

COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT
DIVISION _____
CASE NO. _____

PEGGY PETRILLI

PLAINTIFF

VS.

VERIFIED COMPLAINT

STU SILBERMAN, in his Individual Capacity, and in his
Official Capacity as the Superintendent of the Fayette
County Public Schools and/or Fayette County Board of Education

DEFENDANT

SERVE: STU SILBERMAN
Fayette County Board of Education
701 East Main Street
Lexington, Kentucky 40502

AND

CARMEN COLEMAN, in her Individual Capacity, and in her
Official Capacity as the Director of the Fayette County
Public Schools and/or Fayette County Board of Education

DEFENDANT

SERVE: CARMEN COLEMAN
Fayette County Board of Education
701 East Main Street
Lexington, Kentucky 40502

AND

THE FAYETTE COUNTY BOARD OF EDUCATION,
FAYETTE COUNTY, KENTUCKY

DEFENDANT

SERVE: STU SILBERMAN
Fayette County Board of Education
701 East Main Street
Lexington, Kentucky 40502

*** **

The Plaintiff, Peggy Petrilli, for her Complaint against the Defendants, Stu
Silberman, in his Individual Capacity, and in his Official Capacity as Superintendent of
Fayette County Public Schools and/or Fayette County Board of Education; Carmen

Coleman, in her Individual Capacity, and in her Official Capacity as the Director of the Fayette County Public Schools and/or Fayette County Board of Education; and The Fayette County Board of Education, hereby states as follows:

JURISDICTION AND VENUE

Venue is proper and this Court has subject matter jurisdiction over this action because the acts alleged in this Complaint arose from activities conducted in Fayette County and the damages sought are in excess of \$75,000.00.

FACTS

1. Plaintiff Peggy Petrilli was at all times pertinent to this Complaint, a resident of Lexington, Fayette County, Kentucky, and was the Principal of Booker T. Washington Academy in Lexington, Fayette County, Kentucky.

2. Defendant Stu Silberman is, and was at all times pertinent to this Complaint, a resident of Lexington, Fayette County, Kentucky, and the Superintendent of the Fayette County Public Schools and/or Fayette County Board of Education, and was acting in his individual and official capacities as the Superintendent for the Fayette County Public Schools and/or Fayette County Board of Education.

3. Defendant Carmen Coleman is, and was at all times pertinent to this Complaint, employed by the Fayette County Board of Education as the Director of the Fayette County Public Schools and/or Fayette County Board of Education, and was acting in her individual and official capacities as the Director for the Fayette County Public Schools and/or Fayette County Board of Education.

4. Fayette County merged two of its poorly performing elementary schools into the Booker T. Washington Academy in 2005 and hired Peggy Petrilli, who was principal of the year in 2005, to be the principal to lead the school and increase test

scores. Peggy Petrilli performed her job in a commendable manner by significantly increasing the school's test scores. Despite her efforts and success, Stu Silberman and Ms. Petrilli's immediate supervisor, Carmen Coleman, created an intolerable work environment for her; thereby constructively discharging her from her position as Principal of Booker T. Washington Academy.

5. On or about June 2007, Plaintiff Peggy Petrilli reported to Stu Silberman that a parent of one of the students at Booker T. Washington Academy had engaged in conduct toward her that constituted abuse of a teacher as set forth in KRS 161.190.

6. On or about August 2007, Peggy Petrilli reported to her supervisor, Carmen Coleman, that the site-based council at Booker T. Washington Academy had engaged in conduct that constituted abuse of a teacher, as prohibited by KRS 161.190. Subsequent to Peggy Petrilli's report to Carmen Coleman, Ms. Petrilli notified Stu Silberman of the abuse she had received from the site-based council at Booker T. Washington Academy.

7. The parent described in ¶ 5 above, and the site-based council, as described in ¶ 6 above, are individuals who are all African-American. The site-based council and the group of parents that Stu Silberman met with were predominantly African-American.

8. Stu Silberman and Carmen Coleman knew at all times pertinent to this Complaint that the motivating cause behind the complaints from the site-based council and group of parents regarding Peggy Petrilli were based on the fact that Peggy Petrilli is Caucasian and the disgruntled individuals were unhappy because they had been told by Stu Silberman that they would have input into the hiring of the next principal who they wanted to be African-American.

9. On or about August 22, 2007, Stu Silberman conducted a secret meeting with the Booker T. Washington Academy site-based council and a group of parents. He knew that both groups had engaged in conduct that violated KRS 161.190. The meeting was held in secret and violated KRS 160.345(9)(a), which prohibits a practice that is detrimental to the successful implementation of, or circumvents the intent of, school-based decision making and did not allow Peggy Petrilli to be involved in the decision making process in working toward educational goals.

10. On or about August 24, 2007, Stu Silberman advised Peggy Petrilli that she could no longer be the Principal of Booker T. Washington Academy and that she either had to resign or retire. Stu Silberman's decision was based on race.

11. On or about August 26, 2007, Stu Silberman called Peggy Petrilli at home on multiple occasions and demanded that she either retire or resign. Mr. Silberman instructed Ms. Petrilli that she must make a decision to retire or resign and have it on his desk the first thing Monday morning.

12. On or about Monday, August 27, 2007, Stu Silberman again informed Peggy Petrilli that she would not be allowed to go back to her position as Principal of Booker T. Washington Academy. In addition, she was instructed by Mr. Silberman to resign or retire or else she would be suspended from her employment and an investigation would be started. As a result of Stu Silberman's threats and intimidation, which were based on race, Peggy Petrilli found her work environment to be intolerable and was thereby constructively discharged from her position as Principal of Booker T. Washington Academy.

COUNT I
VIOLATION OF KRS 344.040
Race Discrimination

13. The Defendant, Fayette County Board of Education, acting by and through its agents, Stu Silberman and Carmen Coleman, constructively discharged Peggy Petrilli from her position as principal of Booker T. Washington Academy because of her race.

COUNT II
VIOLATION OF KRS 344.280
Retaliation

14. The Defendants retaliated or discriminated against Peggy Petrilli because she opposed a practice declared unlawful by KRS Chapter 344 by making complaints to Stu Silberman and Carmen Coleman relating to the race discrimination she underwent.

15. The Defendants aided and abetted the parents and site-based council in engaging in the acts that are declared unlawful by KRS 344.040 regarding race discrimination.

COUNT III
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

16. The Defendants' conduct in this matter was so outrageous and intolerable that it offends generally accepted standards of decency and morality.

COUNT IV
VIOLATIONS OF §§ 1-3 OF THE KENTUCKY CONSTITUTION
REGARDING DUE PROCESS VIOLATIONS, EQUAL PROTECTION
VIOLATIONS, AND THE EXERCISE OF ABSOLUTE AND ARBITRARY
POWER OVER THE PLAINTIFF'S LIFE, LIBERTY
AND PROPERTY

17. The conduct of each of the Defendants herein against Peggy Petrilli constitute a violation of §§ 1, 2, and 3 of the Kentucky Constitution. The Defendants' acts and omissions in refusing to follow the Kentucky Revised Statutes, the Kentucky Administrative Regulations, the Kentucky Constitution, the Evaluation Plan for Fayette

