

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

TWO RIVERS PUBLIC CHARTER SCHOOL

1227 4th St NE
Washington, DC 20002

TWO RIVERS BOARD OF TRUSTEES

1227 4th St NE
Washington, DC 20002

Plaintiffs,

v.

ROBERT WEILER, JR.

3203 Maygreen Avenue
Forestville, Maryland 20747

JONATHAN DARNEL

307 1st Street
Findlay, Ohio 45840-5026

LAUREN HANDY

24701 Byrne Meadow Square, Apt. 110
Aldie, Virginia 20105-3056

RUBY NICDAO

12322 Fox Lake Court
Fairfax, Virginia 22033-2862

LARRY CIRIGANO

3426 Mansfield Road
Falls Church, Virginia 22041-1427

JOHN DOE 1

Address Unknown at this Time

JOHN DOES

Addresses Unknown at this Time

JANE DOES

Addresses Unknown at this Time

Defendants.

Civil Action No. _____

**VERIFIED COMPLAINT AND
REQUEST FOR PRELIMINARY AND
PERMANENT INJUNCTIVE RELIEF**

Count I: *Intentional Infliction of
Emotional Distress*

Count II: *Private Nuisance/Conspiracy to
Create a Private Nuisance*

**VERIFIED COMPLAINT AND REQUEST FOR
PRELIMINARY AND PERMANENT INJUNCTIVE RELIEF**

In order to protect the well-being of the students of Two Rivers Public Charter School, Plaintiffs file this action to limit Defendants' persistent attempts to halt the construction of a Planned Parenthood health center – not slated to open until at least May 2016 – by systematically harassing and intimidating elementary and middle school students, some as young as three years old, who coincidentally go to school next door and across the street. Defendants, all of whom have no affiliation with and were not previously known by the Two Rivers Public Charter School community, have chosen to engage in a pattern of extreme and outrageous conduct by:

- Yelling such things as “they kill kids next door” directly at students;
- Exhibiting large signs and gruesome photos purporting to be aborted fetuses in order to obstruct the students' safe passage into their school building; and
- Following some students up to the front doors of the school and to alternate entrances the school has been forced to open.

Laid bare, Defendants' plan is to stop the construction of the adjacent Planned Parenthood facility by engaging in a concerted effort to aggressively confront students, harm their emotional well-being, upset their parents and guardians, and ultimately damage the school's reputation within the community.

Accordingly, because Plaintiffs Two Rivers Public Charter School and the Two Rivers Board of Trustees (collectively, “Two Rivers”) are responsible for the safety and emotional well-being of the students who attend Two Rivers, they submit the following complaint for preliminary and permanent injunctive relief against Defendants Robert Weiler, Jr., Jonathan Darnel, Lauren Handy, Ruby Nicdao, Larry Cirignano, John Doe 1, and other John Does & Jane Does (collectively, “Defendants”):

PARTIES & JURISDICTION

1. Plaintiff Two Rivers Public Charter School is a charter school in the District of Columbia. It was granted its charter in 2003 and operates elementary and middle schools on 4th Street, NE with approximately 500 students between the ages of three (pre-K) and fourteen (8th grade).

2. Plaintiff Two Rivers Board of Trustees is the elected body responsible for, *inter alia*, “determining the mission and purpose of the school and keeping the mission clearly in focus.” *See* Two Rivers Public Charter School, Board, <http://www.tworiverspcs.org/community/board/> (last visited Dec. 8, 2015).

3. Upon information and belief as a result of Plaintiffs’ investigation, Defendant Robert Weiler, Jr., is a resident of Maryland. Mr. Weiler was previously convicted and sentenced to five years in prison for possessing a pipe bomb with intent to bomb an abortion clinic and possessing a firearm with intent to shoot doctors in Greenbelt, Maryland. He was released in 2011 and placed on parole. In 2014, he was arrested at the same Greenbelt, Maryland facility he had planned to bomb in 2006. Public accounts of his previous arrest and conviction stated that “[a]ccording to a sworn affidavit signed by two agents with the federal Bureau of Alcohol, Tobacco, Firearms and Explosives, the younger Weiler admitted planning to attack the clinic and said he intended to ‘shoot doctors who provided abortions.’ A loaded gun was found in the glove box of his car when he was arrested, the affidavit says.” *See* Ruben Castaneda, *Pipe Bomb Suspect Quiet in U.S. Court, But His Shirt Isn’t*, Wash. Post, June 13, 2006, <http://www.washingtonpost.com/wp-dyn/content/article/2006/06/12/AR2006061201305.html> (last visited Dec. 8, 2015).

4. Upon information and belief as a result of Plaintiffs' investigation, Defendant Jonathan Darnel is a resident of Ohio and is or has been a field coordinator for Center for Bio-Ethical Reform ("CBR"), an organization dedicated to, *inter alia*, "prenatal justice and the right to life for the unborn" and which relies on intentionally graphic depictions because "abortion represents an evil so inexpressible that words fail us when attempting to describe its horror. . . ." *See* Center for Bio-Ethical Reform, What We Do, <http://www.abortionno.org/what-we-do/> (last visited Dec. 8, 2015). Darnel also identifies himself as an "Independent anti-abortion advocate."

5. Upon information and belief as a result of Plaintiffs' investigation, Defendant Lauren Handy is a resident of Virginia and is the Director of the Anti-Choice Project for Washington, DC. The Anti-Choice Project describes itself as "is a national, grassroots movement of pro-lifers systematically exposing abortion in their own hometowns. Horrifying pictures always offend but, historically, they are the key to social reform." *See* Anti-Choice Project, Chapters, <http://www.antichoiceproject.com/chapters/> (last visited Dec. 8, 2015).

6. Defendant Ruby Nicdao is a resident of Virginia and is the Project Director in Virginia for Center for Bio-Ethical Reform ("CBR"). *See* Abortion No, What We Do, <http://www.abortionno.org/what-we-do/> (last visited Dec. 8, 2015); Center for Bio-Ethical Reform, About, https://www.facebook.com/CBRVirginia/info/?tab=page_info (last visited Dec. 8, 2015).

7. Upon information and belief as a result of Plaintiffs' investigation, Defendant Larry Cirignano is a resident of Virginia and is the Virginia State Director of American Catholics for Religious Freedom and a representative of Choose Life License Plates DC.

8. Defendant John Doe 1 (pictured below) was present at the protests on November 16, 2015 but has yet to be identified:



9. Other John Does and Jane Does are fictitious names intended to designate organizations or persons who act in concert with the Defendants engaging in the behavior complained of in this motion.

10. This Court has subject matter jurisdiction over this civil action under D.C. Code § 11-921.

11. This Court has personal jurisdiction over this civil action because all of Defendants' actions at issue in this matter took place in the District of Columbia. D.C. Code §§ 13-423(a)(1), (6).

12. Venue is proper in the District of Columbia and all of the acts upon which this action is based occurred exclusively in the District of Columbia.

NATURE OF THE CLAIM

13. Plaintiffs bring this civil action and seek injunctive relief to prevent Defendants' extreme and outrageous conduct:

- a. Purposely and aggressively menacing pre-school, elementary and middle school students, some as young as three years old, and shouting such things as (i) "tell your parents they are going to kill kids next door" and (ii) "It's a murder facility next door. Ask your parents why they kill babies and how they can stop it";
- b. Holding signs purposely directed at children saying things such as "They Kill Babies Nearby! Tell your parents to stop them!" and others containing gruesome depictions of dismembered and bloody fetuses with slogans like "Not 4 Sale" and "10 Week Aborted Fetus";



(pictured above L to R: Defendants Robert Weiler, Jr. and John Doe 1)



(pictured above: Defendant Larry Cirignano)

- c. Choosing to obstruct students and parents from entering the school by standing in the passage lanes with signs and actively pursuing students up to the front doors of the school;
- d. Following students and parents as they attempted to enter Two Rivers through alternate entrances in the alleys behind the school; and
- e. Disrupting the ability of students to participate in regularly-scheduled activities at the school because schools officials have been forced to keep students inside during recess and for outside activities to avoid Defendants' aggressive behavior.

14. Defendants' conduct has intentionally or recklessly caused these students, for whom Plaintiffs have a duty to keep safe, severe emotional distress.

15. Defendants have promised that they will "be back every week" if the students and parents do not take action against the Planned Parenthood health center.

BACKGROUND

Two Rivers Public Charter School

16. Two Rivers Public Charter School is a charter school in the District of Columbia overseen by the District of Columbia Public Charter School Board.

17. The school's mission is "[t]o nurture a diverse group of students to become lifelong, active participants in their own education, develop a sense of self and community, and become responsible and compassionate members of society." *See* Two Rivers Public Charter School, Mission & History, <http://www.tworiverspcs.org/mission/mission-history/> (last visited Dec. 8, 2015).

18. The Two Rivers Public Charter School maintains two buildings near the corner of 4th Street NE and Florida Avenue NE in Washington, DC.

19. Two Rivers' elementary school building is at 1227 4th Street NE, Washington DC, 20002. The school is on 4th Street NE, between M Street NE and Florida Avenue NE, Washington, DC. The Elementary School building sits on Square/Suffix/Lot 0804 0057.

20. Two Rivers also maintains a middle school building, which is at 1234 4th Street NE and sits to the south and across the street from the Elementary School building. The Middle School building sits on Square/Suffix/Lot 0772 0016.

21. The elementary and middle schools collectively serve approximately 500 students from the ages of three to fourteen from two buildings that are shoe-horned into the 1200 block of

4th Street NE. Two Rivers maintains a diverse student body with students from all eight Wards in the District of Columbia.

22. The instructional school day begins for both schools at 8:30 a.m., with student arrival officially beginning at 8:15 a.m. The elementary school day ends at 3:15 p.m. and 1:15 p.m. on Wednesdays. The middle school day ends at 4:15 p.m. Students who eat breakfast at the school arrive as early as 7:30 a.m.

23. Two Rivers' students arrive at school in a variety of ways:

- a. Some walk or bike alone or with a group of fellow students;
- b. Some walk or bike with parents or guardians;
- c. Some take the metro to the NoMa-Gallaudet U Station and walk alone or with a group of students or with a parent or guardian;
- d. Some are dropped off by car by parents or guardians along 4th Street NE in front of the elementary school building.

24. Because of the school's location and lack of direct access to athletic fields, the students regularly use the public space and sidewalks around the school for recess and other school-related activities during the regular school day.

25. Despite the unique challenges associated with the lack of access to additional outdoor space around the school buildings, Two Rivers has been consistently recognized as one of the top schools in the District of Columbia. In 2015, nearly 3,000 students submitted lottery applications for fewer than 100 spots for pre-K through eighth grade at the 4th Street NE schools.

26. Two Rivers has been declared a Tier One, high-performing school by DC's Public Charter School Board for four years in a row.

27. Two Rivers is governed by the Two Rivers Board of Trustees, which is comprised of thirteen elected members who are community leaders, accomplished professionals and parents. The schools bylaws state that “[e]ach member of the Board of Trustees shall act in an ethical manner consistent with its fiduciary obligations to the School.”

Planned Parenthood of Metropolitan Washington, DC

28. At 1225 4th Street NE, directly adjacent on the southern-side of Two Rivers’ elementary school building, Planned Parenthood of Metropolitan Washington, DC is in the process of building a health center that will provide a wide array of services, including performing abortions. The Planned Parenthood site sits on Square/Suffix/Lot 0804 0056.

29. The future Planned Parenthood site is directly across 4th Street from the Middle School building.

30. The building is under construction and, based upon Plaintiffs’ investigation, is not scheduled to open until at least May 2016:



31. Previously, the 1225 4th Street NE property had been a vacant warehouse.

32. Plaintiffs first learned of Planned Parenthood’s plans to relocate next door to Two Rivers through public reports after already being approved by the District of Columbia.

THE PROTESTERS

August 27, 2015 Protest

33. On August 27, 2015, while preparing for the commencement of the school year, Two Rivers was holding parent-student-teacher conferences during regular school hours. Mid-morning, three individuals arrived and occupied the sidewalk in front of the middle school. They displayed two large posters, each approximately 2’ by 4’, depicting dismembered fetuses. They intentionally set up on their signs on the sidewalk so that students and parents entering Two Rivers would be forced to pass by and see them.



34. Defendant Lauren Handy (pictured above) was present and yelled a number of things at students and parents entering the elementary school, including “Tell your parents you don’t want to go to school next to a baby killing center!” which at one point she directed toward a three-year old child.

35. Two Rivers administration officials stood on the school steps and attempted to usher in students and families. Parents attempted to cover the eyes of their children as they left the building so they would not see the gruesome and upsetting posters.

Jonathan Darnel's November 1, 2015 Email

36. On Sunday, November 1, 2015, at 7:04 p.m., Defendant Jonathan Darnel sent the following email to nine of Two Rivers' administration officials outlining his and others' plans to target the school in an effort to upend Planned Parenthood's new facility:

Dear leadership staff of Two Rivers Public Charter School,

I am neither a parent nor a member of the community in which your fine school is located. But I am a concerned citizen and hope you will take a moment to address a very problematic issue that may cause us both great hardship in the near future.

I'm talking, of course, about your new neighbors, Planned Parenthood. They plan to open their 4th Street facility in early 2016, and while I'm sure you are less than thrilled about this eventuality, I wonder if you have really responded in a manner commensurate with the severity of the threat? Forgive me for being presumptuous, but during my 6 years of anti-abortion advocacy, I've learned that most people do not fully realize how bad Planned Parenthood really is.

Planned Parenthood's new facility will be, first and foremost, an abortion business. The majority of their revenue comes from the sale of death-on-demand (I'm afraid I cannot use politically correct terminology here). This means not only abortion, but the promiscuous activity that leads to it. That means several things:

- It means all sorts of people you wouldn't want your students interacting with will be accessing their building all day long. Most will probably walk from NoMa-Galludet (sic) metro, right past your doors.
- It means disruptive, sometimes violent scenes between abortion-minded women and their boyfriends/husbands/parents etc. on the sidewalks near your school.
- It means that Planned Parenthood will make overtures to your middle school students in order to hook them on the perverse sexual lifestyle that they promote. Don't believe me? Watch this Planned Parenthood produced video.
- It means the occasional ambulance will be called in to extract a woman injured in a botched abortion.
- It means pro-life sidewalk counselors outside Planned Parenthood trying to talk women out of abortion. They may have to use bullhorns, and that can get loud. Pro-abortion advocates will often assault them loudly, and sometimes violently.

- It means anti-abortion protesters (like myself) outside Planned Parenthood and at the intersection of Florida Avenue and 4th Street, decrying the child-killing that is going on just a few hundred feet away. Many of us will carry [images of aborted children](#) to awaken the deadened conscience of the community.
- It means that police will visit your block much more frequently to deal with many of the problems mentioned above.

Please understand that Planned Parenthood does not have the best interests of anyone in mind. In the past 6 years alone, they have been caught red handed covering up [child prostitution](#), turning a blind eye to [domestic abuse](#), encouraging the [abortion of baby girls specifically because they are girls](#) (anything to make a profit) and, most recently, selling aborted baby body parts for profit (see both the official videos [here](#) and the ones leaked from the government [here](#)).

Plenty of former Planned Parenthood workers have left the company and spoken out against the nasty way Planned Parenthood does business, including former clinic directors. Here's [one such testimony](#).

I should add that the Washington, DC Planned Parenthood chapter is [no stranger to scandal themselves](#).

Knowing what you now know, **how do you plan to act?** Are you taking adequate action to protect your students and the reputation of your school? Do not underestimate the powerful voice that an institution like your's (sic) has to **prevent Planned Parenthood from taking up residency there**. You are perhaps the only voice the district and ward governments may listen to. Believe me, you do NOT want to let this slide.

Please take a moment to respond. As I mentioned at the beginning of this message, I am not anyone important and hold no official position. I am not threatening you. Nevertheless, if you are failing to challenge Planned Parenthood, I feel a moral obligation to alert the community (including the parents of your students) myself. I know a number of people who feel the same way. It really doesn't matter how each of you feels about abortion. I'm sure you don't want to see me, my anti-abortion friends and our graphic images any more than we want to be in your neighborhood.

Please give me at least a hint that you are actively trying to prevent Planned Parenthood from opening their dirty business next door to your wonderful school. Even a short response would be appreciated and help me know how I should proceed.

Thank you and God bless. I look forward to hearing from you, the sooner the better.

Jonathan Darnel
Independent anti-abortion advocate

"I must be all on fire, for I have mountains of ice around me to melt"
- William Lloyd Garrison, editor of the anti-slavery periodical *Liberator*

(emphasis, highlighting, coloring, and hyperlinks in original).

November 16, 2015 Protest

37. On the morning of November 16, 2015, at approximately 7:30 a.m., four individuals gathered on the sidewalk directly in front of the Two Rivers elementary school and next to the drop off lane.



38. Present outside of the school were Defendants Jonathan Darnel, Robert Weiler, Jr., and Lauren Handy. The fourth person, John Doe 1, who was wearing a red sweatshirt and a knit cap, has not been identified.

39. Based on Plaintiffs' investigation, none of the four individuals either sought or obtained a permit to conduct the protest.

40. The Defendants had set up signs on the sidewalk and were holding signs. A banner measuring approximately 8' by 3' read: "They kill babies nearby! Tell your parents to stop them."

41. Upon information and belief based on Plaintiffs' investigation, Robert Weiler Jr., who held this banner outside of the elementary school, was previously convicted and sentenced

to five years in prison for possessing a pipe bomb with intent to bomb an abortion clinic and possessing a firearm with intent to shoot doctors in Greenbelt, Maryland. He was released in 2011 and placed on parole. In 2014, he was arrested at the same Greenbelt, Maryland facility he had planned to bomb in 2006.

42. Lauren Handy (pictured below), who on August 22, 2015 had shouted at Two Rivers students as they tried to enter the school, held a sign that showed bloody body parts and stated "10 Week Abortion."



43. As noted above, the instructional school day at Two Rivers begins for students at 8:30 a.m., but they often arrive early and gather outside of the school buildings and play until the doors open at 8:15 a.m.

44. Students who are dropped off typically arrive between 8:15 a.m. and 8:30 a.m. For the elementary school, there is a “drop off lane” in front of the school on 4th Street. Students normally enter the elementary school through the 4th Street entrance.

45. On November 16, 2015, throughout the period when students were dropped off, the four Defendants continually positioned and repositioned themselves so students and parents could not enter the school without seeing their posters and hearing their words. They shouted at children and they followed them from the sidewalk on to Two Rivers’ property, interfering with the ability of students and their parents or guardians from entering the school.

46. Specifically, Jonathan Darnel, who had previously emailed the school about the anticipated scope and nature of the protests, repeatedly approached students and parents. He attempted to hand them brochures and said things like:

- a. “Tell your parents they're going to kill kids next door!”
- b. “The school will have a lot of problems if you ignore the problem!”
- c. “It’s a murder facility next door. Ask your parents why they kill kids next door and how they can stop it.”

47. John Doe 1, the unidentified individual in a red sweatshirt and knit cap, shouted at students and parents, saying this like:

- a. “Kids, they're going to kill babies next door. Parents, don't protect your kids from the truth. How can you let this be built next to your school?”
- b. “They're going to kill kids . . . and your principals are deceiving you.”
- c. “The principal has no conscience - she doesn't care.”

48. At one point John Doe 1 gestured at a Two Rivers parent who was helping students get into school safely and said, “This man is supporting baby killing.”

49. Many parents and students felt they were being chased and threatened by Mr. Darnel and John Doe 1.

50. John Doe 1 stated that they would “be back every week.”

51. Defendant Darnel declared that they would be “back every week until you rise up against this!”

November 23, 2015 Protest

52. On Monday, November 23, 2015, just as they had promised on November 16, the individuals returned to the school with signs. This group included Defendants Jonathan Darnel, Lauren Handy, Ruby Nicdao, and Larry Cirignano.

53. Based on Plaintiffs’ investigation, none of the four individuals either sought or obtained a permit to conduct the protest.

54. Defendant Larry Cirignano stood right near the entrance of the middle school and held a sign that measured approximately 4’ by 5’ that said “Not 4 Sale” and depicted a gruesome picture of an aborted fetus and various body parts.



55. Darnel held a sign aimed directly at the students of Two Rivers that said “They Kill Babies Nearby! Tell your parents to stop them.”



56. Defendant Jonathan Darnel also shouted at students as they entered the building saying things like:

- a. "They are going to murder kids right next door if your parents don't do something about it."
- b. "It is worse to have them here trying to sell sex to your kids every day."

57. In an attempt to protect the students from the verbal harassment and the disturbing signs, the school administration redirected students to an alternate entrance down the alley on the north side of the middle school. When Defendants found out that students were entering the school through a different door, Ruby Nicdao followed the students into the alley and continued shouting at them, making parents and students feel threatened and unsafe.

58. Ruby Nicdao approached cars as they came to drop off children and yelled at students while attempting to hand them pamphlets. She also shouted to two middle school students that they should “Tell [their] parents to stop this bloodbath that’s coming across the street . . . the little babies need your voice” and at another she shouted “Abortion kills children. A big abortion baby-killing business is coming to your neighborhood, the bloodbath is about to begin.”

59. Other individuals held large signs on the narrow sidewalk between the alley and a driveway, making it difficult for parents and students to pass by and enter the middle school building.

60. Parents reported feeling extremely upset by the gruesome poster, angry that they could not pass on the sidewalk and frustrated that they were not able to escort their children into the school without them being verbally harassed and intentionally exposed to gruesome images.

61. One student was so upset by this incident that he began to feel sick and had to go home. He was only able to return to school the next day with the promise that the school counselor would meet him at the front door.

62. Given the circumstances surrounding Defendants’ previous actions, they cannot fairly be classified as engaging in “sidewalk counseling” since they have chosen to intentionally direct their speech primarily at the children attending Two Rivers, the majority of which are between the ages of three and twelve.

December 7, 2015 Leafleting

63. On December 7, 2015, Defendant Jonathan Darnell and other John and Jane Does stood in front of Two Rivers Public Charter School and handed out the following leaflet to students and their parents:

MOVE FROM OUTRAGE TO ACTION

Planned Parenthood is moving into our neighborhood. They are trying to locate to 1225 4th ST NE between Two Rivers elementary and middle school. Help protect our community and children from the abortion cartel by contacting ANC 6C chairmen, Karen Wirt, at 202-547-7168

**JOIN US ON WEDNESDAY DECEMBER 9TH AS WE
COME TOGETHER TO EXPRESS CONCERNS AT OUR
LOCAL ANC MEETING.**

Advisory Neighborhood Commission 6C Meeting

Date: December 9th | Time: 7:00 p.m.

Where: Heritage Foundation 214 Massachusetts Ave. N.E.

**MAKE YOUR VOICE HEARD AND TELL THEM
ABORTION IS BAD BUSINESS**

QUESTIONS? CONCERNS? CONTACT: OUTRAGE2ACTION@HOTMAIL.COM

64. One parent, who was walking with her five-year student and infant child after school was dismissed, reported being followed towards the NoMa-Gallaudet U metro station by Defendant Darnel after she refused to accept his flyer. While following the woman and her children away from the school, Defendant Darnel stated that she was “in denial” and threatened that “it would only get worse.”

65. At approximately 4:20 p.m., Defendant Darnel jogged after a group of middle school students who had previously passed and ignored him. Once he caught up to them he forced copies of the above flyer into their hands. The mother of one of the students, who also happens to work at the school, reported that her daughter was “startled” by the incident.

66. Upon information and belief as a result of Plaintiff’s investigation, some number of unknown individuals left the same leaflet at houses in the surrounding residences in the NoMa and Capitol Hill neighborhoods.

Scheduled Future Protests

67. Planned Parenthood’s construction site next door to the school promises to attract significant protest activities that will disrupt the school’s operations.

68. For example, on December 2, 2015, Frank Pavone, the National Director of Priests for Life, issued the following statement:

The senseless and universally denounced shootings that took place in Colorado Springs on Friday have brought a number of inquiries to me and other pro-life leaders regarding whether we intend to soften our language or modify our actions regarding Planned Parenthood and abortion generally.

In short, the answer is ‘No.’ In fact, we will intensify both our language and our protests.

We neither participate in nor condone violence. Our messages and our protests did not start because of irresponsible and deranged perpetrators of violence, nor will they change or cease because of such people . . .

In the coming months, we will intensify our multi-pronged Expose Abortion effort (www.ExposeAbortion.com), using the words of abortionists themselves, the photos and videos of abortion, and the corruption of the abortion industry to awaken the public to this violence . . .

Likewise, on Thursday, January 21, starting at 9am, we will hold a national prayer rally and protest against Planned Parenthood at its newest Washington DC location (1225 4th St. NE). Many of our fellow citizens will already be in Washington for the annual March for Life the following day, and we urge them to join us for Thursday's protest, and for a National Prayer Service on Friday morning at 8:30am at Constitution Hall (1776 D St., NW (18th and D St)).

(emphasis added).

69. The school had previously set January 22, 2016 as a professional development day when no students would be present; however, the school is now in the process of evaluating whether it will also now have to be closed to students on January 21, 2016.

70. The District of Columbia has enacted a number of laws that make abundantly clear that it has a substantial and compelling interest in maintaining a safe environment for students to pursue their education. *See, e.g.*, D.C. Code § 2-1535.01, *et seq.* (defining “bullying” as “any severe, pervasive, or persistent act or conduct, whether physical, electronic, or verbal that: (i) May be based on a youth's actual or perceived race, color, ethnicity, religion, national origin, sex, age . . . (ii) Can be reasonably predicted to: (I) Place the youth in reasonable fear of physical harm to his or her person or property; (II) Cause a substantial detrimental effect on the youth's physical or mental health; (III) Substantially interfere with the youth's academic performance or attendance; or (IV) Substantially interfere with the youth's ability to participate in or benefit from the services, activities, or privileges provided by an agency, educational institution, or grantee); D.C. Code § 7-2509.07(a)(2) (prohibiting a “person holding a license” from carrying a pistol at in or on “[t]he building and grounds, including any adjacent parking lot, of . . . [a] public or private elementary or secondary school”); D.C. Code § 22-4502.01 (creating

a “gun free zone” within 1000’ of schools and enhancing the criminal penalties “up to twice that otherwise authorized).

Irreparable Harm

71. Because of Defendants’ pattern of threatening protests directed at children, Plaintiffs – who are responsible for the safety and emotional well-being of the students at Two Rivers – have been and will continue to be irreparably harmed.

72. Administrators and teachers at Two Rivers have found that their ability to plan for the school day and the arrival of their students has been compromised; they must make extraordinary efforts to shield their students from Defendants’ threatening and intimidating confrontations that have been – and are promised to be – purposely timed for the arrival of approximately 500 students ranging from three to fourteen years old and their parents or guardians. Defendants’ actions have disrupted the ability of students to participate in regularly-scheduled activities at the school because schools officials have been forced to keep students inside during recess and for outside activities to avoid Defendants’ aggressive behavior. Such efforts necessarily take away from pursuing the core educational goals of the school.

73. In response to the protests, some students have reported feeling upset and sick and have, sometimes, left school or stayed out entirely. Defendants’ actions – which are directed at the students of Two Rivers – have already and will continue to cause stress, fear, and anxiety among the students at Two Rivers potentially resulting in emotional and mental distress.

74. The harmful effects of Defendants’ protests are not the kind that can be compensated through money.

75. Plaintiffs’ only viable remedy is for Defendants’ pattern and protest to be moved a reasonable and safe distance from the location of Two Rivers’ buildings.

76. As a public charter school, Two Rivers depends upon its reputation as a safe and high-achieving school to attract students to the school. The fear of protestors threatening and scaring students with shouting and graphic posters could result in parents withdrawing their students from the school.

77. Because the school's funding is based upon the number of students enrolled in the school, a drop in enrollment will mean a drop in funding without a commensurate drop in costs to maintain the high standards at Two Rivers.

CLAIMS FOR RELIEF

Count I: Intentional Infliction of Emotional Distress

78. Plaintiffs incorporate and re-allege each allegation contained in paragraphs 1-76 above as if fully set forth herein.

79. By directing their speech at Two Rivers students and shouting things like "babies are being killed next door to the school" and that there will be "problems" at the school if they don't do something about it, as well as targeting students with posters depicting dismembered and bloody fetuses, Defendants have engaged in extreme and outrageous conduct.

80. Defendants' conduct is unquestionably intentional as Defendants have clearly aimed these threats and disturbing posters at students and parents.

81. Defendants' conduct has caused students and parents at Two Rivers to feel afraid, threatened, helpless and unsafe resulting in severe emotional distress.

Count II: Private Nuisance/Conspiracy to Create a Private Nuisance

82. Plaintiffs incorporate and re-allege each allegation contained in paragraphs 1-80 above as if fully set forth herein.

83. By their conduct, Defendants have and will continue to substantially and unreasonably interfere with Plaintiffs' use and enjoyment of the Two Rivers elementary and middle school buildings as a place of safe learning.

84. Defendants' interference with Plaintiffs' use and enjoyment of the Two Rivers elementary and middle school buildings would be offensive to, cause inconvenience to, annoy, or be outrageous to a reasonable person in the community.

85. Defendants' interference with Plaintiffs' use and enjoyment of Two Rivers elementary and middle school buildings is intentional or, at the least, negligent.

86. Commencing on or before August 27, 2015, and for the purpose of creating a nuisance, Defendants individually and collectively knowingly entered into a conspiracy to create a private nuisance, as outlined herein.

87. Plaintiffs are suffering irreparable harm by virtue of Defendants' interference with the use and enjoyment of the Two Rivers elementary and middle school buildings.

88. Plaintiffs are entitled to injunctive relief prohibiting Defendants from interfering with Plaintiffs' use and enjoyment of the Two Rivers elementary and middle school buildings.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs Two Rivers Public Charter School and the Two Rivers Board of Trustees pray for the following narrowly-tailored relief in light of the government's substantial and compelling interest to keep children safe:

A. The grant of preliminary and permanent injunctive relief enjoining Defendants Jonathan Darnel, Robert Weiler, Jr., Lauren Handy, Ruby Nicdao, Larry Cirignano, John Doe 1, and other John Does and Jane Does from the following:

1. Entering the premises and property of Two Rivers Public Charter School in Washington, DC;
2. Blocking, impeding, inhibiting, or in any other manner obstructing or interfering with access to, ingress into and egress from any building, public space, or parking area owned or used by Two Rivers Public Charter School;
3. Focused picketing, congregating, patrolling, or demonstrating within a reasonable distance of the Two Rivers' elementary school building, located at 1227 4th Street NE, Washington DC, 20002 (Square/Suffix/Lot 0804 0057) and Two Rivers' middle school building, located at 1234 4th Street NE, Washington, DC 20002 (Square/Suffix/Lot 0772 0016) and the adjacent public space with the purpose of directly engaging the students of Two Rivers Public Charter School or their siblings under the age of twelve during the school day and during the times of arrival and departure;
4. Whistling, shouting, yelling, use of bullhorns, auto horns, sound amplification equipment or other sounds within a reasonable distance of the Two Rivers' elementary school building, located at 1227 4th Street NE, Washington DC, 20002 (Square/Suffix/Lot 0804 0057) and Two Rivers' middle school building, located at 1234 4th Street NE, Washington, DC 20002 (Square/Suffix/Lot 0772 0016) and the adjacent public space with the purpose of directly engaging the students of Two Rivers Public Charter School or their siblings under the age of twelve during the school day and during the times of arrival and departure;
5. Focused picketing, congregating, patrolling, or demonstrating within a reasonable distance of the Two Rivers' elementary school building, located at 1227 4th Street NE, Washington DC, 20002 (Square/Suffix/Lot 0804 0057) and Two Rivers' middle school

building, located at 1234 4th Street NE, Washington, DC 20002 (Square/Suffix/Lot 0772 0016)

and the adjacent public space:

- a. During school days on Mondays, Tuesdays, Thursdays, and Fridays (including summer school) for the periods from 7:00 a.m. to 9:00 a.m. and from 2:45 p.m. to 4:45 p.m.;
- b. During school days on Wednesdays (including summer school) for the periods from 7:00 a.m. to 9:00 a.m., 12:45 p.m. to 2:00 p.m., and from 3:45 p.m. to 4:45 p.m.; and
- c. During school days when students are using the sidewalk in front of the Two Rivers Elementary school for recreational purposes, lunch, or other school activity.
- d. During weekend days during official school functions for the period 30 minutes before and 30 minutes after the official start time and 30 minutes before and 30 minutes after the official end time.

6. Whistling, shouting, yelling, use of bullhorns, auto horns, sound

amplification equipment or other sounds within a reasonable distance of the Two Rivers'

elementary school building, located at 1227 4th Street NE, Washington DC, 20002

(Square/Suffix/Lot 0804 0057) and Two Rivers' middle school building, located at 1234 4th

Street NE, Washington, DC 20002 (Square/Suffix/Lot 0772 0016) and the adjacent public space:

- a. During school days on Mondays, Tuesdays, Thursdays, and Fridays (including summer school) for the periods from 7:00 a.m. to 9:00 a.m. and from 2:45 p.m. to 4:45 p.m.
- b. During school days on Wednesdays (including summer school) for the periods from 7:00 a.m. to 9:00 a.m., 12:45 p.m. to 2:00 p.m., and from 3:45 p.m. to 4:45 p.m.
- c. During school days when students are using the sidewalk in front of the Two Rivers Elementary school for recreational purposes, lunch, or other school activity.
- d. During weekend days during official school functions for the period 30 minutes before and 30 minutes after the official start time and 30 minutes before and 30 minutes after the official end time.

7. Using posters or similar displays larger than 11” by 17” depicting gruesome images of mutilated body parts or dead bodies in a manner reasonably likely to be viewed by children under twelve years of age attending school at Two Rivers’ elementary school or middle school buildings;

8. Using posters or similar displays larger than 11” by 17” utilizing such terms as “Kill,” “Murder,” and other similarly-violent terms in a manner reasonably likely to be viewed by children under twelve years of age attending school at Two Rivers’ elementary school or middle school buildings;

9. Encouraging, inciting, managing, organizing or securing other persons to commit any of the prohibited acts listed herein at all times on all days.

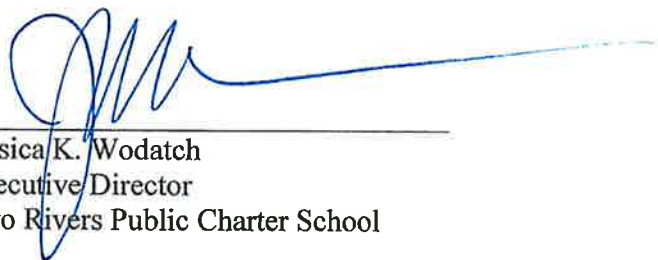
B. The right to seek a Temporary Restraining Order or other injunctive relief as against the Defendants or others, to the extent the Plaintiffs learn or believe the Defendants or others intend to engage in targeted protests or other activities that Plaintiffs believe violate Plaintiffs’ rights; and

C. Costs, expenses, reasonable attorneys’ fees and for such other and further relief as this Court deems just and proper.

VERIFICATION

I, Jessica K. Wodatch, declare as follows:

1. I am the Executive Director of Two Rivers Public Charter School.
2. I have personal knowledge of Two Rivers Public Charter School and its activities, including those set out in the foregoing Verified Complaint and Request for Preliminary and Permanent Injunctive Relief, and if called upon to testify I would competently testify as to the matters stated herein.
3. I declare under penalty of perjury under the laws of the United States of America that the factual statements in this Verified Complaint and Request for Preliminary and Permanent Injunctive Relief concerning Two Rivers Public Charter School are true and correct. Executed on December 9, 2015.



Jessica K. Wodatch
Executive Director
Two Rivers Public Charter School

December 9, 2015

Respectfully submitted,



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Counsel for Plaintiffs

¹ Ms. Joshi is in the process of submitting an application for admission to the DC Bar which is currently pending and is moving for admission *pro hac vice* with the filing of this action. She is currently a member in good standing of the bars of Pennsylvania and New Jersey.