

Court of Common Pleas of Philadelphia County
 Trial Division - Civil
TRIAL WORK SHEET

Judge's Name:

GENE D COHEN

Judge's I.D.:

J345

Signature:



Caption:

J.-W. VS SCHOOL DISTRICT OF PHILADELPHIA

Case Type:

PERSONAL INJURY -
OTHER

Program:

MAJOR NON JURY
STANDARD

Court Term and Number:

#1504-03169

If Consolidated, Court Term and Number:

Trial Date:

04-APR-2018

Jury

Non-Jury

Total Amount:

\$500,000.00

Number of Days:

6

Disposition Date:

30-MAY-2018

Date Sheet Prepared:

30-MAY-2018

Full Description of Disposition (to be entered Verbatim on the Docket)

Find in favor of plaintiff Amanda Wible against defendant School District of Philadelphia in the amount of \$500,000.00 plus attorneys fees and costs. Findings of fact and conclusions of law and order filed of record.

- Default Judgment/Court Ordered
- Directed Verdict
- Discontinuance Ordered
- Transferred to binding arbitration
- Finding for Defendant (Non-Jury)
- Finding for Plaintiff (Non-Jury)
- Damages Assessed
- Judgment entered by agreement
- Judgment entered
- Judgment satisfied

- Jury Verdict for Plaintiff
- Jury Verdict for Defendant
- Mistrial
- Hung Jury
- Non-Pros entered
- Non-Suit entered
- Settled prior to assignment for trial (Team Leaders, only)
- Settled after assignment for trial
- prior to jury selection
- after jury sworn

Other (explain)

J.-W. Vs School Distric-WSFFP



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**DOCKETED
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MAY 30 2018

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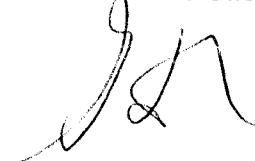
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Juanita J.W. individually and on behalf A.W.	:	COURT OF COMMON PLEAS
	:	
Plaintiffs	:	
	:	PHILADELPHIA COUNTY
	:	
vs.	:	April Term, 2015
	:	
School District of Philadelphia	:	No. 3169
Defendant	:	
	:	

ORDER

AND NOW, this 30th day of May, 2018, upon consideration of the findings of fact and conclusions of law which are attached hereto the Court finds in favor of Plaintiff Amanda Wible and against Defendant School District of Philadelphia in the amount of \$500,000.00 plus attorney's fees and costs.

BY THE COURT:



Gene D. Cohen J.

May 30, 2018

Juanita J.W. individually and on behalf A.W.	:	COURT OF COMMON PLEAS
	:	
Plaintiffs	:	
	:	PHILADELPHIA COUNTY
	:	
vs.	:	April Term, 2015
	:	
School District of Philadelphia	:	No. 3169
Defendant	:	
	:	

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Court issues the following findings of fact and conclusions of law in connection with the above-captioned action.

Findings of Fact

1. Plaintiff Amanda Wible is an adult individual residing in the City of Philadelphia, Pennsylvania, and was formerly a student of the School District of Philadelphia.
2. Juanita J.W. is Amanda Wible's mother, and brought this action as Plaintiff individually and on behalf of Amanda when Amanda was a minor. Amanda is now an adult and the sole Plaintiff in this matter.
3. Defendant is School District of Philadelphia ("School District") which is responsible for the operation of public schools in the City of Philadelphia.
4. In the fall of 2003 Amanda began attending Robert B. Pollock Elementary School ("Pollock") in the School District.
5. While at Pollock, Amanda was subjected to severe and persistent taunting, teasing, bullying, and harassment by fellow students.

6. Amanda was targeted for taunting, teasing, bullying, and harassment because of her gender presentation.

7. Amanda was targeted for taunting, teasing, bullying, and harassment because of her failure to conform to societal expectations for girls in terms of appearance and dress.

8. Amanda was subject to sexualized name calling indicative of contempt for her gender presentation.

9. Amanda was physically assaulted by a larger male student who later taunted and teased her with sexualized taunts.

10. School administrators at Pollock responded only by suspending the offending student. No punishments were handed out for the continuing sexual harassment.

11. Plaintiff's mother informed the administrators at Pollock of the bullying and harassment of Amanda.

12. Defendant School District was aware of the bullying and harassment Amanda was suffering.

13. Effective efforts by Pollock to remedy this situation were non-existent.

14. The School District had no procedure to remedy the discrimination and bullying suffered by Amanda at Pollock.

15. Due to the psychological damage resulting from the bullying and harassment Plaintiff's mother caused a transfer for Amanda to a new school in the School District for the sixth grade – Alternative Middle Years at James Martin School ("AMY").

16. While at AMY, Amanda was subjected to severe and persistent harassment by fellow students just as she had been at Pollock.

17. As at Pollock, at AMY Amanda was targeted for harassment because of her gender presentation.

18. Amanda was subjected to relentless name-calling concerning her gender and sexual identity.

19. Amanda was physically assaulted by being punched, shoved, and having objects thrown at her while sexualized epithets were used.

20. This harassment and assault occurred on the school bus, in the hallways, and in the classroom.

21. Amanda's mother gave notice to the administrators at AMY of the bullying Amanda was being subjected to.

22. Effective efforts by AMY to remedy this situation were non-existent.

23. The School District had no procedure to deal with the discrimination and bullying suffered by Amanda at AMY.

24. In December, 2010, while in the seventh grade, Amanda was the victim of a particularly vicious physical assault in the classroom, where as many as 10 students ganged up on Amanda and hit her.

25. As a result of this incident, Amanda suffered her first panic attack.

26. Administrators at AMY blamed Amanda for the attack and suspended her.

27. As a result of this attack and the unwillingness of AMY to take adequate steps to protect Amanda, Amanda's mother had her transferred mid-year to a new school in the School District, C.C.A. Baldi Middle School ("Baldi").

28. When Amanda transferred to Baldi her mother met with the principal and vice principal and informed them of the harassment that Amanda had suffered at AMY.

29. Amanda's mother also sent a letter to all of Amanda's teachers explaining that Amanda had been bullied at AMY and this was the reason for her transfer to Baldi.

30. At Baldi Amanda was again targeted with severe and persistent taunting, teasing, bullying, and harassment by fellow students because of her gender presentation.

31. Amanda was subject to sexualized name calling and had damaging rumors spread about her, for which she was further harassed.

32. Amanda reported this harassment to Baldi staff.

33. Amanda's mother reported this harassment to Baldi staff.

34. Effective efforts by Baldi to remedy this situation were non-existent.

35. The School District acted with deliberate indifference to the discrimination and bullying suffered by Amanda at Baldi.

36. After completing middle school at Baldi, Amanda graduated to George Washington High School ("G.W."), another school in the School District of Philadelphia.

37. As at Baldi, Amanda was subjected to severe and persistent taunting, teasing, bullying, and harassment by fellow students at G.W.

38. Amanda reported this harassment to school staff at G.W.

39. Effective efforts by G.W. to remedy this situation were non-existent.

40. The School District of Philadelphia had no procedure to deal with the student-on-student sexual harassment suffered by Amanda at G.W.

41. Beginning in tenth grade, Amanda's mother placed Amanda in a cyber charter school in lieu of attending a school in the School District.

42. The anti-bullying policies in place in the School District throughout Amanda's time in its schools did not address the student-on-student sexual harassment to which Amanda was subjected.

43. The School District's policies lacked a procedure for administration, which rendered them worthless.

44. The school staff responsible for overseeing Amanda were not even aware of the policies that were supposed to be in place or procedures to implement those policies.

45. As a result of the years of bullying and harassment Amanda was subjected to in the schools of Defendant School District, Amanda suffered and continues to suffer physical and psychological harm.

46. As a result of the sexual harassment she developed "Complex Type" post-traumatic stress disorder.

47. As a result of the sexual harassment Amanda received in school, and the School District's deliberate indifference to it, Amanda suffered depression and anxiety. She engaged in self harm, had suicidal ideation, suffered eating and sleep problems and suffered panic attacks.

48. Amanda has received counseling for the mental health issues mentioned above and continues to receive treatment.

49. As a result of the harassment Amanda received in school, and the School District's deliberate indifference to it, Amanda developed Amplified Musculoskeletal Pain Syndrome (AMPS).

50. AMPS is a painful condition causing pain anywhere in the body. These episodes of pain can be intermittent or constant, can affect the whole body or be localized to one area of the body or affect just a limb.

51. As result of the sexual harassment, the hostile school environment, and the School District's deficient response, Plaintiff has incurred medical expenses.

52. As result of the sexual harassment, the hostile school environment, and the School District's deficient response, Amanda will incur significant costs for future psychological treatment.

53. As result of the sexual harassment, the hostile school environment, and the School District's deficient response, Amanda needs an intensive, structured trauma-focused dialectical behavior therapy (DBT) training program.

54. As result of the sexual harassment, the hostile school environment, and the District's deficient response, Amanda needs to continue therapy on a weekly basis with a DBT-trained, adolescent/young adult-specialized therapist until at least age 25.

55. As result of the sexual harassment, the hostile school environment, and the District's deficient response, Amanda needs to consult with a psychiatrist specializing in trauma-based treatment of adolescents to address her PTSD, anxiety, depression, emotional reactivity, and sleep disturbance.

56. As a result of the harassment she suffered and the School District's indifference to it, Amanda suffered poor grades, missed out on extracurricular activities, and was limited in her classroom participation.

57. As result of the sexual harassment, the hostile school environment, and the District's deficient response, Amanda will reasonably incur medical costs including mental health treatment costs.

58. Plaintiff's PHRC complaint was filed within 180 days of the last act of discrimination.

59. Amanda suffered harassment until she left GW in June 2013.

60. Defendant had notice of the PHRC complaint.

Conclusions of Law

1. The Pennsylvania Human Relations Act (PHRA) provides that it is an “unlawful discriminatory practice” for owner, lessee, proprietor, manager, superintendent, agent or employee of any public accommodation to deny to any person, either directly or indirectly, any of the accommodations, advantages, facilities or privileges of that public accommodation on the basis of her sex.” **43 P.S. § 955(i)(1)**.

2. Under the PHRA a school is a public accommodation. **43 P.S. § 954(1)**. *See also Chestnut Hill College v. Pennsylvania Human Relations Commission*, 158 A.3d 251, 258 n. 5 (Pa. Cmmwlth, 2017) (“Public schools are places of public accommodation subject to the Commission's jurisdiction to protect students from racial discrimination.”)

3. It is unlawful under the PHRA for a public school to deny to a person, either directly or indirectly, any of the accommodations or privileges of the school on the basis of her sex.

4. Student-on-student sexual harassment and bullying based upon gender presentation met with deliberate indifference by school administrators is a violation of the PHRA because it is discrimination based upon sex.

5. Plaintiff was targeted for bullying and harassment because of her gender presentation.

6. Discrimination against a person because of her gender presentation is a form of discrimination based upon sex.

7. The insults Amanda received repeatedly throughout her experience in the School District were of a sexualized nature and constituted sexual harassment.

8. The physical assaults Amanda received were motivated by sexually discriminatory attitudes and also constituted discrimination on the basis of sex.

9. As a result of the persistent, severe, and psychologically damaging harassment Amanda was subjected to in the School District, Amanda was denied the accommodations, advantages, facilities and privileges of a student in the public schools.

10. The school environment Amanda was forced to endure made it more difficult for her to learn and denied her the opportunities for the full enjoyment of the school facilities and programs.

11. The School District is liable to Amanda for discrimination under the PHRA because it was deliberately indifferent to the discrimination based upon sex suffered by Amanda.

12. The School District's procedures for dealing with student-on-student sexual harassment were non-existent.

13. The School District was repeatedly given verbal and written notice of the harassment Amanda was receiving and therefore had actual knowledge of the harassment.

14. The discipline which the School District occasionally imposed on Amanda's assailants for physical assaults only, not harassment, was not sufficient for the School District to discharge its responsibilities under the PHRA.

15. In addition to denying Amanda educational opportunities, the harassment which Amanda suffered at Pollock, AMY, Baldi, and G.W. either created or exacerbated psychological problems which continue to injure Amanda.

16. A Plaintiff who proves discrimination under the PHRA can obtain compensatory damages. *See* 43 P.S. § 962(c)(3).

17. The available damages includes, among other things, “damages for humiliation and mental anguish.” *See Pa. Human Relations Comm’n v. Zamantakis*, 387 A.2d 70, 73 (Pa. 1978). *See also Seech v. Gateway School District*, 2017 WL 6029401 (Court of Common Pleas, Allegheny County 2017).

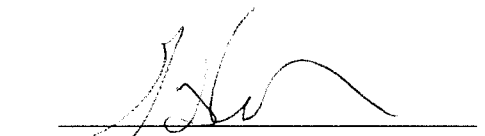
18. Plaintiff has suffered PTSD-complex type, anxiety, depression, a profound sleep disorder, AMPS, and associated pain and suffering as a result of the School District’s violation of the PHRA. Damages for these harms are compensable.

19. Plaintiff has incurred medical expenses associated with the psychological treatment she has and will continue to receive. Damages for these harms are compensable.

20. Plaintiff’s claim was timely filed with the Pennsylvania Human Relations Commissions and therefore Plaintiff timely filed suit in the Court of Common Pleas.

21. The Court will award Plaintiff damages in the amount of \$500,000.00 plus attorney’s fees and costs.

BY THE COURT:



Gene D. Cohen J.

May 30, 2018