

**IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS**

<b>T.U., and Xiaolei Xu,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>V</b>	)	<b>Case No. 24CV03546</b>
	)	
<b>Kathleen Baker, Brittany Jacobson, Catherine</b>	)	
<b>Singleton, and Does 1 through 10 all of whom are</b>	)	
<b>members of the Wolf Springs Elementary 2019</b>	)	
<b>parent cohort but who remain unidentified at the</b>	)	
<b>time of this Petition,</b>	)	
	)	
<b>Defendants,</b>	)	

Proceeding Pursuant to K.S.A. Chapter 60

**AMENDED PETITION FOR FALSE LIGHT INVASION OF PRIVACY, INTENTIONAL  
INFLECTION OF EMOTIONAL DISTRESS, CIVIL CONSPIRACY, AND RELATED  
DAMAGES**

Plaintiffs, serving as litigant pro se, for his cause of action against Defendant, states as follows:

1. Plaintiffs are individuals residing in Johnson County, Kansas.
2. Defendants are individuals residing in Jonhson County, Kansas.
3. On and around February 10, 2023, Defendants conspired to frame a case against D.U., and to pressure Blue Valley Unified School District 229 (hereinafter “the District”) take an outrageously improper and unfair disciplinary action against D.U.

The District is located in Johnson County, Kansas, and all the relevant events and occurrences took place in Johnson County, Kansas.

### **BACKGROUND INFORMATION**

4. D.U. and his family moved to Kansas from another state in July, 2022. D.U. and his brother A.U., who were eight years old and 10 years old at the time, respectively, started attending Wolf Springs Elementary (hereinafter “WSE”) in August, 2022. A.U. made a very successful transition into his new school and into his new state: he liked school; he liked Kansas; he made friends at school; he liked his teachers and classmates.
5. D.U.’s mother, whose background was a foreign language instructor, similarly made a very good transition into the family’s new state: she was working as a teacher aide at WSE, at the same school that her two children attended; she liked her job; she was well-liked by her colleagues, students, and parents.
6. However, D.U.’s experience was the opposite, as he was targeted by a teacher aide called Stephanie Cleland and a group of classmates favored by her: he did not like school and did not want to go to school in the morning; he was sensitive and irritable and occasionally had nervous breakdowns after he came back from school; he did not have any friends, he would just swing by himself during recess at school.
7. Hence, D.U.’s parents were concerned. They shared their concerns for the first time with D.U.’s English Language Arts (ELA) teacher, Kristin Kellerman, and his Chinese teacher, Lei Cheng, during the first parent-teacher conference on September 28, 2022. On the following school day, on October 3, 2022, however, D.U. was treated even worse and singled out by Stephanie Cleland.
8. The mistreatment continued and D.U. had a very bad day at school on October 6, 2022. The next day, on October 7, 2022, he had a breakdown before going to school. Shortly afterwards, T.U. sent an email to D.U.’s ELA teacher Kristin Kellerman and to his principal, Meaghan Graber, accusing Stephanie Cleland of

emotional abuse.

9. T.U. met with Meaghan Graber on October 10, 2022. In the meeting, Meaghan Graber did not acknowledge that Stephanie Cleland engaged in any misconduct, and yet she still promised that Stephanie Cleland would back away from D.U.
10. T.U.'s advocacy for D.U., his unofficial complaint against Stephanie Cleland, and Meaghan Graber's irresolute response to it, elicited a vicious retaliation against D.U.'s entire family by Kristin Kellerman and Stephanie Cleland. This retaliation triggered a series of events that would turn the lives of D.U. and his family upside-down: D.U. would come to be known as a potential school shooter with a murder list and A.U. as a bomb maker, while their mother would be reassigned to another school as a special education teacher aide, in the middle of the academic year, to an intense resource classroom that is meant for students with severe disabilities.
11. Specifically, following the meeting between T.U. and Meaghan Graber on October 10, 2022, Stephanie Cleland did back away from D.U. on the surface, but she, along with her close friend and associate Kristin Kellerman, engaged in a character assassination of not only D.U., but also of his entire family, thereby turning parents, students, teachers, and administrators against the newcome family.

### **THE DISTRICT'S DISCIPLINARY ACTION**

12. As a result of Stephanie Cleland's and Kristin Kellerman's character assassination campaign, D.U. had become an absolute pariah and scapegoat at school in January, 2023. In that regard, he had been increasingly subject to social isolation, humiliation, false accusations, and unfair punishments.
13. Still, as of February 10, 2023, D.U. had an impeccable disciplinary record, with not a single instance of expulsion, suspension, or even detention. He had no history of behavior issues. He had been sent to the principal's office only once in his life, by Kristin Kellerman in October 2022, and that was only for making silly noises in

class.

14. On February 10, 2023, D.U. was taken to the school counselor's office before lunch and was not allowed to go back to the educational setting afterwards. He was accused of having a murder list, which he knew nothing about. He did not even know what a murder list was, as the family never followed or mentioned the news of the sort.
15. D.U.'s mother was brought in, and heard D.U. repeatedly and vehemently denying the allegations about having a murder list. Neither D.U. nor his mother was given any evidence or detailed information about the allegations, but Meaghan Graber told D.U.'s mother that "I will decide on his consequences later". Since D.U. was not allowed to go back to the educational setting until further notice, D.U.'s mother took both of her kids home before the school day was over.
16. On February 11, 2023, T.U. and D.U.'s mother (hereinafter "the Parents") were notified by Meaghan Graber by email that D.U. was not allowed to go back to school until an investigation into the allegations against him was complete. Meaghan Graber's email did not provide any details about allegations, and did not even mention what these allegations were based on. After months, the Parents would find out that the allegations at the time were based solely on the oral reports of one classmate, who had been bullying D.U., and who had been favored by the teachers over D.U.
17. On February 12, 2023, Meaghan Graber made an announcement to the entire school community, i.e., all the school staff and parents. The announcement mentioned a murder list created by a student; stated that the allegations were reported to her on Friday; stated that an investigation is under way with the assistance of Overland Park and Blue Valley Police Departments (which, combined with the "murder list" label, invoked the community's deepest fears, i.e., a school shooting); implied that the accused student was a 3rd grader; stated that the accused student would not be allowed at school until the ongoing investigation was complete. This announcement alone made it obvious at least to many 3<sup>rd</sup>

graders that the accused student was D.U., as many knew that he was separated from his classmates on Friday in the middle of the day and never came back afterwards.

18. On February 13, 2023, a second announcement was made, again to the entire school community, reiterating the messages in the first announcement, and implying that the aforementioned investigation was not yet complete.
19. On February 17, 2023, the Parents had a so-called re-entry meeting in the District headquarters with Meaghan Graber and the District bigwigs, including the Head of Security and the Chief Legal Officer, Dan Carney and Melissa Hillman, respectively. The Parents had previously been told that during the meeting, the investigation findings would be shared with them, and D.U. would get to share his side of the story.
20. The only findings that were presented to the Parents were D.U.'s silly artwork. The Parents were told that there was no murder list, but that a peer reported that D.U. said he had a murder list. In addition to that, Meaghan Graber mentioned a surveillance footage that shows D.U. making gun gestures, but did not share or present the footage. Dan Carney also said something along the lines of "In isolation, none of these means anything, but when combined together, they mean something". He also brought up the recent news on a kindergartner shooting his teacher in Virginia, suggesting that anyone at any age could be a potential school shooter.
21. During the meeting, the District bigwigs tried to talk the Parents into requesting a transfer to a school of their choice. They referred to this transfer as a "fresh start", which constituted a carrot for their offer.
22. Furthermore, Meaghan Graber showed D.U.'s silly artwork to him and asked him leading questions, attempting to coach him to say something like "These drawings are scary and make my classmates feel threatened". D.U. did not say that, but the last question she asked before the family left the meeting was "How do you think these pictures make your classmates feel?".
23. After the meeting, the District offered another deal to the Parents. This time,

however, the deal also included a stick besides the carrot: the consequences of not accepting the deal would be a suspension and imposition of strict rules on D.U., such as assigning a monitor to him, not allowing him to bring a backpack, frequent inspections, etc.

24. On February 19, 2023, T.U. made a counter offer to the District: The Parents would request a school transfer for both children as long as their names were cleared from the accusations. The district dismissed this offer, saying that they would make the announcements they deemed appropriate. The District also stated that they had “revoked” the children’s transfer to WSE and were sending them back to their so-called “home school”, Cedar Hills Elementary (hereinafter CHE). In reality, the two children had never attended CHE a single day in their lives.
25. On February 20, 2023, Meaghan Graber made another announcement, suggesting that although there was no “criminal threat”, the allegations against the accused student were sustained and the student was given a punishment consistent with the findings of the investigation. This announcement, combined with the fact that D.U. was removed from the educational setting on the day the murder list was reported to her (as stated in her first announcement), and never came back, sparked rumors in the community about D.U. being “expelled because of having a murder list”.
26. On February 21, 2023, Melissa Hillman informed the Parents that D.U. and his brother could begin attending their “home school”, CHE, from February 23 onwards.
27. D.U.’s mother was similarly assigned to another school, but as a special education teacher aide in an intense resource classroom that was meant for students with severe disabilities. She was told about this punishment-like “re-assignment” on the day she started her new position.

## **COUNT I**

### **FALSE LIGHT INVASION OF PRIVACY**

28. At least on February 12, 2023, Defendant Singleton posted on social media about D.U., portraying him as a safety threat, as a sociopathic bully who uses profanity and who intimidates students. She also blamed T.U.'s parenting for D.U.'s alleged disorderly conduct (see Exhibit A attached).
29. Although these social media posts were in a private group, this group was actually composed of all the 3<sup>rd</sup> graders' parents at WSE, making up four classes at school.
30. Considering that some of these parents were at the same time school employees, and/or had other children in other grades at the same school, sensational posts made in this group came to be known school-wide.
31. Moreover, since the school at the time served an unusually large area in Southern Overland Park, a region which lacks private elementary schools, sensational information that was known school-wide came to become common knowledge in the community.

## **COUNT II**

### **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

32. Many Defendants framed a case against D.U. in an attempt to force D.U. out of WSE. Defendant Baker instigated a criminal investigation against D.U. by filing a police report. Defendant Jacobson followed suit.
33. One of the school resource officers who investigated the allegations against D.U. told T.U. that "Parents were firing up everyone", and that parents' reports were not useful at all. In that regard, Defendants themselves did not witness anything nor had any evidence. They were just circulating secondhand information about the allegations, i.e., what they had heard from each other and/or from their children, who were similarly passing along what they had heard from others.
34. The aforementioned school resource officer unequivocally told T.U. that he found no threat on February 10, 2023, and that D.U. could go back to the educational setting on the same day.
35. However, some of the Defendants put pressure on the school administrators and

the District bureaucrats to continue the school investigation against D.U. and force him out of school.

36. In that regard, the district bureaucrat Shelly Nielsen told the Parents on February 17, 2023 that they received calls and emails from 10-15 families regarding the murder list.

37. In the email she sent to the Parents on February 11, 2023, Meaghan Graber mentions the widespread disruption the “murder list incident” caused in the community.

38. In the email she sent to the Parents on February 24, 2023, the District bureaucrat Amy Farthing says that the transfer of D.U. and A.U. to another school was to “avoid disruption to their education process that was foreseeable if they remained at Wolf Springs”.

### **COUNT III CIVIL CONSPIRACY**

39. The allegations set forth in paragraphs 32 through 38 of this Petition indicate that a group of Defendants took concerted action to vilify, humiliate, isolate D.U., and eliminate D.U. from WSE.

40. The Defendants took similar concerted actions at around the same time against the District to make the District change its policies regarding the Chinese Immersion program. These actions were largely successful, which gave Defendants a sense of triumph, and which made them feel powerful enough to get the District to do some other things they wanted, such as declaring D.U. guilty of a heinous wrongdoing and expelling him from WSE.

41. The District bureaucrats’ and the aforementioned school resource officer’s accounts of Defendants suggest that Defendants acted like a witch-hunting mob on and around February 10, 2023, and would not be satisfied with any outcome but the elimination of D.U. from WSE.

42. In that sense, Defendants conspired to make D.U. out to be a threat and purge him from the school by using police and school investigations as weapons (Taiwo



v. Vu, 249 Kan. 585, 592 (1991)).

43. In retrospect, what Defendant Singleton did to N.B., a classmate of D.U.'s and her son's, in the Fall of 2022, was a harbinger of what was going to happen to D.U. on February 10, 2023. Like D.U., N.B. is half-Asian and male, and was targeted by teachers, as well as by a group of peers, and hence by the parents of these peers.
44. One day, Kristin Kellerman evidently reported that N.B. brought nuts from home, took them out of his backpack, crushed them and spread them all over the Defendant Singleton's son, who has nut allergy. That did not happen in Kristin Kellerman's class, but in another teacher's class. That teacher thought that the incident was not a big deal, and the Defendant Singleton's son had no allergic reaction, so she just sent him to the restroom and did not report the incident.
45. D.U. was actually sitting at the same table with him at the time of the incident, and he told his parents that N.B. threw a single nut at the victim and missed. Then he picked up the nut and put it in the victim's hand. Yet, no one ever asked D.U. what he witnessed.
46. N.B.'s father subsequently told D.U.'s father that the nut was actually an acorn from their backyard, which is not known as a common allergen. N.B.'s father also said that N.B. himself actually had a mild nut allergy himself. D.U. does not know the difference between a nut and an acorn as he grew up in Hawaii. Therefore, he may have just called it a nut when he shared the incident with his parents.
47. Kristin Kellerman evidently exaggerated this "nut incident" to vilify and criminalize N.B. She reportedly took Defendant Singleton's son to the restroom and helped him to wash off the so-called nut remnants. Then she reportedly informed Defendant Singleton and other teachers of the incident in a dramatic way.
48. Defendant Singleton reportedly filed a police report against N.B., arguing that N.B. assaulted her son and used nuts as a weapon. Defendant Singleton was reportedly enraged, while N.B.'s parents were broken and subsequently decided to take their children out of the District and homeschool them.
49. Overall, Defendant Singleton (along with Kristin Kellerman) took an inappropriate

behavior or a silly prank by an 8-year-old and tried to turn it into a criminal case of attempted murder. Defendant Singleton was the leader of the campaign against N.B., whereas Defendant Jacobson was at least one of the leaders in the campaign against D.U.

### **DAMAGES INCURRED AS A RESULT OF DEFENDANTS' WRONGDOINGS**

50. Plaintiffs incorporate by reference the allegations set forth in paragraphs 1 through 49 of this Petition as though fully set forth herein.
51. Plaintiffs T.U. and Xiaolei Xu experienced embarrassment and severe emotional distress, when Defendant Singleton announced on social media that the student who was accused of having a murder list was their son. At that point, Meghan Graber had already made alarming announcements to entire school community regarding a threat involving a murder list, but without disclosing the accused student's name.
52. Plaintiffs T.U. and Xiaolei Xu also experienced embarrassment and severe emotional distress when Defendant Singleton and some other Defendants blamed their parenting, on social media, for D.U.'s alleged disorderly conduct.
53. Plaintiff Xiaolei Xu witnessed D.U. being treated like a threat at school on February 10, 2023. Specifically, she witnessed D.U.'s seclusion and him being questioned about having a murder list. Moreover, she was told that a school resource officer was waiting outside to question D.U. The fact that her naïve and innocent 8-year-old son was treated as a criminal suspect inflicted embarrassment and severe emotional distress on Xiaolei Xu.
54. Both Plaintiffs had to go through a school investigation and a re-entry meeting that resulted in a forced transfer to another elementary school in the middle of the Spring semester. The entire ordeal, as well as its outcome, which was a de-facto expulsion, inflicted embarrassment and severe emotional distress on both Plaintiffs.
55. The widespread rumors about Plaintiffs being horrible parents with horrible

children, denied Plaintiff Xiaolei Xu the opportunity to work in the community.

WHEREFORE, Plaintiffs pray for judgment against Defendants for a fair amount for damages, together with their reasonable attorney fees; and for whatever further relief the Court deems proper.

### **JURY DEMAND**

Plaintiffs demand a trial by jury as to all claims so triable.

### **REQUEST ON THE CASE TITLE**

Since Plaintiff T.U.'s surname is unique, it counts as the personally identifiable information of his minor children. In the name of protecting his children's privacy, Plaintiff T.U. respectfully requests that the case title include his initials only, rather than his full name, and/or whatever measure the Court deems proper in that regard.



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**Authority**

K.S.A. 60-207; 60-208; 60-210; 60-211.





## Wolf Springs Elementary Starting 2019 Class



Tolga Ulusemre · 20h ·



Catherine Singleton

[Tolga Ulusemre](#) this is a sad attempt of deflection of your own child's behavior. I find your comments & allegations to be ignorant & disgusting. Nobody wants to send our kids to a school that is unsafe. I think we can all agree. That change starts within each of our homes. I think that was the whole point to the posts especially with bullying.

I made a comment to the post to illustrate my own frustration of classroom management & lack of safety that has been ongoing this school year. In the incident I was referring to in November both the children (mine & other child) had similar stories & there was no denying of it. We (the other child's parents & I) may have disagreed with disciplinary action. But to be quite honest, the other child took ownership of his behavior which took courage. The only real way these types of situations are going to be able to change is through acknowledgment & ownership of the behavior.

These kids are 8 or 9 years old. This is the time we can role model for them how we handle bullying & talking about emotions.

I for one would respect a post from you so much more from your heart vs fear. Pointing fingers of a witch hunt & conspiracy. Come on,



Write a comment...



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Notifications



Menu





## Wolf Springs Elementary Starting 2019 Class



Tolga Ulusemre · 20h ·

much more from your heart vs tear. Pointing fingers of a witch hunt & conspiracy. Come on, if your kid is saying curse words just own it. (Guess what, mine say them too. Teachable moment.)

Your kid is saying he's going to kill other kids & shoots them with his finger. He talks of guns. Own it - let us know your working on it. Let us know you are taking this serious.

14h Like Reply

5



Anne Clark

We know that even the best of parents can have children that act out. However, I'm sadden to hear that teachers are expected to teach in an environment where parents turn accountability into "politics." Seems to be the answer to everything when someone isn't being accountable.

7h Like Reply

3



Tolga Ulusemre [Author](#)

All I am saying that such incidents are usually not as simple as they seem, and if there is an investigation, all the physical evidence along with all the testimonies from eye witnesses must be written down and shared with the parties involved. Otherwise, why should one kid's words carry more weight than another's? We are creating a disharmonious group here if we keep on saying "my child's words carry



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(1) Wolf Springs Elementary Star

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Tolga's post

Like Reply 12 h 6

Catherine Singleton

Tolga Uusemre this is a sad attempt of deflection of your own child's behavior. I find your comments & allegations to be ignorant & disgusting. Nobody wants to send our kids to a school that is unsafe. I think we can all agree. That charge starts within each of our homes. I think that was the whole point to the posts especially with bullying.

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Like Reply 14 h Edited 5

Brittany Jacobson

We all expect parents to be accountable for their children's behavior. Of course sometimes our children disappoint us, we maintain control, discipline them and let

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Bullying has become an

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were "bullied to death," w

others dying by suicide.

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