

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

BRIAN and ERIKA D., on behalf of
their minor children, K.D and N.D.,

Plaintiffs,

vs.

**LAKE CENTRAL SCHOOL
CORPORATION; LARRY VERACCO**,
Superintendent of Lake Central School
Corporation, sued in his official and individual
capacities; and
RON FREDRICK, Coach for Lake Central
High School Girls Track Team, in his official
and individual capacities,

Defendants.

Case No.: _____

Date: March 7, 2024

VERIFIED COMPLAINT

Plaintiffs, Brian and Erika D., on behalf of their minor children, K.D. and N.D., bring this action for damages and declaratory and injunctive relief in order to vindicate K.D. and N.D.'s constitutional and civil rights to engage in private religious speech and expression pursuant to their sincerely held religious beliefs. Defendants violated, and continue to violate, their rights to religious speech and expression by instructing them not to engage in student-led prayer before, during, or after Lake Central High School track meets.

I. PARTIES

1. Plaintiff, BRIAN D., is an individual and parent to K.D. and N.D., who currently, and at all relevant times, is a citizen of the United States and a resident of Saint John, Indiana. Plaintiff BRIAN D. brings this action on behalf of his minor children, K.D., age seventeen, and N.D., age fourteen, who are students enrolled in Lake Central High School within Lake Central School Corporation (LCSC) and who serve on the Lake Central High School Track Team.
2. Plaintiff, ERIKA D., is an individual and parent to K.D. and N.D., who currently and at all relevant times, is a citizen of the United States and a resident of Saint John, Indiana. Plaintiff ERIKA D. brings this action on behalf of her minor children, K.D., age seventeen, and N.D., age fourteen who are students enrolled in Lake Central High School within LCSC and who serve on the Lake Central High School Track Team.
3. Defendant, LAKE CENTRAL SCHOOL CORPORATION, is a school district in Saint John, Indiana, with an address of 8260 Wicker Avenue, St. John, Indiana 46373.
4. Defendant, LARRY VERACCO, is the Superintendent of Schools for Lake Central School Corporation. Veracco is sued in his individual and official capacities.
5. Defendant, RON FREDRICK, is the coach for the Lake Central High School (LCHS) Varsity and Junior Varsity Track Team. LCHS is a school that is part of the LCSC where K.D. and N.D. attend. Frederick is sued in his individual and official capacities.

II. JURISDICTION AND VENUE

6. This civil rights action raises federal questions under the United States Constitution, particularly the First Amendment, and the Civil Rights Act, 42 U.S.C. § 1983 et seq.

7. This Court has original jurisdiction over these federal claims pursuant to 28 U.S.C. §§ 1331 and 1343.
8. This Court has authority to award the requested damages pursuant to 28 U.S.C. § 1343; declaratory relief pursuant to 28 U.S.C. §§ 2201–02; the requested injunctive relief pursuant to 28 U.S.C. § 1343 and Fed. R. Civ. P. 65; and costs and attorneys' fees under 42 U.S.C. § 1988.
9. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b), because Defendants reside in this district and division and/or all the acts described in this Complaint occurred in this district.

III. FACTUAL ALLEGATIONS

10. K.D. and N.D. are enrolled as students in Lake Central High School and serve on the Lake Central High School Track Team.
11. K.D. and N.D. are Christians who regularly engage in prayer and other expressions of their faith.
12. On or about February 23, 2024, K.D. and N.D., while warming up for their high school track meet, gathered with several other classmates to pray for their upcoming meet.
13. Upon seeing K.D., N.D., and their teammates gathered in student-led prayer, Coach Fredrick instructed K.D., N.D., and their teammates not to engage in prayer again, specifically instructing, "Don't let me see you do that again."
14. Upon information and belief, this incident was immediately reported to LCSC administration.
15. On March 4, 2024, K.D. and N.D. attended Track practice to prepare for their upcoming meet, at which time Coach Fredrick instructed them and their teammates that they must not

be seen praying together as a group at high school track meets. Coach Fredrick further instructed that K.D., N.D., and their teammates could only engage in an “individualized moment of reflection,” alone or in small groups of two to three. Coach Fredrick further instructed that any “moment of reflection” should be “limited to .5 seconds like a moment of silence during the national anthem.”

16. On March 4, 2023, Plaintiff Brian D. contacted the Director of Athletics for LCHS, Chris Enyeart, to inform him that K.D. and N.D. were scolded by Coach Fredrick for praying together as a team and of Coach Fredrick’s instructions to K.D. and N.D. not to engage in student-led prayer. Plaintiff Brian D. closed his email with the inquiry, “What will be the resolution to this?”
17. On March 4, 2024, Director Enyeart responded to Plaintiff Brian D.’s email and indicated that he would “look into this situation” upon his return to the office on March 6, 2024.
18. On March 5, 2024, Coach Fredrick again reiterated his instructions to K.D. and N.D. and their teammates that they must not be seen praying together as a group at high school track meets; that they could only engage in an “individualized moment of reflection,” alone or in small groups of two to three; and that any “moment of reflection” should be “limited to .5 seconds like a moment of silence during the national anthem.”
19. Plaintiff’s Counsel sent a letter on March 6, 2024, at 12:10 pm CST to Superintendent Veracco of LCSC, informing him of Coach Fredrick’s instructions to K.D., N.D. and their teammates not to engaged in student-led prayer, and requested a response on or before March 7, 2024, at 3:00 pm.
20. Plaintiffs’ Counsel’s letter informed Superintendent Veracco that K.D. and N.D.’s next Track meet was scheduled for after-school on March 7, 2024.

21. K.D. and N.D. desire to gather and pray with other teammates before each Track meets, but because of Defendant Fredrick's prior directives, K.D., N.D. and their teammates are unable to do so without fear of punishment or retaliation by Coach Fredrick or other LSCD officials.

IV. CAUSES OF ACTION

COUNT I

Violation of Plaintiff's First Amendment Right to Freedom of Speech

(U.S. Const. amend. I; 42 U.S.C. § 1983)

22. Plaintiffs repeat, reallege, and incorporate by reference herein all preceding paragraphs as though fully set forth herein.
23. Pursuant to 42 U.S.C. § 1983, Plaintiffs bring this claim against Defendants for acting under color of state law to deprive them of their First Amendment right to free speech as guaranteed by the U.S. Constitution.
24. The private religious expression of students is fully protected under the First Amendment, which prohibits the government from "abridging the freedom of speech." This prohibition applies to state and local governments through the Fourteenth Amendment.
25. Defendants' instruction to K.D. and N.D. not to engage in student-led group prayer before, during or after high school track meets violates their right to free speech.
26. The Supreme Court has made it clear that students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate," *Tinker v. Des Moines Independent School District*, 393 U.S. 503, 506 (1969), and that "when [a student] is in the cafeteria, or on the playing field, or on the campus during the authorized hours, he may express his opinions. . ." *Id.* at 512-13.

27. The Supreme Court has explained that “vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools.” *Tinker*, 393 U.S. at 512.
28. The Supreme Court has made it clear that student prayer, including prayer at sporting events, is undisputedly a protected form of speech that school officials may not ban.
29. K.D. and N.D.’s speech does not “materially and substantially interfere with the requirements of appropriate discipline in the operation of the school.” *Id.* at 505–12.
30. Students possess a right to participate in student-led prayer at school events, exercising their First Amendment rights as citizens.

COUNT II

Violation of Plaintiff’s First Amendment Right to Free Exercise

(U.S. Const. amend. I; 42 U.S.C. § 1983)

31. Plaintiffs repeat, reallege, and incorporate by reference herein all preceding paragraphs as though fully set forth herein.
32. Pursuant to 42 U.S.C. § 1983, Plaintiffs bring this claim against Defendants for acting under color of state law to deprive her of her First Amendment right to the free exercise of religion as guaranteed by the U.S. Constitution.
33. The private religious expression of students is fully protected under the First Amendment, which prohibits the government from burdening the “free exercise of religion.” This prohibition applies to state and local governments through the Fourteenth Amendment.
34. Defendants’ ban on Plaintiffs’ religious expression to engage in student-led prayer violates the First Amendment.
35. The Supreme Court has made it clear that “there is a crucial difference between government speech endorsing religion, which the Establishment Clause forbids, and private speech

endorsing religion, which the Free Speech and Free Exercise Clauses protect.” *Bd. of Educ. v. Mergens*, 496 U.S. 226, 250 (1990). Such religious activity by students is protected by the First Amendment.

PRAYER FOR RELIEF

Wherefore, Plaintiff respectfully requests the following relief:

- (A) A declaratory judgment that Defendants’ conduct in prohibiting Plaintiffs’ religious speech and expression violates their rights under the First Amendment;
- (B) Issue an injunction enjoining Defendants, Defendants’ officers, agents, employees, coaches, and staff from interfering with and/or prohibiting student-led prayer on school campus;
- (C) Compensatory or, in the alternative, nominal damages for the violation of Plaintiffs’ protected rights under the First Amendment;
- (D) Plaintiffs’ reasonable attorneys’ fees, costs, and other costs and disbursements in this action pursuant to 42 U.S.C. § 1988; and
- (E) All other further relief to which Plaintiffs may be entitled.

Dated: March 7, 2024

Respectfully submitted:

**THE AMERICAN CENTER FOR
LAW AND JUSTICE**

/s/ Tiernan B. Kane

ABIGAIL SOUTHERLAND**

TIERNAN B. KANE [REDACTED]
SouthBank Legal

[REDACTED]

[REDACTED]

JAY ALAN SEKULOW

[REDACTED]

JORDAN SEKULOW

[REDACTED]

STUART J. ROTH

[REDACTED]

CHRISTINA A. COMPAGNONE

[REDACTED]

OLIVIA F. SUMMERS

[REDACTED]

Attorneys for Plaintiffs

**Not admitted in this jurisdiction; application for *pro hac vice* admission forthcoming

Verification

I, Brian D., declare as follows:

1. I am a Plaintiff in the present case, over eighteen years of age, a citizen of the United States of America, and a resident of Saint John, Indiana.

2. I have personal knowledge of all activities set out in the foregoing Verified Complaint; and if called on to testify I would competently testify as to the matters stated herein.

3. I verify that the language reproduced in this complaint of email messages I have received from Director of Athletics, Chris Enyeart, is a true and accurate reproduction of those messages.

4. I verify under penalty of perjury under the laws of the United States of America that the factual statements in this Complaint concerning myself, my activities, and my intentions are true and correct pursuant to 28 U.S.C. § 1746.

Executed on March 7, 2024

/s/ Brian D.

Brian D.