

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS

**T.U., and Xiaolei Xu,** PLAINTIFFS

VS.

CASE NO. 24CV03546

**Kathleen Baker, et al.,** DEFENDANTS

**MOTION FOR CHANGE OF VENUE**

Pursuant to K.S.A. 60-609(b), Plaintiffs move the Court to transfer the above-titled case from Johnson County to Wyandotte County. A fair and impartial trial cannot take place in Johnson County for the following reasons:

1. Joann Woltman, a Judge in the Johnson County Courthouse, is the parent who led the civil conspiracy that resulted in the elimination of Plaintiffs and their children from Wolf Springs Elementary. In other words, Joann Woltman is the primary Defendant in this case. She is at the same time a colleague of the Judges in the Johnson County Courthouse. It is likely that some judges even know Judge Woltman's son AW in person, and that they have even heard the school incidents underlying this case from him or from his mother first-hand, of course from the Defendants' perspective.

2. Blue Valley approved and supported the aforementioned civil conspiracy by taking the disciplinary action Defendants desired against Plaintiffs and their children. Blue Valley has immense influence and prestige in Johnson County, where families of many courthouse staff and prospective jurors attend and work for or work with Blue Valley schools. Thus, the courthouse staff and prospective jurors have vested interests in maintaining Blue Valley's reputation by overlooking its egregious conduct, as long as they themselves are not the victims of this conduct.

A similar phenomenon occurred when the Boston community at large did not want to believe for decades, despite ample evidence, that the Catholic Church was responsible for sexual abuse of

hundreds of children (*Mendez v. Geoghan, No.*, No. 984939 (Mass. Cmmw. Aug. 2, 1999)). It may take a village to raise a child, but it also takes a village to abuse one. In that sense, Blue Valley is to Johnson County what the Catholic Church is to Boston.

3. Due to the first two reasons, Jenifer Ashford, the Johnson County Judge who presided over Plaintiff's child D.U.'s truancy case until February 2024, and the Guardian Ad Litem she appointed to D.U., Dennis Stanchik, already displayed a great deal of prejudice when they dealt with Plaintiffs and D.U. during the proceedings (see "Exhibit A" attached).

If this motion is denied, Plaintiffs will file an interlocutory appeal and proceed with their appeal from the Order that granted the Defendant Cohen's Motion to Dismiss with prejudice in the *T.U. v Clifford Cohen* case. In that case, Plaintiffs plan to make broader and more specific allegations in these two appeals, which will also form the basis of civil rights violation claims against multiple judges in the Johnson County Courthouse. In that regard, Plaintiffs have already made civil rights violation claims against Joann Woltman (see "Exhibit B" attached).

If this motion is granted, however, Plaintiffs will not need to deal with judicial bias and misconduct, and will instead focus on their time energy on pursuing their case against Defendants in an impartial county. If this motion is granted, Plaintiffs will also withdraw their appeal and stop pursuing a legal malpractice claim against Clifford Cohen.

Plaintiffs believe that Wyandotte County is a suitable venue, as it is far enough from Joann Woltman's and Blue Valley's sphere of influence, but still in proximity to Defendants. Miami County would also make a suitable venue due to its proximity to Defendants, however, Blue Valley has presence in some parts of the county. The other neighboring counties in Kansas such as Douglas and Leavenworth might cause inconvenience for Defendants due to their distance from the Johnson County Courthouse.

**Exhibits:**

- Exhibit A: Conduct of truancy judge and GAL
- Exhibit B: Civil right violation claims against Joann Woltman



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CERTIFICATE OF SERVICE

On February 18, 2025, I emailed a true and correct copy of this Motion to the people listed below, at the email addresses stated:

**Clerk of the District Court**

Johnson County Courthouse  
150 W. Santa Fe Street  
Olathe, KS 66061  
Email: [DCC-CivilClerks@jocogov.org](mailto:DCC-CivilClerks@jocogov.org)

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102. To whitewash her arbitrary and discriminatory conduct, Suzanne Martin tried to make it look like, by sending an email to the parents in the evening, that D.U. was not allowed to go to the party so that he could serve his in-school suspension.
103. Note that Suzanne Martin originally wished to view the footage after school. She did not need to postpone the party to have D.U. watch the footage. Moreover, she could have still let him attend the party after he watched the footage. Further, she did not need to ruin the class party for D.U.'s classmates. After school, she sent an email to all the parents in the class, implicitly attributing the blame for the disruption of the class party to D.U., without giving his name.
104. On December 22, 2023, Dan Carney, the Head of Security in Blue Valley, said in an email to Plaintiff Xu that he concurred with Suzanne Martin's interpretation of the PE footage, suggesting that he also construed D.U.'s body motions as a threat.
105. On October 5, 2023, Dennis Stanchik was assigned as the Guardian Ad Litem of D.U. by the truancy court.
106. Dennis Stanchik talked to D.U.'s parents only once, on November 3, 2023. Their conversation was via Zoom and lasted half an hour.
107. Dennis Stanchik never talked to D.U. He saw D.U. only once, through Zoom, when D.U. appeared during his first truancy hearing on November 9, 2023.
108. To the best of the parents' knowledge, Dennis Stanchik never interviewed D.U.'s therapist. It is not even clear if he ever interviewed his case manager from the Johnson County Mental Health Center, or anyone else who knows D.U. To the best of the parents' knowledge, Dennis Stanchik never went to school to meet with or observe D.U.
109. Yet, Dennis Stanchik attributed D.U.'s truancy to the so-called mental health issues going on in the family. As a result, he demanded mental evaluations of D.U. and his parents during a truancy hearing in early January, 2024.

110. Dennis Stanchik also requested the parents to sign release of information forms with the evaluators so that he could “prime” them (by letting them know what is “wrong” with the parents) before they conduct the evaluations. He made it clear that he wanted to reach out to the evaluators prior to the evaluation, rather than after the evaluation.
111. When the parents challenged Dennis Stanchik’s rationale during the truancy hearing, the judge threatened to take D.U. away from the parents if they did not proceed with the mental evaluations. Judge Jenifer Ashford explicitly ordered the parents during at least one hearing to do the mental evaluations for D.U. and for themselves, as well as to sign the release of information papers for Dennis Stanchik so that he could access the evaluators.
112. When Plaintiff T.U. subsequently went to the District Courthouse and made an inquiry with one of the clerks, however, he was told that there was no such court order. Moreover, the parents received the previous court orders by mail before December 2023, but they received no court orders in writing afterwards. All the court orders from January, 2024 onwards were stated by the judge orally during the hearings, all of which took place via Zoom.
113. Neither Judge Ashford nor Dennis Stanchik elaborated on their allegations against the parents, i.e., why D.U. and his parents needed mental evaluations, despite the multiple inquiries the parents made during hearings and in writing.
114. The truancy court also triggered an educational neglect investigation on the parents by falsely reporting them to the Department for Children and Families (from hereinafter “DCF”). DCF subsequently ruled that the educational neglect allegation against the parents was not substantiated.
115. On January 4, 2024, D.U. went back to school, and Suzanne Martin’s daily disciplinary reports resumed. In that regard, all the disciplinary reports the parents

received about D.U. between December 2023 and February 2024 were written by Suzanne Martin only.

116. On January 4, 2024, on the first day of the spring semester, D.U. very much wanted his father to have lunch with him at school. His therapist and his father had walked him to school that morning from home. When T.U. was accompanying D.U. at lunch in the school cafeteria, and had no intention to engage with anyone other than his son, Suzanne Martin came along and asked him to leave.

117. T.U. asked Suzanne Martin whether he could leave after D.U. ate his lunch. Suzanne Martin told him that he could go out and have lunch with D.U. in his car in the parking lot.

118. D.U. did not understand why his father had to leave or why they had to go to the car to eat lunch. His father did not want to upset him by discussing the issue and abruptly left the premises, while D.U., who was puzzled and disappointed, was still eating his lunch. Plaintiff T.U. was accompanied to the outside of the school gate by Suzanne Martin.

119. After that, Plaintiff T.U. had issues with D.U.'s drop-off at school a few times because he had to sign in when D.U. was tardy, but since he was not allowed inside the school, he had to wait for school staff to come outside with the sign-in sheet. D.U.'s school avoidance made things much harder because D.U. wanted his father to walk in with him, and was very disappointed and puzzled when his father could not do so.

120. On January 24, 2024, D.U. was effectively assigned a monitor. He had a bad day because, in his words, he had a "evil person" scrutinizing him all day. She (apparently a paraprofessional, i.e., a teacher's aide) kept on monitoring him, following him around, and scolding him. Further, she made him take forced breaks. E.g., she took him out and did not explain him why they were going out and where they were going. They were

walking outside the classroom, and D.U. asked her where they were going. She answered dismissively: “we are just walking”. D.U. had no idea what was going on, nor whether he had done something wrong or not.

121. On January 26, 2024, D.U. was intensely interrogated by Suzanne Martin and the school counselor, Elizabeth Newell, because he allegedly punched a classmate called M.T., in the face. As usual, the allegation was based on M.T.’s account only, which D.U. absolutely denied, and there was no other witness.

122. On January 29, 2024, D.U. got punched in the back by a strange student in the bathroom when he was walking towards the sink to wash his hands after urinating. When he turned around, he got kicked in his genital area very hard twice. He told about the incident to his friends in the classroom, who encouraged him to report the incident to the classroom teacher, Maury Hernandez, which he did.

123. After school, however, Suzanne Martin sent the parents an email saying that D.U. was given an out of school suspension because he made derogatory remarks about a classmate (specifically, D.U. said that she was mean) and violated her personal space.

124. On January 30, 2024, D.U. did not go to school to serve his one day out of school suspension unfairly and improperly given by the principal, even though the parents were given a court order that prohibited D.U. from out of school suspensions. On December 20, 2023, however, the same principal explicitly said that she had changed D.U.’s out of school suspension (similarly unfair and improper) to in-school suspension due to the same court order.

125. Between January 31 and February 2, 2024, D.U. saw doctors to get the impact of the bathroom attack checked, which included an ultrasound check as recommended by his pediatrician.

126. On February 10, 2024, Dan Carney sent an email to Plaintiff T.U., referring to



T.U.'s "intrusion" into school cafeteria on January 4, 2024, saying that *"This letter will serve as a final warning that you are not to enter upon the premises of Liberty View Elementary School at any time for any purpose other than to transport D.U. to and from school. You are not to enter the school building. If you choose to ignore this warning and not follow it, you will not be allowed to enter upon the school premises for any purpose, including transporting your son to and from school."*

127. On February 14, 2024, the students were allowed to have second helpings at lunch, except for D.U. The lunch lady refused to serve D.U. the second helping, saying that he was not allowed. D.U. told a supervising teacher that he could not receive his second helping, and the two went to the lunch lady together. The lunch lady repeated that D.U. was not allowed to take the second helping. She did not explain why he was not allowed but simply refused to serve D.U. This incident exemplifies of the widespread rumors and prejudice against D.U. at LVE. The lunch lady does not deal with D.U., the two have no history, and D.U. had not done anything to her, but she still saw and treated him differently from other students.

128. On February 12, 2024, Suzanne Martin shared another write-up, alleging that D.U. stepped on a classmate's fingers and said "I'll kill you!". D.U.'s father saw that classmate (who was D.U.'s best friend until recently) when he picked up D.U. from school. The classmate seemed very scared, running away from D.U., as if D.U. was going to seriously harm him. D.U., however, was far away from him and was minding his own business. The two used to come out of school together and looked very intimate until recently.

129. The parents subsequently found out that the classmate's mother had been told that D.U. stepped on his son's fingers on purpose. She also received write-ups from school staff about D.U.'s alleged bullying of her son, which were never shared with D.U.'s parents.

130. On February 21, 2024, Plaintiff succumbed to the pressure the family had been receiving from Dennis Stanchik as well as from the truancy court, disenrolled D.U. from LVE, and registered for D.U. homeschooling. As a result, the truancy case against D.U. was dismissed.
131. By February 29, 2024, Suzanne Martin had totally dismissed the bathroom attack. An Olathe police officer told D.U.'s parents that Suzanne Martin told her on the phone that the two kids were just goofing around in the bathroom. As a result, the police officer transferred the case to a detective.
132. D.U.'s father T.U. came across Maury Hernandez near the school shortly after he unenrolled D.U. from LVE. Maury Hernandez was driving on Greenwood Road when she spotted T.U., stopped by him, and had a small chat with him. T.U. had never seen Maury Hernandez that happy.
133. Similarly, shortly after D.U. was unenrolled from LVE, Xiaolei Xu went to school to pick up D.U.'s supplies and records. There she came across Elizabeth Newell, who was, like Maury Hernandez, was extremely happy. Xiaolei Xu had never seen her that warm and enthusiastic towards her before.
134. In early January 2024, Plaintiff filed a special education complaint with KSDE. His emails initially did not go through. As a result, he used another email account to file his complaint.
135. The investigator assigned to the case, Diana Durkin, talked to Plaintiff on the phone for around 25 minutes, and that was the only significant information exchange between the two.
136. Yet, Diana Durkin had had a phone conversation with the Special Education Director of BVSD, Mark Schmidt, beforehand, and then she had a Zoom meeting with both Mark Schmidt and Melissa Hillman after her conversation with Plaintiff.

216. As a direct and proximate result of Clifford Cohen's unlawful actions, Plaintiffs have suffered humiliation, extreme emotional distress, and have incurred legal and medical expenses as well as private school tuition fees, and will continue to suffer such injuries and losses in the future.

217. Also as a direct and proximate result of Clifford Cohen's unlawful actions, Plaintiffs stopped pursuing their case against Blue Valley and sharing the truth about the murder list hoax with others, which deprived them of their First Amendment rights.

**COUNT V: 42 U.S.C. § 1985(3)-CONSPIRACY TO DEPRIVE PLAINTIFFS OF  
THEIR SUBSTANTIVE DUE PROCESS RIGHTS**

218. Plaintiffs enjoy a right to privacy in the affairs of the family and the rearing and education of their children guaranteed them under the First, Fifth and Fourteenth Amendments to the Constitution of the United States.

219. Joann Woltman conspired with Blue Valley officials, at least with Tonya Merrigan and Melissa Hillman, to falsely criminalize and publicly humiliate D.U., as well as to improperly eliminate him from WSE.

220. Joann Woltman knew her actions would result in a violation of Plaintiffs' constitutional rights and would cause severe emotional distress to them.

221. Joann Woltman's conduct was malicious, outrageous, and shocking to the conscience.

222. Joann Woltman's initiation of the imposition of the power of the state on Plaintiffs violated their First and Fourteenth Amendment guarantees to due process.

223. As a direct and proximate result of Joann Woltman's unlawful actions, Plaintiffs have suffered humiliation, extreme emotional distress, and have incurred legal and medical expenses as well as private school tuition fees, and will continue to suffer such injuries and losses in the future.