

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

MIIWARD, MELISSA; UGALDE, ELYSE, and ROSE, ASHLEY

Plaintiffs,

Civil Action No. 6:15-cv-00785-GAP-TBS

-vs-

DISTRICT BOARD OF TRUSTEES OF VALENCIA COLLEGE, FLORIDA, in its official capacity; BALL, BARBARA in her individual capacity; SHAHEEN, LINDA in her individual capacity; BUGNACKI, MAUREEN, in her individual capacity; and AMODT, SUDA in her individual capacity,

Defendants

_____ /

SECOND AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL¹

PLAINTIFFS Melissa Milward (“Milward” or “Plaintiff(s)”), Elyse Ugalde (“Ugalde” or “Plaintiff(s)”), and Ashley Rose (“Rose” or “Plaintiff(s)”) sue District Board of Trustees of Valencia College, Florida (“Valencia”); Barbara Ball (“Ball” or “Defendant(s)”); Linda Shaheen (“Shaheen” or “Defendant(s)”); Maureen Bugnacki (“Bugnacki” or “Defendant(s)”), and Suda Amodt.

Plaintiffs state the following in good support of this Complaint:

¹ Plaintiffs amend their complaint after conference with opposing counsel.

NATURE OF THE ACTION

1. This is a 42 U.S. Code § 1983 federal civil rights case under the First and Fourth Amendments of the United States Constitution as applied to the States under the United States Constitution's Fourteenth Amendment for the Defendants' individual and collective personal, malicious, and unlawful violations under color of state law of Plaintiffs' individual and collective constitutional rights to free speech and protection against unreasonable search of Plaintiffs' bodies as well as federal common law claims for civil conspiracy.

2. Defendants committed these unlawful violations of Plaintiff's constitutional rights under color of state law in bad faith and with malicious purpose in reckless, wanton, and willful disregard of Plaintiff's human, safety, and property rights.

I. JURISDICTION AND VENUE

3. Plaintiffs bring this action pursuant 42 U.S.C. § 1983 for violations of civil rights under the First, Fourth, and Fourteenth Amendments to the United States Constitution.

4. This Court has subject-matter jurisdiction over this matter pursuant to 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 1343(a)(3) (civil rights).

5. Venue is proper in this judicial district and division pursuant to 28 U.S.C. § 1391(b) and M.D. Fla. Loc. R. 1.02 (c). Defendants' residency and primary employment is in this district and division, and Defendants' independent and collective malicious and unlawful violations under color of state law of Plaintiffs' constitutional rights giving rise to the claims herein accrued within this district and division.

6. At all material times, Defendants committed these unlawful violations under color of state law in bad faith and with malicious purpose in reckless, wanton, and willful disregard of Plaintiffs' human, safety, and property rights.

7. These constitutional law violations are "capable of repetition, yet evading review." *Roe v. Wade*, 410 U.S. 113, 125 (1973) (citing *Southern Pacific Terminal Co. v. ICC*, 219 U. S. 498, 515 (1911), *Moore v. Ogilvie*, 394 U. S. 814, 816 (1969), *Carroll v. Princess Anne*, 393 U. S. 175, 178-179 (1968), *United States v. W. T. Grant Co.*, 345 U. S. 629, 632-633 (1953)).

II. PARTIES

8. Plaintiff Melissa Milward is an adult female Florida resident residing within this Court's jurisdiction and otherwise sui juris. Plaintiff is a former Valencia College Sonography Program student.

9. Plaintiff Elyse Ugalde is an adult female Florida resident residing within this Court's jurisdiction and otherwise sui juris. Plaintiff is a former Valencia College Sonography Program student.

10. Plaintiff Ashley Rose is an adult female Florida resident residing within this Court's jurisdiction and otherwise sui juris. Plaintiff is a former Valencia College Sonography Program student.

11. Defendant District Board of Trustees of Valencia College, Florida is now and has at all material times has been the governing body of Valencia College, a political subdivision of the State of Florida, with its own rules of governance and hybrid independent funding. Valencia

operates more as a municipality than a state agency or arm of the State of Florida.² Valencia College is incorporated under Fla. Stat. § 1001.63 (2011).

12. Defendant Barbara Ball has been at all material times the Program Chair for Valencia College's Medical Diagnostic Sonography Program. Ball is a Valencia employee.

13. Defendant Linda Shaheen has been at all material times the Clinical and Laboratory Coordinator for Valencia College's Medical Diagnostic Sonography Program. Shaheen is a Valencia employee.

14. Defendant Maureen Bugnacki has been at all material times a Valencia College laboratory technician in Valencia College's Medical Diagnostic Sonography Program. Bugnacki is a Valencia employee.

15. Defendant Suda Amodt has been at all material times a Valencia College laboratory and physics instructor in Valencia College's Medical Diagnostic Sonography Program as well as a medical sonographer at Dr. P. Phillips Hospital where Amodt ran what Valencia Medical Sonography Program students commonly referred to as a "bootcamp." Amodt is a Valencia employee and Dr. P. Phillips Hospital employee, and she sat on Valencia's Advisory Committee.³

² Valencia operates through state funds, student tuition fees, individual endowments, and grants from private entities.

³ Available online at <http://valenciacollege.edu/academic-affairs/institutional-effectiveness-planning/institutional-assessment/documents/AdvisoryCommittees2011.pdf>

III. FACTUAL ALLEGATIONS

16. Valencia College is a State of Florida public educational institution located solely within the Middle District of Florida.

17. Valencia College has its own rules of governance, policies, and procedures. Each state college in Florida operates independently from other state colleges, and each state college is governed by its own Board of Trustees. Milward, Ugalde, and Rose sue Valencia in its official capacity as Valencia College's Board of Trustees, for the actions of its co-defendants, who are all Valencia employees. Valencia's formal and informal policies, written or unwritten, allowed, encouraged or enabled Ball, Shaheen, Bugnacki, and Amodt to violate Plaintiffs' individual constitutional rights and conspire to commit these constitutional violations. Furthermore, Valencia has ratified its co-defendants' behavior in subsequent administrative hearings and press releases. See *Monell v. Dept. of Social Services of City of New York*, 436 U.S. 658 (1978), *inter alia*. Plaintiffs further allege Valencia's established and widespread policies directly caused injury to Plaintiffs.⁴

18. All Defendants are State actors, and the United States Constitution governs their individual and collective actions.

19. This issue is a matter of great public concern and threat to public safety. As a public school, Valencia's formal and informal policies, practices, and procedures have great impact upon its students, their families, and Florida's citizenry.

20. This particular State conduct would make any ordinary member of society stand up and proclaim, "That's outrageous!" and any rational individual would have great concern for

⁴ See *Connick v. Thompson*, 131 S. Ct. 1350, 1359 (2011).

the public's safety. Plaintiffs have suffered extreme emotional distress due to Defendants' individual and collective unconstitutional actions.

21. Valencia and its co-defendants retaliated against Milward, Ugalde, and Rose's exercise of their free speech rights when Plaintiffs peacefully protested Valencia's established policy of unconstitutional vaginal probes of female sonography students.⁵

22. Valencia and its co-defendants acted with reckless indifference to Plaintiffs' First and Fourth Amendment rights under the United States Constitution as applied to the States under our Constitution's Fourteenth Amendment.

23. All Plaintiffs were formerly enrolled in Valencia College's Medical Diagnostic Sonography Program in 2013. The Medical Diagnostic Sonography Program is highly competitive and Valencia College's Medical Sonography Program admits approximately only 12 students each year; therefore, Plaintiffs expended tremendous energies and money to get into this program and maintain their grade point averages.

24. Plaintiffs also had to review the Medical Diagnostic Sonography Program's guidelines and requirements before acceptance into Valencia's program. None of those materials mentioned mandatory vaginal probes of students by students.⁶

25. After acceptance into the program, Valencia College required Plaintiffs to attend an orientation that further described the program and set Plaintiffs' expectations about how the program operated. During that orientation, Defendants had a second year student,

⁵ Plaintiffs are not alleging a written policy at this time, yet policy is not what a State agency says on paper; but what it does in practice. See *Price v. Sery*, 513 F.3d 962, 973-74 (9th Cir. 2008) (municipality's actual practice was to "shoot first and ask questions later.")

⁶ See Valencia's Medical Sonography Diagnostic Program's requirements. Available online at <http://catalog.valenciacollege.edu/degrees/associateinscience/alliedhealth/diagnosticmedicalsonography/#programrequirements>

Jennifer Astor (nicknamed the “TransVag Queen”), explain the Medical Diagnostic Sonography Program’s faculty believed female students should undergo invasive transvaginal ultrasound procedures in order to become better sonography technicians.⁷ This is despite the fact Valencia had anatomically-correct sensor dummies designed for transvaginal probe practice, and the program’s students would have clinical practicums at local hospitals. Plaintiffs allege this announcement caused nearly all the incoming students great consternation.

26. All three Plaintiffs signed a form during orientation stating they were not comfortable with Valencia vaginally probing them.

27. Valencia positioned these transvaginal probes as voluntary, but its actual policy and practice was that they were not voluntary at all; as time went on, it became abundantly clear to Plaintiffs the probes were mandatory.

28. In fact, Valencia’s established and widespread policy was to browbeat students who did not consent to those invasive sexual organ probes and threaten Plaintiffs’ academic standing as well as their future careers in order to force female students to undergo these invasive vaginal probes. This policy was as persistent and wide-spread as to constitute a policy, custom, or usage with the force of law.⁸

29. A transvaginal ultrasound probe is a procedure in which a technician uses an ultrasound transducer (“probe”) to detect problems with fertility (among others).⁹ The

⁷ Plaintiffs also had a male cohort in their class.

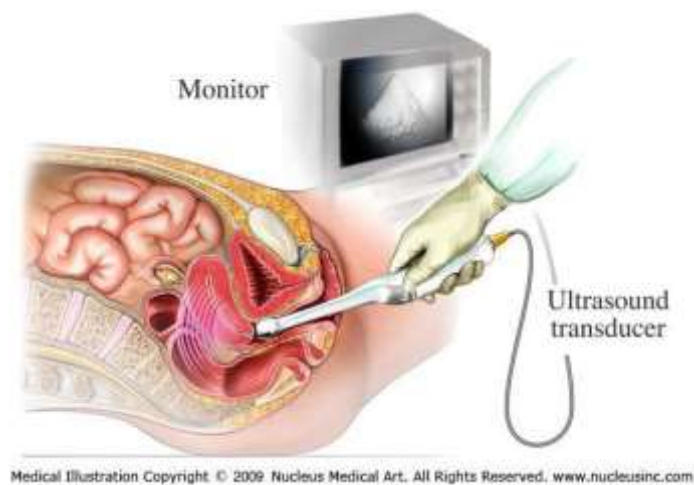
⁸ *Monell*, 436 U.S. at 691

⁹ See WebMD’s explanation of the procedure. Available online at <http://www.webmd.com/women/pelvic-ultrasound>

sonography technician inserts the ultrasound transducer into a female's vagina to examine the female reproductive system's internal structure. It is a large device and not recommended for females who have never had sexual intercourse or females with small vaginal orifices. The probe must be lubricated before insertion due to its girth and length. It is extremely invasive and painful to some females.

30. After a sonography technician inserts this large probe into a patient's vagina, the technician observes the patient's cervix and other reproductive anatomy on a monitor and searches for structural/organic abnormalities. See Plaintiffs' Incorporated Exhibit Figure 1 (below).

Figure 1



31. In fall 2013, Plaintiffs Milward & Ugalde expressed concern to Defendant Ball about having to undergo invasive vaginal probes throughout the program. One of their many concerns was the program had a male student who would also probe the female Plaintiffs on a regular basis. Ball told Plaintiffs they could find another school if they did not wish to be

probed.¹⁰ This is despite the fact Defendant Shaheen had described the probes as voluntary and not a program requirement during Orientation in April 2013.

32. Plaintiff Rose utterly refused to agree to the transvaginal ultrasounds, and Defendants never probed Rose, yet Defendants took a special interest in Rose since Rose was the only student who refused the vaginal probes.

33. In March 2014, Plaintiffs and their Program cohorts began practicing ultrasound vaginal probes upon one another. Milward & Ugalde endured these invasive probes nearly every week, yet Valencia College's Medical Sonography Program had and still has anatomically correct simulator dummies designed specifically for students to practice sonography exams upon them.¹¹ Interestingly, Valencia has now stated in a public relations release that with the advances in sensor technology and availability of clinical practicums at local hospitals that peer-to-peer vaginal probes are no longer necessary, yet this was all true when and while Defendants violated Plaintiffs' constitutional rights.¹²

34. Additionally, Plaintiffs and all other students had clinical practice at Central Florida hospitals where Plaintiffs practiced upon actual patients in a medical setting where certified sonographers supervised them. There was no State rational basis or need for

¹⁰ Defendant Ball's comments can only be described as bizarre during some of these forced probing sessions. She allegedly approached one student, Kim LeMay, during a probing session and stated LeMay was "sexy" and should be an "escort girl" (prostitute). Plaintiffs believe this type of behavior casts serious doubts upon Ball's motivation for insisting upon these forced vaginal probing sessions.

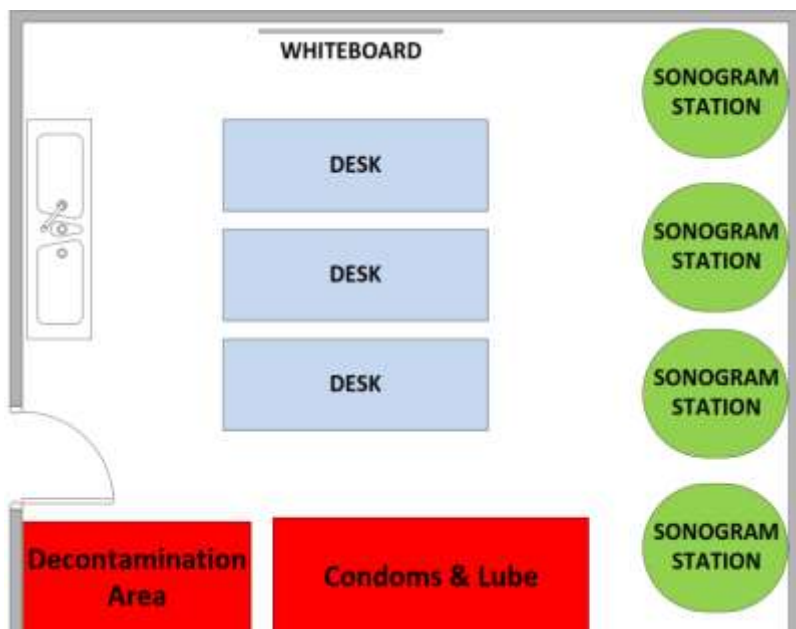
¹¹ Plaintiffs have been unable locate another sonography program in which sonography students practice transvaginal probing upon one another; indeed, Valencia State College proudly advertises its use of simulator dummies in its other programs. See <https://www.youtube.com/watch?v=V34X1a-yYK0>

¹² Plaintiffs do not have an actual copy of Valencia's public relations release. It is available online at <http://www.orlandosentinel.com/business/brinkmann-on-business/os-valencia-bans-vaginal-probes-post.html>

Valencia College to force Plaintiffs to endure these invasive probes of their reproductive organs.¹³

35. Milward & Ugalde endured these invasive probes without a modicum of privacy and in a classroom setting. Plaintiffs would disrobe in a restroom, drape themselves in sheets, and traverse the Sonography classroom in full view of instructors and other students to reach one of the four Sonography Stations. See Plaintiffs' Incorporated Exhibit Figure 2 (below).

Figure 2



36. A fellow student would place a condom over the probe and then apply generous amounts of lubrication to it. In some cases, the student would have to sexually

¹³ It is worthy of repetition Valencia College is an independent political subdivision of the State of Florida and must comply with the Constitution's First and Fourth Amendment despite being an adult educational institution. See *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969). Although *Tinker* was a symbolic free speech case that involved minor children, the Supreme Court ruled that public educational institutions must comply with the Constitution's Free Speech Clause.

“stimulate” Plaintiffs in order to facilitate inserting the probe into Plaintiffs’ vaginas. Milward & Ugalde experienced discomfort and embarrassment each time they had to endure this forced probing of their sexual organs.

37. Rose was forced to sit in the classroom and not observe these supposedly valuable instructive opportunities while the transvaginal probes occurred. Defendants told Rose this seclusion was punishment for not allowing Defendants and students to probe her.

38. In March 2014, Milward complained to Defendant Shaheen about the unnecessary vaginal probes. Milward explained her concerns to Shaheen about the painful nature of the probings and the embarrassment of the sole male student probing her. Shaheen ignored these complaints. In fact, Shaheen repeatedly stated Plaintiffs would be academically and professionally punished for not submitting to the forced vaginal probes.

39. Throughout Plaintiffs’ tenure in the program, Defendants threatened to reduce all Plaintiffs’ grades and interfere with their future employment opportunities if Plaintiffs did not submit to the classroom vaginal probes. Defendants Ball, Shaheen, Bugnacki, and Amodt retaliated against Plaintiffs for exercising their First Amendment free speech rights to protest those forced vaginal probes. Defendant Bugnacki repeatedly threatened to “blacklist” Plaintiffs at Central Florida hospitals if Plaintiffs did not submit to these unconstitutional and unwarranted probes of their reproductive organs.

40. Plaintiffs continued to suffer Defendants’ individual and collective retaliation for voicing their concerns over these unconstitutional forced vaginal probes. Plaintiffs’ complaints to Valencia College administrators, faculty, and staff fell upon deaf ears.

41. Amodt, in particular, attempted to coerce Rose into undergoing the transvaginal probes. Milward & Ugalde support Rose's assertions that Amodt singled out Rose because only Rose had refused to submit to the transvaginal probes.

42. Amodt threatened to bar Rose from clinical practice at Dr. P. Phillips Hospital if Rose did not consent to allow fellow students to vaginally probe Rose.

43. Rose further asserts Amodt graded her more harshly than the program's other students. In Rose's second to last week before leaving the program, Amodt gave Rose two failing grades on abdominal ultrasounds at the Dr. P. Phillips Hospital's location (the so-called "boot camp") despite the fact Rose had performed above standards in every other clinical practicum at other medical facilities. Students who fail three such practicums fail the entire program.

44. During Rose's last two weeks in the program, Amodt took Rose into a nearby office during Rose's last clinical practicum at Dr. P. Phillips hospital and yelled at Rose for approximately one hour. When Rose suffered a panic attack and called Defendant Shaheen; Shaheen sent Rose to another hospital for clinical practice the following week, but Rose was unable to endure any more retaliation and left the program. Rose never attempted a third abdominal scan.

45. All Plaintiffs eventually resigned from Valencia College's Medical Diagnostic Sonography Program due to Defendants' individual and retaliatory conduct.

46. Plaintiffs suffered general damages consisting of personal humiliation, physical pain, severe psychological trauma, and emotional distress.¹⁴

47. Plaintiffs also suffered special damages consisting of monies they spent on tuition, textbooks, and other tangible and intangible investments the program required.

48. Valencia did not protect Plaintiffs' or discipline the co-defendants despite Plaintiffs' complaints to Valencia's administrative staff. Valencia had an affirmative duty to prevent its employees and co-defendants from committing these constitutional violations. See *Byrd v. Clark*, 783 F.2d 1002, 1007 (11th Cir.1986).¹⁵

49. Valencia ended its Medical Diagnostic Sonography Program's policy of probing students' reproductive organs after Plaintiffs' attorneys became involved in the case, yet even after Valencia ended the practice, Defendants Ball and Shaheen as well as other instructors conspired in 2014 to have students petition Valencia College to reinstate its policy of coerced vaginal probing of female students. Plaintiffs believe Defendants may "reboot" their policies of coerced vaginal probing of students after the furor of this case dies down unless this Court enters an order forbidding the practice of forcing unwilling students to undergo State-mandated reproductive organ probings.¹⁶ A voluntary cessation of

¹⁴ Rose, for example, was only a social drinker before she enrolled in the Medical Sonography Program, began drinking heavily during the program, and even now, consumes half a bottle of tequila per night to cope with the psychological trauma she endured. Milward & Ugalde report similar severe psychological trauma.

¹⁵ Plaintiffs believe this is a case of first impression, yet it has clear analogies to police violations of a citizen's civil rights. Defendants had Valencia's attorney present during one administrative hearing, who reports to Valencia.

¹⁶ Plaintiffs do not oppose Defendants' probing willing volunteers or hired models so long as there are proper constitutional safeguards in place **and** ensure Defendants obtain full and proper consent. Plaintiffs believe injunctive relief is the only true safeguard against further forced vaginal probes. A new administration could "reboot" the forced transvaginal probes, and this harm is capable of repetition yet evading review. See *Roe*, 410 U.S. 113, *supra*.

unconstitutional behavior is of no legal consequence, and Valencia can change its policies at-will absent this Honorable Court's order.

50. In fact, after Milward & Ugalde filed their complaint, Valencia, after receiving actual notice of the co-defendants' violations of Plaintiffs' constitutional rights, had its public relations staff issue a statement defending Valencia's policy and practice of having students perform transvaginal ultrasound probes upon students, and claiming Valencia has upheld the "highest standards" in having its students perform these transvaginal ultrasounds upon each other. This is not the case; indeed, the American Medical Association Opinion 3.09 states students must give explicit consent to engage in peer-to-peer examinations of any sort, and the more invasive the procedure, the more explicit a student's consent must be. The consent must be free of coercion, and schools cannot punish students for refusing to participate in such examinations.¹⁷

51. To date, Valencia has not condemned the co-defendants' actions, and coupled with its public relations statement, Valencia has obviously ratified its co-defendants' actions.¹⁸

52. Defendants' malicious deprivations of Plaintiffs' constitutional rights under color of state law are actionable under and may be redressed by 42 U.S.C. §1983. Plaintiffs seek their attorneys' fees and costs under 42 U.S.C. §1988.

¹⁷ Available online at <http://www.ama-assn.org/ama/pub/physician-resources/medical-ethics/code-medical-ethics/opinion309.page>

¹⁸ Available online at <http://www.orlandosentinel.com/business/brinkmann-on-business/os-valencia-sonography-20150518-post.html>

IV. COUNTS

COUNT I: § 1983 CLAIM OF RETALIATION FOR MILWARD, UGALDE, & ROSE'S EXERCISE OF FIRST AMENDMENT PROTECTED FREE SPEECH ACTIVITY AGAINST DEFENDANTS BALL, SHAHEEN, BUGNACKI & AMODT

53. Plaintiffs re-allege and incorporates by reference all of the preceding paragraphs in this complaint.

54. Defendants Ball, Shaheen, Bugnacki, & Amodt have personally, maliciously, and under color of state law deprived Plaintiffs of Plaintiffs' rights under the First Amendment to the United States Constitution, which are secured through the Fourteenth Amendment, by maliciously retaliating against Plaintiffs for Plaintiffs' exercise of their constitutional right of free speech to protest government activity of great public interest of which Plaintiffs disapproved and protested peacefully without interfering with the State's operations.

55. In depriving Plaintiffs of these rights, Defendants committed these constitutional violations under color of state law in bad faith and with malicious purpose in reckless, wanton, and willful disregard of Plaintiffs' human, safety, and property rights.

56. This deprivation under color of state law is actionable under and may be redressed by 42 U.S.C. §1983.

COUNT II: § 1983 CLAIM OF FOURTH AMENDMENT ILLEGAL SEARCH AND SEIZURE OF MILWARD'S & UGALDE'S BODIES AGAINST DEFENDANTS BALL, SHAHEEN, BUGNACKI, & AMODT

57. Plaintiffs re-allege and incorporate by reference all of the preceding paragraphs in this complaint.

58. Defendants Ball, Shaheen, Bugnacki, & Amodt personally, recklessly, maliciously, and under color of state law deprived Milward & Ugalde of their liberty rights

under the Fourth Amendment to the United States Constitution, which are secured through the Fourteenth Amendment, by forcing Plaintiffs to undergo vaginal probings without a warrant or any probable cause to believe Plaintiff committed any crime.

59. Defendants, in the course of their State employment, forced Plaintiffs Milward & Ugalde to undergo invasive sexual organ probing under duress without even a rational basis for their actions.

60. In depriving the Plaintiffs of these rights, Defendants committed these constitutional violations under color of state law in bad faith and with malicious purpose in reckless, wanton, and willful disregard of Plaintiff's human, safety, and property rights.

61. This deprivation under color of state law is actionable under and may be redressed by 42 U.S.C. §1983.

**COUNT III: FEDERAL CIVIL CONSPIRACY CLAIM AGAINST DEFENDANTS
BALL, SHAHEEN, BUGNACKI & AMODT**

62. Plaintiffs re-allege and incorporate by reference all of the preceding paragraphs in this complaint.

63. Defendants Ball, Shaheen, Bugnacki & Amodt conspired together to commit illegal searches of Plaintiffs' bodies in violation of the United States Constitution's Fourth Amendment as applied to the States via the Fourteenth Amendment.

64. Defendants conspired to retaliate against Plaintiffs for Plaintiffs' clearly established First Amendment constitutional right to voice disapproval of Valencia's unconstitutional coerced vaginal probes of unwilling students.

65. Defendants retaliated against Plaintiffs by reducing Plaintiffs' grades, threatening to blacklist Plaintiffs from local medical establishments so Plaintiffs could not

obtain employment and bar them from participating in clinical practicums needed to become competent medical sonographers.

66. Defendants ultimately forced all Plaintiffs to resign from Valencia College's Medical Sonography Program and otherwise injured Plaintiffs as referenced *supra*.

67. The actions underlying this conspiracy are illegal under the United States Constitution's First and Fourth Amendments as applied to the States via the Fourteenth Amendment.

68. This deprivation under color of state law is actionable under and may be redressed by 42 U.S.C. §1983 and 28 U.S.C. §1367.

**COUNT IV: 42 U.S.C. § 1983 MONELL CLAIM AGAINST VALENCIA FOR
RECKLESS INDIFFERENCE TO PLAINTIFFS' CLEARLY ESTABLISHED
CONSTITUTIONAL RIGHTS**

69. Plaintiffs re-allege and incorporate by reference all of the preceding paragraphs in this complaint.

70. Valencia's official and unofficial policies and customs encouraged, caused, allowed, and/or enabled Defendants Ball, Shaheen, Bugnacki & Amodt to violate Plaintiffs' constitutional rights without fear of discipline for those violations. See *Monell v. Department of Soc. Svcs.*, 436 U.S. 658 (1978).

71. Valencia has not disciplined Defendants for their violations of Plaintiff's constitutional rights and therefore has implicitly approved, ratified, or adopted Defendants' unconstitutional actions.

72. Valencia is responsible for Defendants' supervision, training, and discipline through its policy-making powers and personnel decisions.

73. There is an obvious need for Valencia to train all its employees on First and Fourth Amendment rights. Valencia College, therefore, has demonstrated a policy of deliberate indifference to such civil rights violations. See *City of Canton v. Harris*, 489 U.S. 378, 389 (1989).

74. Valencia was on notice of these unconstitutional actions through Plaintiffs' complaints and the fact Valencia College has dedicated sonography stations installed in at least one classroom the Defendants and other students used to vaginally probe Milward & Ugalde.

75. Valencia's callous, reckless, wanton, and malicious actions under color of state law before, during, and after this loss, has caused Plaintiffs to suffer and continue to suffer the damages Plaintiffs have described *supra*.

76. These deprivations under color of state law are actionable under and may be redressed by 42 U.S.C. §1983.

RELIEF REQUESTED

WHEREFORE, Plaintiffs respectfully request the following relief:

- A. Plaintiffs re-alleges and incorporates by reference all of the preceding paragraphs in this complaint,
- B. Trial by jury on all issues so triable;
- C. General and special compensatory damages;

- D. Punitive damages against Ball, Shaheen, Bugnacki & Amodt;
- E. Injunctive relief ordering Valencia to permanently cease and desist its policy of forced vaginal probing of its students;
- F. Award to Plaintiffs of reasonable attorneys' fees and costs incurred in connection with this action from the Defendants pursuant to 42 U.S.C. §1988;
- G. Pretrial interest on compensable attorney's fees; and,
- H. Such further and different relief as is just and proper or that is necessary to make the Plaintiffs whole.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I filed today, on Monday, June 15, 2015, the foregoing with the Federal Clerk of the Court for the Middle District of Florida, which will send notification of such filing to all persons registered for this case, including the Defendants' counsel.

/s/Christopher R. Dillingham II, Esq.

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