied. See Exhibits 2-3.

38. The *Open Letter* raised four (4) main areas of concern:

- a. The intimidation and bullying of students based on political ideology;
- b. The lack of openminded, well-rounded, and unbiased leadership resulting in marginalized groups;
- c. The lack of transparency among leadership; and

- d. Apparent structural flaws resulting in lack of accountability, which in turn compound issues (a)–(c).

39. The *Appendix* chronicled the various instances upon which the concerns articulated in the *Open Letter* were based.

D. Columbus Academy’s Response to the *Open Letter* & *Appendix*

41. On or about February 5, 2021, the Board of Trustees retaliated against Plaintiffs and leaked select portions of the *Open Letter* & *Appendix*. Thereafter, prominent members of Columbus Academy’s administration and faculty began openly referring to Plaintiffs as “anti-black” and called Plaintiffs “bat-shit crazy Republicans” in a concerted effort to attack Plaintiffs’ credibility and ignite a campaign of vitriol in hopes of scaring Plaintiffs into silence. Unfortunately for Defendants, their fear-driven response failed to yield fear-driven results.

42. Upon learning Defendants had disseminated select excerpts from the *Open Letter* & *Appendix*, Plaintiffs published the *Open Letter* & *Appendix* in its full form online to prevent Defendants from further retaliating by skewing the narrative and otherwise weaponizing the information against A.G., M.G., or G.G.

43. In response, Ms. Soderberg called an all-faculty and administration meeting on Super Bowl Sunday, February 7, 2021. Ironically, Ms. Soderberg was able to gather the entire administration and faculty to address *her concerns* on Super Bowl Sunday yet the Board of Trustees was unable to spare an hour of their time to meet with Plaintiffs despite their repeated requests.

44. During the meeting, Ms. Soderberg defamed Plaintiffs by making statements that explicitly or through innuendo portrayed Plaintiffs as anti-Columbus Academy and anti-teacher. Indeed, the Super Bowl Sunday meeting was urgently called because Ms. Soderberg was aware

that a plain reading of the *Open Letter & Appendix* in its entirety easily disposed of Ms. Soderberg's flagrantly false accusations.

45. After defaming Plaintiffs, Ms. Soderberg concluded the meeting by instructing faculty and staff to refrain from discussing the matters raised in the *Open Letter & Appendix* with parents, teachers, or any other person(s). Should any Columbus Academy faculty or staff have questions or concerns, Ms. Soderberg directed any such communications to be brought to her attention, directly and exclusively.

46. Later that evening, on February 7, 2021, Mr. Kass contacted Plaintiffs and offered to meet with them, albeit under certain conditions. Specifically, Mr. Kass advised that Defendants were willing to meet with Plaintiffs so long as: (1) Ms. Soderberg would be present; (2) Plaintiffs agreed to meet with select members of the Board (despite all twenty-two members previously meeting with MOSAIC); and (3) just "3 or 4 members of the Coalition's leadership" were permitted to attend the meeting despite knowing hundreds of PCC members shared in similar if not exactly the same concerns as Plaintiffs.

47. The author of the February 7, 2021, email sent at approximately 9:58 p.m. remains unknown.

48. On February 9, 2021, Plaintiffs responded to Mr. Kass' invitation to meet via Zoom and thanked him for finally agreeing to meet with the Pro CA Coalition. Plaintiffs then raised a few concerns regarding the meeting's proposed conditions—namely, that Ms. Soderberg was to attend the meeting despite *her very own actions* formulating the basis for the matters Plaintiffs wished to discuss with the Board.

49. Later during the evening of February 7, 2021, at least two (2) Columbus Academy teachers distributed select portions of the *Open Letter & Appendix* to their colleagues in direct defiance of Ms. Soderberg's orders.

50. Shortly thereafter, the entire Columbus Academy community received an email, purportedly drafted by the Board of Trustees, claiming that the Board operates with "complete confidence in the Head of School" – an interesting and profound statement considering just a mere 48 hours earlier, the Board of Trustees received a list detailing voluminous incidents involving school mismanagement and allegations of bullying, intolerance, racism, disenfranchisement, and political extremism. Naturally, this assertion called the independence and impartiality of the Board into question.

51. After a series of exchanges, the Board ultimately refused to change its position on Ms. Soderberg's attendance and the scarce Board member attendance, ultimately leaving Plaintiffs with a "take it or leave it" offer. Seeing no other option, Plaintiffs agreed to meet via Zoom on Wednesday, February 17th at 7:00 p.m. with Mr. Kass and fellow board members Sandy Doyle-Ahern, Victor Thorne, and George Skestos, and of course, Ms. Soderberg.

E. The February 17, 2021 "Board" Meeting

53. On February 17, 2021, the meeting via Zoom took place. After introductions and opening remarks, a substantive discussion ensued, beginning with a question as to the "well-established protocols" referenced in the Board's respective February 7, 2021 and February 11, 2021 schoolwide emails. In response to Plaintiffs' question about the protocols, Mr. Kass deflected by asserting "[Ms. Soderberg] might be better able to speak to the protocols" only to thereafter concede "there are no Board protocols."

54. Following Mr. Kass' admission that the entire twenty-two (22) member Board of Trustees had previously met with MOSIAC regarding their demands of the school, Amy G. asked why Plaintiffs had not been afforded the same opportunity. In response, Mr. Kass again deflected and claimed it was "more productive" to meet with just a few members. Mr. Kass also added that **"The Board has officers designated as Executive Members to speak and listen on behalf of the Board,** and that is what we are doing."

55. Amy G. asked who had been designated as "Executive Members" and expressed that there had been common themes concerning racism, bullying, disenfranchisement and political extremism and such concerns had been brought to both, Ms. Soderberg's attention and the attention of the Board of Trustees yet nothing had been done to date. In response, Mr. Kass advised the Executive Members are the President, Vice President, Treasurer, Secretary, Past-President, and two at-large positions to be voted upon at the Board's discretion.

56. Amy G. then asked why the Board consists of twenty-two members when duties as basic as speaking and listening are delegated to at most, the seven persons Mr. Kass identified and further inquired as to the decision-making process concerning how Board members are selected.

57. In response, Mr. Kass advised he has served on the Board for nine years and stated that he "know[s] the bylaws decently well." Andrea G. then inquired as to who writes the Bylaws and where the transparency lies concerning Board of Trustees elections.

58. Deflecting again, Mr. Kass ignores Andrea G.'s question and unresponsively asserts the bylaws had been reviewed by ISACS and claims "all non-profits are self-perpetuating." Mr. Kass further elaborates, "Only the Nominating and Board Governance Committee vets the potential candidates for membership onto the Board, not the full Board."

59. Notably, Ms. Soderberg sits on the Nominating and Board Governance Committee and receives all nominations to the Board directly. As such, Andrea G. asked whether any separation exists between the Board and Head of School, to which Ms. Ahern-Doyle replied, “[Ms. Soderberg] doesn’t vote on anything. Self-perpetuating boards are applicable to all non-profit boards, it’s just a legal term.”

60. Amy G. then again inquired as to the purpose of having twenty-two members on the Board when each vote is worth a mere 4.54%, especially in light of Mr. Kass’ statement that the entire Board could not meet with Andrea G. and Amy G. because fewer members was “more productive.” Mr. Thorne then interjected to offer an ISACS quote, stating “the average size of the NAIS Board is twenty-two [and] the school’s health is assessed by NAIS and other NAIS schools.” Mr. Thorne then concedes the Board has twenty-two members to “maintain compliance with the Independent Schools Association and the NAIS.”

61. Throughout the meeting, Plaintiffs repeatedly inquired about whether the Board of Trustees operates independent of the Head of School. Plaintiffs inquired about who drafted the schoolwide emails purportedly distributed by the Board, why the Board was going to review the school’s findings in lieu of conducting its own, independent investigation, and why the individuals in question were tasked with reviewing the concerns articulated in the *Open Letter & Appendix*.

62. Defendants downplayed and even asked why the Board repeatedly claimed Andrea G. and Amy G. had lied about the allegations levied against Defendants.

63. Plaintiffs also questioned Defendants’ defamatory remarks citing a schoolwide email falsely asserting that Andrea G. and Amy G. were spreading “rumor and innuendo.” Plaintiffs also inquired as to why Erich Hunker had repeatedly told Columbus Academy alumni that Andrea G. and Amy G. “were lying” when members from the Columbus Academy community

telephoned the school to express their concern after learning about the instances set forth in the *Open Letter & Appendix*.

64. At the conclusion of the meeting, Mr. Kass made the assertion that “he felt attacked” by Plaintiffs writing, yet he was unable to identify any specific language that justified such a disproportionate emotional response.

F. Columbus Academy’s Retaliatory Misconduct

65. Following the conclusion of the February 17, 2021 “Board Meeting”, Defendants ultimately conceded they had breached their fiduciary duties and sent another schoolwide email documenting the areas in which Columbus Academy leadership would make adjustments to prevent the concerns Plaintiffs and other PCC members had raised in the *Open Letter & Appendix*. Unfortunately, the vengeance Ms. Soderberg and the Board of Trustees held towards Plaintiffs did not dissipate. Defendants still wanted their “pound of flesh” and as a result, Defendants again retaliated.

66. On or about April 7, 2021, Columbus Academy Head of Security, Timothy Williams, filed a police report against Plaintiffs with the Gahanna Police Department because Plaintiffs participated in a podcast interview. Of course, Plaintiffs did not threaten – explicitly or implicitly – Columbus Academy, its administrators, or faculty; yet nevertheless, Mr. Williams frivolously opined that Plaintiffs recount of the objectively inappropriate events and occurrences set forth in the *Open Letter & Appendix* and Defendants’ gross failure to address such concerns constituted the making of “indirect threats” towards Defendants.

67. Notably, Columbus Academy personnel did not hesitate to contact the police with a meritless assertion yet just months prior, Defendants had allowed and promoted a “Defund the Police” initiative to take place on school grounds.

68. At the conclusion of the report, Gahanna Police Officer Benjamin Corbin documented Mr. Williams' request for Gahanna Police to provide extra patrol on school grounds "for the next week or so" to bolster the narrative that Plaintiffs "threatened" Columbus Academy faculty and staff.

69. To bolster delusions that Plaintiffs somehow posed a threat by inquiring about the academic environment to which their children were subjected and detailing their experiences on a podcast, more than 800 members of Columbus Academy faculty, staff, and administration were informed that the Federal Bureau of Investigation ("FBI") had been contacted regarding the non-existent "threats" Plaintiffs posed to the school. Indeed, these stunts served as nothing more than the pretext upon which Defendants would ultimately – and falsely – rely in the retaliatory expulsion of A.G., M.G., and G.G.

G. Plaintiffs' Behavior and School Involvement

70. It is not subject to reasonable dispute that A.G., M.G., and G.G. were anything but exemplary students. The young girls' relationships with Columbus Academy started many years before their first day of preschool.

71. For more than four decades, Plaintiffs' families have not only attended Columbus Academy, but served the school in the following capacities:

- a. Member of the Board of Trustees
- b. Co-Chairpersons of the Annual Fund
- c. Member of the Executive Board of the Parent's Association of Columbus Academy
- d. Room Parent
- e. Second Grade Parent
- f. Fourth Grade Parent
- g. Tenth Grade Parent
- h. Lower School Parent
- i. Chairperson of Diversity and Community Life
- j. Chairperson/Co-Founder of Hispanic Outreach for Latino Awareness ("HOLA")
- k. Participants in Celebrate the Arts
- l. Volunteer for the annual book fair,

- m. Volunteer for the Charlie David Dinner
- n. Volunteer for the Viking Corner
- o. Featured family for Columbus Academy's GRATEFUL campaign,
- p. Coach, Fifth Grade Basketball
- q. Coach Fifth Lacrosse
- r. Coach, Sixth Grade Lacrosse
- s. Member of the Lower School Costume Committee
- t. Chairperson for Hispanic Heritage Month events
- u. Elected participants in community Cultural Conversations,
- v. Participant in teacher appreciation activities,
- w. Volunteer for Lower School Carnival

72. The activities listed above occurred regularly and throughout A.G., M.G., and G.G.'s enrollment at Columbus Academy. Amy G. served as Lower School Parent while Andrea G. served as the Tenth Grade Parent and coached the 5th and 6th Grade basketball and lacrosse teams. Amy G. and Andrea G. served in these capacities throughout the 2020-2021 school year and would have continued serving Columbus Academy throughout the 2021-2022 school year had their daughters not been expelled.

73. A.G., M.G., and G.G. selected Columbus Academy as their school of choice because of the academic, athletic, and post-education opportunities it provided. Indeed, the young girls were excellent students throughout the entirety of time at Columbus Academy.

74. A.G., M.G., and G.G. satisfied all of Columbus Academy's academic requirements, and scholastic standards. The young girls complied with the school's Code of Conduct and never violated any disciplinary provisions of the applicable Student Handbook.⁶ All three girls also received exemplary teacher comments on all progress and report cards throughout the entirety of their enrollment at Columbus Academy.

75. A.G. participated in HOLA, basketball, lacrosse, helped collect charitable items for underprivileged families, led Lower School assemblies for Hispanic Heritage Month, served as a

⁶ Each school, the Lower, Middle, and Upper, has a different Student Handbook.

mentor for younger students, participated in extracurricular science activities/experiments, founded the Knitting Club, participated in Summer Experience activities, collected Box Tops for Columbus Academy, collected pop tabs for Ronald McDonald House Charities, participated in Girls on the Run, hosted the El Rosario Monarch Butterfly Ambassador from México, participated in teacher appreciation events, personally delivered charitable items on behalf of Columbus Academy to Angangueo, Michoacán, México, and founded program “Pencils Para Todos” to serve underprivileged school children in México.

76. A.G. was an excellent student with exemplary behavior. A.G.’s Columbus Academy Year End Report 2020-2021 described A.G. as: “[A.G.] is a polite young lady who comes in every morning with a positive attitude. [She] is a curious and honest student. [A.G.] is a valuable member of our science classroom. [A.G.] has remained a leader . . . she is a role model for her classmates.”

77. M.G. participated in lacrosse, basketball, performed in a school musical, mentored younger students, participated in Summer Experience, served as the representative for Columbus Academy’s enrollment campaign, participated in art exhibits, helped to collect charitable clothing donations for underprivileged children, collected pop-tabs for the Ronald McDonald House and participated in many teacher-appreciation events.

78. M.G.’s academic performance and conduct were laudable. According to her Columbus Academy Year End Report 2020-02021, “[M.G.] is compassionate, understanding, responsible. [M.G.] presents self-driven, individualized projects to the class that demonstrate craftsmanship, creativity, and background knowledge in chosen subjects. [M.G.] continues to be a positive and upbeat student . . . she always has a smile on her face and is excited to learn. Keep up the hard work [M.G.]!”

79. G.G. participated in soccer, lacrosse, basketball, played in the band, performed in a school musical, collected clothes for underprivileged children, mentored younger students, helped younger students with after-school tutoring, participated in teacher appreciation events, attended Summer Experience, and participated in art exhibits.

H. Disparate Treatment and Expulsion of A.G., M.G., and G.G.

80. At no time has Columbus Academy asserted A.G., M.G., or G.G. engaged in any course of conduct that justified their expulsion. Rather, Defendants uprooted the lives of these innocent children to satisfy their voracious appetite for revenge after Andrea G. and Amy G. asked the Board of Trustees fulfill its fiduciary duties and take steps to sanitize Columbus Academy from the stains Ms. Soderberg's educational misconduct had left on the academics and learning environment the once prestigious academic institution could pride itself upon.

81. Indeed, the expulsion of A.G., M.G., and G.G. was retaliatory. Students and parents who have engaged in far more egregious conduct still attend Columbus Academy—the only difference is that such egregious conduct did not threaten Ms. Soderberg's agenda.

82. Columbus Academy expelled exemplary students A.G., G.G., and M.G. while other students (or their parents) who have exhibited far more inappropriate behavior and committed black letter violations of the Student Handbook remain enrolled at Columbus Academy.

83. Examples include:

- a. One student was caught with a taser gun on Columbus Academy property in violation of the school's zero tolerance policy. That student has not been dismissed.
- b. Other students have engaged in shoplifting. None of them have been dismissed.
- c. Multiple students racially targeted and brutally assaulted other students, yet the discipline each respective aggressor faced was contingent upon whether

the students would benefit the school's post-graduation statistics. None of the aggressor-students were dismissed.

- d. Other students have used racial slurs. None of them have been dismissed.
- e. Another student posted a video online telling Plaintiffs to "choke on horse cock." That student has not been dismissed.
- f. Other students have openly bullied and harassed other students on social media. None of them have been dismissed.
- g. One student has openly voiced disgust for other students' religious beliefs, stating "If you use religion to justify your homophobia or transphobia . . . I don't want to fucking see you!"

84. While these are just some examples, they highlight the egregious disparity in what conduct is permissible so long as you are of a preferred race or share the same political ideology as Ms. Soderberg.

COUNT I
BREACH OF CONTRACT
(All Plaintiffs against The Columbus Academy)

85. Plaintiffs incorporate all preceding paragraphs by reference as if fully set forth herein.

86. Andrea G. entered into a valid written enrollment contract with Columbus Academy and her minor daughters, M.G. and G.G. were the intended beneficiaries of that enrollment contract.

87. Amy G. entered into a valid written enrollment contract with Columbus Academy and her minor daughter, A.G. as the intended beneficiary of that enrollment contract.

88. Columbus Academy is a party to the enrollment contract.

89. Pursuant to the terms of the enrollment contract, including without limitation Paragraph 15, the enrollment contract "is intended and understood to be binding upon all officers,

directors, trustees, parents, guardians, affiliates, predecessors, agents, heirs, successors and assigns **of each party.”**

90. The Board of Trustees of Columbus Academy, as officers, directors, or trustees of Columbus Academy, is a proper party to the enrollment contract.

91. Plaintiffs performed all conditions, covenants, and promises required of them to be performed in accordance with the terms and conditions of the enrollment agreement.

92. Columbus Academy breached those agreements by expelling M.G., G.G., and A.G., or otherwise refusing to permit A.G., M.G. or G.G. to enroll as students at Columbus Academy for the 2021-2022 school year despite Plaintiffs satisfying all conditions, covenants, and promises requested of them to be performed in accordance with the terms and conditions of the enrollment agreement.

93. At all times relevant, Plaintiffs abided by the rules and regulations of the Columbus Academy in effect, inclusive of the rules and regulations described in handbooks, written policies, and other forms of communication.

94. At all times relevant, Plaintiffs maintained a positive and constructive working relationship with Columbus Academy and other students, parents, guardians, and family members.

95. To the extent Columbus Academy contends a positive and constructive working relationship was not maintained, any such allegation is the direct and proximate result of the acts or omission of Columbus Academy, inclusive of its agents, officers, directors, trustees, or affiliates, including without limitation, Melissa Soderberg, Jonathan Kass, Sandy Doyle-Ahern, Susan S. Williams, Christine Freytag, Victor Thorne, Craig Tann, Tracie Klinefelter, Dr. Rita Agrawal, Kevin Barney, Tanisha Lyon Brown, Beth Fisher, Ronda Gaiser, Matthew Harris, Ching-

Chu Hu, Klay Huddleston, Karen Jennings, Kevin Malhame, Jessica Chi Nimjee, Niles Overly, William Porter, Jennifer Salopek, George Skestos, Dr. Pankaj Tiwari, and Matthew Zeiger.

96. By definition, a “relationship” demands cooperation by two or more parties. To the extent Defendants allege it is a unilateral obligation to maintain a positive and constructive working relationship with Columbus Academy, such provision is void as a matter of law as satisfaction of maintaining “a positive and constructive working relationship” requires two or more parties to fulfill said obligation.

97. Columbus Academy failed to maintain a positive and constructive working relationship, in that Columbus Academy, by and through its agents, officers, directors, trustees, or affiliates:

- a. Failed to engage in open dialogue regarding Plaintiffs’ reasonable concerns regarding the academic curriculum and educational environment to which Columbus Academy subjected their minor children;
- b. Failed to take action to remedy political extremism that affected the ability of A.G., M.G., and G.G. to obtain the education to which they were contractually entitled;
- c. Failed to provide an educational environment free from bullying;
- d. Failed to provide an educational environment free from marginalization;
- e. Failed to provide an educational environment free from racism;
- f. Failed to provide an educational environment free from political bias;
- g. Failed to provide an educational environment in which Plaintiffs were treated equally;
- h. Failed to provide a scientifically and factually accurate academic curriculum; and
- i. Failed to provide an academic curriculum that satisfies the academic standards applicable to nonpublic charter schools in the State of Ohio;

98. Plaintiffs did not engage in any action(s) that severely impaired the creation or maintenance of a constructive relationship with Columbus Academy.

99. Plaintiffs did not engage in any action(s) that seriously interfered with Columbus Academy's ability to accomplish its education purposes.

100. The evidence, on its face and without consideration of the purpose of the private educational contract, shows that Defendant clearly violated the terms of the enrollment contract.

101. Plaintiffs have suffered and will continue to suffer damages as a direct and proximate result of Columbus Academy's breach of the enrollment contract.

102. As a direct and proximate result of the Columbus Academy Board of Trustees' actions or omissions, Plaintiffs sustained economic injuries in amount in excess of \$25,000.00, including the denial of educational opportunity, scholarship opportunity, humiliation, embarrassment, unnecessary pain and suffering, and has incurred attorneys' fees, and costs associated with this action.

COUNT II
BREACH OF FIDUCIARY DUTY
(All Plaintiffs against the Board of Trustees of Columbus Academy)

103. Plaintiffs incorporate by reference all preceding paragraphs as if fully set forth herein.

104. Columbus Academy is a 501(c)(3) nonprofit corporation ("charity").

105. Columbus Academy's Articles of Incorporation state the charity's purpose is to "maintain[] and conduct[] an institution of learning for the purpose of promoting education."

106. Columbus Academy has a Board of Trustees that serves as its governing body.

107. Columbus Academy entered into an enrollment contract with Andrea G. in which her minor children, M.G. and G.G. were intended third-party beneficiaries.

108. Columbus Academy entered into an enrollment contract with Amy G. in which her minor child, A.G. was an intended third-party beneficiary.

109. The Board of Trustees has a duty to act in a manner consistent with Columbus Academy's stated purpose.

110. The Board of Trustees owed Plaintiffs a fiduciary duty of care.

111. The Board of Trustees owed Plaintiffs a fiduciary duty of loyalty.

112. The Board of Trustees owed Plaintiffs a fiduciary duty of obedience.

113. The Board of Trustees breached their fiduciary duties of care by:

- a. Failing to participate in the charity's affairs;
- b. Failing to collectively attend board meetings;
- c. Failing to vote on matters presented to the Board;
- d. Failing to speak on matters raised by the Board;
- e. Failing to listen to matters presented to the Board;
- f. Failing to stay informed about the charity's operations and current developments within the charity, including failing to even know the number of members on the Board;
- g. Failing to establish organizational policies for speaking with parents;
- h. Failing to exercise good judgment as to instances of discrimination;
- i. Failing to exercise good judgment as to instances of harassment;
- j. Failing to exercise good judgment as to instances of bullying;
- k. Failing to exercise good judgment as to instances of disparate treatment;
- l. Failing to exercise good judgment as to instances of racism;
- m. Failing to exercise good judgment as to instances of violence;
- n. Failing to exercise good judgment as to instances of teacher misconduct;
- o. Failing to exercise good judgment as to instances of student misconduct;

- p. Failing to exercise good judgment as to maintaining an educational environment;
- q. Failing to investigate instances of discrimination;
- r. Failing to investigate instances of harassment;
- s. Failing to investigate instances of bullying;
- t. Failing to investigate instances of disparate treatment;
- u. Failing to investigate instances of racism;
- v. Failing to investigate instances of violence;
- w. Failing to investigate instances of teacher misconduct;
- x. Failing to investigate instances of student misconduct;
- y. Failing to reprimand students equally;
- z. Failing to reprimand faculty for misconduct;
- aa. Failing to reprimand staff for misconduct;
- bb. Failing to reprimand administrators for misconduct;
- cc. Failing to operate independently of the Head of School;
- dd. Failing to prioritize the intended beneficiaries, namely, students, including A.G., M.G., and G.G., of the charity over their own self-interests;
- ee. Failing to prioritize the intended beneficiaries, namely, students, including A.G., M.G., and G.G., of the charity over the faculty's self-interests;
- ff. Failing to prioritize the intended beneficiaries of the charity over administrators' own self-interests;
- gg. Failing to exercise good judgment in setting term limits;

- hh. Failing to exercise good judgment in a non-biased election and/or appointment process to become a member on the Board of Trustees;
- ii. Failing to protect students, including A.G., M.G., and G.G. from harmful teachings;
- jj. Failing to protect students, including A.G., M.G., and G.G. from racist teachings;
- kk. Failing to protect students, including A.G., M.G., and G.G. from faculty harassment;
- ll. Prioritizing issues raised by students of one race over issues raised by students of another race; and
- mm. Breaching the enrollment contract made between Columbus Academy and Plaintiffs.

114. Each of the aforementioned breaches violated the Board of Trustees duty of care.

115. Each of the aforementioned breaches violated the Board of Trustees duty of loyalty.

116. Each of the aforementioned breaches violated the Board of Trustees duty of obedience.

117. As a direct and proximate result of the Columbus Academy Board of Trustees' actions or omissions, Plaintiffs sustained economic injuries in amount in excess of \$25,000.00, including the denial of educational opportunity, scholarship opportunity, humiliation, embarrassment, unnecessary pain and suffering, and have incurred attorneys' fees, and costs associated with this action.

COUNT III
DEFAMATION PER QUOD
(Andrea G. and Amy G. against Melissa Soderberg and Trustees of Columbus Academy)

118. Plaintiffs incorporate by reference all preceding paragraphs as if fully set forth herein.

119. On or about February 5, 2021, Columbus Academy College Counselor, Jennifer Fitzpatrick falsely stated to multiple persons that Andrea G. and Amy G. are “anti-black.”

120. On or about April 7, 2021, Melissa Soderberg falsely stated that Andrea G. and Amy G. threatened her and members of the Board of Trustees in a report to Officer Benjamin Corbin of the Gahanna Police Department.

121. On or about April 14, 2021, Melissa Soderberg held two all faculty and staff meetings and falsely stated that Andrea G. and Amy G. threatened to the school.

122. On or about May 19, 2021, Tracie Klinefelter signed an email that falsely stated Andrea G. and Amy G. hacked into the Parent Association of Columbus Academy’s Twitter account.

123. On numerous occasions, Erich Hunker told individuals contacting Columbus Academy to inquire about the *Open Letter & Appendix* that Andrea G. and Amy G. were lying (referring to the allegations set forth in the *Appendix*).

124. Each of the aforesaid statements are false.

125. Each of the aforesaid false statements were about Plaintiffs.

126. Each of the aforesaid false statements about Plaintiffs were published to one or more third parties.

127. Each of the aforesaid false statements published to one or more third parties were published with actual malice and knowledge of the statements were false, or with reckless disregard of whether the statements were false or not.

128. Defendants continue to engage in the publication of further defamatory statements about Plaintiffs.

129. In carrying out the aforementioned conduct, Defendants have acted negligently, willfully, maliciously, and/or with reckless indifference to the consequences of their actions against Plaintiffs.

130. As a direct and proximate result of Defendants' intentional and malicious publication of false and defamatory statements about Plaintiffs, Plaintiffs have suffered and continue to suffer injuries to their respective characters and reputations.

131. As a direct and proximate result of Defendants' aforesaid intentional or reckless conduct, Plaintiffs suffered extreme emotional distress resulting in physical manifestations of symptoms including but not limited to, loss of sleep, upset stomach and related abdominal pain, headaches, and loss of appetite, sustained economic injuries in amount in excess of \$25,000.00, including the denial of educational opportunity, scholarship opportunity, humiliation, embarrassment, unnecessary pain and suffering, and have incurred attorneys' fees, and costs associated with this action.

COUNT IV
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(All Plaintiffs v. All Defendants)

132. Plaintiffs incorporate by reference all preceding paragraphs as if fully set forth herein.

133. Defendants engaged in extreme and outrageous conduct by:

- a. Publicly and falsely claiming Andrea G. and Amy G. are "anti-black" and "bat-shit crazy";

- b. Publicly and falsely claiming Andrea G. and Amy G. are lying about the allegations raised in the *Appendix*;
- c. Publicly and falsely claiming the allegations raised in the *Appendix* are “rumor and innuendo”;
- d. Publicly and falsely claiming Andrea G. and Amy G. threatened Ms. Soderberg;
- e. Publicly and falsely claiming Andrea G. and Amy G. threatened Columbus Academy;
- f. Publicly and falsely claiming Andrea G. and Amy G. hacked into the Parent Association of Columbus Academy’s Twitter account;
- g. Refusing to address the harassment Plaintiffs faced at the hands of Columbus Academy faculty, staff, administrators, and other students while A.G., M.G., and G.G. remained under Defendants’ custody, control and care;
- h. Refusing to address the bullying Plaintiffs faced at the hands of Columbus Academy faculty, staff, administrators, and other students while A.G., M.G., and G.G. remained under Defendants’ custody, control and care;
- i. Refusing to address the racism Plaintiffs faced at the hands of Columbus Academy faculty, staff, administrators, and other students while A.G., M.G., and G.G. remained under Defendants’ custody, control and care;
- j. Refusing to address the marginalization Plaintiffs faced at the hands of Columbus Academy faculty, staff, administrators, and other students while

A.G., M.G., and G.G. remained under Defendants’ custody, control and care;

- k. Refusing to address the sexually explicit material Plaintiffs were exposed to at the hands of Columbus Academy faculty, staff, administrators, and other students while A.G., M.G., and G.G. remained under Defendants’ custody, control and care;
- l. Expelling A.G., M.G., and G.G. but not expelling students who violated the Student Handbook and Enrollment Contract by:
 - i. brought a weapon to school;
 - ii. physically assaulted a student in a racially-motivated attack;
 - iii. publicly told Plaintiffs to “suck a horse cock”;
 - iv. engaged in religious discrimination;
 - v. shoplifted;
 - vi. bullied other students;
 - vii. harassed other students; and
 - viii. otherwise engaged in inappropriate behavior and misconduct
- m. Filing a police report based on non-existent threats; and
- n. Claiming to engage the FBI as a result of Plaintiffs’ non-existent threats.

134. As a direct and proximate result of Defendants’ aforesaid intentional or reckless conduct, Plaintiffs suffered extreme emotional distress resulting in physical manifestations of symptoms including but not limited to, loss of sleep, upset stomach and related abdominal pain, headaches, and loss of appetite, sustained economic injuries in amount in excess of \$25,000.00, including the denial of educational opportunity, scholarship opportunity, humiliation,

embarrassment, unnecessary pain and suffering, and have incurred attorneys' fees, and costs associated with this action.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs demand judgment and relief against Defendants as follows:

1. Injunctive relief requiring Defendant Columbus Academy to immediately reinstate A.G., M.G., and G.G. in good standing;
2. Injunctive relief prohibiting Defendants Columbus Academy and Melissa Soderberg from disciplining A.G., M.G., or G.G. without just cause;
3. Injunctive relief prohibiting Defendants from harassing, intimidating, threatening, retaliating, bullying or otherwise subjecting Plaintiffs to an unsafe environment while on school grounds, online, or elsewhere;
4. Declaratory relief finding Columbus Academy breached the Enrollment Contracts entered into with Andrea G. and Amy G.;
5. Compensatory damages for the injuries sustained, pecuniary losses incurred, pain and suffering, and emotional damages caused in an amount in excess of \$25,000.00;
6. Punitive damages in an amount to be determined at trial;
7. An award of Plaintiffs' attorney fees and court costs; and
8. Any other appropriate relief that this Honorable Court deems just and proper.

Dated: February 4, 2022

Respectfully submitted,

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**Pro Hac Vice forthcoming*

Counsel for Plaintiffs