

Body President Steven Cole recently expressed hoped that student teachers will be able to go back to placements in local school districts. "It's encouraging to see that they voted to withdraw from the (EAA) agreement. It's been overdue, a vote we've been asking for," he said. "And the community has been urging for two years now to get out."

131. Defendant Roberts had a serious conflict of interest as he became chairman of EAA's board at the same time as being emergency manager of the DPS all to the detriment of the DPS children. Because of this conflict, defendant Roberts was forced to remove himself as chairman of the EAA board.

132. The defendant emergency manager(s) provided loans from the Detroit Public Schools to facilitate EAA's startup when at the time DPS was itself in financial difficulty.

133. The emergency manager(s) seized the assets of Detroit Public Schools (15 schools) and moved them to the E.A.A. and gave away substantial DPS assets to private charter schools for nominal sums.

134. Defendants Snyder and Roberts transferred a new Detroit Public School building (Mumford) and moved it to E.A.A before one DPS student had entered the building. This school was funded with a DPS \$500 Million bond issue, i.e., approved by the taxpayers of the city of Detroit and intended for use by students of the DPS.

135. Defendant emergency managers created an ongoing advertising campaign that suggested falsely that EEA education was superior to the Detroit Public Schools for the purpose of luring students away from DPS while they were DPS emergency managers and the chairmen of the board of directors to the EEA. More than 11,000 DPS students enrolled in the EEA district. Distinguished education researcher Dr. Thomas Pedroni published his analysis of EEA students test results for 2013. “2013 MEAP cohort data published Friday by the Michigan Department of Education provide a stark contrast to EEA claims, dating back to February 2013, of fantastic student achievement gains on its quarterly performance assessment. Because the cohort data enable MDE to track individual student progress from year to year, they provide us with the most reliable picture of student test performance and test score growth over time. Unlike proficiency scores that tell us the proportion of students who met MDE’s proficiency cut score, cohort data use students’ mean scale scores to chart student growth. Since mean scale scores are based on students’ raw test scores, they give us a picture of student achievement test growth even if students have not yet obtained proficiency. The cohort data are especially important because, as the EEA has rightly maintained, students who start out so far behind might take a few years to reach the proficiency cut score,

even if they are making steady progress from year to year. Thus, while proficiency rates are not a good measure of whether or not the EAA's students are progressing on tested curriculum, the cohort data are. So what do the cohort data tell us? In all, MDE successfully matched 1,377 students from their 2012 math MEAP performance to their 2013 math MEAP performance, and 1400 students from their 2012 reading MEAP performance to their 2013 reading MEAP performance. The matched math and reading cohorts, according to MDE, constituted 86.8% and 87.7% respectively of all 2013 EAA testers on those two tests. The tracking of those students shows us, convincingly . . . that the majority of EAA students failed to demonstrate even marginal progress toward proficiency on the State's MEAP exams in math and reading. Among students testing this year who did not demonstrate proficiency on the MEAP math exam last year, 78.3% showed either no progress toward proficiency (44.1%) or actual declines (34.2%). In reading, 58.5% showed either no progress toward proficiency (27.3%) or actual declines (31.2%)."

136. Defendants Kenyatta Wilbourn Snapp, Glynis Thornton, MAKING A DIFFERENCE EVERYDAY, and Paulette Horton conducted their bribery scheme during this time period depriving DPS/EAA children of monies intended to be used for educational benefits.

137. As the EAA miserably failed in its efforts with respect to these children, they are included in the class of DPS children who have had their rights violated by the defendants resulting in damage to their educations such as to impact them for a lifetime.
138. Defendant Earley resigned in his letter of resignation to Defendant Snyder on or about March 1, 2016 saying that he was terminating his eighteen-month tenure prematurely because the need for an emergency manager had ended, implying that the financial emergency that had precipitated the appointment of emergency managers was over. However, to the contrary the callous indifference to the constitutional rights of DPS children under defendants' management had run the DPS into imminent financial ruin.
139. A sweeping federal corruption probe of the E.A.A. reveals the extent to which the depraved indifference and damage to the plight of children of the DPS was allowed to fester by the defendant emergency managers;
- i. Defendant Snapp, a former Mumford High School principal has stated publicly that she had cut a deal to plead guilty to bribery and tax evasion as part of the FBI probe of kickbacks. On information and belief, a federal prosecutor and/or local prosecutor have charged defendants Thornton and Horton with bribery.

- ii. Questionable financial practices characterized in independent financial audits as “material non-compliance with laws and regulations,”
 - iii. “material weaknesses” in internal control over financial reports and internal control over major programs were found, all under the direct control of the emergency manager defendants.
 - iv. Thirteen school principals (named as defendants herein) were indicted on March 29, 2016 for receiving a total of approximately \$908,518 in kickbacks from defendants SHY and ALLSTATE SALES who fraudulently received millions of dollars through the certification and submission of fraudulent invoices to DPS for payments for good that were not delivered.
 - v. Defendant FLOWERS, as an example, received kickback payments totaling approximately \$324,785 from defendant SHY.
140. Ronald Alexander, principal at Charles L. Spain Elementary, pocketed \$23,000 in kickbacks from Shy in exchange for using him as a school supply vendor.
141. Beverly Campbell, of Southfield, a former principal at both Rosa Parks School and Greenfield Union Elementary-Middle School, accepted

\$50,000 in cash kickbacks from Shy, who oftentimes never delivered the goods to her school, but got paid anyway with the help of phony invoices signed by Campbell

142. Gerlma Johnson, former principal at Charles Drew Academy, former principal at Earhart Elementary-Middle School and current principal of Marquette-Elementary Middle School, accepted \$22,884 in kickbacks from Shy.
143. James Hearn of West Bloomfield, principal at Marcus Garvey Academy, accepted \$11,500 in kickbacks from Shy.
144. Tanya Bowman of Novi, former principal at Osborn Collegiate Academy of Math, Science and Technology, accepted \$12,500 in kickbacks from Shy.
145. Josette Buendia of Garden City, principal at Bennett Elementary School, accepted \$45,775 in kickbacks from Shy.
146. Ronnie Sims of Albion, former principal at Fleming Elementary and Brenda Scott Middle School, accepted \$58,519 in cash kickbacks from Shy.
147. Willye Pearsall of Warren, former principal at Thurgood Marshall Elementary School, accepted \$50,000 in kickbacks from Shy.

148. Tia' Von Moore-Patton of Farmington Hills, principal of Jerry White Center High School, accepted \$4,000 in kickbacks from Shy.
149. Clara Smith of Southfield, principal at Thirkell Elementary-Middle School, accepted \$194,000 in kickbacks from Shy.
150. Nina Graves-Hicks of Detroit, former principal of Davis Aerospace Technical High School, accepted \$27,385 in kickbacks from Shy.
151. The first chancellor when the EAA opened in 2012 abruptly resigned in June 2014 after critics raised questions about lackluster academic achievement as well as the district's finances. "When I left the EAA, I had an agreement with them that I would not talk about the authority, which was fine with me," the former chancellor said.
152. Subpoenas, issued in May and June 2014, also sought records related to various companies named in the subpoenas; Futures Education, a company with offices in Dearborn that provided support services for special education. The EAA told investigators that it didn't have invoices for more than \$740,000 from the company, according to the records.
153. The records also show investigators seeking contracts, invoices and other records related to a wide range of other companies that did business with the EAA. Investigators wanted to see records relating to \$114,000 in invoices from a company called Detroit Media Specialists, but the district

attorney wrote to an investigator in July 2014 that "The EAA has no financial records/files related" to the company. The district attorney also told the investigators that the EAA had no records of contracts with defendant Allstate Sales, World Wide Sales, Educating Hands, Gloria P. Davis, Conari Consulting and Learning Gizmos. The district also had no record of almost \$1 million in invoices from Educating Hands, Top Flight Education, M.A.D.E. Training, Beyond Basics, Ingrid Walton and Alkebu-Lan Village. All of these issues occurred at the time defendant emergency managers were serving in a supervisory capacity role for the EAA and also running the DPS. While totally unqualified by virtue of their lack of training and education in educational matters, the defendant emergency managers were appointed by defendant Snyder because of their financial backgrounds in business, but said defendants failed to establish policies or procedures with regard to financial transactions that could have prevented and/or detected these fraudulent schemes.

154. The FBI asked EAA officials specifically about contracts and payments made to Esperanza, a now-defunct nonprofit, and to Follett Educational Services, a textbook company. Records show that the first chancellor of EAA and Cecilia Zavala, Esperanza's former chief operating officer, signed

contracts for Esperanza to provide a conflict resolution program at a handful of EAA schools. An invoice report showed the EAA paid Esperanza \$1.6 million in 2012-15.

155. In June 2015, Wayne County prosecutors charged Zavala and a former principal at Western International High School, part of the Detroit Public School District, with embezzling thousands of dollars from Esperanza Detroit. Authorities said the money was supposed to be used to serve at-risk students.

156. Mumford's former business manager, lost her job in 2014 after officials in the district discovered she'd signed off on a \$500,000 contract with Pearson, an international educational services company, according to an e-mail directed to a FBI special agent. EAA board approval was required on any contracts over \$250,000, and only the chancellor was supposed to sign off on contracts that large, the e-mail said. The school principal said that the woman who signed the \$500,000 contract "was not in the right role as business manager," and offered to transfer her to another position so that "this issue would not arise again." The district attorney has written that the woman was reassigned to another job at the school. But that the transfer left the defendant principal Snapp "serving as her own business manager."

157. On Friday, October 10, 2015, EAA Chancellor Veronica Conforme appeared before Wayne County Circuit Judge Lita M. Popke pursuant to an Order to show cause why she should not be held in contempt for the EAA's failure to turn over records revealing details of the specific special-education services provided to district students under a multimillion-dollar deal between the EAA and Futures Education of Michigan. Despite the seriousness of the issues raised in the suit, the EAA failed to provide the records or to file a legal response defending its actions in refusing to respond to a Freedom of Information Act (FOIA) request by Dr. Joshua Tolbert, an education researcher who has been working on special education issues. "The district paid huge sums of taxpayer money to yet another for-profit company that promised to create plans to serve our most vulnerable children—but refuses to reveal those plans or report how successfully they've been implemented," said Ralph Simpson, a cooperating attorney with the ACLU of Michigan, which accused the EAA of violating the state Freedom of Information Act in its lawsuit in Wayne County Circuit Court. "Given the challenges already faced by special-education students, we think the public needs to know exactly how well and effectively the school district and Futures are serving our children." The EAA struck the deal with Futures in 2012, paying out as much as \$2

million a year for Futures' services. The deal ended prior to the start of the 2014-15 school year.

Other Costly Projects Developed and Mismanaged by Defendant Emergency Managers with Calloused Indifference To and Disregard of the Rights of DPS Children.

158. Mumford High School was demolished and replaced with a new building at a cost of \$56 million. Upon completion in 2012, the new Mumford High School was immediately turned over to the Educational Achievement Authority. The lease amount is for \$1 million per year, which will amortize the construction cost at Detroit taxpayer expense in a mere 56 years!
159. Kettering High School, renovated at a cost of \$6.9 million was closed in 2012 and remains vacant. Kettering was specially outfitted to service physically disabled students, with one entire wing converted for this purpose.
160. Southwestern High School was closed in 2012 and remains vacant following a Detroit taxpayer \$6.5 million bond investment that included revamping the auditorium.
161. The building was then sold by the State for \$3 million. The land on which Southwestern stood is in the pathway of what is commonly known as "Snyder's Bridge."
162. The EAA has benefitted greatly from bond money intended to improve

DPS buildings. Southeastern High School and Central High School both received renovations and repairs amounting to more than \$50 million for each building and were taken by the defendant Snyder through his defendant emergency managers to give to the EAA, thus depriving DPS children of the constitutional right to have their educational statuses fully funded, in part, by Detroit taxpaying citizens.

163. The bulk of the bond money paid by the residents of Detroit to improve their school system was spent between 1999 and 2006 (from the 1994 bond) under the CEO, and from 2009 through 2012 (from the 2009 bond) under emergency manager appointees of the Governor.

164. For years and even today, the waste of funding has been blamed on the Detroit Public School Board, although the Board played no role in the wasted expenditures incurred by the defendants.

165. In 2013, there were 87 vacant or underutilized buildings belonging to DPS that were for sale or lease. A total of \$78.6 million was spent on improvements or renovations to 83 of those buildings which were then abandoned by the defendant emergency managers. There have been 26 buildings demolished at a cost of \$27.4 million.

166. Another 28 buildings received a total of \$295.4 million investment and are now leased to community organizations, the EAA, or charter schools.

167. By 2013, DPS, through defendant emergency manager, had also sold several buildings that received a total \$36.4 million in renovations and repairs prior to the sales all at the expense of Detroit taxpayer and to the detriment of DPS children.

DPS students have fled to charter schools whose standards are worse than the DPS with few exceptions.

168. The biggest change in district enrollment numbers has an entirely different source – the rapid increase in Charter Schools following the enactment of the charter school law in 1994 (Public Act 362 of 1993). There was no consideration given to neighborhoods and property values when publicly funded schools were left vacant and open by the State while at the same time funding nearby charter schools, many of which were profit-making enterprises. A Detroit Free Press report sheds light on the question of school governance. “Charter schools are run by management companies, but there are also “boards of directors,” roughly analogous to school boards. However, in the case of many charter schools, these ostensibly governing bodies are mere window dressing, a rubber stamp for the appropriation of public money by the businesses in whose interest these schools serve. When even handpicked board members have had enough and demand more transparency and an accounting of where the money is

going, they are usually removed or simply ignored. Case in point is the minutes from a board meeting at the Detroit Enterprise Academy in October, 2010. DEA is a charter school run by National Heritage Academies, an outfit set up in the mid-1990s by J.C. Huizenga, cousin of H. Wayne Huizenga, founder of the huge trash conglomerate, Waste Management Corporation. When asked why he became interested in starting a school, Huizenga quipped, 'I got to thinking about the possibility of opening a charter school that would overlay a business model on top of the education model.' Regarding the for-profit aspect of the enterprise, Nick Paradiso, NHA's vice president pointed to Huizenga's interest in various bond markets. He added while the company does not disclose its financial operations, it started making a profit in 2000. At the 2010 board meeting an exchange took place between a board member and NHA representative Greg Lambert regarding the NHA management fee. The issue in question was a resolution put forward by board members for dual signatures for disbursement from the Detroit Enterprise Academy bank account. In other words, there was a question as to who was withdrawing the money and where was it going. A verbatim segment of the minutes reads, 'There was a discussion regarding the amount of the NHA management fee. Greg Lambert clarified that the entire amount received by

NHA was the management fee according to the contract and that there was no separate item line for a 'management fee.' He stated he would not disclose a specific dollar amount for management fees. The appropriateness of this position was questioned since public money was involved. Mr. Lambert stated that the public dollars became private when they were received by NHA. He further indicated that because NHA is a private company, the information need not be disclosed." The Detroit Free Press also analyzed the files of the Michigan Department of Education and records from charter schools obtained under the Freedom of Information Act.

The documents show NHA:

- Routinely charges schools rents that experts consider above fair-market value.
 - Charges 14 schools, four in Detroit, more than \$1 million each per year.
 - Has collected more than \$380 million in rent — including almost \$42 million in 2013-14 — since the company opened its first school in 1995.
- NHA's schools pay separately for utilities, maintenance, insurance and taxes, pushing the costs of their buildings well above what many real estate and education experts consider acceptable.

■ Collected approximately \$220 million in taxpayer dollars in 2013-14 from its 47 Michigan schools.”

169. Defendant Snyder has paid lip service to increased accountability and transparency for charter schools. As a recent news article states, “Even in the face of documentation of lack of academic performance, transparency and questionable use of one billion dollars a year of taxpayer money, Gov. Snyder removed caps on new charters and his pet project, the Educational Achievement Authority for failing schools.”

170. The National Association of Charter School Authorizers, a staunch advocate of charter schools, has deemed Michigan's policies and practices with regard to charter schools a failure.

171. Detroit City taxpayers are currently liable for two bonds, plus interest, for building renovations on school buildings that the district is now leasing to charter corporations that are in direct competition with DPS for student enrollments and tax dollars.

172. Over the past ten years, DPS has shut down nearly two-thirds of their neighborhood schools due to state-created debt. Enrollment in DPS has decreased to fewer than 44,000 students, while enrollment in competing charter schools has increased to over 40,000 students with questionable results insofar as educating students. In the Leona Group of charter schools,

for example, in math proficiency, as measured by the Michigan Educational Assessment Program (MEAP) test, its students scored a 15 percent average, meaning 85 percent of students in the state of Michigan scored higher.

173. Because of the defendants' callous indifference to the rights and needs of impoverished DPS children. Detroit residents must now pay for buildings that they cannot use for questionable results that many times do not meet even the performance levels of DPS schools.

Disabled students

174. In 2011, there were three centralized locations for disabled student parent activities: the largest center was Oakman Orthopedic, for children with differing abilities; Charles R. Drew Transition Center, for disabled young adults 18-26; and the Detroit Day Center for the Deaf. The DPS received federal funding for operation of these schools.

175. Oakman was in the 90th percentile of capacity. The school had all of the required ADA accommodations for students and special accommodations unique to the school. Oakman allowed siblings of disabled students to attend together creating a vibrant community. It had received multiple awards. It was closed without an academic, or low enrollment reason for the closure. Defendant Roberts said that the building needed "fixing".

176. Oakman Parents quickly contacted an influential community leader, who tried in vain to persuade defendant Roberts to rethink his decision. He had made up his mind and he let her know that the defendant Snyder stood by him. The leader explained the meeting with Roberts during a break at an EAA Board meeting: "I asked Mr. Roberts about a meeting he had promised me (at the previous EAA meeting in Detroit) to discuss Oakman and why he believed it should close. Even though I approached him in a very polite and professional manner when I told him I was still interested in taking up his offer to meet, he instantly became very hostile. He said his decision was final and he had spoken to the governor about it." Hoping to dispel concerns he had about Oakman, she continued, telling him how unique and special Oakman was. She told him of the research she did, suggesting perhaps his enrollment numbers were too low and that the repair costs were inflated. Roberts had said at first that the costs of repairs was a fairly small amount. Over a short period of time he made several other statements each time increasing the claimed costs of repairs and it turned out that no estimate for repairs had ever been obtained.

177. The community leader advised him that two of the schools which students were slated to go to were not even prepared for students with

disabilities, and asked him to reconsider the closing Oakman. “He was unpersuaded. His hostility only seemed to increase. He went on about how maybe I should work for DPS. I told him I already had a job. Finally I asked him, ‘So when you said you wanted to meet with me, you lied?’ He literally yelled, ‘Are you calling me a liar? You’re a liar.’ He then stormed off the stage.”

178. A grandmother of a DPS child most adroitly describes the impact of family life when a school is closed; “It tears the fabric of the community apart when kids who live near one another can’t go to school together or study together (because of transportation). It creates different allegiances, but we want the best we can obtain for our grandchild so we make the hike across town to the closest public school. Some people had money to move out of the district because of the school closures and the community is torn apart by this too. They were basically pushed out to do right by their children. So you lose neighbors and friends. . . . If you put too many people in a cage, they will be irritated and unhappy. You know what happens when you put too many kids in a classroom? The teacher can’t teach. We can’t learn like that. It is inhuman how I’ve heard Henderson disabled children are treated now. It makes me feel like we are slaves.”

179. Henderson Academy was under the direction and control of defendant Flowers at this point in time, and Flowers was taking kickbacks from defendant SHY for alleged sales of products that were never provided for the benefit of Henderson's school children, many of whom were special needs students transferred from the closing of Oakman.

180. Jason Pauling, one of the named plaintiffs, was doing well academically, including in subjects like algebra, at the Detroit Day School for the Deaf at the time that school was closed. He was ultimately moved over to the Jerry L. White facility where an untrained teacher there gave the teenager a coloring book and crayons. Jason's mother persisted in her efforts to improve her son's educational opportunities and, in tragic irony, the boy was enrolled in the Michigan School for the Deaf in Flint, Michigan where he stayed five days a week until June 4, 2015. Jason, deaf since birth, is currently undergoing testing to determine his level of exposure to the deadly effects of lead caused to be present in the drinking water in the City of Flint by the defendant Early in his former position. Jason is currently undergoing testing for potentially dangerous lead levels in his body.

181. Priscilla Sanstead, co-founder of the national teacher's organization BATS says: "Corporate education reformers of today are producing the

same outcomes in Michigan as segregationists who denied people of color equal opportunities during Jim Crow. Corporate education reformers today are targeting Michigan's black and brown children aggressively forcing them into schools far from their community and are subject to the turnover of their education to a business model. Special education students in Michigan are being forced into Charters where staff to meet their special needs is null and void. DPS provides 1442 FTE's for 1594 cognitively impaired students, the EAA provides 13 FTEs for 145 students and Charters in Wayne County provide just 20 FTEs for 469 students. What Snyder is doing is discrimination, do the math!"

The Terrible Physical Conditions of DPS Schools.

182. Defendants intentionally-planned and/or callous indifference to the rights and needs of DPS children has left DPS physical facilities in disrepair. During all relevant time periods the named defendant principals of various DPS/EAA were negotiating and taking bribes and kickbacks from vendors thereby robbing DPS/EAA children of the use of money intended for the purpose of advancing their education. Defendants have failed to meet their duty to the parents, students and teachers of Detroit Public Schools allowing DPS facilities to crumble

while refusing and failing to repair these dilapidated school facilities.

183. By failing to properly maintain and manage Detroit's public schools, Detroit students have been exposed to dangerous conditions, including black mold, bacteria, freezing cold temperatures in classrooms, rodent and insect infestations, exposed wiring, hazards that could lead to incidents of tripping, and falling debris to name a few. Students are suffering from respiratory illnesses due to the toxic environment.⁶

184. According to the Detroit Federation of Teachers Interim President, Ivy Bailey, the children of Detroit are being "exposed to atrocious, environmental hazards" including "rat and other rodent infestations, crumbling walls, and heat." According to President Bailey, these conditions have only become worse in the last six years. As a result, Defendants have failed to meet their primary function—to provide an environment conducive to teaching and learning. The budgetary issues, coupled with the bribes to defendants, are intruding into the classroom with DPS facilities being allowed to crumble and decay while the bribes pay for items such as expensive automobiles.

185. Spain Elementary-Middle School is an example of the increasing neglect and decay as a result of the actions of the DPS. The pictures

⁶ American Federation of Teachers, et al, v. Detroit Public Schools, et al 2: 16-cv-10400, currently pending before the Hon. David Lawson, raises the same issues regarding the degraded and unsafe conditions of the Detroit Public Schools

posted of Spain reveal unrepaired gaps in the walls letting in cold air and vermin, elementary schools students clutching themselves for warmth as they walk down the halls, severe water damage in the gymnasium that has remained unrepaired for years causing the gym floor to warp and wave as well as mold and fungus accumulating with trash in the ventilation ducts, and a rat infestation. Meanwhile, defendant ALEXANDER, the principle of Spain, was reaping kickback payments from defendant SHY in the amounts of approximately \$23,000.

186. Lakia Wilson, student counselor at Spain Elementary-Middle School, summarized the conditions best in an article entitled “How bad are conditions in Detroit public schools?” Ms. Wilson described the conditions that DPS students are forced to endure as follows: The odorous smell of mold and mildew hits you like a brick wall when you step through the front doors at Spain Elementary-Middle School in Detroit. I have been at Spain for 19 years, first as a first-grade teacher, then, after earning a master’s degree in counseling, as a school counselor. When I first started, it was a school any city would be proud to have in its district. Today, it’s the poster child for neglect and indifference to a quality teaching and learning environment for our 500

students. The gym is closed because half of the floor is buckled and the other half suffered so much rainwater damage from the dripping ceiling that it became covered with toxic black mold. Instead of professionally addressing the problem, a black tarp simply was placed over the entire area like a Band-Aid. That area of the school has been condemned. The once beautiful pool sits empty because no one has come to fix it. The playground is off-limits because a geyser of searing hot steam explodes out of the ground. What do our kids do for exercise with no gym, playground or pool? They walk or run in the halls. Seriously. Our pre-K through eighth graders move like mall walkers. Exposed wires hang from missing ceiling tiles. Watermarks from leaks abound. Kids either sit in freezing classrooms with their coats on or strip off layers because of stifling heat. How can you teach or learn in conditions like these?

187. Another teacher at Spain Elementary, Patricia Hall, filed a complaint with the Michigan Occupational Safety and Health Administration (MIOSHA) in October 2015 regarding the dangerous conditions in the school, including the inhalation of dangerous mold. For years, DPS allowed the water damage in the gym to go unrepaired and did nothing to remediate the mold that grew as a result.

a. Ms. Hall complained that the children and employees at Spain

Elementary had been experiencing health concerns similar to symptoms from exposure to black mold spores, including but not limited to respiratory ailments, chronic fatigue, stomach pain, difficulty concentrating, and sore throats.

- b. DPS falsely responded to that complaint that it would fix the problem within fifteen days causing MIOSHA to close the investigation.

188. Another egregious example is Osborn High School. At Osborn, photographs show rodent droppings, exposed wiring, unsanitary bathrooms with nonfunctioning equipment and disgusting conditions, exposed leaky pipes, severely water damaged ceilings and floors, fungus growing out of the walls, missing tiles, warped floors, broken windows that have been taped or boarded up, and even bullet holes that have not been repaired. DFT conducted an on-site examination of that facility on January 13, 2016 and issued a report summarizing the investigation team's findings on January 14, 2016. In that report, the team noted that the building "lacked routine maintenance or major modernization." The team found pest droppings and water damage, including damaged ceiling tiles and missing windows. The team went on to report that the faculty was "universally frustrated by the

temperature extremes (too hot and too cold) throughout the school, broken windows, inoperable water fountains and continued leaks throughout the building.” “Several [teachers] commented how demoralizing it was for students to be in an environment that needed so many repairs, pointing out the bullet-ridden windows that have not been replaced in years.” Meanwhile, defendant BOWMAN, the principle of Osborn, received on eight occasions kickback payments from defendant SHY in the approximate total amount of \$12,500.

189. Particularly alarming, the report described the link between the conditions found in Osborn and the health and safety of the student body: “Students in this school are predominantly African American and research has found that the asthma prevalence is especially high (upwards of 40%) in this population. It is imperative that any asthma triggers such as mold or dirt be addressed immediately to make the environment safe for those students.”

190. At Carleton Elementary, teachers posted pictures showing water damage and pieces of tile coming loose and falling off the ceiling. One teacher reported the debris striking a student in the head during testing.

191. Similar conditions were noted at Carstens Academy of Aquatic Science, Detroit International Academy, Gardner Elementary, and

Noble Elementary-Middle School.

192. At Dossin Elementary-Middle School, teachers took pictures of rodent droppings, gaps being allowed to exist between windows, and, once again, water damage and mold. Also, desks in some classrooms are not only used for students, but also to hold buckets to catch the rain water dripping from the ceiling.

193. At A.L. Holmes Elementary, the sidewalks are in disrepair and are a potential hazard for those attempting to enter the school.

194. Keidan Special Education Center is infested with mice and bugs with students learning around rodent droppings.

195. Similarly, at Thirkell Elementary-Middle School, the toilets routinely overflow and leak into the preschool room and students and faculty are forced to deal with a severe cockroach infestation.

196. One teacher posted a video of a live mouse running around the halls of Davis Aerospace Technical High School.

197. These problems are not isolated to the schools described above. One teacher, Pam Namyslowski, 4th Grade Teacher at Mann Elementary School wrote a letter to defendant Darnell Earley that was published by the Huffington Post describing the neglect in “[m]any schools.” In that letter, Ms. Namyslowski discusses the problems facing DPS: “Many

schools have numerous plumbing problems in the lavatories, drinking fountains and sinks. Many outdated school buildings are crumbling -- roofs, floors, windows, doors and locks that are broken or in desperate need of repair. Far too many classrooms are overcrowded, creating conditions that are not even safe, let alone conducive to learning. [. . .]

“In the winter, we often work with them in freezing rooms with our coats on. In the summertime, we survive with them in stifling heat and humidity in temperatures that no one should have to work in. We wipe their tears and listen when they are upset. We send food home with them. We encourage them to persevere and to be hopeful about their futures. We celebrate their successes. We comfort them when they experience loss and tragedy. We give up time with our own children to support our students, who we also consider our children. We spend our own money to buy not only learning materials, but things such as uniforms, hand soap, sanitizer and Kleenex. [. . .] “We have watched the debt increase to ridiculous, unsustainable levels under state appointed emergency managers, while the conditions we teach in have deteriorated alarmingly. We have been set up to fail in every way. The successes that happen in classrooms every day, both academic and emotional, largely go unseen, and most cannot be measured or displayed

on a data wall.”

198. Detroit’s Mayor, Mike Duggan, recently took a tour of DPS schools. After that tour, Mayor Duggan was quoted describing what he had witnessed: “I saw 4-year-olds in a classroom where it was about 50 degrees They told me they usually wear their coats until lunchtime, when they warm up a bit ... because there’s a part of each day they actually expect to have to wear their coats in the classroom.” The Mayor also found a dead rodent and a severely warped gym floor that students were forced to utilize. He described his tour as “deeply disturbing” and “heartbreaking.”

199. On January 20, 2016, the City of Detroit Building, Safety Engineering, and Environmental Department released the results of its own inspection of eleven DPS schools, including Spain, Osborn, and Dossin. Those inspections found, on average, fourteen violations of the Detroit Property Maintenance Code per building.

Of the schools inspected, Cody High School had a staggering thirty violations. These violations included broken windows, insect and rodent infestations, roof leaks and water damage, non-functioning equipment in the bathrooms, obstructions and hazards blocking emergency exiting, a broken boiler, and mold and mildew caused by

water damage.

200. The City inspection of Spain Elementary found additional threats to health and safety of the children and teachers. Spain Elementary was the only school to apparently receive an air quality and environmental inspection, even though mold was found at other schools. The result of the air quality inspection at Spain Elementary found “Mold growing under wood flooring in the gym, with possible diffusion of mold spores throughout the building” In addition, “Evidence of vermin infestation, including fecal matter and carcasses were observed in various rooms.” The inspector summarized: “Operations must verify dampers and all ventilation have been closed in the blocked off areas of the building to prohibit mold spores from affecting air quality in the breathing zones of the open areas within this facility. Vermin infestation must be mitigated.”

- i. Each inspection noted that DPS had failed to submit an annual “Certificate of Compliance.” Under Sections 9-1-35(d) and 9-1-36a of the Detroit Property Maintenance Code, schools must be inspected and any violations of the Code that are found must be corrected on an annual basis. Section 9-1-36a specifically provides that: “It shall be

unlawful to occupy or use a building, premises, or structure required to have a certificate of compliance under this article, or cause same to be occupied, without the required certificate of compliance for the building, premises, or structure. Upon the issuance of a blight violation notice and a finding that the building, premises, or structure is unsatisfactory for human habitation, the director of the buildings and safety engineering department or public health director may order such building, premises, or structure vacated.” Had DPS followed this process, these health and safety issues should have been exposed and corrected a long time ago.

201. Despite these widely publicized, well documented, and alarming hazards, DPS under defendant Darnell Earley has failed to take action to repair and maintain the public schools.

202. In fact, defendant Earley recently admitted that he knew about the conditions at Spain Elementary a long time ago stating “This did not just happen overnight.” Mr. Earley cavalierly acknowledged that “Code violations are not new to Detroit Public Schools.” Instead of taking

action to correct the health and safety concerns regarding the water damage in the gym and the mold that grew as a result of it, Earley told school workers to just avoid using the gym because DPS was planning on selling the property to Detroit Medical Center anyway.

203. Sadly, defendant Earley has a pattern and practice of managing public systems in this regard. Prior to his appointment to DPS, defendant Earley was the emergency manager for the City of Flint. During his tenure at the City of Flint, defendant Earley implemented the shift in drinking water from the Detroit Water System District to the Flint River to allegedly decrease costs. That change has also made national news with thousands of Flint residents being exposed to lead poisoning. Even though complaints had been made by local residents during defendant Earley's administration, nothing was done and residents were encouraged to drink the water.

204. Even the DPS spokeswoman, Michelle Zdrodowski, has admitted that school buildings are in "complete disrepair."

205. The impact of Defendants' mismanagement on students has been tragic. The numerous budgetary cuts have led to uninhabitable public schools—some of which should be condemned.

**COUNT I
VIOLATIONS OF 42 USC 1983**

206. Plaintiffs re-allege and re-plead all the allegations of the preceding paragraphs of this Complaint and incorporate them herein by reference.

207. The enactment of PA 4 and PA436 reinforced and continued the ongoing pattern of callous and depraved indifference exhibited by defendants acting under color of state laws to the rights of the children of DPS. The creation of these Acts, the implementation of the Acts, and the criminal acts of accepting kickbacks by various DPS authorities operating under the control and direction of callously indifferent emergency managers, caused /or contributed in one or more of the following ways to the damages suffered by impoverished DPS children:

- i. DPS students have been deprived of a minimally adequate education intellectually, emotionally and physically. Educationally, the downward spiral of testing speaks for itself.
- ii. DPS students have also been damaged emotionally; The damage to children of DPS knowing that they are being treated Jim Crow-like as second class citizens in stark contrast to the surrounding white majority school districts creates scars in their psyches of monumental proportions, teaching them the undeserved lesson that they are lesser

beings than their suburban counterparts.

iii. Physically, the physical state of DPS facilities creates terrible obstacles to student learning. Asking a child to learn with steam coming from her/his mouth due to the cold in the classroom, in vermin infested rooms, with ceiling tiles falling from above, with buckets to catch the rain water falling from above, or in buildings that are literally making them sick is more than what is legally or constitutionally tolerable.

208. The physical facilities and buildings of the DPS are in a widespread state of degradation, filth, and unsanitary conditions placing the health of DPS children at high risk, and such status is and was a direct result on the acts or inactions manifest by the depraved indifference to the rights of DPS children by the defendants who deliberately chose to ignore ongoing these ongoing conditions. This is far from the provision of a minimally adequate education as the U.S. and Michigan constitutions require. It is no wonder that DPS students given these conditions, as well as the other effects of austerity and poverty, have the worst achievement results in the country.

209. The pattern of depraved and callous indifference also includes the

transfer of school buildings, students and property out of the DPS (further contributing to the financial deficit), expending funds that could have been used for children of the DPS on various for-profit and non-profit charter schools, the creation of a disastrous experiment in the setting up of the EAA and claiming results that were untrue, attempting to lure unsuspecting parents of DPS children to transfer their sons and daughters away from the DPS and move them to various charter schools without performance standards and (in part) with financial motives; all such acts manifesting a depraved and callous indifference to the rights of DPS children, all acts done by the defendants herein in violation of 42 USC 1983.

210. Throughout vast stretches of the City of Detroit, there are no longer enough schools to accommodate the local student populations in certain neighborhoods, while other areas have TOO MANY schools. Class sizes in the schools that remain have soared to unacceptable levels, and the textbooks and other materials are grossly outdated. An exemplary school that taught aviation and state-of-the-art schools for pregnant girls and for the physically challenged have closed. Art and music courses are pervasively lacking.

COUNT II:
Violations of Title VI of the Civil Rights Act of 1964, 42 U.S.C.. 2000 (“Title VI”) and section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 (“section 504”).

211. Plaintiffs re-allege and re-plead all the allegations of the preceding paragraphs of this Complaint and incorporate them herein by reference.

212. Federal Funds have been received and used by defendant emergency managers in ways violative of Title VI and Section 504 provisions of federal law.

213. Title VI regulations define the term “federal financial assistance” broadly to include: (1) grants and loans of federal funds, (2) the grant or donation of federal property and interests in property, (3) the detail of federal personnel, (4) the sale and lease of, and permission to use federal property or interest in such property without consideration or at a nominal consideration, and (5) any federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance. 45 C.F.R. § 80.13(f). Thus, “federal financial assistance” means assistance in the form of any grant, loan, or contract (other than a contract of insurance or guaranty). See 42 U.S.C. § 2000d-4. It does not mean assistance by providing coloring books and crayons to children

capable of performing math at the level of algebra.

214. Title VI prohibits discrimination on the basis of race, color, or national origin in any program or activity that receives Federal funds or other Federal financial assistance. Programs that receive Federal funds cannot distinguish among individuals on the basis of race, color or national origin, either directly or indirectly, in the types, quantity, quality or timeliness of program services, aids or benefits that they provide or the manner in which they provide them. This prohibition applies to intentional discrimination as well as to procedures, criteria or methods of administration that appear neutral but have a discriminatory effect on individuals because of their race, color, or national origin.

215. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 ("Section 504") prohibits discrimination on the basis of disability by recipients of federal financial assistance.

216. The Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq. ("ADA"), prohibits discrimination on the basis of disability whether or not they receive Federal financial assistance. Providers covered by Section 504 and/or the ADA may not deny benefits or services to qualified individuals with disabilities or provide lesser benefits than they provide to others. In general, an individual with a disability is

"qualified" if that person meets the essential eligibility requirements for receipt of services or participation in the program or activity with or without reasonable modification to rules, policies or practices. The purpose of these laws is to ensure that covered programs are as accessible to persons with disabilities as they are to nondisabled individuals. The closings of schools providing special needs services for DPS students and the transfer of disabled students to schools that did not provide special needs services were done in violation of these federal laws.

COUNT III:

Violation of 42 U.S.C. Sec. 1983; Equal Protection, Disparate Impact of Statute as Callously Applied Resulting in a Racially Discriminatory Pattern of Voter Dilution; U.S. Constitution Amend. XIV)

217. Plaintiffs re-allege and re-plead all the allegations of the preceding paragraphs of this Complaint and incorporate them herein by reference.

218. In its Application, The Emergency Manager Law resulted in voter Inequality and a disparate impact on voters in the City of Detroit. Public Act 436 has had a particularly disparate and discriminatory impact on Michigan's African-American voters: 50.4% of the state's 1,413,320 African American residents are now ruled by unelected Emergency Managers, compared to 1.3% of the state's 7,926,454 White residents

now ruled by unelected Emergency Managers.

219. The following is a listing of the percentage of African Americans in Michigan living in jurisdictions ruled by Emergency Managers: Benton Harbor: 89.2%, Detroit (and Detroit Public Schools): 82.7%, Ecorse: 46.4% (the White population in Ecorse is 44%), Flint: 56.6%, Highland Park Schools: 93.5%, Muskegon Heights Schools: 78.3%, Pontiac: 52.1%, and Allen Park: 2.1%. The following is a listing of the percentage of Whites in Michigan living in jurisdictions ruled by Emergency Managers: Benton Harbor: 7%, Detroit (and Detroit Public Schools): 10.6%, Ecorse: 44%, Flint: 37.4%, Highland Park Schools: 3.2%, Muskegon Heights Schools: 16%, Pontiac: 34.4%, and Allen Park: 92.9%.

220. In the Detroit Public Schools, the Emergency Manager has ordered that the elected School Board may serve “[i]n solely an advisory capacity,” that charter schools are expanded, unilaterally adopted budgets, rescinded existing contracts, and authorized the levy of taxes (Emergency Manager, Detroit Public Schools, Order No’s 2009-2, 2010-26, 2011-EMRR5, 2011-EMRR, 14-18).

221. The pattern of discrimination is also exemplified by what has happened in other school districts. In the School District of the City of Muskegon

Heights, the Emergency Manager issued an order “assum[ing] immediate control over all matters of the School District... [and that] the present Muskegon Heights Board of Education will serve in an advisory capacity during the duration of the Emergency Manager’s appointment.” (Emergency Manager, School District of the City of Muskegon Heights, Order No. 2012-1). Less than two months later, the Emergency Manager issued a 7-year contract to a private contractor, to operate all of the School District’s public schools as charter schools. (Emergency Manager, School District of the City of Muskegon Heights, Order No. 2012-9).

222. In the School District of the City of Highland Park, the Emergency Manager unilaterally entered into a contract with the Muskegon Heights School District, and transferred funds from the Public School District to the Public School Academy System. (Emergency Manager, School District of the City of Highland Park, Order No’s 2012-02, 2012-01).

223. Conversely, in non-Emergency Manager controlled jurisdictions across the state, voters are allowed to elect local representatives who have full powers and duties. The Royal Oak Charter contains language, typical of Michigan city charters, regarding local self- governance:

“Section 1

The form of government provided for in this Charter shall be known as the Commission-Manager form. There is hereby created a Commission, consisting of a Mayor and six Commissioners, who shall be qualified electors of said City, and who shall be elected in the manner hereinafter specified, shall have full power and authority, except as herein otherwise provided, to exercise all the powers conferred upon the City.

Section 2

The Commission shall constitute the legislative and governing body of said City, possessing all the powers herein provided for, with power and authority to pass such ordinances and adopt such resolutions as they shall deem proper in order to exercise any or all of these powers possessed by said City.”

(City of Royal Oak Charter, Chp. 3, Sec’s 1,2)

224. In the City of Grand Rapids, Michigan’s second largest city, voters elect a city government with full powers and duties pursuant to its City Charter. (Grand Rapids City Charter, Title II, Executive Branch, Title V. City Commission). Likewise, in the City of Warren, Michigan’s third largest city, its City Charter provides that the City Council has full legislative authority, and its Mayor has full executive authority. (Warren City Charter, Chp. 5, Chp. 7).

225. The State of Michigan’s Treasurer’s Office developed a matrix or formula for ranking the fiscal health of Michigan municipalities. Municipalities were assigned a “Fiscal Health Score” on a scale of 0 to

10, with 0 to 4 being “Fiscally Neutral,” 5 to 7 being “Watch List,” and 8 to 10 being “Fiscal Stress.” (MI Dep’t, Treas, Fiscal Indicator Scoring). The most recent year the scores were ranked on-line (2009), municipalities were broken down by county. In Oakland County, the State Treasurer gave four cities an identical total score of “6:” Hazel Park (9.8% African American population), Pleasant Ridge (1.9% African American population), Troy (4.0% African American population), and Pontiac (52.1% African American population). And notwithstanding the fact that Hazel Park, Pleasant Ridge, and Troy had identical scores of 6, Pontiac, the majority African American city, was the only city of the five with a fiscal score ranking of 6 to be chosen to receive an Emergency Manager. This discriminatory pattern and practice was repeated in other counties throughout the state as well. In Wayne County, where Detroit, Detroit Public Schools, Highland Park Schools, and Ecorse , all majority minority communities, had Emergency Managers imposed, and all had fiscal scores of 7. But so did Riverview (3.1% African American population). It has a fiscal score of 7 and the state did not install an Emergency Manager there. Of further relevance is that Van Buren Township (12.03% African American population) and Harper Woods (45.6% African American population)

had fiscal scores of 6, the same as Pontiac, but had no Emergency Managers appointed. In Genesee County, the City of Flint has a fiscal score of 8, and an Emergency Manager was appointed. Of further relevance is that Genesee Township (8.18% African American population) did not receive an Emergency Manager even though it had a fiscal score of 9, a higher score than Flint. Argentine (0.23% African American population) did not receive an Emergency Manager even though it had a fiscal score of 6, equal to Pontiac's score. Davison (1.8% African American population) did not receive an Emergency Manager even though it had a fiscal score of 6, equal to Pontiac's score. Flint Township (16.12% African American population) did not receive an Emergency Manager even though it had a fiscal score of 7, a higher score than Pontiac. And Thetford Township (2.91% African American population) did not receive an Emergency Manager even though it had a fiscal score of 7, a higher score than Pontiac. The Walled Lake Consolidated School District, serves over 15,000 school children (compared to 980 students in Highland Park Schools and 1,112 students in the Muskegon Heights School District, both of which have Emergency Managers), in a suburban area north of Detroit. Recently, the Walled Lake District cancelled classes, and ended bus service,

asking parents to transport their children to school, as the District confronts expenses that are projected to exceed revenues by \$10,042,856, for the 2013-2014 school year. This District includes the Cities of Farmington Hills (69.7% White population, 17.4% African American population), Novi, Orchard Lake, Walled Lake, Wixom, and the Townships of Wolverine Lake (95.9% White population, 0.7% African American population), White Lake (96.56% White population, 0.78% African American population), West Bloomfield (84.25% White population, 5.18% African American population), described as an “[a]ffluent charter township in the state of Michigan, within the Detroit metropolitan area. It is known for its large homes and rolling hills. West Bloomfield [Township] was named No. 37 on Money magazine's Top 100 Small Cities in 2012. West Bloomfield is also #6 on the list of 100 highest-income places with a population of at least 50,000 people.”, and Commerce (96.73% White population, 0.50% African American population). With a \$10 million deficit, class cancellations, and disruptions in bus service, no Emergency Manager has been appointed by the State to govern the Walled Lake Consolidated School District, which has a total average White population of 85.3%.

COUNT IV:

Violation of 42 U.S.C. Sec. 1983; Equal Protection, Equal Dignity Owed to Each Voter Callously Disregarded, U.S. Constitution Amend. XIV

226. Plaintiffs re-allege and re-plead all the allegations of the preceding paragraphs of this Complaint and incorporate them herein by reference.

227. The locally-elected legislative and executive officials in non-Emergency Manager jurisdictions have full powers and duties as proscribed by their respective charters. Whereas, the locally-elected legislative and executive officials under the control of Emergency Managers do not. The more authority exercised by an Emergency Manager, the less the value of the votes that chose the publicly-elected officials replaced by them.

228. This valuing of one person's vote over that of another runs afoul of the Equal Protection Clause because: "Having once granted the right to vote on equal terms, the state may not by later arbitrary and disparate treatment, value one person's vote over that of another. It must remember that the right of suffrage can be denied by a debasement or dilution of the weight of a citizens' vote just as effectively as by wholly prohibiting the free exercise of the franchise. [. . .] [T]he right to vote as the [state] legislature has prescribed is fundamental; and one source of its fundamental nature lies in the equal weight accorded to each vote

and the equal dignity owed to each voter.” *Bush v. Gore*, 531 U.S. 98, 104 (2000)(emphasis added).

229. In *Stewart v. Blackwell*, 444 F. 3d 843 (6th Cir. 2006), citing to *Bush v. Gore*, *supra*, the Sixth Circuit, which has cited to *Bush* as controlling authority in at least 14 cases (more than any other Federal Circuit), the court held that: “Echoing long-revered principles, the [*Bush*] Court emphasized that States, after granting the right to vote on equal terms, ‘may not, by later arbitrary and disparate treatment, value one person’s vote over that of another.’ *Id.* at 104-105 (citing *Harper v. Virginia Bd. of Elections*, 383 U.S. 663, 665 (1966)).

230. That is, the right to vote encompasses ‘more than the initial allocation of the franchise. Equal protection applies as well to the manner of its exercise.’ See also, *Hunter v. Hamilton County Bd. Of Elections*, 635 F.3d 219, 234 (6th Cir. 2011), quoting *Bush v. Gore*, 531 U.S. 98, *supra* (A state may not arbitrarily impose disparate treatment on similarly situated voters). In *Reynolds v. Sims*, 377 U.S. 533, 555 (1964) the Court likewise held that “[t]he right of suffrage can be denied by a debasement or dilution of the weight of a citizen’s vote just as effectively as by wholly prohibiting the free exercise of the franchise.”

231. This callous disparate and depraved discriminatory impact on voters of

color has resulted in a dilution of the value of the individual's right to vote for locally-elected officials of their choosing. The value of the individual's right to vote for locally-elected officials is one hundred percent (100%) higher in non-Emergency Manager jurisdictions, which are predominantly White, than it is in Emergency Manager jurisdictions, which are predominantly African American.

232. Justice Douglas' dissent in *South v. Peters*, 339 U.S. 276 (1950)(adopted by the majority in *Reynolds v. Sims*, 377 U.S. 533 (1964)) provides that: "There is more to the right to vote than the right to mark a piece of paper and drop it in a box or the right to pull a lever in a voting booth. [I]t also includes the right to have the vote counted at full value without dilution or discount." *Id.* at 279.

233. The Sixth Circuit has expressly adopted this Equal Protection voter dilution standard. *Stewart v. Blackwell*, 444 F. 3rd 843 (6th Cir. 2006), *supra*.

234. In its application, Public Act 436 has had an injuriously disparate impact on the state's African American population. 50.4% of the state's 1,413,320 African American residents are now ruled by unelected Emergency Managers. And the state's process for selecting the jurisdictions for imposition of Emergency Managers has placed

Emergency Managers in majority African American jurisdictions when non-African American jurisdictions had the same or worse fiscal indicator score.

235. In *United States v. Carolene Products Co.*, 304 U.S. 144 (1938), the Court held that the liberty interest under the Fourteenth Amendment incorporates rights under the requirement that no state shall “[d]eprive any person of life, liberty or property without due process of law:” the rights enumerated in and derived from the first eight amendments in the Bill of Rights; and, the right to participate in the political process (e.g., the rights of voting, association, and free speech).

236. The right of voting was upheld by the Sixth Circuit in *League of Women Voters of Ohio v. Brunner*, 548 F.3d 463 (2008) (also citing to the dignity of each vote requirement in *Bush v. Gore*, supra) where the right to vote was burdened through the state of Ohio’s arbitrary voting standards which differed from “county to county, city to city, and precinct to precinct.”

237. Public Act 436 violates the Equal Protection Clause because the state’s process of selecting jurisdictions for the imposition of Emergency Managers was done with calloused indifference in an arbitrary and discriminatory manner, resulting in the denial of the right of Detroit

voters to participate equally in the voting process and, by extension, to the children of the Detroit Public Schools who have experienced firsthand the ramifications of the dictator-like running of the district.

COUNT V

Intentional and/or Grossly Negligent Caretaking of Local, State and Federal Funds Intended for Educational Use of DPS/EAA School Children.

238. Plaintiffs re-allege and re-plead all the allegations of the preceding paragraphs of this Complaint and incorporate them herein by reference.

239. The Callous Indifference of Defendants Snyder and emergency managers Robeerts, Martin and Earley, as set forth previously in this Complaint, also includes the grossly negligent supervision, and/or monitoring of the use of local, state and federal taxpayer funds in failing to prevent the illegal bribery schemes engaged in by defendant vendors and defendant principals. Other monies are unaccounted for in a grossly negligent patter of indifference with regard to what and how and why money was spent or wasted in the DPS and EAA. Allowing such free use of tax monies and funds intended for educational purposes to be diverted to wasteful and/or illegal bribery schemes in such a callously indifferent manner directly and proximately contributed to the harm suffered by children of the DPS/EAA as set forth in this complaint.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request of this Court the following:

- A. An order certifying the class of Plaintiffs;
- B. An order for trial by jury on the merits of the claims of Plaintiffs and adjudication of compensatory and punitive damages
- C. Attorney fees and costs;
- D. Such other and further relief as this Court may deem necessary or proper.

Respectfully submitted,

/s/ Thomas H. Bleakley
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Dated: _____, 2016

DEMAND FOR TRIAL BY JURY

NOW COME the Plaintiffs, by and through their counsel, and demand a trial by jury on all matters so triable.

Respectfully submitted,

/s/ Thomas H. Bleakley
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Dated: _____, 2016