

1 David Pivtorak (Cal. Bar No. 255943)
2 **THE PIVTORAK LAW FIRM**
3 611 Wilshire Boulevard, Suite 911
4 Los Angeles, CA 90017
5 Telephone: (213) 291-9130
6 Facsimile: (877) 748-4529
7 Email: david@piv4law.com

8 Attorneys for Plaintiff,
9 RAY SHELTON

10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 RAY SHELTON,
13 Plaintiff(s),
14 vs.

15 VIVIAN EKCHIAN, individually, and in
16 her official capacity as Superintendent of
17 the Glendale Unified School District;
18 DARNEIKA WATSON, individually,
19 and in her official capacity as Chief
20 Human Resources and Operations Officer
21 and Interim Superintendent; KATHLEEN
22 CROSS, individually, and in her official
23 capacity as a Board of Education member;
24 INGRID GUNNELL, individually, and in
25 her official capacity as a Board of
26 Education member; SHANT
27 SAHAKIAN, individually, and in her
28 official capacity as a Board of Education
member; JENNIFER FREEMON,
individually, and in her official capacity
as a Board of Education member;
NAYIRI NAHABEDIAN, individually,
and in her official capacity as a Board of
Education member; KRISTINE TONOLI,
individually, and in her official capacity
as Principal; and DOES 1-50, inclusive;

Defendants.

CASE NO.

COMPLAINT FOR
INJUNCTIVE/DECLARATORY
RELIEF AND DAMAGES:

**Violations of 42 U.S.C. § 1983 [First
and Fourteenth Amendments]**

Jury Trial Demanded

1 17. Defendant Jennifer Freemon (“Freemon”) was, at all relevant times
2 herein, a member of the GUSD Board of Education.

3 18. Defendant Nayiri Nahabedian (“Nahabedian”) was, at all relevant times
4 herein, a member of the GUSD Board of Education.

5 19. The GUSD Board of Education (the “School Board” or “Board”) is a
6 public body that governs public schools in Glendale, California and is the third
7 largest school district in Los Angeles County.

8 20. The School Board has final policymaking and decision-making
9 authority for rules, regulations, and decisions that govern school personnel, including
10 the actions challenged herein.

11 21. The School Board has acquiesced in, sanctioned, and supported, and
12 continues to acquiesce in, sanction, and support the actions of the other Defendants
13 in enforcing the policies and procedures governing GUSD employees, specifically in
14 the punitive measures taken against Mr. Shelton in retaliation for the exercise of his
15 First Amendment rights.

16 22. The School Board refused to instruct GUSD personnel, including other
17 Defendants, to rescind the disciplinary measures taken against Mr. Shelton or
18 otherwise modify district policies to comply with constitutional mandates.

19 23. Defendant Vivian Ekchian (“Ekchian”) was, at all relevant times herein,
20 the superintendent of GUSD.

21 24. As superintendent, Defendant Ekchian was GUSD’s chief executive
22 officer whose powers included oversight and control of the district.

23 25. As superintendent, Defendant Ekchian is and was aware of the
24 retaliatory and unconstitutional actions taken against Mr. Shelton and has refused to
25 instruct GUSD personnel, including other Defendants, to rescind the disciplinary
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1 measures taken against Mr. Shelton or otherwise modify district policies to comply
2 with constitutional mandates.

3 26. As superintendent, Defendant Ekchian has a duty to ensure that
4 disciplinary actions against personnel are applied in a consistent and lawful manner.
5 Defendant Ekchian has confirmed, sanctioned, and ratified the other Defendants'
6 discriminatory, retaliatory, and unconstitutional discipline against Mr. Shelton.

7 27. Defendant Darneika Watson ("Watson") was, at all relevant times
8 herein, the Chief Human Resources and Operations Officer of GUSD. She currently
9 serves as interim superintendent of GUSD.

10 28. Defendant Watson possessed the authority and responsibility for
11 governing and regulating GUSD employees.

12 29. Defendant Watson exercised her authority to punish Mr. Shelton for
13 exercising his First Amendment rights.

14 30. Defendant Kristine Tonoli ("Tonoli") was, at all relevant times herein,
15 the principal of Mark Keppel.

16 31. Defendant Tonoli possesses the authority and responsibility for
17 governing and regulating Mark Keppel teachers, including Mr. Shelton.

18 32. Defendant Tonoli exercised her authority to punish Mr. Shelton for
19 exercising his First Amendment rights.

20 33. Plaintiff is not aware of the true names and capacities of the defendants
21 sued as DOES 1-50, inclusive, and therefore sues these defendants by such fictitious
22 names. Each of these fictitiously named defendants is responsible in some manner
23 for the activities alleged in this complaint. Plaintiff will amend this complaint to add
24 the true names of the fictitiously named defendants once they are discovered.

25 34. Plaintiff alleges, on information and belief, that at all times relevant
26 hereto each of the defendants, including each DOE, was the agent, principal, servant,
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1 master, employee, employer, joint-venturer, partner, successor-in-interest, and/or
2 coconspirator of each other defendant and was at all said times acting in the full
3 course and scope of said agency, service, employment, joint venture, concert of
4 action, partnership, successorship, or conspiracy, and that each defendant committed
5 the acts, caused or directed others to commit the acts, or permitted others to commit
6 the acts alleged in this complaint and is itself liable for the conduct of the named
7 defendants herein.

8 **FACTUAL ALLEGATIONS**

9 35. Plaintiff Ray Shelton was a venerated fifth-grade teacher at the Mark
10 Keppel, which is part of GUSD, for 25 years.

11 36. He was universally beloved by his students and their parents, and well-
12 respected by his colleagues.

13 37. Over the course of his career, Mr. Shelton earned many professional
14 awards. His unique and engaging approach to teaching earned him recognition from
15 the community and in the press. Most recently, in March 2023, he was honored with
16 the “Golden Oak Service Award,” California’s most prestigious PTA award,.

17 38. Mr. Shelton took particular pride in teaching biology and science, which
18 he had a keen personal interest in.

19 39. One of the basic foundational lessons in biology Mr. Shelton taught his
20 students is that the human species has two sexes: Male and female.

21 40. This is not only an accepted scientific fact but a deeply held personal
22 belief for Mr. Shelton.

23 41. Recently, however, this fact has come under attack from politically-
24 motivated activists who believe that there are more than two sexes and claim that the
25 idea of biological sex itself is a social construct.
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1 42. Over the last several years these activist-driven ideas have started
2 creeping into official GUSD policy.

3 43. Some of these policies include, but are not limited to, keeping a secret
4 file on students who have decided to use pronouns that do not correspond to their
5 natal sex and a “preferred” cross-sex name which is different from their given one;
6 permitting natal males, who “identify” as the opposite sex, to use girls' locker rooms
7 and bathrooms at school; mandating that teachers and students use "preferred
8 pronouns" regardless of natal sex, even if this violates the users’ deeply held
9 religious or personal beliefs; and teaching elementary school children about various
10 sexual positions. More importantly, it is GUSD’s policy to conceal all of this
11 information from parents.

12 44. Mr. Shelton believes, based on scientific evidence, that children do not
13 have a fully developed capacity to understand the long-term consequences of their
14 decisions, especially when it comes to sex and identity.

15 45. Mr. Shelton believes that parents must be intimately involved in any
16 serious decisions involving their children, especially those with permanent physical
17 or psychological implications.

18 46. Mr. Shelton believes that parents also have a fundamental right to
19 control the upbringing and education of their children.

20 47. Mr. Shelton wants to protect children from making potentially
21 irreversible and life-changing decisions that they may later regret. Mr. Shelton
22 believes that, because of the complex social, spiritual, and psychological issues
23 involved in changing one’s sex—especially when paired with chemical hormone and
24 surgical interventions—children should not be encouraged to undertake social or
25 medical transition due to their inability to assess the long-term consequences. This is
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1 especially true when these decisions are actively concealed from parents or otherwise
2 made without parental involvement.

3 48. Mr. Shelton believes that educators have free speech rights that may be
4 impacted by educational policy relating to sex identity.

5 49. Mr. Shelton believes that every human being deserves to be treated with
6 dignity and respect. However, Mr. Shelton believes that referring to a child by a
7 pronoun that does not correspond to their natal sex does not constitute dignity or
8 respect; in fact, Mr. Shelton believes, this is harmful both to the child and the
9 speaker, because it is untrue.

10 50. On April 18, 2023 Mr. Shelton attended a GUSD Board of Education
11 meeting. Mr. Shelton attended as a private citizen and not in any representative
12 capacity as a GUSD employee.

13 51. During the public comment portion of the meeting, Mr. Shelton gave a
14 short speech speaking in defense of scientific, biological fact and in opposition to
15 some of GUSD's newly-adopted, politically faddish policies.

16 52. Mr. Shelton expressed his sincere personal belief, based in scientific
17 fact, that these GUSD policies were causing mental, physical, and emotional harm to
18 the children who were being experimented on by adults pursuing a political agenda.

19 53. Mr. Shelton's speech was given as a private citizen on a matter of public
20 concern.

21 54. Mr. Shelton's speech did not violate any GUSD School Board policies.

22 55. Mr. Shelton's participation in the School Board meeting did not
23 interfere with the performance of his duties as a Mark Keppel educator.

24 56. Mr. Shelton's participation in the School Board meeting did not disrupt
25 any education activities at Mark Keppel.

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1 57. When Mr. Shelton arrived to teach his class the morning after the
2 meeting, Defendant Tonoli pulled Mr. Shelton out of his class and directed him to
3 Tonoli’s office, where a School Board administrator sat waiting.

4 58. Defendants instructed Mr. Shelton that he was under investigation for
5 unspecified “misconduct” and was being put on administrative leave. They also
6 handed him a letter from Defendant Watson to that effect.

7 59. Later that day, Defendant Tonoli published an email to the entire Mark
8 Keppel community accusing Mr. Shelton of “hate speech” at the school board
9 meeting and admitting to removing him from campus.

10 60. Defendant Tonoli admitted that Defendants’ conduct against Mr.
11 Shelton was in direct retaliation for the personal views he expressed at the school
12 board meeting.

13 61. Defendants never allowed Mr. Shelton to return to his classroom.
14 Defendants also barred Mr. Shelton from attending his students’ fifth-grade
15 graduation ceremony—something that he deeply cherished every year to
16 commemorate the achievement of his students and to be able to celebrate with them
17 and their families before they moved on to middle school.

18 62. For Mr. Shelton, this was a devastating loss.

19 63. By placing Mr. Shelton on leave, Defendants attacked his credibility as
20 an educator and sullied his personal and professional reputation.

21 64. As a consequence of the administrative leave, Mr. Shelton lost
22 opportunities to develop his skills as an educator and to mentor his students.

23 65. Defendants, through their retaliatory actions, also sent a message to all
24 GUSD employees that speaking on matters of public concern that conflict with
25 District heterodoxy will be met with punishment, including suspension and
26 termination.

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persons acting in concert with them, to (1) rescind any disciplinary action taken against Plaintiff, (2) remove any reference of discipline and any other actions taken against Plaintiff as a result of his protected speech from his personnel file, and (3) refrain from any future retaliation.

- F. Attorneys' fees, costs, interest, and expenses pursuant to 42 U.S.C. §1988 and other relevant statutes.
- G. And such other and further relief as the Court may deem proper.

Dated: December 13, 2023

THE PIVTORAK LAW FIRM

By: /s/ David Pivtorak
David Pivtorak
Attorney for Plaintiff,
RAY SHELTON