



West Virginia E-Filing Notice

CC-02-2019-C-89

Judge: Laura Faircloth

To: Laurel Lackey
laurel.k.lackey@wvago.gov

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

Attorney General v. Christina Lester

CC-02-2019-C-89

The following complaint was FILED on 2/19/2019 12:15:10 PM

Notice Date: 2/19/2019 12:15:10 PM

Virginia Sine
CLERK OF THE CIRCUIT
Berkeley
380 W. South Street
MARTINSBURG, WV 25401

(304) 264-1918
betty.hutsler@courtsww.gov

COVER SHEET

E-FILED | 2/19/2019 12:15 PM
CC-02-2019-C-89
Berkeley County Circuit Clerk
Virginia Sine

GENERAL INFORMATION

IN THE CIRCUIT COURT OF BERKELEY COUNTY WEST VIRGINIA

Attorney General v. Christina Lester

First Plaintiff:

☐ Business ☐ Individual
☒ Government ☐ Other

First Defendant:

☐ Business ☒ Individual
☐ Government ☐ Other

Judge:

Laura Faircloth

COMPLAINT INFORMATION

Case Type: Civil

Complaint Type: Other

Origin:

☒ Initial Filing ☐ Appeal from Municipal Court ☐ Appeal from Magistrate Court

Jury Trial Requested:

☐ Yes ☒ No

Case will be ready for trial by: _____

Mediation Requested:

☐ Yes ☒ No

Substantial Hardship Requested:

☐ Yes ☒ No

☐ Do you or any of your clients or witnesses in this case require special accommodations due to a disability?

- ☐ Wheelchair accessible hearing room and other facilities
- ☐ Interpreter or other auxiliary aid for the hearing impaired
- ☐ Reader or other auxiliary aid for the visually impaired
- ☐ Spokesperson or other auxiliary aid for the speech impaired
- ☐ Other: _____

☐ I am proceeding without an attorney

☒ I have an attorney: Laurel Lackey, Eastern Panhandle Office 269 Aikens Center, Martinsburg, WV 25404

SERVED PARTIES

Name: Christina Lester
Address: 610 Jefferson Ave., Charles Town WV 25414
Days to Answer: 20 **Type of Service:** Plaintiff - Private Process Server

Name: June Yurish
Address: 502 Gantt Drive, Martinsburg WV 25403
Days to Answer: 20 **Type of Service:** Plaintiff - Private Process Server

Name: Kristin Douty
Address: 11 Warren Clark Drive, Martinsburg WV 25403
Days to Answer: 20 **Type of Service:** Plaintiff - Private Process Server

IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

PATRICK MORRISEY,
STATE OF WEST VIRGINIA,
ex rel. A. P, and O. R.,
infants under the age of eighteen years,

Plaintiff,

v.

CIVIL ACTION NO. _____

JUDGE: _____

CHRISTINA LESTER,
JUNE YURISH, and
KRISTIN DOUTY,

Defendants.

**COMPLAINT FOR INJUNCTIVE
RELIEF AND CIVIL PENALTIES**

Now comes Patrick Morrissey, Attorney General for the State of West Virginia, on behalf of A.P. and O. R, infants under the age of eighteen years, by and through Senior Deputy Attorney General J. Robert Leslie and Assistant Attorney General Laurel K. Lackey, pursuant to West Virginia Code § 5-11-20 and Rule 65 of the West Virginia Rules of Civil Procedure, and hereby seeks a Civil Rights Injunction enjoining the above-named Defendants from certain discriminatory and illegal behavior as set out in detail below

In support hereof, the Plaintiff further states and alleges as follows:

1. The Plaintiff is the Attorney General of the State of West Virginia who has a statutory duty to protect the human and civil rights of all persons within the State's jurisdictional confines.

2. Beginning on or about February 13, 2019, the Office of Attorney General received multiple constituent complaints regarding the unlawful and discriminatory conduct described below. Such complaints prompted Patrick Morrissey, as Attorney General of the State of West Virginia to initiate an immediate civil rights investigation. The following complaint is based upon the findings of that investigation.

3. A. P. is an infant, under the age of eighteen, is non-verbal as a result of autism, and for all times relevant in this action was a student at Berkeley Heights Elementary School in a special needs class.

4. O. R. is an infant, under the age of eighteen, is non-verbal as a result of autism, and for all times relevant in this action was a student at Berkeley Heights Elementary School in a special needs class.

5. The Defendant, Christina Lester, upon information of belief, is a resident of Berkeley County, West Virginia.

6. The Defendant, June Yurish, upon information of belief, is a resident of Berkeley County, West Virginia.

7. The Defendant, Kristin Douty, upon information of belief, is a resident of Berkeley County, West Virginia.

8. The incidents complained of herein occurred in Martinsburg, Berkeley County, West Virginia.

9. The requirements of both subject matter jurisdiction and venue are satisfied under the provisions of W. Va. Code § 5-11-20(b)(3).

FACTS

10. Amber Pack is the mother of A. P. and has a statutory and moral obligation to protect and provide for her child.

11. In November, 2018, Ms. Pack had a reasonable and good faith basis to suspect her child, A. P., was being subjected to threats, abuse, and/or intimidation while her child attended special needs classes at Berkeley Heights Elementary School. Based upon this belief, she placed a recording device in A. P.'s hair before sending her to school. In doing so, Ms. Pack vicariously consented to the recording on behalf of A. P.

12. Berkeley Heights Elementary School is a public school located in Martinsburg, Berkeley County, West Virginia.

13. A. P. wore the recording device placed by Ms. Pack into a public classroom occupied by Defendants as well as occupied by O. R., another special needs child.

14. The public classroom into which A. P. wore the microphone was not a private place and its occupants held no legally recognized reasonable expectation of privacy.

15. A .P.'s microphone recorded the ambient sounds of her public classroom as well as the content of certain statements directed at both A. P. and O. R.

16. The comments of the Defendants, and each of them, depicted on the recording and directed at A. P. and O. R. include threats of violence, verbal abuse and other outrages.

17. Accordingly, each of the Defendants who are adults placed into a position of trust regarding A. P. and O. R. as educational professionals, verbally assaulted A. P. and O. R., non-verbal, special-needs children, threatening each of them with physical violence.

18. West Virginia Code § 5-11-20(b) provides a cause of action exclusively for the Attorney General to seek an injunction against any person who intentionally interferes or attempts to intentionally interfere by physical force or violence against a person, *or by threat by physical force or violence*, or attempts to so interfere, with the exercise or enjoyment by any other person of those rights secured by the West Virginia Human Rights Act or the West Virginia Fair Housing Act.

19. Attorney General Patrick Morrissey continues his investigation into these matters and specifically reserves the right to name as additional defendants any other individual, entity or institution revealed to have violated West Virginia human rights laws.

RELIEF REQUESTED

Plaintiff State of West Virginia respectfully requests this Court to enter the following relief:

1. Enter a Preliminary Injunction and a Permanent Injunction enjoining each of the above-named Defendants from:
 - a. assaulting, using physical force or violence, threatening to use physical force or violence, intimidating, coercing or harassing, or attempting to assault, use physical force or violence, threaten to use physical force or violence, intimidate, coerce or harass A. P. or O.R. motivated by bias based upon race, color, religion, sex, ancestry, national origin, political affiliation, or disability;

b. assaulting, using physical force or violence, threatening to use physical force or violence or attempting to use physical force or violence on any person motivated by bias based upon race, color, religion, sex, ancestry, national origin, political affiliation, or disability;

c. causing or attempting to cause damage to or trespass upon the property where A. P. or O. R. reside, and any other person motivated by bias based on race, color, religion, sex, ancestry, national origin, political affiliation, or disability;

d. assaulting, using physical force or violence, threatening to use physical force or violence, intimidating, coercing or harassing, or attempting to assault, threaten, intimidate, coerce or harass any person or causing or attempting to cause damage to or trespass upon the property of any person because he did or might complain of or testify about acts alleged in this Complaint or acts prohibited by West Virginia or Federal law, or did or might cooperate in any investigation concerning such acts;

e. speaking to, telephoning, writing or otherwise communicating with the immediate family members of A. P. or O. R. except through attorneys in order to prepare for Defendants' defense in any criminal prosecution;

f. knowingly approaching within 500 feet of any location they know or suspect is occupied by A. P. or O. R., and/or their respective immediate family members;

g. encouraging or causing any other person to engage in conduct prohibited in paragraphs (a)-(f) above, or assisting any person in engaging in such conduct.

2. Enter a Preliminary Injunction and a Permanent Injunction enjoining each of the above-named Defendants from occupying any position, paid or volunteer, in which they exercise and supervisory duty or obligation to infants under the age of eighteen within the State of West Virginia.

3. Declare that the Defendants have each violated the West Virginia Human Rights Act, W. Va. Code § 5-11-1, *et seq.*


4. Order each Defendant to pay a civil penalty of \$5,000.00 per defendant, or in an appropriate amount to be established by the Court, for each violation.

5. Order the Defendants to pay the reasonable attorney's fees and costs of the associated with the drafting, filing, arguing of this motion and the enforcement of any resultant order.

6. Grant other such relief as is just and proper.

PATRICK MORRISEY,
STATE OF WEST VIRGINIA,
ex rel. A. P. and O. R.,
infants under the age of eighteen years,

PATRICK MORRISEY
ATTORNEY GENERAL


J. ROBERT LESLIE (WVSB#6341)
SENIOR DEPUTY ATTORNEY GENERAL
CIVIL RIGHTS DIVISION
208 Capitol Street, 3rd Floor
Post Office Box 1789
Charleston, West Virginia 25326-1789
(304) 558-0546

LAUREL K. LACKEY (WVSB # 10267)
ASSISTANT ATTORNEY GENERAL
Assistant Attorney General
Office of the Attorney General
Eastern Panhandle Office
269 Aikens Center
Martinsburg, WV 25404
304-267-0239
304-267-0248 (facsimile)

SUMMONS

IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

**PATRICK MORRISEY, ATTORNEY GENERAL,
STATE OF WEST VIRGINIA,
ex rel. A. P., and O. R.,
infants under the age of eighteen years,**

Plaintiff,

v.

**Civil Action No. _____
Judge _____**

**CHRISTINA LESTER,
JUNE YURISH, and
KRISTIN DOUTY,**

Defendants/Respondents.

To the above-named Defendant: **CHRISTINA LESTER**

IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby summoned and required to serve upon J. Robert Leslie, Plaintiff's attorney, whose address is Post Office Box 1789, Charleston, West Virginia 25326-1789, an answer, including any related counterclaim you may have, to the complaint filed against you in the above-styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer within twenty (20) days after service of this Summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint and you will be thereafter barred from asserting in another action any claim you may have which must be asserted by counterclaim in the above-styled civil action.

Dated _____

Clerk of Court _____

SUMMONS

IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

**PATRICK MORRISEY, ATTORNEY GENERAL,
STATE OF WEST VIRGINIA,
ex rel. A. P., and O. R.,
infants under the age of eighteen years,**

Plaintiff,

v.

**Civil Action No. _____
Judge _____**

**CHRISTINA LESTER,
JUNE YURISH, and
KRISTIN DOUTY,**

Defendants/Respondents.

To the above-named Defendant: **JUNE YURISH**

IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby summoned and required to serve upon J. Robert Leslie, Plaintiff's attorney, whose address is Post Office Box 1789, Charleston, West Virginia 25326-1789, an answer, including any related counterclaim you may have, to the complaint filed against you in the above-styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer within twenty (20) days after service of this Summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint and you will be thereafter barred from asserting in another action any claim you may have which must be asserted by counterclaim in the above-styled civil action.

Dated _____

Clerk of Court _____

SUMMONS

IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

**PATRICK MORRISEY, ATTORNEY GENERAL,
STATE OF WEST VIRGINIA,
ex rel. A. P., and O. R.,
infants under the age of eighteen years,**

Plaintiff,

v.

**Civil Action No. _____
Judge _____**

**CHRISTINA LESTER,
JUNE YURISH, and
KRISTIN DOUTY,**

Defendants/Respondents.

To the above-named Defendant: **KRISTIN DOUTY**

IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby summoned and required to serve upon J. Robert Leslie, Plaintiff's attorney, whose address is Post Office Box 1789, Charleston, West Virginia 25326-1789, an answer, including any related counterclaim you may have, to the complaint filed against you in the above-styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer within twenty (20) days after service of this Summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint and you will be thereafter barred from asserting in another action any claim you may have which must be asserted by counterclaim in the above-styled civil action.

Dated _____

Clerk of Court _____