

United States District Court
For the Northern District of Ohio

SUZIE BLODGETT , on her own	§	
behalf and on behalf of her minor	§	
child, B.B. ; AND TOM BLODGETT ,	§	
on behalf of his minor child B.B. ,	§	Civil Action No. _____
Plaintiffs,	§	
v.	§	
WESTBRIDGE LOCAL SCHOOL	§	
DISTRICT BOARD OF EDUCATION;	§	
AND MARK HENRY , in his individual	§	
capacity,	§	
Defendants.	§	

Plaintiff's Original Complaint

Introduction

1. Tom and Suzie Blodgett brings action against Westbridge Local School District Board of Education (Westbridge) on behalf of their minor child, B.B., under Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. §12132. B.B. is disabled, he suffered harassment based on that disability so severe that it altered the condition of his education and created an abusive educational environment, Westbridge knew about this harassment, and was deliberately indifferent to it.

2. Additionally, Tom and Suzie Blodgett brings action against Mark Henry, in his individual capacity, on behalf of their minor child, B.B., for intentional infliction of emotional distress under Ohio law. Mark Henry knew or should have known that his conduct would result in serious emotional distress to B.B., his conduct was outrageous and extreme and beyond all possible bounds of decency and was such that it can be considered as utterly intolerable in a civilized community, and this conduct was the proximate cause of B.B.'s psychic injury. B.B.'s emotional distress as a result was serious and of such a nature that no reasonable person could be expected to endure it.

3. Finally, Suzie Blodgett brings action against Mark Henry, in his individual capacity, for defamation under Ohio law. Mark Henry made a false and defamatory statement about Ms. Blodgett that caused her special harm, published it without privilege to a third party, and acted with at least negligence on his part.

Parties

4. Plaintiff B.B. is a minor citizen of the United States living in Westbridge, Ohio. He is the child of Tom and Suzie Blodgett. He is diagnosed with a functional speech disorder and Asperger's Syndrome.

5. Plaintiff Suzie Blodgett is an adult citizen of the United States living in Westbridge, Ohio. She is the mother of minor plaintiff B.B. She is a doctor at the Cleveland Clinic in Ohio.

6. Defendant, Westbridge Local School District Board of Education is a public entity in Westbridge, Ohio. It was B.B.'s school during the relevant period in this suit.

7. Defendant, Mark Henry is an adult citizen of the United States living in Westbridge, Ohio. He is a history teacher at Westbridge High School. He was minor plaintiff B.B.'s former history teacher.

Jurisdiction and Venue

8. This Court has federal-question jurisdiction over this suit under 28 U.S.C. § 1331 because Count I brought by B.B., by and through his parents Tom and Susie Blodgett, arises under federal law, specifically 42 U.S.C. § 12132.

9. This court has supplemental jurisdiction over this suit under 28 U.S.C. § 1367 because Count II, the claim of intentional infliction of emotional distress and Count III of defamation under Ohio law is contained in the same case or controversy in which the federal claim 42 U.S.C. § 12132 arises under.

10. This Court has personal jurisdiction over Westbridge because it is located in a local district of Ohio and operates in Westbridge, Ohio. The acts creating the causes of action asserted in this lawsuit in Count I occurred in Westbridge, Ohio.

11. This Court has personal jurisdiction over Mark Henry because he is a resident of, or domiciled in Westbridge, Ohio. The acts creating the cause of action asserted in this lawsuit in Counts II and III occurred in Westbridge, Ohio.

12. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) because a substantial party of the events giving rise to the claim occurred in this district and

because Westbridge and Mark Henry are subject to personal jurisdiction in this district.

Exhaustion of Remedies

13. B.B., by and through his parents Tom and Suzie Blodgett, has complied with all procedural requisites to this suit and has exhausted his administrative remedies. He has been issued a right-to-sue notice by the proper administrative agencies.

Factual Allegations

14. B.B. was diagnosed with Asperger's Syndrome in 2009 when he was four years old and with a functional speech disorder in 2011 when he was six years old.

15. B.B. has had difficulty with social interactions since the age of eighteen months.

16. He frequently interrupts others, tends to fixate on one subject at a time, moves into others' personal space, and cannot interpret nonverbal cues such as facial expressions and body language.

17. During the 2018-19 school year, B.B. was in eighth grade at Westbridge Middle School.

18. During most of the 2019-20 school year, B.B. was in ninth grade Westbridge High School.

19. On March 2, 2020, B.B. transferred to Lakeside High School.

Count I: Discrimination under Title II of the ADA, 42 U.S.C. § 12132

20. B.B., by and through his parents Tom and Suzie Blodgett, adopts and incorporates all previous paragraphs as if specifically stated herein.

21. B.B. was a qualified individual with a disability that was excluded from participation in and denied the benefits of the programs and activities of the public entity, Westbridge, based on his disability, and was subjected to discrimination by Westbridge.

22. During his time in the Westbridge School District, B.B. suffered peer-on-peer harassment based on his disabilities.

23. On October 15, 2019, B.B. reported to his counselor that a student tripped him, causing him to fall and land on his wrist.

24. On October 18, 2019, Suzie Blodgett sent Westbridge a note reporting that B.B. had fractured his wrist during the fall, and that B.B. missed two days of school because of the pain in his wrist and emotional distress.

25. By December 20, 2019, B.B. had missed more than nine days of school.

26. There were several more instances of bullying from B.B.'s peers reported to the counselor from October 22, 2019 to January 31, 2020.

27. On December 11, 2019, Tom and Suzie Blodgett sent the Principal of Westbridge, James Irwin, an email detailing an incident with B.B.'s history teacher, Mark Henry, where Mr. Henry made fun of B.B. in front of the class.

28. On December 30, 2019, Tom and Suzie Blodgett sent James Irwin another email requesting a meeting to discuss the ineffective efforts the school had put in place to curb the bullying. They stated that B.B. was still the target of name-calling, physical assaults, ostracization, and theft, and he no longer felt safe going to school.

29. On January 12, 2019, Tom and Suzie Blodgett sent the school an email requesting a meeting, citing concern about the treatment of B.B. and stating that teachers and school aides witnessed this treatment and did nothing to stop it.

30. According to test results from a psychological evaluation conducted by Ms. Marilyn Pearson, M.D. on December 29, 2019, B.B. suffers from anxiety, agitation, severe depression, and suicidal ideations based on a history of being bullied incessantly at school for more than a year.

31. Upon information and belief, Westbridge was aware of each incident involving B.B. during his time in the Westbridge School District.

32. Finally, Westbridge was deliberately indifferent to B.B.'s discrimination at the hands of his peers and teachers because they had actual knowledge of such behavior that was so severe and pervasive, and objectively offensive that it deprived B.B. of access to the educational opportunities or benefits provided by Westbridge.

Count II: Intentional Infliction of Emotional Distress

33. On December 10, 2019, Mr. Mark Henry, a history teacher at Westbridge High, deviated from the normal routine and had students, including B.B., stand in front of the class to answer questions about the assigned readings.

34. B.B., who does not respond well to change, was asked to go to the front of the classroom and remain standing.

35. B.B., by and through his parents Tom and Suzie Blodgett, adopts and incorporates previous paragraphs 14 through 19 as if specifically stated herein.

36. Mark Henry asked B.B. questions pertaining to the in-class topic, B.B. had a difficult time answering the questions, and became so nervous and anxious that he started flapping his hands together and rocking back and forth.

37. Mark Henry insulted B.B. multiple times, including yelling, “Hey bird boy! Did the cat get your tongue?” and “Is it a bird? Is it a plane? No – it is [B.B.]!”

38. Mark Henry then took out his iPhone and started to play a song where Bob Dylan sings the lyrics, “the answer, my friend, is blowing in the wind, the answer is blowing in the wind.”

39. Then, Mark Henry instructed all the students in the classroom to stand up and mimic B.B.’s hand motions. During this time, Mark Henry and the other students were pointing and laughing at B.B.

40. B.B. ran out of the classroom crying and could not attend school the next day.

41. On December 11, 2019, Tom and Suzie Blodgett sent Westridge Principal, James Irwin, an email detailing these events, stating that B.B. had been distraught since the incident, could not sleep, and was suffering from nightmares.

42. Tom and Suzie Blodgett requested assurance that appropriate and immediate action be taken against Mark Henry for his conduct.

43. B.B., by and through his parents Tom and Suzie Blodgett, adopts and incorporates previous paragraph 30 as if specifically stated herein.

Count III: Defamation

44. On December 26, 2019, sixteen days after the incident involving B.B. in his classroom, Mark Henry made a public Facebook post concerning Suzie Blodgett.

45. In this post, Mark Henry stated, “If you need heart surgery, do NOT use Dr. Suzie Blodgett at the Cleveland Clinic. Dr. Blodgett recently botched an open heart surgery through a “rookie” mistake. The patient almost died on the operating table and then the “good doctor covered up and concealed her malpractice. My friend just started working at the Clinic as a receptionist and she told me about the doctor’s malpractice and cover up. If you want to live, stay away from Blodgett!”

46. Mark Henry attached a picture of Suzie Blodgett’s work place, the Cleveland Clinic, to this Facebook post.

47. Upon information and belief, Mark Henry acted upon his friend, the receptionist, as a source for the information contained in the post, and made no steps to verify its authenticity.

48. The information contained in the post made by Mark Henry is false.

49. Suzie Blodgett’s reputation as a doctor has publicly suffered, causing her special harm.

Jury Demand

50. Plaintiffs seek a trial by jury of all issues in this case.

Relief Requested

Plaintiff B.B., by and through his parents Tom and Suzie Blodgett, seeks judgment against Westbridge Local School District Board of Education, including:

- a. An award of attorney’s fees and costs of this action;
- b. Punitive damages for wrongful discrimination on the basis of a disability;
- c. Any other relief this Court deems appropriate.

Plaintiff B.B., by and through his parents Tom and Suzie Blodgett, seeks judgment against Mark Henry, including:

- a. An award of compensatory damages to B.B. for emotional distress suffered as a result of Mark Henry's conduct;
- b. An award of attorney's fees and costs of this action;
- c. Any other relief this Court deems appropriate.

Plaintiff, Suzie Blodgett, seeks judgment against Mark Henry, in his individual capacity, including:

- a. An award of compensatory damages to Suzie Blodgett for income lost due to Mark Henry's false and defamatory statements concerning her profession;
- b. An award of attorney's fees and costs of this action;
- c. Any other relief this Court deems appropriate.

Dated: September 5, 2023

Respectfully Submitted,

/s Lora Bishop
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