



IN THE COURT OF COMMON PLEAS
STARK COUNTY, OHIO

FILED

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LYNN M. TODARO
STARK COUNTY OHIO
CLERK OF COURTS

MARCUS WATTLEY, *et al.*,

Plaintiffs,

vs.

JOHN RINALDI, *et al.*,

Defendants.

Case No. 2023CV00931

Judge Natalie R. Haupt

First Amended Complaint

I. Introduction

1. Marcus Wattley—a rising star in the football-coaching ranks both locally and nationally—was hired in 2019 as the first black head-coach in the history of Canton McKinley high school's legendary football program. In announcing this historic hire, Canton school-district officials touted Wattley's "high character, his outstanding work ethic, his football knowledge, and his ability to build relationships with young people." And these qualities immediately manifested both on and off the field, not just with a Federal League championship and multiple "coach of the year" awards in 2019 along with playoff wins in each of Wattley's first two seasons on the job, but also in substantially increased participation throughout the football program, and corresponding increases in the team's grade-point average and participation in team-sponsored study sessions. Heading into their third season, Wattley and his staff had revamped the culture of the McKinley program, with an emphasis on work ethic, accountability, brotherhood, scholarship, and an extraordinary commitment to the general well-being of their student-athletes in a city where one in three residents lives in poverty.
2. In his nineteen years as a football coach, administrator, and educator at the high school and NCAA Division I levels, Wattley had established an impeccable reputation, and had never been subject to discipline for his professional conduct.
3. This reputation, and the work done by Wattley and his staff for the McKinley community

since taking control of its football program, has since been destroyed as a result of false, defamatory, malicious, and widely disseminated accusations that, at a team training session on May 24, 2021, they forced one of their players, Defendant Khalil Walker, to eat a pepperoni pizza, knowing that eating pork was against his Hebrew-Israelite religion, as punishment for having missed a voluntary workout four days earlier.

4. The truth is that the coaches did not force Khalil to eat anything, let alone force-feed him any food that they knew to be against his religion to eat. Rather—as Khalil himself understood, along with every Canton McKinley coach and player who was present—the coaches asked this underperforming player to accept service of a meal, or in other words, “royal treatment,” while his teammates performed exercises around the perimeter of the room, to convey a much-needed lesson about teamwork, responsibility, and accountability. This lesson lasted approximately twenty minutes, during which the player was offered chicken nuggets as an alternative, declined the chicken, and proceeded to eat a portion of a single pizza after picking off the cheese and pepperoni, as his teammates circled the room performing exercises with 45-pound plates.

5. In the weeks leading up to this event, Khalil, an exceptionally talented player with pending Division I scholarship offers, had been consistently falling short of the program’s basic standards of conduct. This misconduct was manifesting not only in Khalil’s substandard effort at team workouts but also in increasing displays of insubordination and disrespect toward coaches and teammates, all of which correlated with the player’s increasing marijuana use that was not only well known to his teammates but only weeks earlier had been reported to the coaches by Khalil’s father.

6. Knowing that Khalil was putting his future as a football player at risk, Wattley thus set out to employ a teaching tool that he had seen used effectively by the coaching staff at the University of Akron, the obvious point of which was to convey the uncomfortable feeling of being the only one eating and relaxing in a room full of hungry working men. With more traditional methods having

failed to reach this player, Wattley reasonably hoped and expected that this lesson would motivate Khalil to improve his habits, work ethic, and ultimately his conduct and performance as a McKinley football player and student—goals that Wattley knew Khalil wanted to achieve.

7. Khalil indeed made clear that he understood the need for and purpose of this lesson, both before the event in text messages acknowledging his misconduct, and after the event, when he hugged the coaches, apologized to them, thanked them for “not giving up on [him],” and told them “I needed that.” Khalil was one of the first players to show up for the next morning’s scheduled voluntary team workout, where he apologized to his teammates, assured them of his commitment to the program, and displayed a newly positive attitude and effort level.

8. That workout on May 25 would unfortunately be the last one attended by Wattley and his staff, who were notified that afternoon that they were suspended from their coaching jobs based on misrepresentations of the previous day’s training session.

9. When Khalil learned on that day of the suspension, he placed a phone call to assistant coach Tyler Thatcher, who was at the time commiserating over lunch with Wattley and four of the other suspended coaches about the shocking turn of events. Thatcher then placed Khalil on speaker phone, and Khalil proceeded to apologize again to the coaches, communicating his regret that they had been suspended over the previous day’s events, and promising that he would “straighten this out.”

10. This matter has unfortunately not been “straightened out.” Rather, much to the contrary, the coaches were immediately terminated from their coaching and teaching positions with the district and have been continually smeared by various involved parties based on compounding intentional misrepresentations of the events of May 24, which have destroyed their reputations and diminished their capacity to obtain future employment and earnings.

11. The avalanche of defamatory misrepresentations against the Plaintiffs was started by

Defendant Josh Grimsley, a disgruntled member of the coaching staff who had interviewed for the head-coach position in 2019 when it was awarded to Wattley, and who had recently been informed that he was the only member of the staff who would not be asked to return for the 2021-22 season. Despite that he witnessed and participated in the entirety of the May 24 training session, understood its entirely proper purpose, and did nothing to intervene, Grimsley proceeded to engage in a series of text messages and phone calls with K.W. and his father, Defendant Kenny Walker, to misrepresent the pizza incident as abusive, and suggested they hire a lawyer to threaten a lawsuit over it.

12. After speaking with Grimsley, Walker proceeded to retain an attorney, Ed Gilbert, who shortly threatened litigation against the district based on false and salacious accusations that the coaches not only forced K.W. to eat pepperoni with the intent to harm him, but did so with knowledge that eating pork was against K.W.'s alleged Hebrew Israelite religion. Gilbert knew that these accusations were false, and indeed knew—as K.W. admitted at a deposition—that the coaches had no reason to know that K.W. practiced any religion at all, let alone one that prohibited the consumption of pork (or any particular food). Gilbert also knew, as an experienced civil-rights attorney, that to establish a claim that a state actor violated a plaintiff's First Amendment right to free exercise of religion, that such violation needs to be knowing and intentional, thus requiring knowledge of the religious beliefs at issue. Despite this knowledge, Gilbert proceeded to broadcast his false and salacious allegations to the public in an effort to extort a settlement out of the school district.

13. Despite the substantial evidence that immediately came to light confirming that these accusations were utterly false, including accounts from at least eight other players who attended the May 24 practice, Grimsley, Walker, and Gilbert have remained committed to their plan to malign the Plaintiffs' reputations not only locally, but also in the national and international press that

predictably published their salacious and wildly defamatory accusations—including Gilbert’s statements that Wattley is an “ignorant African-American anti-Semite”—and have continued to conceal the truth about the matter.

14. Making matters much worse, Canton City School District officials—including Defendant superintendent Jeffery Talbert, and Defendant school-board president John Rinaldi—proceeded to endorse Defendants’ salacious and defamatory accusations to further their own selfish purposes. Repeatedly ignoring the coaches’ request to consider evidence demonstrating their innocence, the district officials proceeded to state, falsely, that their investigation revealed evidence that the coaches engaged in “discriminatory” conduct against Khalil, not only warranting their immediate termination, but also requiring that they be reported to the police for “hazing,” and to the Ohio Board of Education for “conduct unbecoming to the teaching profession.”

15. These district officials, whose responsibility was to get to the truth of this matter, instead took the false accusations as an opportunity to vindicate their personal interests in gaining increased influence over McKinley’s historic football program by replacing Wattley with their personal friend and Canton native Antonio Hall, whom they were unable to legitimately hire in 2019 due to Wattley’s plainly superior qualifications for the job.

16. Moreover, these district officials were facing significant pressure to take action against what the public had wrongly perceived to be an antisemitic act by Plaintiffs. But rather than correct the public’s false perception (and risk accusations of being “soft” on anti-semitism), the Defendants Talbert and Rinaldi allowed—and indeed engineered—a flawed investigation that was intended to brand the Plaintiffs as anti-semites, so that their firing could be spun by the school district as a campaign against antisemitism. Thus, for personal, as well as public relations reasons, these district officials rushed to endorse the defamatory accusations against Plaintiffs despite knowing that they were untrue.

17. Indeed, it was shortly revealed that district officials only interviewed three other students in its so-called “investigation,” all of whom confirmed that Khalil was never forced to eat anything and was not otherwise subjected to harm. Not only did district officials ignore this and other mounting exculpatory evidence—with the interviewed players having reported that the district officials stopped taking notes when they realized that the players’ testimony did not support the allegations—they concealed it from the public in pronouncing the coaches’ guilt of the charges against them.

18. Worse, the district officials proceeded to negotiate a sham settlement with Gilbert and his clients over the false and baseless accusations in an amount greater than \$250,000.00, which was only thwarted by the filing of a lawsuit by the coaches. District officials further concealed certain surveillance video that conclusively refutes any notion that the coaches had engaged in any wrongdoing that would exceed their well-established and commonly understood discretion as football coaches, including video which showed Khalil hugging the coaches after the training session at issue had concluded.

19. It is beyond reasonable dispute that asking an underperforming player to rest and accept service of a meal while his teammates are working out, to motivate the student with a lesson about teamwork, responsibility, and accountability, evinces no wanton or willful intent to cause or risk harm to the student. To date, not only have the Defendants failed to come forward with evidence to support their extremely defamatory accusations of anti-Semitism against the Plaintiffs, they have also failed to present evidence to support a finding that the Plaintiffs did anything at all to exceed their well-established and commonly understood discretion to discipline or otherwise coach their football players.

20. Based on the foregoing factual circumstances, which are detailed further below, Plaintiffs filed a civil action against in the Stark County Court of Common Pleas (Case No. 2021CV00982) (the “Prior Case”). The complaint in the Prior Case was filed on July 12, 2021, and alleged claims of

defamation and false light invasion of privacy against Defendants Talbert, Rinaldi, Grimsley, Gilbert, and Kenny Walker. With leave of Court, Plaintiffs filed a First Amended Complaint in the Prior Case on March 2, 2022, which added Defendant Khalil Walker as a defendant and asserted claims of defamation and false light invasion of privacy against him as well. The First Amended Complaint remained the operative complaint throughout the Prior Case. On January 18, 2023, Plaintiffs filed a Notice of Voluntary Dismissal without Prejudice under Ohio R.Civ.P. 41(A)(1)(a), which dismissed all claims against all defendants in the Prior Case, without prejudice. The filed notice specifically reserved Plaintiffs' right to re-file the dismissed claims against the dismissed defendants.

21. Pursuant to R.C. 2305.19(A), this civil action therefore timely re-asserts those claims by Wattley and members of his coaching staff—Frank McLeod, Zachary Sweat, Romero Harris, Cade Brodie, and Tyler Thatcher—seeking compensation for the damage caused by Defendants' collective efforts to smear Plaintiffs' stellar reputations and oust them from leadership of the McKinley football program.

II. Parties, Jurisdiction, and Venue

22. Plaintiffs Wattley and Brodie are residents of Summit County.

23. Plaintiffs McLeod, Sweat, Harris, and Thatcher are residents of Stark County.

24. Defendant Jeffery Talbert is a Stark County resident and the Superintendent of the Canton City School District.

25. Defendant John Rinaldi is a Stark County resident and the President of the Canton City School District Board of Education.

26. Defendant Josh Grimsley is a Stark County resident.

27. Defendant Ed Gilbert is a Summit County resident who operates a law firm called Edward L. Gilbert Co., LPA, located in Summit County.

28. Defendant Kenny Walker is a resident of Stark County.

29. Defendant Khalil Walker is a resident of Stark County.
30. Defendant Stephen Humphrey is a Stark County resident and is a former Director of Safety and Security employed by the Canton City School District Board of Education.
31. This Court has subject-matter jurisdiction over this case under R.C. 2305.01 because the amount in controversy exceeds \$25,000.00.
32. Venue is proper in this Court under Civ.R. 3(C)(1), (3), and (6) because most of the Defendants are residents of Stark County, and Defendants conducted the majority of the activities that gave rise to Plaintiffs' claims for relief in Stark County.

III. Facts

A. Marcus Wattley and his coaching staff were placed in charge of Canton McKinley's storied football program due to their superlative credentials and reputations for excellence.

33. Canton McKinley's football program is one of the most storied in U.S. history. The program's 865 wins are seventh most in the nation all-time, and second most in Ohio for a high-school. The program has won twelve state championships, and plays its home games at Tom Benson Stadium on the site of the Pro Football Hall of Fame, which is also home to the NFL's annual Pro Football Hall of Fame Game. McKinley's rivalry with nearby Massillon Washington high school is the 13th most played high-school rivalry in U.S. history, a history of which was featured in a *Sports Illustrated* cover story in 1994. Numerous McKinley players have gone on to play college football at the most prominent NCAA Division I programs, many of whom have gone on to the NFL as players and coaches, including former Cleveland Brown Marion Motley, one of the greatest players in pro-football history who was one of the first two black men to play the sport professionally in the modern era.
34. Heading into the 2019 season, McKinley was looking for a new head football coach to replace Dan Reardon, who had resigned from the job.

35. Having served as the hand-picked successor to two-time state-championship winning head-coach Dan Boarman at Akron St. Vincent-St. Mary high school before joining Terry Bowden's staff at the University of Akron's NCAA Division I program, Marcus Wattley's superlative credentials and sterling reputation made him an easy choice for the district's appointed selection committee when he applied to fill the position.

36. In announcing the decision to hire Wattley—which was approved by the school board after a bizarre delay of nearly a month following the committee's selection, due to Rinaldi's desperation to find an excuse to hire his preferred candidate instead—Greg Malone, who was then serving as McKinley's athletic director, stated that he had “spoke[n] to individuals who have worked with Coach Wattley, who had supervised Coach Wattley, and who had played for Coach Wattley, [who] could not help but comment on his high character, his outstanding work ethic, his football knowledge, and his ability to build relationships with young people.”¹ “These are the very things that we are looking for in our next head football coach at McKinley,” Malone added.

37. In commenting on Canton's choice to hire Wattley, Boarman agreed with the district's assessment of Wattley as “a person of fine character” who had “a special connection with kids” and a unique “ability to communicate” with his players, which allowed him to “pat [a player] on the butt and also kick them in the butt.”²

38. When Wattley accepted the McKinley job, he relinquished the opportunity to interview for

¹ Kelli Weir, “Marcus Wattley officially hired as McKinley head football coach,” THE CANTON REPOSITORY (Apr. 8, 2019), Canton Repository, <https://www.cantonrep.com/news/20190408/marcus-wattley-officially-hired-as-mckinley-head-football-coach>

² Joe Scalzo, “New McKinley coach Marcus Wattley comes highly recommended,” AKRON BEACON JOURNAL (Apr. 14, 2019), <https://www.beaconjournal.com/sports/20190414/new-mckinley-coach-marcus-wattley-comes-highly-recommended>

other head coaching positions at Green and Copley High School, for which he would have been a leading candidate. Additionally, in the last year alone, Wattley was offered a position as an assistant coach at the University of Miami in Coral Gables, Florida for a salary of approximately \$150,000, and also was offered the head-coach position at a prominent high school in Cincinnati.

39. In his first press conference as McKinley's head coach, Wattley explained that, "the thing I found myself missing when I was in college was that you're so focused on winning football games and beating your next opponent, you don't get a chance to work with kids. That's something I've always enjoyed and it reminded me why I was coaching football — to help young men. You work with a kid and you see a 14-year-old boy become a young man and you have a chance to impact him in a positive way."³

40. Plaintiff Frank McLeod, a former McKinley football star and graduate himself, was hired as an assistant in 2015 by Dan Reardon, Wattley's predecessor as McKinley's head coach. McLeod was recruited by the legendary Jim Tressel to play linebacker at Youngstown State University in 1996, and came highly recommended to Wattley when he took on the job, due to his extraordinary football knowledge and ability to communicate and connect with McKinley's players.

41. Plaintiff Romero Harris, also a McKinley graduate, and a star baseball player, went to play baseball at Indiana State University and then in the United Shores Professional Baseball league. Harris joined Wattley's staff as the strength coach in the fall of 2020 after receiving a degree in exercise science from ISU.

42. Plaintiff Zachary Sweat is a McKinley graduate and former football star as well, and went on to play football at Notre Dame College, an NCAA Division II program, as a freshman in 2012,

³ Joe Scalzo, "New McKinley football coach Marcus Wattley: 'I'm going to give it everything I have,'" THE DAILY RECORD (Apr. 9, 2019), <https://www.the-daily-record.com/sports/20190409/new-mckinley-football-coach-marcus-wattley-im-going-to-give-it-everything-i-have>

before transferring to the University of Akron's Division I program, where he played for his remaining three years of eligibility. Upon graduating from UA in 2016 with a degree in sports management, he was hired by Finish Line in 2017, and was promoted to general manager of the company's Summit Mall store in 2018. Based on that store's performance during his tenure as general manager, Sweat was on track to receive a promotion within the company before he left to join Wattley's coaching staff in 2019.

43. Plaintiff Cade Brodie—a 2017 graduate of Ellet High School in Akron, Ohio, where he twice earned All-City honors for football, and also won an All-Academic award—currently attends the University of Akron, from which he expects to graduate next fall with a degree in social studies and intermediate education. Brodie met Wattley at UA in 2018 while working for the football program as a student equipment manager. Wattley was impressed by Brodie's work ethic and positive attitude, and convinced Brodie in 2019 that he could have a substantial and rewarding positive impact on the lives of students-athletes at McKinley by joining his coaching staff.

44. Plaintiff Tyler Thatcher, also a McKinley graduate and former football star who went on to play at Baldwin Wallace University, joined McKinley's coaching staff in 2018 as an assistant for the freshman team. In 2020, Thatcher was promoted to head coach of the freshman team. After Wattley took control of the program in 2019, Thatcher immediately noticed an attitude shift among the coaching staff from “what can the kid do for the program” to “what can the coaches do for the kid.” Thatcher wishes to continue his coaching career, and intends to enroll in college to obtain a degree in furtherance of that goal.

B. In their two years on the job, Wattley and his staff successfully established a winning culture emphasizing work-ethic, accountability, brotherhood, scholarship, and the personal well-being of their student-athletes.

45. Consistent with the high expectations surrounding Wattley's hiring, he and his staff

immediately revamped the culture of the McKinley program, with an emphasis on work ethic, accountability, scholarship, and the general well-being of the team's players both on and off the field. Wattley and his staff understood the importance, in a city where approximately one in three residents lives in poverty, of routinely communicating with their players to ensure not only that they were attending their classes and keeping up with their studies, but also that they were receiving adequate nutrition and were otherwise safe from harm.

46. The results immediately showed on the football field, with a 9-3 record, a Federal League championship, and a playoff victory in 2019, Wattley's first year on the job. That season, Wattley won four separate "coach of the year" awards: Federal League coach of the year, as voted upon by his fellow coaches; two separate Stark County coach of the year awards, one at WHBC's 75th annual awards banquet, and the other by vote of the Stark County Coaches' Association; as well as the award for top Division I coach in Northeast Ohio's Inland District, which encompasses parts of Stark, Summit, Portage, Medina, Wayne, Trumbull, Columbiana, Mahoning, and Ashland counties.

47. The McKinley program finished with a 5-3 record, a second-place finish in the Federal League, and another playoff win in the 2020 season, which was shortened due to the COVID-19 pandemic that presented unique challenges to McKinley's inner-city based program.

48. Despite these challenges, the program measured substantially increased participation, as well as an increase in the team's grade-point average and participation in bi-weekly team-sponsored study sessions that approximately 25 to 30 students would attend on a typical day.

49. Wattley and his staff consistently monitored the grades of all players and routinely checked with their teachers to ensure that they were succeeding. Wattley would ensure the players were not falling behind and his staff would offer their personal assistance to any of the players' academic questions, as needed. In instances where a student was failing to improve, Wattley and the assigned teachers would hold a more intensive intervention to enable a struggling student's success. Wattley

and his staff would also pair up a stronger student with a student that was struggling in some academic aspect.

50. Wattley and his staff's approach to emphasizing academics extended to the middle school, where they would check in weekly on the players' grades.

51. Beyond the classroom, Wattley and the staff acted and were viewed as father-figures and role models to their student-athletes. Wattley and his staff constantly talked to the players about their day-to-day struggles and successes, ranging from girlfriends to more serious issues.

52. Between May of 2020 and May of 2021, four of the team's players were wounded by gunfire in the Canton area. In all of these instances, Wattley, McLeod, and the other staff members immediately rushed to spend time with the players at the hospital or with their family. Another dozen players had relatives shot during the same time, and again, Wattley and his staff were there to help the young men cope with this trauma.

53. As Wattley worked on revamping the culture he had inherited upon beginning as head coach, there was an encouraging response from the players, which led to increased and constant communication between the players and the coaching staff. Coaches texted players daily to check in on their well-being, and every day became closer and better connected as a team and members of the McKinley community.

54. If a player lost contact with the coaching staff after a few attempts, Wattley or a staff member would reach out to his family or even go to his home. These check-ins were about more than football, as they helped ensure the players' basic safety and well-being in an environment that has seen many players face violence and other hardship.

55. In furtherance of their commitment to the personal well-being of their players, Wattley and his staff arranged transportation for a majority of the players on an as-needed basis. Consistent with the holistic approach that Wattley and his staff took to coaching, it was not just providing rides to

and from practice, but also to school, work, and doctor's appointments.

56. Wattley also worked to ensure that his players' nutritional needs were being met, and that they received adequate nourishment. Upon assuming the job in 2019, Wattley immediately began working with the athletic director to ensure that protein shakes and sports drinks were on hand for the players, and also worked to coordinate with local businesses such as Sam's Club, Giant Eagle, and Walmart, to secure additional provisions. By 2021, the pantry at McKinley's field house was stocked full of sandwich supplies, granola bars, fruits, protein shakes, Gatorade, and other healthy options for growing young athletes.

57. Additionally, players would often express the need for food at home and the coaches would again coordinate to provide donation of groceries.

58. When the COVID-19 pandemic gripped the nation and Canton in 2020, students at Canton McKinley were struggling more than ever with their health and nutrition. With school time limited, many of the football players suffered from reduced access to school lunches and other resources. Wattley and his staff became gravely concerned when, based on their tracking, they learned that the players had lost an average of 9.5 pounds during the season. Khalil himself, subject of the alleged abuse at issue in this case, reported losing more than 20 pounds over the course of the offseason in 2020.

59. Thus, in December of 2020, Wattley further revamped the nutrition and health program, coinciding with the students returning to school full-time. Coach Harris, a former personal trainer and professional athlete, assisted Wattley in developing science-based nutrition and training programs. Harris was uniquely qualified for this task having received a bachelor's degree in exercise science.

60. Every day of this new offseason program, Wattley and his staff would preach about holding each other accountable. It was always clear to the players that they were free to leave any team

workout during the offseason, and that if they didn't want to put in the effort necessary to excel, they were free to leave the football program.

61. The players, however, understood that if they wanted to compete for state championships, as was the overarching goal of the McKinley program, they needed to make the most of the opportunities presented by the off-season workouts. Thus, the team understood and expected that all of its members would participate in those workouts absent a good reason not to participate.

62. Accordingly, and also consistent with the need to monitor the safety and general well-being of the players, they were expected to notify their coaches by text message if they did not plan to attend a voluntary workout.

63. No one with any familiarity with the McKinley football program's day-to-day operations could legitimately question that Marcus Wattley and his staff demonstrated an extraordinary commitment to ensuring the well-being of their players on and off the field.

C. On May 24, 2021, the coaches attempted to address Khalil's repeated misconduct, and teach a much-needed lesson about teamwork, responsibility, and accountability in the process, by asking the player to rest and have a meal while his teammates were working out.

64. By May of 2021, the coaches had become especially concerned over the well-being of Khalil, a rising senior offensive lineman who stood 6' 4," weighed approximately 290 pounds, and was one of only four players on the team with pending offers to play college football for NCAA Division I programs.

65. Since Wattley took over at McKinley, he and Khalil had formed an especially strong personal relationship. As shown by the text messages between Khalil and Wattley, a representative sample of which is attached as **Exhibit 1**, the two were in constant communication on topics ranging from musical tastes, to Khalil's academic performance, to his performance on the football field, and his prospects for attaining a college scholarship.

66. In the second game of the 2020 season, Khalil's junior year, Khalil suffered a knee injury

that sidelined him for the rest of the season. Khalil had also suffered a knee injury at the end of his sophomore season. Each of these injuries required surgeries that Wattley helped arrange for Khalil, prompting Khalil to tell Wattley “I am super blessed for you man.”

67. Wattley would also drive Khalil to doctor’s appointments when his parents were unavailable to do so, causing Khalil to text Wattley on one such occasion that “My dad said thank you and he appreciates it.”

68. On June 21, 2020, Khalil texted Wattley to wish him “Happy Father’s Day.”

69. The written messages between the coach and player also show that Khalil was constantly asking Wattley what he could do to become a better football player and obtain more scholarship offers from Division I programs, particularly schools from the major “Power Five” conferences (The Big Ten, SEC, ACC, Big 12, and PAC-12).

70. In one especially telling exchange during the summer of 2020, Khalil texted Wattley that “I’m sorry about today,” to apologize for storming out of a practice where he was repeatedly beaten in a series of competitive one-on-one physical drills with his teammates. Wattley responded by asking, “what was the deal,” and Khalil proceeded to explain:

[I’m] tired of losing ... I was losing all day and I’m not used to it. ... But I’m sorry I walked away I just needed to gather myself and think before I did [something] wor[se] ... I lost in every drill I competed in today ... I tried my hardest, I really did but I just couldn’t win. ... I just can’t settle with losing ... I just gotta be humbled and focused because this set back’s just going to prepare me for what I have in the future.

71. Wattley responded in his typical professional, positive, encouraging, and nurturing manner by assuring Khalil that,

True competition must have risk of losing ... You have to work past failing and be motivated by it. Don’t ever get used to it. ... But it can’t make you shut down. ... We as a team must learn to compete to be our best ... Keep trying ... Colleges will have guys that are just as good if not better but you have to be willing to lose ... You were mentally beat at the end ... You have no idea of your capabilities ... Got to be willing to fight ... Get beat and keep fighting.

72. Khalil then responded by saying,

Yeah. The ending pushed me past my limits ... I need to stop shutting down and stop being selfish and be better for the team. I've done for too long.

73. Wattley then again assured Khalil,

You have no limit but what you put on yourself ... [I]f you say you can't you won't ... You have to be willing to compete. Competing means you might win and you might lose but max effort must be given.

74. Khalil then asked, "Do you think if I played d[efensive] line I'd get more [college] offers?"

75. And Wattley replied,

I think if you maximize your ability this year you'll have major options ... Do your best ... Stop being afraid of failing ... Try to be the best you can and you'll be fine. Be dominant Khalil ... With your size colleges want to see you bury people.

76. Khalil assured Wattley that he understood, and that he would "work on" improving.

77. After suffering the season-ending injury in the second game of the ensuing season just months later, Khalil was especially concerned about his college prospects, as a student-athlete's performance in his junior year of high school substantially determines the basis for scholarship offers by college programs. Thus, Khalil texted Wattley on September 6, 2020, asking, "Am I going to lose my offers?" Wattley responded, "It goes by the school. You probably will have to prove you're healthy in the summer and next fall."

78. Thus, Khalil and the coaches all knew that the 2021 offseason would be crucial for Khalil in ensuring a future as a football player at a top college program.

79. Accordingly, the coaches were especially concerned when, on Thursday April 22, 2021, Khalil sent Wattley a text message stating that he would not be attending the team's voluntary practice on that day because he was "grounded." When Wattley asked Khalil why he was grounded, Khalil responded that he "got in trouble," and that his father was "talking about" him being

grounded “till June.” Wattley then replied that being away from the football program for a month would not be good for Khalil, who remained vague as to why he was grounded.

80. The following Sunday, April 25, Khalil texted Wattley asking him about the installments of new schemes for the team’s defense, and asked whether he was “anywhere in the new alignments and fronts.” When Wattley responded, “I’d like you to be,” Khalil replied by stating “Yeah, I want to be ... I want to go all out this season.” Wattley then said, “hopefully you get ungrounded soon,” and reminded Khalil that “the summer is gonna be big for you” in terms of solidifying scholarship offers.

81. The following Monday, April 26, Khalil’s father, Defendant Kenny Walker, disclosed to Matt Leisure, another assistant coach on Wattley’s staff who worked with the team’s linemen, that Khalil was grounded because he was caught using marijuana. Walker told Leisure that he wanted Khalil to “man up” by personally confessing his marijuana use to the coaches, which the coaches believed was at least partly responsible for negative changes they had observed in Khalil’s attitude and behavior in recent months, including inconsistent effort at practices and team workouts.

82. The following Tuesday, April 27, Khalil texted Wattley to request the practice schedule.

83. And the next Thursday, April 29, Khalil returned to the football facility, where he disclosed his marijuana use to Wattley, Leisure, McLeod, and Thatcher at a meeting in Wattley’s office. At this meeting, the coaches explained to Khalil that he was a physically and mentally gifted young man with a lot of potential, and that continuing his marijuana use would put his future as an NCAA Division I football player at risk, not least his ability to obtain offers from Power 5 schools. The coaches told Khalil that if he tested positive for marijuana at a Division I program, he would likely be removed from the team. And the coaches also explained to Khalil that they believed his marijuana use was explanatory of his recent substandard performance at team workouts, and told him that if his behavior did not improve, he would be putting his future on the McKinley team at

risk as well.

84. The coaches then assigned Khalil additional conditioning drills over the course of the following week, and kitchen and locker-room clean-up duty, to make up for lost time and demonstrate accountability to his teammates. Khalil voluntarily accepted these assignments.

85. By May 24, 2021, Khalil's conduct had not improved. In the weeks leading up to that date, he continued to show up to team workouts apparently under the influence, demonstrating subpar effort in team exercises and drills, and displaying continued disrespect to his teammates and coaches with his words and actions.

86. Approximately one week before things came to a head on May 24, Khalil became involved in a verbal altercation with Coach Harris after Harris criticized his effort in the weight room. This led to another conversation with Wattley in which Harris complained that Khalil was uncoachable. During this conversation, Wattley again warned Khalil that he was putting his status on the team in jeopardy. Later that day, Harris told Khalil of his suspicion that Khalil continued to show up to team activities under the influence, and warned him against the same.

87. On Thursday, May 20, Khalil did not show up for a scheduled voluntary workout, and, in failing to notify a coach of his absence, failed to comply with the program's well-established communication protocols—which not only help ensure player safety, but also help ensure accountability and development of work-ethic. Khalil acknowledged this failure in a text message to Harris in which he wrote, "I'll owe you on Monday." See **Exhibit 2**.

88. On that following Monday, May 24, Khalil was again apparently under the influence of marijuana when he showed up to that day's scheduled voluntary workout, so much so that McLeod and Sweat openly commented on the same, causing Khalil to giggle in response. And when Wattley asked Khalil why he missed the workout on Thursday, Khalil said, dismissively, "I didn't feel like coming."

89. By this point, it was clear to Wattley and the other coaches that Khalil was not committed to making the basic effort necessary to remain a member of the McKinley football team, let alone to demonstrate the kind of commitment and leadership expected from a senior with his talent who expected to play at the Division I level in college. It was in this context that Wattley asked Khalil sit in the center of the Canton McKinley gymnasium to relax and have a meal while his teammates performed exercises around the perimeter of the gym to teach Khalil and his teammates a lesson about teamwork, responsibility, and accountability.

90. Wattley proceeded to ask Khalil if he was hungry, and when Khalil responded in the affirmative, Wattley brought in a pepperoni pizza for him to eat so as to emphasize the contrast between the underperforming player and his hard-working teammates. When Khalil then said that he didn't eat pork—something that had never been communicated to any of the coaches prior to that moment—Wattley told Khalil that he would get him chicken nuggets instead, at which point Khalil said he would rather just eat the pizza.

91. The point was to convey to Khalil the uncomfortable feeling of being the only man resting and eating in a room full of hungry working men, in hopes that this feeling would motivate Khalil to improve his habits, work ethic, and ultimately his conduct and performance as a McKinley football player and student. Wattley also hoped and expected that this lesson would help Khalil appreciate that it is a privilege to have the opportunity to do the work that it takes to become a successful football player at a high level, including at a program like McKinley's.

92. The purpose of this exercise was clear to all in the room, as Wattley said to the team that day in the gym and also told district officials when they first asked him about the incident: "It's easy to be selfish behind peoples' backs, but not so easy when others are watching."

93. This teaching tool was one that Wattley had personally seen used successfully by football coaches at the University of Akron. Wattley had employed this method in a similar manner at

McKinley as well during the previous season, when a group of players showed up late to practice and were given Gatorade to drink while they sat and watched their on-time teammates run sprints on the field.

94. Khalil not only understood the purpose of the lesson, he chose to accept it. Wattley repeatedly made clear to him that he was free to leave the gym at any time if he did not want to participate, but Khalil did not leave. Instead, he picked the cheese and pepperoni off of the pizza and ate a portion of it over the course of approximately 20 minutes. Coach McLeod ate a piece of the pizza as well.

95. After finishing the pizza, the coaches asked Khalil if he wanted to perform some running drills to keep up with his teammates, or if he would prefer to make up those drills the following day. Khalil chose to perform the running drills. And at the end of the session, he hugged the coaches, apologized to them, thanked them for “not giving up on him,” and told them, “I needed that.”

96. Throughout this entire event, Khalil never mentioned any religious beliefs whatsoever, let alone that any religious beliefs he held prohibited him from eating pork. Up to and through the events of May 24, the coaches had never received any notice that Khalil maintained any religious beliefs that required any dietary restrictions whatsoever.

97. The next morning, Khalil was one of the first players to appear at the team’s scheduled voluntary workout, where he apologized to his teammates, and demonstrated a renewed sense of commitment and positive attitude that was apparent to his coaches and peers.

D. Grimsley intentionally lied to Khalil’s father and school-district officials about the events of May 24 in an effort to smear Wattley, whom Grimsley wished to replace as head coach.

98. Immediately after the May 24 workout, Defendant Josh Grimsley called Khalil’s father, Defendant Kenny Walker, from the locker room. Despite having been present for and having participated in the entire event as an assistant coach, understanding its entirely proper purpose, and

having done nothing whatsoever to intervene, Grimsley proceeded engage in a series of text messages and phone calls with Khalil and his father to misrepresent the pizza incident as abusive, and suggested they hire a lawyer to threaten a lawsuit over it. Grimsley also made clear to Khalil and his father that he would testify in Khalil's favor in any such legal proceedings.

99. Grimsley also communicated the same intentional misrepresentations about the May 24 workout to school district officials, including Defendant Steve Humphrey, the Safety and Security Director, who exchanged text messages with Grimsley immediately after the event.

100. Grimsley's lies were motivated by his jealousy over Wattley's success, and the strong bonds that Wattley and the other staff members had forged with one another and their players. Grimsley—who graduated from McKinley himself, whose father-in-law was a well-respected coach and administrator at the school, and whose other relatives of the same surname are McKinley football legends who went on to play in the NFL—interviewed for the head-coaching position in 2019 when it was awarded to Wattley. In fact, Grimsley had only days before been informed by the district's safety director Steve Humphrey that he wouldn't be asked to return to the football team's coaching staff for the following season, as Wattley and his staff, entering their third year on the job, had the team poised to compete for a state championship. It was no secret that Grimsley was out for Wattley's job. Canton school officials, including the superintendent, Defendant Jeff Talbert, expressly acknowledged, during the ensuing disciplinary proceedings that resulted from Grimsley's lies, that Grimsley was “trying to move” on Wattley.

101. Additionally, Grimsley admitted at a deposition that he didn't “do anything to stop” the pizza incident “because [K.W.] wasn't – he wasn't being harmed or anything,”

102. Grimsley—who had been away from the program until the day of the pizza incident due to his duties as an assistant baseball coach, and who, in his application for the head-coaching job, stressed the importance of a coach keeping “open lines of communication”—also admitted that he

called K.W. without making any effort to speak with any of the other coaches about the pizza incident first, let alone to resolve any confusion he claims to have had about the purpose of the exercise.

103. Grimsley also admitted that he told district officials that Plaintiff Thatcher shouted at K.W. to “eat the f*cking pepperoni” after the player had indicated his resistance to eating pork. Not only do all of the Plaintiffs deny that any of them said any such thing to K.W., K.W. himself, at his deposition, testified that he too had no memory of any such thing. Furthermore, the district’s records of Grimsley’s interview reflect that he omitted stating that the coaches had offered K.W. an alternative meal in place of the pepperoni pizza.

E. District officials immediately suspended Wattley and his staff based on the false accusations; Khalil apologized to his coaches and promised to “straighten this out.”

104. The district nevertheless immediately suspended Wattley and his staff based on the false, wild, and facially implausible accusations against them. Indeed, just as the coaches were watching Khalil have his best practice of the off-season, athletic Director Antonio Hall called Wattley, demanding that he and his staff leave the football field, and notifying them that they were suspended pending an investigation of the previous day’s events.

105. Wattley, McLeod, Sweat, Harris, Brodie, and Thatcher were all shocked by this turn of events, and retreated from campus to a local restaurant, Michael D’s, to discuss over lunch. During that lunch, Khalil placed a phone call Thatcher, who, upon answering the call, placed Khalil on speaker phone. During the call, Khalil apologized to the coaches, telling them that he understood the purpose of their actions at the previous day’s session, that he never wanted or expected them to be disciplined over the matter, and that he would speak to district officials to “straighten this out.”

106. After this conversation with Khalil, Wattley and his staff were even more perplexed as to why the district suspended them, but remained confident that the situation would in fact be “straightened out” soon, as there was a room full of players who would corroborate that they did

nothing outside of their well-established discretion as football coaches.

F. Pursuant to Ohio law and widely accepted custom and industry practice, high-school coaches have broad discretion in conducting practice and disciplining student-athletes absent wanton or willful intent to cause harm.

107. Under Ohio law and universal custom and practice, it is well-established that determinations of how to conduct practice and discipline players are well within the discretion of high-school coaches absent evidence of wanton or willful intent to cause harm or disregard of a substantial risk of the same. *See Starkey v. Hartzler*, 9th Dist. Wayne No. 96CA0048, 1997 Ohio App. LEXIS 1177, at *2–3, 6–7, 9–11 (Mar. 26, 1997) (middle school football coach’s decision to “kne[e] down on his hands and knees behind [a player], encouraging another player to push [the alleged victim] over [the coach],” allegedly causing a back injury, “[was a] method used ... to discipline his young players involv[ing] the type of discretion as contemplated by R.C. 2744.03(A)(3)”; *Schnarrs v. Girard Bd. of Edn.*, 168 Ohio App.3d 188, 2006-Ohio-3881, 858 N.E.2d 1258, ¶ 41–¶ 43 (11th Dist.) (“[The coach’s] determination to use male players during girls’ basketball practices, demonstrated a positive exercise of judgment which portrayed a considered adoption of a particular course of conduct in relation to an object to be achieved, *viz.*, improving skills for upcoming games ... [The coach], by virtue of his position, had the discretion to plan and conduct practices.”); *Crace v. Kent State Univ.*, 185 Ohio App.3d 534, 2009-Ohio-6898, 924 N.E.2d 906, ¶ 40 (10th Dist.) (“[O]nly a coach knows when a team and its members are capable of performing a particular maneuver ... a coach has discretion in choosing whether to start progressions from the beginning after a substitution.”); *Michael v. Worthington Ohio City School Dist.*, 10th Dist. Franklin No. 19AP-145, 2020-Ohio-1134, ¶ 32–33 (“There is no evidence that any of the coaches intended to harm [the player]. In fact, there was testimony that the players and coaches thought of each other like family ... and had a close relationship.”); *Mosely v. Dayton City School Dist.*, 2d Dist. Montgomery Case No. 11336, 1989 Ohio App. LEXIS 2695, at *7 (July 6, 1989) (“[T]he teacher’s method of conducting his physical

education class, including specifically the manner in which he directed the children to play ‘Capture the Turkey,’ was a matter confided to the exercise of his judgment or discretion.”); *Pope v. Trotwood-Madison City School Dist. Bd. of Edn.*, 2d Dist. Montgomery No. 20072, 2004-Ohio-1314, ¶ 29-30 (“[The coach’s] decision to participate in the basketball games while also supervising those games was within his discretion ... evinc[ing] a ‘positive exercise of judgment that portrays a considered adoption of a particular course of conduct in relation to an object to be achieved,’ *i.e.*, the participation of all of the students.”); *Banchich v. Port Clinton Pub. School Dist.*, 64 Ohio App.3d 376, 378, 581 N.E.2d 1103 (6th Dist.1989) (“[A] teacher’s method of conducting a physical education class was a method confined to the exercise of his judgment or discretion.”); *Koch v. Avon Bd. of Edn.* (1989), 64 Ohio App.3d 78, 81, 580 N.E.2d 809 (“[W]hether a piece of [physical education] equipment would be used or how the equipment was used was also left to the discretion of each instructor. Because the policy of the board to defer to the expertise of a certified physical education instructor was a decision resulting from the exercise of the board’s judgment, we hold that this is the type of act that R.C. 2744.03(A)(5) intended to shield from liability.”); *Cook v. Kudlacz*, 2012-Ohio-2999, 974 N.E.2d 706, ¶¶ 21, 31-34 (7th Dist.) (“[C]ompliance with scholastic standards and disciplinary requirements are enforced within a broad range of discretion. ... [W]e cannot logically conclude that the rules were implemented solely to punish [the student] for going on a family vacation ... [the coaches’] actions do not show intimidation and/or harassment.”). *See also Thompson v. McNeill*, 53 Ohio St.3d 102, 105, 559 N.E.2d 705 (1990) (“Taking part in a game manifests a willingness to submit to such bodily contacts or restrictions of liberty as are permitted by its rules or usages.”); *Harris v. McCray*, 867 So.2d 188, 192-193 (Miss.2003) (“Coaches have to know what motivates their players and what does not. Coaches know that in order to discipline football players, each one is a different human being - one player may be disciplined by a mere stern look from the coach, while a military-style drill sergeant chewing out will not faze another player.”); *Lennon v.*

Petersen, 624 So.2d 171, 174-175 (Ala.1993) (“[The coach] had to evaluate his players to determine if they were playing to the best of their ability. ... He was responsible for motivating the players and evaluating their performance. [The coach] was acting within his authority in using his discretion in such matters, and he is entitled to discretionary function immunity.”).

G. It is beyond reasonable dispute that asking an underperforming player to rest and eat a portion of a pizza for approximately twenty minutes while his teammates are working out evinces no wanton or willful intent to cause or risk harm to the student, and is well within a high-school football coach’s discretion.

108. It is beyond reasonable dispute that asking an underperforming player to rest and accept service of a meal while his teammates are working out, to motivate the student with a lesson about teamwork, responsibility, and accountability, evinces no wanton or willful intent to cause or risk harm to the student and is well within a high-school football coach’s discretion. Just as it is well within any coach’s discretion to ask a player to run laps or perform other physical exercises, or sit and watch his teammates run laps or perform physical exercises. Absent any evidence that there was any wanton or willful intent to cause or risk harm to the student, discipline could not possibly be warranted against a coach for any such actions.

109. Here, the only possible basis for a finding that these coaches deserved to be terminated would be if there were evidence sufficient to show that they forced Khalil to eat the pepperoni, with knowing or wanton disregard of a substantial risk that this would somehow harm him. As explained above, and as confirmed by the testimony of every one of the eight McKinley players who witnessed the event and gone on record to discuss the same, no such thing happened.

H. Khalil’s father and Attorney Ed Gilbert threatened a lawsuit over facially absurd and demonstrably false claims that the coaches forced Khalil to eat pork against his newly claimed Hebrew Israelite religion, as District officials commence with endorsing the defamatory accusations.

110. On May 26, 2021, Wattle, McLeod, Sweat, Harris, Brodie, and Thatcher received a letter confirming their continuing suspension based on “allegations of misconduct” arising from the events of May 24.

111. On May 28, 2021, the Canton City School District, through Defendant Talbert, released its first substantive public statement about the situation in a public Facebook post, entitled “An important message from the Canton City School District,” which stated in its entirety:

At the Canton City schools, the safety and wellbeing of our students is our top priority.

An incident occurred during a football training session that was concerning enough to warrant immediate action by the Canton City School District. That immediate action was the suspension of eight members of the High School Football Coaching Staff, including the head coach, while an investigation is conducted.

The incident calls into question whether appropriate team management, discipline, and player accountability infrastructures are in place.

The District is nearing the completion of its investigation regarding this incident. Once a conclusion is reached, in accordance with our commitment to transparency, the District will provide additional information.

The football program, which has a long and impressive history, is an important part of our school culture and our community. That program has a proud tradition of instilling the attributes of excellence, leadership, community, accountability, hard work, and respect into the players and those associated with the overall program. As such, those entrusted with the protection of our student-athletes must be held to a higher standard within our community.

Let us be clear, the Canton City School District holds all staff to the highest professional and ethical standards. Anything short of these standards is unacceptable.

As educators, we are united in the pursuit of creating an inclusive and safe learning environment for our students in the classroom and

beyond.⁴

112. By this statement, Talbert communicated that the district's official investigation of the incident was nearing completion, and that the evidence discovered in that investigation left legitimate questions as to whether Wattley and his staff had unacceptably and unethically risked harm to their players, and did so in a discriminatory manner.

113. Prior to having issued this statement, Talbert was already aware of rumors circulating among the public that the incident involved Khalil's religious beliefs. Talbert was also advised by a public relations consultant named Krista Rodriguez, from an organization called "The Impact Group," who emailed him to state that "the religious peace [sic]" will "make this more newsworthy," and "the story people are getting is the slice of pizza story" so "unless this is framed as bullying, intimidation and forcing a student to act against his religious convictions ... I think the district looks weak." Rodriguez, however, qualified this advice with the preface, "IF these are the facts."

114. On June 1, 2021, after substantive conversations with Canton school district officials, Khalil's father, along attorney Ed Gilbert, held a press conference where they repeatedly and knowingly uttered false and malicious lies that the coaches knowingly forced Khalil to eat pork against his newly claimed Hebrew Israelite religion with specific intent to violate his alleged religious beliefs.

115. At that press conference, Walker stated that, on May 20, 2021, Khalil had missed a practice due to injury and was then forced to eat an entire pepperoni pizza as punishment when he returned to practice on Monday, May 24, 2021. Walker also stated that his son hadn't eaten pork since 2013 due to his adherence to the dietary rules of the Hebrew Israeli religious faith.⁵

⁴ Canton City School District Facebook post (May 28, 2021), <https://www.facebook.com/CantonCitySchoolDistrict/posts/1918567598284315>

⁵ Will Ujek, "Father of Canton McKinley football player says coaches forced son to eat food against his religion as punishment," WKYC (June 1, 2021),

116. Gilbert and Walker also claimed, falsely, that Khalil had “indicated to coaches in the past that he doesn’t eat pork and said so at least ten times during the incident.”⁶

117. At that press conference, Defendant Gilbert went on to state that the May 24 practice was a violation of this child’s first amendment rights. It is one of those situations that is beyond comprehension in today’s society. You don’t do these types of things. And ... knowing this child, because the child in team meetings before, team meals before, had told everybody he did not eat pork. The child was very clear he did not eat pork. And it was a religious situation that he and his family were involved in, where they were very insistent in not eating pork or residue of pork. But yet, the coach, in terms of penalizing this child, decided that he would make him do this. And it’s a horrible, horrible act. And it’s really offensive.⁷

118. As reported by other media outlets, Walker and Gilbert also falsely claimed that Khalil “was forced to consume the whole pizza, except the end crusts,” was “ordered to do extra outside drills after he ate the pizza,” and that suspending the coaches in relation to the May 24 practice was not enough because Khalil “may be affected for life.”⁸

119. Walker and Gilbert made and endorsed these statements despite knowing, based on their conversations with Khalil, that (a) the coaches did not force Khalil to eat anything, let alone an

<https://www.wkyc.com/article/news/local/canton/father-canton-mckinley-football-player-says-coaches-forced-son-against-religion-as-punishment/95-8687daee-4656-4e01-9228-4eeaf0614216>

Kelli Weir, “Canton McKinley High School football player says he was forced to eat pork against religious beliefs,” CANTON REPOSITORY (June 1, 2021), <https://www.cantonrep.com/story/news/2021/06/01/mckinley-football-player-sue-canton-schools-religious-violation/5290290001>

⁶ June 1, 2021 Ujek report.

⁷ Kelli Weir, “Canton McKinley High School football player says he was forced to eat pork against religious beliefs,” CANTON REPOSITORY (June 1, 2021), <https://www.cantonrep.com/story/news/2021/06/01/mckinley-football-player-sue-canton-schools-religious-violation/5290290001/>

⁸ Jordan Miller, “Attorney: Canton McKinley football coaches forced player to consume pork against player’s religious beliefs,” JORDAN MILLER NEWS (June 1, 2021), <https://www.jordanmiller.news/2021/06/01/attorney-canton-mckinley-football-coaches-forced-player-to-consume-pork-against-players-religious-beliefs/>

entire pepperoni pizza; (b) the coaches never had any reason to know that Khalil adhered to any religious beliefs at all, let alone any such beliefs that prohibit the consumption of pork products or any particular food; (c) Khalil chose to eat the pizza after having been offered chicken nuggets as an alternative; (c) Khalil was free to leave the practice session at any time, but chose to stay and accept the lesson conveyed by his coaches; (e) that the lesson was intended to remediate Khalil's persistent misconduct that was potentially related to marijuana use that Walker and Khalil themselves had reported to the coaches; (f) Khalil was never forced to perform extra drills during this practice, but instead volunteered to do so; (g) Khalil routinely consumed pork, including in the recent past; (h) Wattley and his staff had always demonstrated an extraordinary concern for Khalil's well-being, including by regularly giving him rides to practice, as well as doctors' appointments and surgical procedures that Wattley helped arrange for Khalil; and (i) Khalil displayed no signs of trauma as a result of the events of May 24, let alone trauma that would have any reasonable possibility of "affecting him for life."

120. Khalil knew that the statements of Gilbert and Walker were false, but he approved of the publication of the statements and aided and abetted their publication to the community. Walker, additionally, ratified Gilbert's defamatory accusations by his assent and participation at the press conference.

I. The false and defamatory accusations that "Wattley and the coaches forced Khalil to eat pork against his religious beliefs" immediately made national news.

121. Predictably, Gilbert's and Walker's salacious lies immediately led to an explosion of sensational news coverage.

122. Hours after Gilbert's and Walker's press conference, *WKYC* ran a breaking news story containing both video footage and a written article with the headline, "Father of Canton McKinley

football player says coaches forced son to eat food against his religion as punishment.”⁹ Like the articles that would immediately follow, *WKYC*’s coverage summarized the statements made by Gilbert and Walker during their June 1 press conference: “Gilbert says the student had indicated to coaches in the past that he doesn’t eat pork and said so at least 10 times during the incident. They say while McKinley Head Coach Marcus Wattley and other assistants did eventually let Khalil pick off the pork and some of the cheese, Khalil was still made to eat the pizza and is seeking counseling after the ordeal.”¹⁰

123. On that same day, also within hours of the press conference, the Canton Repository published a similar summary of Walker’s and Gilbert’s false and defamatory claims, entitled, “Canton McKinley High School football player says he was forced to eat pork against religious beliefs,” reporting that,

A McKinley High football player’s family plans to sue the Canton City School District because they say McKinley head football coach Marcus Wattley and seven assistant coaches forced the player to eat pork against his religious beliefs ...

Gilbert, speaking on behalf of the family, said the school district violated the player’s constitutional rights when the coaches punished him on May 24 after he missed a voluntary May 20 strengthening and conditioning practice to nurse a slight shoulder injury he received during a previous practice.

Gilbert said Wattley ordered the player to sit in a chair in the middle of the gym and consume an entire pepperoni pizza.

Gilbert said the player told the coach – at least 10 times – that he did not eat pork because he and his family are members of the Hebrew Israeli religious faith, which strictly forbids the consumption of pork or pork residue. Gilbert said all the coaches should have known the player didn’t eat pork because he has been present during previous player meals.

⁹ June 1, 2021 Ujek report

¹⁰ *Id.*

He said Wattley allowed the player to remove the pepperoni and some of the cheese from the pizza, but residue from the pork clearly remained.

If the player refused to eat the pizza, Gilbert said, the child was told that his teammates would be forced to perform additional drills and ‘there was a question of whether he would be able to stay on the team.’

While eating the pizza, the assistant coaches and the player's teammates were yelling at the player, said Gilbert, who added that the child is undergoing psychological counseling.¹¹

124. The next day, June 2, 2021, local and national media outlets continued to pick up the story, all relying on the knowingly false claims that Walker and Gilbert stated during their June 1 press conference, as well as additional comments that Gilbert provided to reporters.

125. For example, Gilbert caused Fox 19 Cleveland to report, *inter alia*, that on May 24, the coaches told Khalil “he has to, as punishment, eat [a] whole pizza,” that “if Khalil did not eat it then he would be most likely removed from the team.”¹² Despite that Khalil was the first player at practice on May 25 and was demonstrating a renewed sense of positivity to be back with his teammates and coaches, Gilbert also caused the paper to report, falsely, that Khalil did not “know if he’s gonna go back to the school or not. Most likely he will not.”¹³

126. Additionally, *The New York Times* ran a story on June 2, 2021, headlined “High School Football Coaches Suspended After Teen Is Forced to Eat Pork, Lawyer Says,” with the subheading, “A 17-year-old in Canton, Ohio, was forced to eat a pepperoni pizza even though the coaches were

¹¹ June 1, 2021 Weir report.

¹² Stephanie Czekalinski and Kelley Kennedy, “Ohio football coaches allegedly force Jewish student to eat pork for missing practice,” FOX 19 News (June 2, 2021), <https://www.fox19.com/2021/06/02/ohio-football-coaches-allegedly-force-jewish-student-to-eat-pork-for-missing-practice/>

¹³ *Id.*

aware he does not eat pork because he is a Hebrew Israelite, a lawyer for the boy's family said. The Police Department is investigating.”¹⁴ This report prints Gilbert's false accusations that Wattley “knew of [Khalil's] beliefs and wanted to punish him,” so ordered him to eat the pepperoni pizza “intentionally” as “a punitive act.” Gilbert also added the falsehood that Wattley “told [Khalil] in order to have respect and stay on the team, you have to eat the pizza[.]”¹⁵

127. Moreover, despite that Grimsley had personally called Walker from the McKinley campus on the day of the incident, Gilbert further lied to *The New York Times* by stating that “a coach who had not been present heard about what happened, [and] reported it to the school immediately[.]”¹⁶ That “coach” was Grimsley, who, as Gilbert and his client were aware, participated in the May 24 practice and did nothing to intervene.

128. On June 3, the Pittsburgh Jewish Chronicle began reporting on the story, where the demonstrably false accusations against Wattley and his coaching staff can now be viewed under the “fighting hate” and “antisemitism” sections of the Chronicle's website.¹⁷ This report states that Wattley and the other coaches “presented [Khalil] with a pizza topped with pepperoni, chosen because it includes pork,” attributes to Gilbert a statement that “the student's religious identity and avoidance of pork” were known to the coaches, and quotes Gilbert as stating “it just crosses a line at every level.”

¹⁴ Claire Fahy, “High School Football Coaches Suspended After Teen Is Forced to Eat Pork, Lawyer Says,” THE NEW YORK TIMES (June 2, 2021), <https://www.nytimes.com/2021/06/02/us/marcus-wattley-canton-ohio-mckinley.html>

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ Asaf Shalev, “Hebrew Israelite football student forced to eat pork as punishment,” PITTSBURGH JEWISH CHRONICLE (June 3, 2021), <https://jewishchronicle.timesofisrael.com/jewish-football-student-forced-to-eat-to-pork-as-punishment-for-missing-practice/>

129. Walker's and Gilbert's false accusations also made international news, including in *The Israel Times*, which ran a headline reading "Jewish Football Student in Ohio forced to eat pork after missing practice"¹⁸ that was shortly changed to "Hebrew Israelite Student in Ohio forced to eat pork after missing practice."¹⁹

130. In Canada, the *Jewish Business News* erroneously reported, as a direct result of Walker and Gilbert's false claims, that "coach Marcus Wattley did in fact know that [Khalil] had religious reasons for not eating pork."²⁰

J. District officials rushed to endorse the false and defamatory accusations in firing the coaches based on a rushed and obviously incomplete investigation, while failing to disclose any evidence supporting their decision.

131. On June 2, 2021, as the story continued exploding nationally, Defendant Talbert released another public statement, stating in full:

I'd like to thank the community for their patience as the District investigated allegations of misconduct by members of our coaching staff.

An incident occurred during a football training session on May 24th that was concerning enough to warrant the immediate action of suspending eight members of the High School Football Coaching Staff, including the head coach, while an investigation was conducted. Also, in an effort to be comprehensive, and with our student's health and wellbeing in mind, a police report was filed by the district.

¹⁸ Bhvishya Patel, "Seven Ohio high school football coaches are FIRED after 'forcing a Jewish player to eat pepperoni pizza' as a punishment for missing voluntary training because he had an injury," THE DAILY MAIL (June 2, 2021), <https://www.dailymail.co.uk/news/article-9645175/Teen-says-coaches-forced-eat-pork-despite-beliefs.html>

¹⁹ Asaf Shaley, "Hebrew Israelite student in Ohio forced to eat pork after missing practice," THE TIMES OF ISRAEL (June 3, 2021), <https://www.timesofisrael.com/jewish-football-student-in-ohio-forced-to-eat-to-pork-after-missing-practice/>

²⁰ Shai Genish, "American Black Hebrew Israelite Forced to Eat Pork by High School Coach," JEWISH BUSINESS NEWS (June 3, 2021), <https://jewishbusinessnews.com/2021/06/03/american-black-hebrew-israelite-forced-to-eat-pork-by-high-school-coach/>

That initial investigation has been concluded.

The investigation found that the identified coaches engaged in actions that constituted inappropriate, demeaning, and divisive behavior in a misguided attempt to instill discipline in the student athletes. This behavior will not be tolerated and further disciplinary measures for staff, which have not yet been determined, will follow. The District will continue to follow Board Policies and protocols regarding personnel issues. Once disciplinary measures are determined, in accordance with our commitment to transparency, we will release additional information.

The football program, which has a long and proud history, is an important part of our school culture and our community. This incident does not reflect the Canton City School District culture of protecting the physical and emotional wellbeing of our students.

Let us be clear, the Canton City School District holds our coaching and general staff to the highest professional and ethical standards. Anything short of these standards is unacceptable and will not be tolerated.

Again, at the Canton City School District, the safety and well-being of our students is our top priority.

The Canton City School District Board of Education has scheduled a special meeting for Thursday, June 3, 2021 at 5:30 p.m. Potential action may follow an executive session.²¹

132. Again, Talbert was fully aware of a widespread public misperception that the coaches' discipline of Khalil was intended to violate Khalil's religious rights. Yet, Talbert's statement did not refer to any facts suggesting that the accusations that the coaches "forced the player to eat pork against his religious beliefs" were false, and did not refer to any other evidence or allegations that would support a finding that the coaches exceeded their commonly understood discretion in determining how to conduct practice and discipline players by wantonly or intentionally causing or risking harm to Khalil.

²¹ Canton City School District Facebook post (June 2, 2021), <https://www.facebook.com/CantonCitySchoolDistrict/posts/1922270014580740>

133. It is believed that throughout Talbert's investigation, he was in regular contact with Defendant Rinaldi, who directed Talbert to conduct an abbreviated and less-than-thorough investigation in order to create a false perception that Plaintiffs' actions were intentionally antisemitic, so as to justify terminating Plaintiffs and to convince the other board members to terminate Plaintiffs. Talbert and Rinaldi conspired to defame Plaintiffs in this manner, not only to satisfy their personal goals of ousting Wattley as head coach, but also for public relations purposes to show that the school district took antisemitism seriously. Throughout the investigation, Talbert received numerous emails from citizens around the country demanding that the Plaintiffs be fired for engaging in antisemitism. Talbert and Rinaldi believed that these public demands would not be placated with a truthful explanation that they found no evidence of antisemitism or even terminating the coaches on different grounds. In short, Talbert and Rinaldi believed that without the antisemitism angle, their planned termination of Plaintiffs would (1) likely fail to succeed, (2) lack public support, and (3) lead to accusations from the international public that the school district was covering up antisemitism. Therefore, Talbert and Rinaldi were more than willing to let the public believe the false and defamatory allegations against Plaintiffs and resolved to do nothing to correct the public's false belief.

134. The next day, Wattley received a letter from Talbert providing written notice of a "pre-termination" hearing, stating that the district possessed evidence "constitut[ing] good and just cause for [his] termination," and offering Wattley "the opportunity to review the explanation of the evidence and respond." According to a draft resolution attached to Talbert's letter, the district's investigation revealed that Wattley "harassed [Khalil] as a means of punishment," and used "derogatory, disparaging, discriminatory, and insulting comments and conduct toward him." This resolution also stated that Wattley and his staff "inappropriate[ly] disciplined" Khalil, including by "verbally berat[ing] and taunt[ing] him for having missed a prior optional conditioning session," and

“continuously forc[ing him] to eat a pizza.” Quoting Board Policy 2260, the draft resolution states that “the Board of Education does not discriminate on the basis of * * * religion, * * * in its educational programs or activities” and specifically alleged that Wattley had violated Board Policy 2260. The same allegations were made in corresponding resolutions for Plaintiffs Sweat and McLeod.

135. Shocked by Talbert’s statements and the pre-termination letter, Wattley retained the undersigned attorneys on June 3, 2021. On that same day, the undersigned contacted the school district’s attorney, Kathryn Perrico, and informed her both that the accusations against the coaches were false, and that the coaches were legitimately attempting to address ongoing misconduct that was apparently related to Khalil’s admitted marijuana use. The undersigned also communicated a request, through Perrico, that the district postpone any official decision on the issue for at least one week, to allow for consideration of additional evidence that the district had apparently not discovered in its obviously rushed, incomplete, and flawed investigation.

136. Thirty minutes later, Perrico notified the undersigned by phone that Talbert and the school board members refused to consider additional evidence or postpone their decision, and would instead proceed to vote on the coaches’ termination from their coaching positions at a special board meeting scheduled for that evening.

137. Thus, the undersigned traveled to Canton to attend the board meeting, still hoping to convince the Superintendent and school board to conduct a complete investigation before acting on the defamatory accusations.

138. Upon arrival at the June 3 board meeting, the undersigned announced his representation of Wattley, and was immediately approached by a number of community members, including half a dozen McKinley football players who were in the gym during the May 24 practice, who attended the meeting to rebut the false accusations against Wattley and his coaching staff. These student-

athletes—including Kaelub Edwards, Timothy Gatlin, Shawn Pirolozzi, and Alex Vazquez—were eager to explain that the coaches had not engaged in any misconduct whatsoever, and confirmed that Khalil (a) understood the purpose of the lesson as well as the need for it, (b) was offered chicken instead of the pizza to eat, but chose to eat the pizza, (c) was free to leave the practice at any time, or decline eating any food at all, but chose to accept the lesson from his coaches; (d) apologized to his coaches and teammates afterwards, promising them that he had learned his lesson, and (e) showed up early to the next morning's session with a positive attitude confirming the same.

139. These young men and others close to the program—including documentarian Rashaud Polk, a Canton McKinley alumnus who has followed the team with his video camera since 2019, when Wattley was first hired—also emphasized the coaching staff's extraordinary commitment to the personal well-being of their students.

140. The student-athletes present at the board meeting were also eager to explain that Wattley, McLeod, and other members of the staff were like fathers to them, communicating with them every day to check on them and always working to ensure they were eating, attending class, completing their schoolwork, and were otherwise safe and healthy.

141. These young men also confirmed how concerning it is to the team when a player doesn't respond to text messages from coaches or teammates, with four of the team's players having suffered gunshot wounds in the last year alone.

142. Despite that these young men stated all of the above and more in the presence of numerous TV cameras, news reporters, and district officials at the June 3 meeting, Talbert and the school board members refused to consider their testimony or any additional information or public comment on the issue.

143. Instead, the school board members unanimously approved Talbert's proposed resolution to terminate Wattley, McLeod, Sweat, Harris, Brodie, and Thatcher, and also the purported

“whistleblower” Grimsley,²² on grounds that they “did orchestrate, engage in, permit, and/or acquiesce in conduct unbecoming of their profession on May 24, 2021.”²³

144. At this meeting, the school board president, Defendant John Rinaldi, also stated that this decision was supported by the district’s official investigation of the incident, which “found that the identified coaches engaged in actions that constituted inappropriate, demeaning, and divisive behavior,” and further stated that the district “filed a police report” as a result of its investigation.

145. As with Talbert’s earlier public statements, the Rinaldi’s statements at this meeting did not refer to any facts suggesting that the accusations that the coaches “forced the player to eat pork against his religious beliefs” were false, and did not refer to any other evidence or allegations that would support a finding that the coaches exceeded their obvious and commonly understood discretion in determining how to conduct practice and discipline players by wantonly or intentionally causing or risking harm to Khalil.

146. Thus, by their words and actions at this meeting, Talbert and the school-board members again endorsed the false and defamatory accusations that “Wattley and the coaches forced Khalil to eat pork against his religious beliefs,” and further emphasized that endorsement by notifying the public of their conclusions that it was necessary for them to file a police report for “hazing” under R.C. 2903.31, and that the coaches had engaged in “conduct unbecoming of their profession.” *See* R.C. 2903.31 (“‘Hazing’ means coercing another, including the victim, to do any act of initiation into any student or other organization that causes or creates a substantial risk of causing mental or

²² Kristin Mazur, “Whistleblower says he was unfairly fired following Canton McKinley High School pizza-eating incident,” CLEVELAND 19 NEWS (June 11, 2021), <https://www.cleveland19.com/2021/06/11/whistleblower-says-he-was-unfairly-fired-following-pizza-eating-incident/>

²³ Minutes of 6/3/2021 Board Special Meeting (approved June 14, 2021), https://docs.google.com/document/d/1U0oXe4cCA1f5_zhqFRTDeR6i5-xhrFLL/edit

physical harm to any person.”); *Orth v. State Dept. of Edn.*, 10th Dist. Franklin No. 12AP-155, 2012-Ohio-4512, ¶ 17 (noting that “in the military context, the phrase implies misconduct so seriously against law, justice, morality, or decorum so as to expose the offender to disgrace and or so as to dishonor the military profession,” and finding that a teacher did not engage in such conduct within the meaning of R.C. 3319.31(B), “based at least in part on the longtime use of the ‘conduct unbecoming’ phrase in the military justice context”).

147. Additionally, Rinaldi announced that McKinley graduate Antonio Hall, who had also applied for the job when it was awarded to Wattley in 2019, would replace Wattley as the head football coach. Rinaldi said that he was “pleased to announce this new leadership” and, apparently intending to draw a contrast with the wrongly maligned coaches he just terminated, further stated that Hall “understands the culture, excellence, and tradition that is McKinley Football.”²⁴

K. Talbert’s and Rinaldi’s rushed endorsement of the defamatory accusations against Plaintiffs set off another explosion of damaging news coverage.

148. Predictably, the district officials’ endorsement of the defamatory accusations set off another explosion of damaging news coverage, both locally and nationally.

149. Immediately after the June 3 board meeting, *The Canton Repository* published a story by Kelli Weir, headlined “Canton McKinley High football coaches ousted for punishing player who missed voluntary workout.” This report repeated Talbert’s and the school-board members’ statements that “the district’s nearly weeklong investigation” supported a finding that “the coaches on May 24 engaged in actions that were deemed ‘inappropriate, demeaning and divisive,’” warranting their termination. The report also stated that “the district has sent its investigation to the Ohio Department of Education’s professional conduct division and the Canton City Police Department

²⁴ Canton City School District Facebook post (June 3, 2021), <https://www.facebook.com/CantonCitySchoolDistrict/photos/a.288574047950353/1923254824482259/>

for review.”

150. The next day, *The Washington Post* ran a story headlined, “High school football coaches lose jobs after forcing player who can’t consume pork to eat pepperoni pizza,” which repeated Gilbert’s claims that the school had “violated the child’s First Amendment rights when McKinley Senior High School head football coach Marcus Wattley and seven assistant coaches compelled the boy to eat pork on May 24 despite his numerous objections because of his faith.”²⁵

151. And also on June 4, *ESPN.com*—the nation’s leading sports network, with over 100 million monthly readers—ran the story as a “top headline” titled, “Ohio high school football coaches fired after player says he was forced to eat pork.”²⁶ The *ESPN* piece also repeated Talbert’s statement that the district’s investigation revealed evidence warranting the coaches’ termination, as well as Gilbert’s statement that Khalil “was ordered to sit in the middle of the gym and eat an entire pepperoni pizza.”

152. Notably, both the June 3 *Repository* report and the June 4 *ESPN* report note that Talbert “declined to provide details of what happened” on May 24 that would support the decision to terminate the coaches, and also said that “surveillance video” allegedly containing “information” “warrant[ing]” the terminations “would not be publicly released due to student privacy regulations.”

²⁵ Lateshia Beachum, “High school football coaches lose jobs after forcing player who can’t consume pork to eat pepperoni pizza,” *THE WASHINGTON POST* (June 4, 2021), <https://www.washingtonpost.com/education/2021/06/02/ohio-coaches-pepperoni-pizza-religion/>

²⁶ “Ohio high school football coaches fired after player says he was forced to eat pork,” *ESPN* (June 4, 2021), https://www.espn.com/espn/story/_/id/31565864/ohio-high-school-football-coaches-fired-player-says-was-forced-eat-pork

L. After Wattley and McLeod insisted on their constitutional right to review the evidence against them, the district remained unable to identify any proof supporting its endorsement of the defamatory accusations, while numerous eyewitnesses went on record to unequivocally contradict the accusations.

153. On June 7, 2021 Wattley and McLeod attended “pre-determination hearings” at the district offices that were scheduled pursuant to their constitutional rights to due process in connection with the district’s intention to terminate them from their administrative positions, which, unlike their coaching positions, were guaranteed by written contracts.

154. In Talbert’s respective letters of June 3 setting the time and date of these hearings, he notified Wattley and McLeod that the U.S. Supreme Court’s decision in *Cleveland Board of Ed. v. Loudermill* (1985), 470 U.S. 532, 105 S.Ct. 1487, 84 L.Ed.2d 494 (1985) “affords [them] the opportunity to review the explanation of the evidence” supporting the district’s intent to terminate their employment, “and respond to the issues raising the possibility of termination.”

155. Thus, on June 3, the undersigned submitted a written request to the district’s lawyer, Ms. Perrico, requesting that the district produce the surveillance video, any written statements, and all other documentary evidence supporting a decision to terminate the coaches, and identify all witnesses whose testimony supports the same.

156. In response to this request, Perrico, on the district’s behalf, refused to identify a single witness, and refused to produce a single piece of documentary evidence. Instead, Perrico merely provided a slightly revised version of the same draft resolution that was sent to Wattley on June 3, setting forth the same unsupported, false, and defamatory accusations as if they were fact. Perrico also stated that the district “will allow [the coaches and their attorneys] to view the [surveillance] video during the *Loudermill* hearing[s].”

157. At the *Loudermill* hearings on June 7, the coaches and their attorneys were permitted to view the surveillance video of the incident, which did not contain audio, and did not reveal any information contradicting the coaches’ account of what happened over those approximately twenty

minutes on May 24, as set forth above.

158. After viewing the video, Wattley and McLeod again explained to district officials, including Talbert, what really happened on that date, including that (a) the coaches did not force Khalil to eat anything, let alone an entire pepperoni pizza; (b) Khalil chose to eat the pizza after having been offered chicken nuggets as an alternative after he complained that he didn't eat pork; (c) the coaches were never advised that Khalil held any religious beliefs that would prohibit him from eating pork; (d) Khalil was free to leave the practice session at any time, but chose to stay and accept the lesson conveyed by his coaches; (e) the lesson was intended to remediate Khalil's persistent misconduct that was potentially related to marijuana use that Walker and Khalil themselves had reported to the coaches; (f) the method of asking a player to rest and eat while his teammates worked out was a teaching tool that Wattley had seen employed successfully by the coaching staff at the University of Akron; and (g) Wattley and his staff had always demonstrated an extraordinary concern for Khalil's well-being, including by regularly giving him rides to practice, and doctors' appointments, including knee surgeries that Wattley helped arrange for Khalil.

159. Wattley further explained, tearfully, that it would have been easy for the coaches to ignore Khalil's problems, or to otherwise give up on him, but that he was trying to follow the example set by his own high-school coach, the legendary Dan Boorman, who refused to turn his back on Wattley when it would have been easy for him to do so, and who served as a father figure and key role model for Wattley, whose own father passed away when he was two-years old.

160. Wattley and McLeod also explained to district officials that three of their fellow coaches, Harris, Brodie, and Thatcher were present at the facility to provide testimony supporting their account, as were four McKinley players, Gatlin, Pirolozzi, and Vazquez, as well as the team's star player, rising senior and team captain Mani Powell, who has since accepted an offer to compete in the SEC for the University of Arkansas program in 2022 and quit the McKinley program due to the

district's mistreatment of his coaches.

161. Despite that the account offered by Wattley and McLeod was far more plausible than the wild accusations that these coaches, with their spotless disciplinary history and sterling reputations as coaches, would have knowingly forced Khalil to eat pork, against his religion, with the intent to harm him, the district officials refused to consider any testimony from these additional witnesses who were present for the June 7 hearing.

162. The district also maintained its refusal to identify a single witness, or produce a single written statement or document supporting its endorsement of the false accusations against the coaches.

163. Thus, after the hearing concluded, these young men went on camera with Brian Duffy of *WOIO Channel 19 News* and Ms. Weir of the *Repository* to defend their coaches.

164. After endorsing the coaches' account of the events of May 24, Powell told Weir, "Now that the truth is out, I just ask that our coaches come back to Canton McKinley. It won't be the same without them and we won't stop fighting until we get them back. They're more than coaches. These men ... lose sleep over me, they're more than coaches, they're father figures to me."²⁷

165. Following Powell's remarks, Vazquez added, "Every day to and from practice they load their cars with kids. They use their own money on food for us. They really do love us. That's what it is."²⁸

166. And later that day, *WOIO's* Michelle Nicks published an interview in which Gatlin and Pirolozzi stated that "[K.W] wasn't forced to eat anything. They told him to eat the pizza and when he said that he couldn't eat pork the coach was like 'okay.' The coach sent another coach off to get

²⁷ Kelli Weir, "Attorney: Fired McKinley High School coach Marcus Wattley never forced player to eat pizza," CANTON REPOSITORY (June 7, 2021), <https://www.cantonrep.com/story/news/2021/06/07/fired-canton-mckinley-head-football-coach-marcus-wattley-speaks-out/7583606002/>

²⁸ *Id.*

chicken nuggets. And then that's when the player started picking off the pepperoni and eating it himself. So, it was his choice to eat the pizza ... [And] he could have got up at any time."²⁹

167. Gatlin and Pirolozzi also confirmed that the message to Khalil and the team was not about Khalil having simply declined to participate in a voluntary off-season workout. Rather, "[i]t was more like you're being selfish. You think you're better than the team, and we're all one."³⁰ *See also Exhibit 1*, June 2020 text message from Khalil to Wattley ("I need to stop shutting down and stop being selfish and be better for the team. I've done for too long.").

M. Gilbert and the district officials have continued to double down on their false and defamatory accusations with additional malicious and defamatory statements, false police reports, and continued efforts to conceal contrary evidence, including the statements of two of the three players interviewed by the district in its sham investigation who have publicly confirmed that the district has misrepresented their testimony.

168. As the above information has become public, and as the coaches have continued to demand that the Defendants retract and apologize for their defamatory accusations, Defendants have instead doubled down on those accusations and compounded them with additional defamatory statements and a continued effort to conceal known facts demonstrating their falsity.

169. On June 7, 2021, Gilbert issued a statement ignoring the public testimony of the players who witnessed the event, calling the coaches' explanation of the events, which was supported by those players, "bizarre" and a "desperate attempt to try to hurt (the player's) family." As reported by the Canton Repository, Gilbert added that "no matter what the coaches say, it doesn't excuse them for coercing a player to eat pork against his religious beliefs."³¹

²⁹ Michelle Nicks, "2 Canton McKinley football players speak out about teammate's punishment: why they say it was unfair for 7 coaches to lose their jobs," CLEVELAND 19 NEWS (June 6, 2021), <https://www.cleveland19.com/2021/06/06/2-canton-mckinley-football-players-speak-out-about-teammates-punishment-why-they-say-it-was-unfair-7-coaches-lose-their-jobs/>

³⁰ *Id.*

³¹ June 7, 2021 Weir report.

170. Talbert and Rinaldi similarly refused to correct the record in the face of mounting evidence that Khalil’s accusations against the coaches were false. Instead of admitting their obvious mistake, and taking steps to remediate the damage they caused, Talbert and Rinaldi also doubled down, including with an absurd videotaped statement issued by Talbert on June 9, 2021 that was apparently intended to further mislead the public. In this statement, Talbert falsely portrayed the district’s investigation as “extensive,” “comprehensive,” objective, and conclusive, and incredibly claimed to “set the record straight on how these events truly transpired,” while maintaining the district’s refusal to disclose any evidence supporting its conclusion apart from the silent surveillance video and the undisclosed testimony of “a number of” unidentified “student-athletes” whom the district claims to have “spoken with” about the events of May 24.

171. In this statement, Talbert also accused the coaches and the undersigned attorneys of “purposely providing” “false and accurate information” “to news sources” about the district’s decision to terminate the coaches, without identifying a single piece of any such information.

172. Instead, Talbert represented the following as “the facts” about this matter:

On May 24, troubling actions of our former football coaching staff came to the attention of our district administrative team.

On May 25, an investigation into these troubling allegations began. To provide student safety, coaches were placed on suspension, barred from returning to campus, while the investigation occurred.

As a part of the investigation, the district spoke with the involved coaches who are on our staff. As a part of the investigation, the district requested permission to speak with student athletes present during the incident. The district spoke with a number of student athletes who were given permission to speak.

As a part of the investigation, the district viewed security video footage of the incident. This video footage is extensive and it clearly shows the identified coaches engaging in actions that constituted inappropriate, demeaning, and divisive behavior in a misguided attempt to instill

discipline in our student athletes.

The investigation satisfied the reporting requirements established by the State of Ohio including the submission of appropriate materials to the Ohio Department of Education's Office of Professional Conduct for their review. Also, in an effort to be comprehensive, and with our students' well-being in mind, a police report was filed by the district.

With the student's safety as our primary objective, the investigation was proper, timely, and appropriate, meeting the requirements established by the State of Ohio.

The investigation established that the behavior of the then-coaching staff constituted inappropriate, demeaning, and divisive behavior and it was unbecoming of the teaching profession. Their actions demonstrated an extraordinarily poor judgment.

This investigation substantiated that based upon their extraordinarily inappropriate actions, the seven members of the coaching staff, including the head coach, could no longer be coaches with the Canton City School District.

Let us be clear, the Canton City School District holds our coaching and general staff to the highest professional and ethical standards. Anything short of these standards is unacceptable and will not be tolerated.³²

173. This statement, like the district's earlier statements, did not refer to any facts suggesting that the accusations that the coaches "forced the player to eat pork against his religious beliefs" were false, and did not refer to any other evidence or allegations that would support a finding that the coaches exceeded their obvious and commonly understood discretion in determining how to conduct practice and discipline players by wantonly or intentionally causing or risking harm to Khalil

174. Thus, Talbert again endorsed the false and defamatory accusations that "Wattley and the coaches forced Khalil to eat pork against his religious beliefs," and further emphasized that

³² Tyler Carey, "False and inaccurate": Canton superintendent hits back at attorney who claims McKinley football coach was wrongly fired," WKYC (June 9, 2021), <https://www.wkyc.com/article/sports/high-school/hs-football/canton-superintendent-hits-back-attorney-mckinley-football-coach-fired/95-e55e6472-be34-4269-bb78-b7341785cafb>

endorsement by urging that the district's official investigation was comprehensive, that its conclusions were supported by facts, including the testimony of student athletes who witnessed the event, and that the coaches' statements to the contrary were "false and inaccurate."

175. Talbert knew, however, that his investigation did not support any such conclusion.

176. In fact, Talbert's statement that the district "spoke with a number of student athletes" whose testimony supported its investigation was shortly revealed to be knowingly and blatantly false.

177. As the coaches knew based on what their players had told them in the wake of the district's investigation, the "number of student athletes" whom the district interviewed in its investigation was three: senior team leaders Tayshaun Bandy, Stefan Monahan, and David Smith, Jr. When the undersigned attorneys pointed out the same to Repository reporter Kelli Weir, Weir asked Talbert to confirm that the district only interviewed three players, and he was thus forced to admit the same.

178. Additionally, on the same day Talbert issued this statement, Weir spoke on the phone with Bandy and Smith, who confirmed for her that when they were interviewed by district officials, they "told [them] that [Khalil] never was forced to eat anything and that Wattley told the player he could leave," and also that "they want their coaches back, likening them to father figures."³³

179. Bandy and Smith have also disclosed to the coaches that during their interviews with the district, as they were explaining what really happened on May 24, the district officials stopped taking notes as it became clear that their testimony contradicted the accusations. The district officials did not make an audio recording any of the statements made by these three players, apparently anticipating the need to misrepresent their testimony.

³³ Kelli Weir, "Canton City Schools superintendent defends investigation of McKinley football coach Marcus Wattley, assistants," CANTON REPOSITORY (June 9, 2021), <https://www.cantonrep.com/story/news/2021/06/09/canton-superintendent-talbert-defends-mckinley-football-coach-probe/7629728002/>

180. On June 14, 2021, Gilbert continued to compound his defamation campaign in an interview he gave on “Talkline with Zev Brenner,” a podcast advertised as the “voice of the Jewish community” and “America’s leading Jewish program with newsmaker guests and celebrity interviews.”³⁴ Gilbert stated during this interview that

they had been in all types of meal meetings before [May 24] and everyone knew [Khalil] did not eat pork. And for a punishment, the coach indicated [Khalil] had to eat this pizza that was loaded with pepperoni. And [Khalil] told him at least 10 times, according to [Khalil] and the other teammates that he did not eat pork and could not eat that. And then the coach finally indicated to [Khalil] he could remove the pepperoni.³⁵

181. Gilbert also told Brenner that Khalil “was not told he could leave,” and called Wattley “an ignorant African American coach,” who was “antisemitic” toward Khalil and his family.³⁶

182. When Gilbert made these statements, he was aware that every player, eight and counting, who had spoken publicly about the May 24 practice had wholly refuted his allegations.

183. Yet on June 16, while maintaining his complete failure to disclose a single piece of evidence or supporting witness to support his claims, Gilbert escalated his malicious campaign to new heights of absurdity by accusing Wattley and his fellow coaches of committing a federal hate crime against Khalil, and reporting the same to federal officials. As confirmed by *Fox 8 Cleveland* reporter Maia Belay, Gilbert claimed that the events of May 24 constituted “a punitive act on the part of the coaches, an act that was deplorable and was designed to psychologically injure this child,” and added that “we have now submitted this matter to the US Attorney as a possible hate crime ... [who] as of

³⁴ “Jewish High School Football Player forced to eat Pork,” Talkline with Zev Brenner (June 14, 2021), <https://podcasts.apple.com/us/podcast/talkline-zev-brenner-ed-gilbert-esq-on-jewish-football/id1531623716?i=1000525446486>

³⁵ Zev Brenner, “Talkline with Zev Brenner with Ed Gilbert Esq. on ‘Jewish’ Football Player Coerced to Eat Pork,” (June 16, 2021), <https://www.youtube.com/watch?v=jKNNuhaMHVI>

³⁶ *Id.*

yesterday ... turned it over the FBI for a full investigation.”³⁷

184. Two days later, on June 18, a parent of a recently graduated McKinley student athlete contacted the undersigned attorneys to remind the coaches that Khalil had participated in a rib-eating contest at Canton’s Texas Road House.³⁸ Photos of Khalil at this contest, sitting in front of plates full of ribs, were shortly gathered and published. And numerous eyewitnesses—including former McKinley coach Cody Grice, who was recently hired as an assistant coach for the University of Louisiana Monroe’s NCAA Division I football program—have since confirmed that they witnessed Khalil consuming the ribs, which, according to the restaurant’s own promotional materials and based on the size of the ribs depicted in the photos, are obviously pork ribs.³⁹

185. This evidence of Khalil’s participation in the 2019 rib-eating contest irrefutably proves the falsity of his father’s statement to reporters, as printed in *the Repository*, *The Washington Post*, and other outlets, that “the family had not eaten pork since 2013.”

186. Faced with yet more evidence refuting his smears against Wattley and co., Gilbert continued to dig in by telling inquiring reporters, “If you look at those photos, my client has his hand under the table. The question is, ‘Is he eating them?’ And, ‘Are they beef ribs?’”⁴⁰

³⁷ Maia Belay, “McKinley High School video released of pizza incident; student’s lawyer pursuing as hate crime,” WKNB News (June 16, 2021), <https://www.wkbn.com/news/ohio/mckinley-high-school-video-released-of-pizza-incident-students-lawyer-pursuing-as-hate-crime/>

³⁸ Malcolm Hall, “Attorney: New photos show Canton McKinley football player at 2019 barbeque fundraiser,” CANTON REPOSITORY (June 22, 2021), <https://www.cantonrep.com/story/news/2021/06/22/photos-used-challenge-claim-mckinley-football-player-does-not-eat-pork/7765913002/>

³⁹ Nancy Melear, “Texas Roadhouse’s fall off the bone ribs,” FOX 31 NEWS (Sep. 14, 2018), <https://kdvr.com/news/food-drink/texas-roadhouses-fall-off-the-bone-ribs/>

⁴⁰ *Id.*

N. The school board’s resolutions of June 24, approving Talbert’s recommendation to terminate Wattley’s, McLeod’s, and Sweat’s written employment contracts, constitute further malicious endorsement of the false and defamatory accusations against the coaches, that were again repeated in the press.

187. On June 24, 2021, Defendant Rinaldi and the other members of the school district board unanimously voted to adopt Talbert’s resolutions recommending that the district wrongfully terminate Wattley, McLeod, and Sweat, from their contractually guaranteed administrative positions with the school.

188. The school district’s resolutions terminating Wattley, McLeod, and Sweat all specifically stated that the coaches violated Board Rule 2260, which, as further stated in the resolutions, provide that “the Board of Education does not discriminate on the basis of ... religion ... in its educational programs or activities.” These resolutions further stated that the coaches “harassed the student as a means of punishment,” and used “derogatory,” “disparaging,” “discriminatory” and “insulting” “comments and conduct” “toward the student,” and “verbally berating and taunting” him while “continually forc[ing Khalil] to eat a pizza,”⁴¹

189. By these resolutions, as with their earlier public statements, Talbert and Rinaldi did not refer to any facts suggesting that the accusations that the coaches “forced the player to eat pork against his religious beliefs” were false, and did not refer to any other evidence or allegations that would support a finding that the coaches exceeded their obvious and commonly understood discretion in determining how to conduct practice and discipline players by wantonly or intentionally causing or risking harm to Khalil *See Stalder v. St. Bernard-Elmwood Place City School Dist.*, 1st Dist. Hamilton No. C-090632, 2010-Ohio-2363, ¶ 18, quoting *Hale v. Lancaster Board of Ed.* (1968), 13 Ohio St. 2d 92, 99, 234 N.E.2d 583 (“The Ohio Supreme Court has stated that ‘other good and just cause’ must ‘be a

⁴¹ Intent to Consider Termination Resolution for Marcus Wattley (June 24, 2021), pp. 4–5; Termination Resolution for Frank McLeod (June 24, 2021), pp. 4–6; Termination Resolution for Frank McLeod (June 24, 2021), pp. 4–6.

fairly serious matter’ to support a [school board’s] decision to terminate a teaching contract.”); *Katz v. Maple Hts. City School Dist. Bd. of Edn.*, 87 Ohio App.3d 256, 263, 622 N.E.2d 1 (8th Dist.1993) (“[A school] board must consider a teacher’s employment record prior to imposing a particular sanction.”).

190. By causing these resolutions to be published and knowing they would be highly publicized, Talbert and Rinaldi intentionally and falsely accused the coaches of discriminating against Khalil on the basis of his religion in the pizza incident with the intent to “harass,” “berate,” “taunt,” “disparage,” “insult,” and “discriminate” against him. By causing these statements to be published and publicized, Talbert and Rinaldi intentionally, maliciously, and falsely communicated that their investigation had revealed facts to support these findings, despite knowing (A) that there were no facts to suggest that the coaches were even aware of Khalil’s alleged religious beliefs, (B) that the coaches had repeatedly offered Khalil a non-pork alternative to the pizza, and (C) that the coaches had not engaged in any conduct that would cause or risk harm to Khalil in a manner that would exceed their well-established discretion as football coaches.

191. After these resolutions were published, the Canton Repository reported on the defamatory statements contained in these resolutions, that Wattley and the other terminated coaches “engaged in or permitted the harassment of a student as a means of punishment and allowed derogatory, disparaging, discriminatory and insulting comments and conduct to be used toward the student.”⁴²

⁴² Kelli Weir, “Canton superintendent: Ex-McKinley football coaches should be fired from noncoaching jobs,” Canton Repository (June 24, 2021), <https://www.cantonrep.com/story/news/2021/06/24/canton-superintendent-jeff-talbert-says-mckinley-coaches-should-fired-day-jobs/5311668001/>

Kelli Weir, “Three former Canton McKinley football coaches fired from noncoaching jobs, Marcus Wattley suspended,” Canton Repository (June 24, 2021), <https://www.cantonrep.com/story/news/2021/06/24/three-ex-canton-mckinley-hs-football-coaches-fired-noncoaching-jobs/5331787001/>

192. In response to the June 24, 2021 vote passing these defamatory resolutions, Gilbert again piled on by calling the coaches “bad role models,” and stating that they “made a huge mistake for which there is no forgive[ness] ... one of those things where they do not need to be in this profession ... period.”⁴³

O. The school district’s disparate treatment of more legitimate accusations of misconduct by other McKinley coaches further confirms Talbert’s and Rinaldi’s malice in endorsing the smears against Wattley and his staff to vindicate their own selfish interests.

193. Talbert’s and Rinaldi’s malicious intent in defaming and terminating Wattley and his staff is further affirmed by the disparate treatment they have afforded to other allegations of misconduct by McKinley coaches.

194. This includes (a) reports to Antonio Hall, in his role as athletic director, by numerous parties alleging that varsity mens’ basketball head-coach Andy Vlajkovich, a white man, referred to a black student athlete as a “black gorilla;” (b) parent complaints to school officials, including Hall, about varsity womens’ basketball head-coach Bryant Bowden, who had to be escorted out of the gym at a recent AAU tournament after throwing a profanity-laced tantrum at referees, parents, and tournament officials; and (c) other reports to Hall that the varsity womens’ track coach, Jacob Foltz, also a white man, mocked a black student-athlete by picking up her hairpiece, putting it on his head, and mimicking her after she became involved in a physical altercation with teammates at practice.

195. Defendants Rinaldi and Talbert are personal friends with Antonio Hall, and like the other school board members, are Canton natives who take pride in the City’s heritage as the birthplace of pro football and the “Hall of Fame” City. Rinaldi and Talbert, in particular, wished to install their

⁴³ Natasha Anderson and Kevin Freeman, “More fallout over Canton McKinley pizza incident,” FOX 8 NEWS (June 24, 2021), <https://fox8.com/news/more-fallout-over-canton-mckinley-pizza-incident/>

friend Hall as the head coach when he and Wattley both applied for the job in 2019, but could not legitimately do so due to Wattley's stellar and plainly superior credentials for the job.

196. Having failed to install their preferred candidate as head coach, Rinaldi and Talbert then proceeded to engineer Hall's coronation as McKinley's athletic director despite his lackluster qualifications, giving him the position over the objections of other district officials, including assistant superintendent Mallory Floyd, without interviewing any of the other thirty-plus applicants. This process was analogous to Rinaldi's earlier decision to hire Talbert as superintendent over more deserving candidates, including Floyd, who was instead installed as Talbert's assistant.

197. A position of leadership and influence in the storied McKinley football program is one of great privilege. Here, it is apparent that Talbert and Rinaldi became so carried away by their desire for increased influence over McKinley football that they deliberately exploited the false accusations against Wattley as an opportunity for them to gain the same, and were unfortunately able to convince their fellow district officials to join them.

P. Developments in this lawsuit and in Gilbert's later-filed sham federal suit—including evidence of the school-district Defendants' deliberate destruction of exculpatory surveillance footage of the pizza incident and concealment of other exculpatory evidence, K.W.'s admission under oath that his coaches never knew of his alleged Hebrew Israelite religion, Gilbert's failure to present a single eyewitness to support K.W.'s claims or otherwise participate in discovery in either pending suit, and Grimsley's admission, denied under oath by K.W., that he told district officials that Plaintiffs shouted at K.W. to "eat the f*cking pepperoni"—further confirm that all of the Defendants have maliciously defamed the Plaintiffs with intent to destroy Plaintiffs' careers to serve their own personal interests.

198. Discovery in the earlier filed lawsuit over these events has revealed evidence supporting all of the material allegations set forth herein (and in Plaintiffs' originally filed Complaint), and much more, confirming that all of the Defendants have maliciously defamed the Plaintiffs with intent to destroy Plaintiffs' careers to serve their own personal interests.

199. Defendants Gilbert, Walker, Grimsley, Talbert, and Rinaldi have all admitted under oath that football is an extremely demanding sport, both physically and mentally. that it's an essential part of a

football coach's job to ensure their players are trained and disciplined to meet these demands; and that this training is, to a substantial degree, militaristic in nature, such that it is an everyday occurrence for coaches to shout at their players as a drill sergeant would. Additionally, these Defendants have admitted that "singling out" a player who lets the team down is commonplace, including, for example, to discipline the whole team by requiring it to perform strenuous physical exercises as a result of an individual's misconduct. These admissions confirm that it is beyond reasonable dispute that it is an essential part of a football coach's job to push their players' mental and physical boundaries to build the mental toughness and physical strength necessary to excel in this demanding sport.

200. To wit, Defendant Josh Grimsley admitted to having sent a text message to Plaintiff Romero Harris, his former colleague on the Canton McKinley coaching staff, in January of 2021, just a few months before the "pizza incident" at issue in this case, in which Grimsley urges Harris, who had just become the team's new strength coach, as follows: "Do me a favor one day. Mentally get in our kids' asses and fuck them up in the weight room. They love that shit and need to get their asses kicked!" This, of course, is the same Josh Grimsley who shortly postured as a delicate soul who purported to be shocked and outraged by the prospect that a star player at one of the most competitive high school football programs in the nation would be "punished"—for serious misconduct that would have warranted his removal from the team—by being asked to relax and enjoy some Gatorade and pizza during a training session, over the course of approximately twenty minutes, while his teammates performed basic exercises with 45-pound weight plates in the same room, to teach him and his teammates a lesson about teamwork, leadership, and accountability.

201. Additionally, eyewitnesses to the pizza incident—including current and former McKinley players Mani Powell, David Smith Jr., and Alex Vazquez—have provided sworn affidavits or testimony confirming that (A) the purpose of the pizza exercise was legitimate and clearly

understood: to address K.W.'s serious misconduct by teaching a lesson about leadership, teamwork, and accountability; (B) prior to the May 24, 2021 training session, they had never heard of K.W. having any religious beliefs at all, let alone any such beliefs that would prohibit the consumption of pork; (C) during the event, after K.W. said that he didn't eat pork, the coaches specifically offered him a non-pork alternative, including chicken or McDonald's, and K.W. rejected those alternatives, instead choosing to pick the toppings off the pizza and eat a portion of the crust; (D) that K.W. was free to leave the training session at any time, as he had done before in the past; (E) and that there was no reason to believe there was any harm risked or caused to K.W. or his teammates at any point during the incident.

202. K.W. himself also made a series of admissions at his deposition, including that (A) he had in fact confessed to his coaches and teammates that his father had punished him for smoking marijuana in the weeks before the pizza incident, including by barring him from attending football practices; (B) he understood that the coaches were concerned that he was putting his future in jeopardy and that the purpose of this lesson was to teach him both that it's not OK for a player to "chill at home while [his teammates] were out there working," and that "it's a privilege to work as a member of the Canton McKinley football team"; (C) he was not harmed by this exercise; (D) he knew that Plaintiffs cared about his well-being and did not hate him; (E) he knew that Plaintiffs were unaware that he had any particular religious beliefs; (F) he knew that Plaintiffs did not intend to violate his religious beliefs by serving him the pepperoni pizza; (G) he promised to "straighten things out" with school-district officials because he didn't believe that Plaintiffs should be disciplined over the incident; and (H) that he had in fact participated in the team-sponsored pork-rib-eating contest in 2019 (which, according to other witnesses, he won).

203. The school district's records of its investigation of K.W.'s claims confirm that K.W. and his father never mentioned K.W.'s alleged religious beliefs when they were brought in, without Attorney

Gilbert, to be interviewed by district officials. The superintendent (Defendant Talbert) testified that he had no recollection that K.W. or his father mentioned any religious beliefs during this interview and the school-board president (Defendant Rinaldi) likewise confirmed that he was never advised that K.W. had any particular religious beliefs.

204. The school district's records, and testimony by its officials, also establishes that the player eyewitnesses interviewed in the district's investigation confirmed that the coaches offered K.W. alternative food options after he said he didn't want to eat the pepperoni pizza.

205. There was in fact *no* evidence in the district's file that would support a finding that the Plaintiff coaches had done *anything* but ask an underperforming player to rest and eat a portion of a single pizza while his teammates are working out, for a duration of approximately twenty minutes, in an effort to motivate the student with a lesson about teamwork, responsibility, and accountability. Put another way, the district *never* discovered *any* evidence to support a finding that the coaches did anything that wantonly or intentionally caused or risked harm to K.W., or anything that could possibly be considered to exceed the coaches' obvious and commonly understood discretion in determining how to conduct practice and discipline student athletes.

206. Despite the complete lack of evidence to support the wild accusations that the coaches had engaged in a deliberately anti-Semitic force-feeding of pork to a Hebrew-Israelite student, and the loads of evidence showing that the coaches were actually doing exemplary work in creatively striving to save a struggling student-athlete from throwing away his future, the district Defendants not only sought to take advantage of the false accusations as an excuse to fire Wattley so they could replace him with the candidate they wanted to hire for the job in the first place, as set forth in detail above; The district Defendants even went so far, in furtherance of the true purpose of their sham investigation, as to nearly finalize a settlement to resolve the bogus claims of Gilbert and his clients that was approximately or upwards of \$250,000.00.

207. In fact, that settlement was so close to completion that Gilbert stated on the record in a related court proceeding (which is discussed further below) that he intended to file a motion to enforce this settlement agreement he claimed to have reached with the district.

208. The district Defendants' plans to further the purpose of their sham investigation by entering the sham settlement with Gilbert's clients were, however, immediately thwarted by the coaches' filing of this lawsuit for defamation. Not only did the detailed and well-documented allegations of the originally filed 65+ page complaint (filed on July 12, 2021) reveal the plain and outrageous falsity of the sensational accusations against the coaches; this complaint also set forth clear and voluminous caselaw showing (A) that determinations of how to conduct practice and discipline players are well within the discretion of high-school coaches absent evidence of wanton or willful intent to cause harm or disregard of a substantial risk of the same (*see* paragraph 106 above); and (B) the undisputable and well-documented facts at issue, as confirmed by the District's own investigation, could not possibly support a finding that the coaches acted outside of that well-defined discretion so as to support any viable legal claim by K.W. or his family against the coaches.

209. Thus exposed, and facing liability to the coaches for defamation based on claims that his accusations were made outside of the context of litigation contemplated in good faith, with intent to extort a settlement out of the school district by generating national and global press based on the knowingly false, fabricated, and sensational accusations of a shocking anti-Semitic act by the coaches, Gilbert eventually realized, after about six months of further delay, that he now had to file through on filing suit on the bogus claims in order to mount any defense at all to the defamation claims against him.

210. Thus Gilbert filed suit in the U.S. District Court for the Northern District of Ohio, in case no. 5:21-CV-02423-JRA ("the federal suit"), alleging primarily that the coaches violated K.W.'s First Amendment right to free-exercise of his alleged Hebrew Israelite religion by forcing him to eat

“pork residue” that was left on the pizza in the incident described above. Gilbert’s federal suit on K.W.’s behalf also alleged claims on behalf of K.W. and his parents for intentional infliction of emotional distress (“IIED”), and that the coaches discriminated against them based on their race, and deprived them of due process, all based solely on the same pizza incident described herein. Finally, the federal suit alleged claims against the Canton City School Board and Superintendent Talbert for negligent hiring of the coaches, failure to train them in violation of K.W.’s 14th Amendment rights, and IIED.

211. Despite that Plaintiffs’ complaint in this suit is packed with detail supporting their defamation claims, including recorded statements of multiple eyewitnesses, the complaint Gilbert filed in the federal suit does not contain a single allegation to rebut these statements, nor any additional detail that would shed light on the truth of the accusations he first made at the June 1 press conference that generated national and global headlines.

212. Accordingly, the federal claims that Gilbert filed against the Plaintiff coaches lasted about nine months before the presiding judge dismissed them based on the pleadings, for failure to state any legally cognizable claim. In dismissing those claims, the federal court held that Gilbert and his clients had “failed to meet even the most modest notice pleading standard applicable to their claims [against the coaches],” “wholly fail[ed] to assign any action to any particular defendant,” failed to “explain how each individual violated [K.W.’s] First Amendment rights,” “impermissibly lumped all defendants together” and failed to “assert any facts that would support the argument” that the pizza incident “was a premeditated, calculated effort by Defendants to embarrass and traumatize [K.W.].” (Doc. 44, PageID #350–353.) Additionally, the Court noted that “[K.W.] was present during the alleged events and therefore does not need discovery to set forth the actions that each defendant took to support his §1983 claims.” (*Id.*, PageID #349.).

213. In the meantime, the discovery in the originally filed defamation action by the coaches was

completed (with two notable exceptions discussed below) within a short four-month timeframe between the dates of March 29, 2022 (when the Court lifted the discovery stay granted at the school-district Defendants' request), and the discovery deadline of August 2, 2022. During that timeframe, the Plaintiffs obtained a Court order in the Prior Case requiring the district Defendants to comply with Plaintiffs' subpoena, whereby Plaintiffs received the bulk of the district's records of its investigation. Additionally, Plaintiffs took depositions of Mr. Gilbert, K.W., Mr. Walker, Mr. Grimsley, Mr. Talbert, Mr. Rinaldi, and K.W.'s former teammate on the McKinley team, Mani Powell. It was during this period that Plaintiffs discovered all of the evidence set forth in their brief in opposition to summary judgment filed in the Prior Case on September 6, 2022, which includes the affidavits of K.W.'s former McKinley teammates David Smith Jr. and Alex Vazquez, and which is incorporated by reference herein.

214. The deposition testimony of K.W.'s former teammate Mr. Powell, who is now a member of the football team at the University of Arkansas, is especially notable, at least in that it included all of the following: (A) that he and his teammates on the McKinley football team "all loved and cared for [K.W.]," which underscores the revealing fact that not a single one of these teammates spoke up in K.W.'s defense in the Prior Case. Powell Tr. 7; (B) that Powell "had a close connection with [K.W.]" and "spent time with him outside of football." *Id.*; (C) pursuant to this "close connection," K.W. told Powell that he wished that the Plaintiff coaches hadn't lost their jobs over his accusations, and that he otherwise didn't want this episode to "go as far as it did" but that the matter was "out of his hands" due to the "influence" of "other parties." Powell Tr., 24–26 (A. " ... I don't even think [K.W.] wanted this to go as far as it did, but, you know, other parties might have influenced it, but I feel like he had – he had a great connection with these coaches and that the coaches believed in him maybe more than he believed in himself sometimes." ... Q. "... [W]hat do you mean when you say you that you don't think [K.W.] wanted this to go as far as it did, why do you believe that?" A.

“...[A]fter I found out that the thing was getting the coaches fired and things like that, I got in touch with [K.W.] and asked him how he felt about it and he told me that, that’s what he told me, he told me that he didn’t want it to go this far, but it got out of his hands, basically.”).

215. Thus Powell’s testimony affirms not only that the Plaintiffs did nothing to harm K.W., but that K.W. is, to a significant degree, a victim of manipulative adults—mainly Gilbert and the district Defendants—who have influenced him to lie about the pizza incident, and who have lied about the incident themselves, to serve their own personal interests.

216. To wit, it is notable that Gilbert and his clients did not take a single deposition in the Prior Case apart from those of the six Plaintiff coaches. Moreover, Gilbert nor his clients have never come forward with a single statement from a single witness, or any other evidence that would support the notion that Plaintiffs’ deliberately violated K.W.’s religious beliefs. Instead, all Gilbert has done is hide behind utterly baseless claims of privilege, claiming that he is not only immunized from liability for his malicious and destructive lies, but also for having to answer for his basis for having made them in the first place. *See* Exhibit 8 to Plaintiffs’ 09/06/2022 Br. in Opp. to SJ in the originally filed case (No. 2021CV00982), Affidavit of Paul De Marco, Ex. 1 (“[T]his is not a case in which Mr. Gilbert can properly invoke either the attorney-client privilege or the work-product doctrine to avoid having to divulge the facts he knew at the time he made the accusations at issue in this suit. ... The fact that in late December 2021 Mr. Gilbert incorporated the same accusations into the federal court complaint that he filed on behalf of the Walkers did not retroactively create an ethical obligation on his part not to divulge in this action the facts he knew at the time of his statements to the press in June 2021.”).

217. Gilbert was so incapable of even beginning to justify the merits of his extortive accusations against the coaches that, at his deposition, which began on July 25, 2022, he refused to answer basic questions about the underlying facts or investigation that supported his claims. He instead took the

position that the attorney-client and work-product privileges excused him from disclosing this information, despite clear and binding law to the contrary. *See Upjohn Co. v. United States*, 449 U.S. 383, 395-396 (1981) (“[T]he protection of the privilege extends only to communications and not to facts. A fact is one thing and a communication concerning that fact is an entirely different thing. The client cannot be compelled to answer the question, ‘What did you say or write to the attorney?’ but may not refuse to disclose any relevant fact within his knowledge merely because he incorporated a statement of such fact into his communication to his attorney.”); *In re Martin*, 141 Ohio St. 87, 105, 47 N.E.2d 388, 396 (1943) (“[F]acts within [the lawyer’s] own knowledge, rather than confidential communications,” are not protected by the attorney-client privilege.); *State v. Glenn*, 165 Ohio St.3d 432, 2021-Ohio3369, 179 N.E.3d 1205, ¶ 19 (“Where relevant and non-privileged facts remain hidden in an attorney’s file and where production of those facts is essential to the preparation of one’s case, discovery may properly be had.”); *Squire, Sanders & Dempsey, L.L.P. v. Givaudan Flavors Corp.*, 127 Ohio St.3d 161, 937 N.E.2d 533, 2010-Ohio-4469, ¶¶ 56-59, quoting *Morrow v. Brown, Todd & Heyburn* (Ky.1997), 957 S.W.2d 722, 726 (“While an attorney’s private thoughts are most certainly deserving of special protection, that concern for privacy must give way when the activities of counsel are directly at issue in subsequent litigation”).

218. Additionally, even if these facts were protected by a privilege, Prof.Cond.R. 1.6(b)(5) expressly authorizes their disclosure by Gilbert in defending this suit, as the rule states, in part, that an attorney “may reveal information relating to the representation of a client, including information protected by the attorney-client privilege under applicable law, to the extent the lawyer reasonably believes necessary ... to establish a claim or defense on behalf of the lawyer in a controversy between the lawyer and the client, to establish a defense to a criminal charge or civil claim against the lawyer based upon conduct in which the client was involved, *or to respond to allegations in any proceeding*, including any disciplinary matter, concerning the lawyer’s representation of the client”

(Emphasis added).

219. When Gilbert was asked about Prof.Cond.R. 1.6(b)(5) at his deposition, he refused to acknowledge the Rule's applicability to his circumstances or to confirm that, due to this Rule, it was his choice to refuse to disclose the underlying facts that would support his accusations against the coaches.

220. Shortly after Gilbert was asked about Prof.Cond.R. 1.6(b)(5) at his deposition, he was asked to acknowledge the basic principle that in order to be held liable for violating one's First Amendment right to free exercise of religious beliefs, the defendant would have to know about these beliefs first. Gilbert refused to answer this question as well, and shortly thereafter, he and his attorney unilaterally and baselessly terminated the deposition which was, by that point, only about half-way complete.

221. Thus, later that same day, July 25, 2022, the coaches filed a motion requiring Gilbert to appear to complete his deposition, and Gilbert, weeks later, filed a motion to terminate the deposition.

222. On September 2, 2022, the Court ordered Mr. Gilbert to return to his deposition, holding, in pertinent part, as follows: (1) "Gilbert's unilateral termination of his deposition was not appropriate;" (2) "Gilbert's motion to terminate the examination is denied;" and (3) at "the remainder of the deposition," Plaintiffs' counsel "may inquire as to any matter that is not privileged," including, specifically, "as to the facts known by [Gilbert] at the time the alleged[ly defamatory] statements were published in May and June, 2021," "the factual basis for such statements," and "what [Gilbert] did or did not do to investigate the truth or falsity of the statements."

223. Thus, Gilbert's deposition resumed on November 15, 2022, which was, according to Gilbert and his attorney, the earliest date after September 2 on which they were available. Gilbert's

testimony on this date leaves no doubt as to the following: (A) Gilbert has never known (and still does not know) of any facts that would support his wildly defamatory and extortionate statements that the Plaintiff coaches knew of K.W.'s alleged Hebrew Israelite religious beliefs, knew that those beliefs prohibited his consumption of pork, and served K.W. a pepperoni pizza with intent to punish him by violating those beliefs and K.W.'s First Amendment right to free exercise of his alleged religion; (B) Gilbert never had (and still does not have) any factual basis to support his defamatory and extortionate statements; and (C) And Gilbert not only did nothing to investigate the truth of these claims, he went out of his way to avoid and deny the truth.

224. For example, even despite the Court's order that Gilbert testify as to the facts he knew at the time his accusations were published, the factual basis for such statements, and what he did or did not do to investigate the truth or falsity of these statements, when Gilbert was asked "what was your factual basis for your allegations that the coaches violated [K.W.'s] First Amendment rights?" he continued to maintain that he "can't answer that," because "it would reveal certain information that is privileged."

225. Gilbert then stated that "the factual basis" for his statement that "the coaches knew of K.W.'s beliefs as of the date of the punishment" is "privileged," as is, according to Gilbert, "what [he] did to investigate the truth of those allegations," apart from having "initially wr[itten] a letter to the other side requesting" information and documentation.

226. Gilbert was then asked about the efforts he made (or didn't make) to investigate the truth of his accusations once prominent news reports were published quoting K.W.'s teammates who refuted the notion that the Coaches intended to violate K.W.'s religious beliefs by serving him pepperoni pizza. In response, Gilbert first testified that he could not remember whether he had read a June 7 Canton Repository report, issued five days after his initial June 2 press-conference from which his accusations were globally broadcast, in which it was reported that several McKinley "football players

who were at the May 24 workout have said that the coaches never forced the player to eat pizza, and they gave the player the choice of eating chicken nuggets instead.”

227. When he was asked whether he “did anything to follow-up and investigate whether the coaches gave K.W. the choice of eating chicken nuggets,” Gilbert said “I don’t remember, I don’t know.”

228. And when he was asked whether there was “anything else” he could say “about anything [he] did to investigate the claims he made” against the Plaintiffs, “apart from sending a letter to the school district,” Gilbert could only say that he “recall[s] getting a video of the incident.” Here, Gilbert was referring to the surveillance video of the incident that has been widely publicized, contains no audio, sheds no light on what was actually said during the incident, including as to what food K.W. was offered and why.

229. Gilbert then said that he also had “discussions with counsel for the school board” about the incident but that “the only thing [he] recall[s]” about those discussions is “the school board counsel saying that they would not provide any information at some point.” At this point, Gilbert was reminded that the school district had actually produced a number of documents in this lawsuit, reflecting its official records of its investigation of the pizza incident, including several eyewitness statements, pursuant to a subpoena served by Plaintiffs’ counsel.

230. From here Gilbert’s delivered some especially preposterous testimony, including: (1) that he “do[es]n’t know anything about” the subpoena served on the school district in this lawsuit; (2) that he has “reason to doubt” that the district produced documents relating to its investigation of his claims about K.W; (3) that he’s “not sure” whether he’s seen any records of the district’s investigation, including the notes from the district’s interviews of eyewitnesses, some of whom said that the coaches offered K.W. an alternative to the pepperoni pizza; and (4) that he’s “not even sure [he] was aware” that K.W.’s teammates had made such statements, let alone that he did anything to

investigate whether these statements were true or not. Then, when shown copies of the eyewitness statements from the school-district's records, Gilbert said this was the "first time" he has seen them, said "no" when asked whether he was surprised that this was the first time he'd seen these witness statements before, and that he's "not sure" whether he had ever "bec[o]me aware ... that there were players in the room saying that the coaches offered K.W. something else to eat after he told them he didn't eat pork." And when asked whether he had investigated the truth of the recorded witness statement that "one of the other coaches said [to K.W.] I will go get you something else to eat," Gilbert said "I don't recall."

231. Gilbert's disregard for his obligations to investigate and prove the merits of his accusations against the coaches was yet further confirmed by developments in the federal suit. To wit, after the court granted dismissal of the claims Gilbert asserted against the coaches in that suit, Gilbert sought leave to amend his complaint, and asked the court to reconsider the dismissal. Yet in doing so, Gilbert did not submit an amended complaint, or put forth any new facts or allegations that would support the claims, let alone any excuse for failing to have come forward with such facts or allegations in the first place. Thus, the federal court denied these motions, making specific mention of Gilbert's failure to submit an amended complaint or otherwise address the court's stated grounds for dismissal. The federal court also took note of Gilbert's "contradict[ory]" statements whereby he had "denied even knowing the transcripts had been transcribed, let alone read them," yet also implied, his motion to amend, that he had "fully reviewed these depositions such that he could amend the complaint to describe the individual [coaches'] actions." The court called these contradictory statements "disingenuous at best."

232. Gilbert's admitted indifference to the results of the district's official investigation of his accusations, after his having turned this matter into an international scandal a year and a half before, is simply beyond the pale. Moreover, these admissions not only leave no doubt about the fact that

Gilbert knew his accusations were false when he broadcast them to the world, and, accordingly, that he could do nothing else but hide (and hide from) the truth about this matter, to the extent he was going to continue to pursue claims based on these allegations; They also show that falsity of Gilbert's claims was apparent to anyone who would apply the slightest scrutiny to them.

233. The failure by the school-district Defendants (who were the public officials empowered to and tasked with investigating and finding the truth of of this matter) failed to apply any such scrutiny to Gilbert's facially absurd and wholly unsupportable claims amplifies the conclusion that their investigation was a malicious sham calculated and designed by the district Defendants' to exploit Gilbert's lies to give the Plaintiff coaches' coveted positions to their personal friends, thereby destroying Plaintiffs' reputations and careers.

234. And yet even further erasing any doubt about the malicious purpose behind the district-Defendants' words and actions in terminating the coaches, the discovery process in the Prior Case also revealed evidence showing that the district-Defendants deliberately concealed and destroyed surveillance footage that would have revealed the falsity of Gilbert's claims and also the malicious purpose and sham nature of the district's investigation and endorsement of same.

235. Specifically, a two-minute long chunk of the surveillance video capturing the pizza incident has disappeared from the school district's file and remains unrecoverable to date. This missing chunk of surveillance video is from the precise two minutes where K.W. approached Coach Wattley, Coach Harris, and Coach McLeod in the gymnasium after the exercise was finished (as well as former McKinley player Josh Semedo-Chandler, now playing for the University of Colorado's Division I program, and had a peaceful and productive conversation about the purpose behind the lesson. During this conversation, the coaches explained to K.W. that they loved him, that they believed he had the talent to be a team leader and great football player, and they didn't want to give up on him, but that the extent of his misconduct was such that they would have to remove him

from the team if it continued. This conversation ended with K.W. shaking hands and hugging the three coaches, which all would have been captured on the missing chunk of surveillance footage, and which would have wholly contradicted the notion that the coaches had done anything abusive to K.W. at all in the pizza incident, let alone force-fed him pork with deliberate intent to violate his religious beliefs.

236. Additionally, the missing 2-minute piece of surveillance footage is placed in a manner that conceals that this content is missing at all. Specifically—as can be viewed at this secure link to a copy of the surveillance video that the district has produced,

<https://thepattakoslawfirmllc.app.box.com/file/1096230788246?s=1ejgsdtdv6okxhytvc2dpb45pw3l2n0d> — just before the video goes out, at 2:00:50 PM (at the 21:27 mark of the video), K.W. is standing right near the top of the three-point line on the side of the basketball court that’s closest to the camera. Then when the video skips two-minutes ahead to 2:02:46 PM (at the 21:28 mark of the district’s copy of the video), K.W. is back standing almost in the exact same place as he waits to go outside to the practice field with Coach McLeod to perform some running drills.

237. As noted above, after finishing the running drills with McLeod, K.W. spoke with the coaches again on the field, including Wattley and McLeod, hugged the coaches again, apologized to them, thanked them for “not giving up on [him],” and told them “I needed that.”

238. At their depositions, school-district representatives—including Talbert and the district’s security director Steve Humphrey—admitted that the two-minute chunk of the surveillance video was missing, admitted the camera system should have captured those two minutes, and otherwise had no explanation for the disappearance of this two minute chunk of footage. Talbert and Humphrey also admitted that the morning after the May 24 event, they reviewed video footage of the prior day’s events from two different cameras mounted in the auxiliary gym where the incident occurred. Talbert and Rinaldi also confirmed that they spoke about what Talbert observed on these

cameras.

239. The district Defendants knew it would have been a public relations disaster for them if video were released showing K.W. hugging his coaches after a long and peaceful conversation with them. Such evidence would have revealed the sham nature of their hurried “investigation” and decision to terminate the coaches based on Gilbert’s transparent lies.

240. The notion that the district’s surveillance camera system would have happened to glitch out for a whole two minutes, in a manner that happened to both conceal the glitch itself, and coincide with the two minutes in which K.W. hugged the coaches after a peaceful conversation with them, supports an inference that this footage was deliberately destroyed or concealed.

241. Additionally, Talbert and Humphrey intentionally concealed, destroyed, and failed to preserve footage from the second camera in the gym, as well as footage from the surveillance cameras covering the practice field, that would have captured the same positive interactions between Khalil and the coaches.

242. The deliberate concealment and destruction of this exculpatory video evidence by the district Defendants demonstrates egregious and conscience-shocking malice that no law immunizes against.

IV. Causes of Action

Count One: Defamation Defendants Talbert and Rinaldi

243. Plaintiffs incorporate the foregoing and following paragraphs as if fully rewritten here.

244. This count is asserted against Defendants Talbert and Rinaldi in their respective individual and personal capacities.

245. Talbert was officially charged with investigating, and did investigate, the accusations leveled by Kenny Walker and Ed Gilbert that Wattley and his fellow coaches forced Khalil to eat pork against his religious beliefs. Throughout his investigation, Talbert was in communication with Rinaldi.

246. Talbert and Rinaldi knew that these accusations, if substantiated, would destroy the reputations of these coaches, including by implicating them as antisemites. Talbert and Rinaldi were also aware of a widespread public belief that Plaintiffs had engaged in antisemitic conduct against Khalil.

247. In announcing the results of his official investigation to the public and to the school board members, Talbert represented that this investigation was comprehensive, and that its conclusions were based on facts uncovered in the investigation, including, most pertinently, the testimony of “a number of student-athletes.”

248. Talbert proceeded to announce that the facts uncovered in their investigation supported a finding that the coaches engaged in “inappropriate, demeaning, and divisive behavior” that was so “intolerable” that it required the coaches’ immediate suspension and termination from both their coaching and teaching/administrative positions for “good and just cause.”

249. Talbert also announced that the facts uncovered in the investigation required him to report the coaches both,

- a. to the police for committing the crime of “hazing” Khalil, defined under Ohio Revised Code Section 2903.31 as “coercing another to do any act of initiation into any student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person;” and
- b. to the Ohio Department of Education’s Office of Professional Conduct, for conduct so “unbecoming of the teaching profession” that it warrants suspension or revocation of the coaches’ teaching licenses.

250. In communicating the results of his investigation, Talbert stated that these results were based on evidence showing that the coaches “harassed [Khalil] as a means of punishment,” including by using “discriminatory” comments toward him, “berating and taunting him for having missed a prior

optional conditioning session,” and “continuously forcing him to eat a pizza.” Under Ohio law and widely accepted industry practice and custom, it is well-established that determinations of how to conduct practice and discipline student-athletes are well within the discretion of high-school coaches absent evidence of wanton or willful intent to cause or risk harm. This discretion undoubtedly encompasses a coach’s right to criticize a student athlete’s conduct, including before their peers.

251. Any such effort to discipline or criticize a student-athlete is by definition “demeaning,” and is also “divisive” in that any such effort necessarily requires a comparison between acceptable and unacceptable (or less acceptable) conduct.

252. Thus, Talbert’s conclusion that Plaintiffs engaged in conduct that was so “demeaning” and “divisive” as to be “intolerable,” constituting “harassment,” “good and just cause” for termination, and “conduct unbecoming of the teaching profession,” necessarily implies that Plaintiffs intentionally or wantonly caused or risked harm to Khalil.

253. It is beyond reasonable dispute that asking an underperforming player to rest and eat a portion of a single pizza while his teammates are working out, for a duration of approximately twenty minutes, in an effort to motivate the student with a lesson about teamwork, responsibility, and accountability, in itself evinces no wanton or willful intent to cause or risk harm to the student.

254. Throughout the course of Talbert’s investigation, and in all of his public statements about the same, Talbert had neither discovered nor disclosed evidence sufficient to support a reasonable conclusion that the Plaintiffs did anything to wantonly or willfully cause or risk harm to Khalil.

255. In all of his public statements about his investigation, Talbert did not disclose or refer to any facts suggesting that the accusations that the coaches “forced the player to eat pork against his religious beliefs” were false, despite their discovery and knowledge of such facts as set forth above, including the testimony of Tay’shaun Bandy and David Smith Jr. In all of their public statements about the matter, Talbert and Rinaldi knowingly and deliberately concealed these findings with the

specific intent to defame the Plaintiffs.

256. Talbert specifically reported to Rinaldi and the school board members that there were “religious implications” to the Plaintiffs’ discipline of Khalil on May 24, 2021, despite knowing that this was not true.

257. Talbert drafted various resolutions to terminate the employment of Plaintiffs Wattley, McLeod, and Sweat, which alleged that these plaintiffs had engaged in conduct that violated board rules prohibiting discrimination on the basis of religion. These draft resolutions were sent to the school district board members for consideration.

258. In public hearings, Rinaldi made public statements about these resolutions but intentionally failed to disclose known evidence that proves that Plaintiffs did not engage in any religious discrimination.

259. Despite knowing that the resolutions contained false and defamatory statements otherwise, Rinaldi called the resolutions for a vote, and he and the other school district board members voted to approve the resolutions.

260. In “consider[ation] of the totality of the circumstances” as alleged herein, including “the specific language at issue, whether the statement[s] are] verifiable, the general context of the statement[s], and the broader context[s] in which the statement appeared,”⁴⁴ Talbert’s and Rinaldi’s

⁴⁴ *E. Canton Edn. Assn. v. McIntosh*, 5th Dist. Stark C.A. NO. 96-CA-0293, 1997 Ohio App. LEXIS 3957, at *18 (Aug. 18, 1997), citing *Scott v. News Herald*, (1986) 25 Ohio St. 3d 243, 496 N.E.2d 699 N.E.2d. See also *Mallory v. Ohio Univ.*, 10th Dist. Franklin No. 01AP-278, 2001-Ohio-8762 (“In instances where the author implies that he has such knowledge to support the opinion he expresses, the expression of opinion becomes as damaging as an assertion of fact. ... The reader or listener ... would be left with the impression that incriminating facts existed, generated by the [university’s] investigation] and known to [defendant], which were sufficient to prove plaintiff’s guilt. Accordingly, the immediate context of the statement indicates that [defendant] intended to convey factual information.”); *Mauk v. Brundage*, 68 Ohio St. 89, 100, 67 N.E. 152 (1903) (jury properly instructed as to “the influence the defendants may have had in the community, and the importance which the people of the community would naturally attach to their [allegedly defamatory] utterances”); *Mehta v. Ohio Univ.*, 194 Ohio App.3d 844, 2011-Ohio-3484, 958 N.E.2d 598, 45 (10th Dist.) (“[I]t is

statements as summarized herein, constitute intentionally malicious, knowingly false, and independently actionable defamatory statements of fact, that

- a. Plaintiffs forced Khalil to eat pork, with the knowing and specific intent to violate his

reasonable to assume that a university's issuance of a press release in response to allegations of plagiarism would not be taken lightly. It is equally assumable that such a release would be carefully and deliberately crafted, rather than hastily thrown together. Finally, it is reasonable to assume that a university would refrain from issuing unfounded accusations and conclusions. We believe that all of these considerations would signify to the reasonable reader that what is being conveyed in the statements is factual. The broader context of the statements weighs in favor of actionability.”); *Clarkwestern Dietrich Bldg. Sys., LLC v. Certified Steel Stud Assn.*, 12th Dist. Butler No. CA2016-06-113, 2017-Ohio-2713, 17 (“Commentary that is apparently based on actual facts and points out implications, rather than making a personal prediction or hyperbolic characterization, may leave the impression in the mind of a reasonable person that such statements speak to the truth of the matter, not merely the author’s opinion.”); *Stresen-Reuter v. Hull*, 6th Dist. Sandusky No. S-89-27, 1990 Ohio App. LEXIS 3213, *14-15 (Aug. 3, 1990), citing *Scott v. News-Herald* (1986), 25 Ohio St. 3d 243, 251, 496 N.E.2d 699. (“It is a question of fact whether statements couched as opinion contain implications of factual assertions which are actionable.”); *Early v. Toledo Blade*, 130 Ohio App.3d 302, 322, 720 N.E.2d 107 (6th Dist.1998) (a report is “substantially true” only if it “conveys the essence of the [truth] to the ordinary reader, without misleading the reader by the inclusion of inaccurate ... information or the exclusion of relevant information”); *Sabino v. WOIO, L.L.C.*, 2016-Ohio-491, 56 N.E.3d 368, 52 (8th Dist.) (“A court should consider not only the plain text of the publication, but also the composition of the story; its syntax and context; its timing; the prominence the [publication was] accorded; the neutral, positive or negative thrust of the [publication]; material factual omissions or distortions; the image of the subject that the publication seeks to project and all other facts that may reflect upon the [defendant’s] intent and purpose to publicly disseminate the information of the [publication] in controversy.”); *Nazeri v. Missouri Valley College*, 860 S.W.2d 303 (Missouri App. 1993) (“Respondents contend that the allegations dealing with appellant’s performance of her job are constitutionally protected as comments upon the motives and conduct of a public official. Criticism of official conduct is protected by the requirement to plead and prove actual malice. It is not, however, immune from liability.”); *Gosden v. Louis*, 116 Ohio App.3d 195, 207, 687 N.E.2d 481 (9th Dist. 1996), citing *Becker v. Toulmin*, 165 Ohio St. 549, 553, 138 N.E.2d 391 (1956) (statements which “affect[] [plaintiffs] injuriously in [their] trade or profession [] constitute libel per se”); *Murray v. Knight-Ridder, Inc.*, 2004-Ohio-821, 45, 2004 Ohio App. LEXIS 763, at *23-24, 32 Media L. Rep. 2168 (7th Dist.) (“Reading all three statements in light of one another only serves to further reinforce the notion of [defendant’s] dishonesty.”); *Getchell v. Merchant Tailors’ Exchange*, 11 Ohio Dec.Rep. 390, 233 (Super.Ct.1891), quoting *Commonwealth v. Child*, 30 Mass. 198, 13 Pick. 198, 206 (“The law cannot be eluded by any of the artful and disguised modes in which men attempt to conceal treasonable or libellous and slanderous meanings and designs. That if, in truth, language is published and circulated with intent to slander and defame others, though such intent is artfully concealed by the use of ambiguous technical or conventional terms or cant phrases, or in any other of the thousand forms in which malice attempts to disguise itself ... the jury are not to shut their eyes to that which all the rest of mankind can see and know and understand.”).

religious beliefs.

- b. Plaintiffs made “discriminatory” comments against Khalil at the May 24 workout;
- c. Plaintiffs wantonly or intentionally caused or risked substantial harm to Khalil by “continuously forcing him to eat a pizza.”
- d. Plaintiffs wantonly or intentionally caused or risked substantial harm to Khalil by “harassing,” “berating,” and “taunting” him “for having missed a prior optional conditioning session.”
- e. Plaintiffs engaged in conduct sufficient to warrant an investigation as to whether they are guilty of the crime of “hazing” under Ohio law.

261. These are statements of fact that were demonstrably false, and Talbert and Rinaldi knew of the falsity of these statements, or had serious doubts as to their truth, at all times when they made these statements and repeatedly ratified them.

262. By these statements, Talbert and Rinaldi intended to imply and did in fact imply that Plaintiffs engaged in criminal activity and religious discrimination and did so despite their knowledge that Plaintiffs engaged in no such activity.

263. Talbert’s and Rinaldi’s defamation of the coaches led the Board to terminate Plaintiffs’ employment and contracts with the School District.

264. Talbert’s and Rinaldi’s statements were intended to and have reflected upon Plaintiffs’ characters by bringing them into ridicule, hatred, or contempt, and were intended to and have affected them injuriously in their trade or profession. Thus, Talbert’s and Rinaldi’s statements constitute defamation *per se*, or, in the alternative, defamation *per quod*.

265. As a result of Talbert’s and Rinaldi’s publication of their false and defamatory statements to the public and to the members of the Board for the School District, Plaintiffs’ personal and professional reputations have been destroyed, and they have all suffered economic damages in the

form of lost wages and earning capacity, as well as serious mental distress, pain, and anguish.

266. This Count 1 for defamation was previously asserted by Plaintiffs against Defendants Talbert and Rinaldi in the Prior Case and was voluntarily dismissed by Plaintiffs (along with all other claims against all parties) on January 18, 2023, pursuant to Civ.R. 41(A)(1)(a). Thus, because this cause of action failed otherwise than on the merits, R.C. 2305.19(A) is applicable to this cause of action, making it timely filed.

**Count Two: False Light Invasion of Privacy
Defendants Talbert and Rinaldi**

267. Plaintiffs incorporate the foregoing paragraphs as if fully rewritten here.

268. This count is asserted against Defendants Talbert and Rinaldi in their respective individual and personal capacities.

269. Ohio recognized a tort for false light invasion of privacy in *Welling v. Weinfield*, 113 Ohio St.3d 464, 2007-Ohio-2451, 866 N.E.2d 1051, ¶ 1, ¶ 61, the necessary elements of which are established by the allegations set forth in the above Count One and incorporated by reference.

270. Talbert and Rinaldi knew that their statements would damage Plaintiffs by painting them in a false and extremely negative light, but chose to publish the statements anyway.

271. As a result of Talbert's and Rinaldi's publication of these false and defamatory statements, Plaintiffs' personal and professional reputations have been destroyed, and they have all suffered economic damages in the form of lost wages and earning capacity, as well as serious mental distress, pain, and anguish.

272. This Count 2 for false light invasion of privacy was previously asserted by Plaintiffs against Defendants Talbert and Rinaldi in the Prior Case and was voluntarily dismissed by Plaintiffs (along with all other claims against all parties) on January 18, 2023, pursuant to Civ.R. 41(A)(1)(a). Thus, because this cause of action failed otherwise than on the merits, R.C. 2305.19(A) is applicable to this cause of action, making it timely filed.

Count Three: Civil Conspiracy
Defendants Talbert and Rinaldi

273. Plaintiffs incorporate the foregoing paragraphs as if fully rewritten here.

274. This count is asserted against Defendants Talbert and Rinaldi in their respective individual and personal capacities.

275. Throughout Talbert's investigation of Plaintiffs, Talbert was in regular communication with Rinaldi. Rinaldi and Talbert were both aware that there was a widespread public misperception that Plaintiffs had engaged in antisemitic and otherwise abusive or harassing behavior toward Khalil. Rinaldi and Talbert together conspired to perpetuate the false and defamatory characterization of Plaintiffs that was incorrectly held by the public and resolved not to contradict that narrative with evidence or public statements.

276. Talbert and Rinaldi had a predetermined goal to terminate Plaintiffs' existing employment and contracts with the school district, and they agreed to limit the scope of Talbert's investigation of the May 24 incident and intentionally steered the investigation in a manner that would create a defamatory impression of the coaches (*i.e.* that Plaintiffs had mistreated Khalil and engaged in religious discrimination against Khalil). To that end, Talbert and Rinaldi intentionally refused to consider relevant evidence and prematurely ended the investigation to avoid uncovering the truth of the matter.

277. Talbert's and Rinaldi's unlawful conspiracy to defame Plaintiffs was intended to and has injured Plaintiffs' characters by bringing them into public ridicule, hatred, or contempt, and was intended to and has affected them injuriously in their trade or profession.

278. As a result of Talbert's and Rinaldi's conspiracy to defame Plaintiffs, Plaintiffs' personal and professional reputations have been destroyed, and they have all suffered economic damages in the form of lost wages and earning capacity, as well as serious mental distress, pain, and anguish.

279. This Count 3 for civil conspiracy is substantially the same and is based upon the same factual

occurrences that give rise to Plaintiffs' claims of defamation and false light invasion of privacy that Plaintiffs previously asserted by Prior Case and which were voluntarily dismissed by Plaintiffs (along with all other claims against all parties) on January 18, 2023, pursuant to Civ.R. 41(A)(1)(a). Thus, R.C. 2305.19(A) is applicable to this cause of action, making it timely brought. *See, e.g., Cleveland Indus. Square, Inc. v. Džina*, 8th Dist. Cuyahoga Nos. 85336, 85337, 85422, 85423, 85441, 2006-Ohio-1095, ¶ 46; *Sutton v. Shenise*, C.P. No. CV 2013-08-3843, 2015 Ohio Misc. LEXIS 24411, at *3-5 (Dec. 9, 2015) (finding civil conspiracy claim "saved" under the savings statute as the "essential character" of the claim was the same as claims previously brought in a previously filed complaint).

Count Four: Spoliation of Evidence
Defendants Talbert, Rinaldi and Humphrey

280. Plaintiff incorporates the previous allegations by reference.

281. The allegations set forth herein, if proven, establish Plaintiffs' right to recover against Defendants Talbert, Rinaldi and Humphrey on a claim for spoliation of evidence under Ohio law.

282. As alleged herein, Talbert, Rinaldi and Humphrey knew there would be pending or probable litigation involving Plaintiffs.

283. As alleged herein, Humphrey, either on his own, or at the direction of Talbert and/or Rinaldi willfully allowed relevant surveillance video to be overwritten without making any effort to preserve it. Instead, Humphrey preserved only one camera angle, which he saw had failed to record a critical 2-minute portion of Plaintiffs' interaction with Khalil immediately after the May 24 disciplinary incident. Humphrey also intentionally chose to not preserve video footage from an outdoor camera that would have shown Khalil's continued interactions with the Plaintiffs immediately after the disciplinary incident. This intentional neglect allowed the relevant video evidence to be overwritten and destroyed. This action was taken deliberately to eliminate relevant evidence that would have helped the Plaintiffs in anticipated litigation.

284. Talbert, Rinaldi and Humphrey's wrongful destruction of relevant evidence proximately

caused Plaintiffs to suffer damages, including but not limited to the need to incur additional costs, burden, and mental anguish in defending themselves against false claims that they had engaged in any wrongdoing that would exceed their well-established and commonly understood discretion as football coaches.

**Count Five: Defamation
Defendant Grimsley**

285. Plaintiffs incorporate the foregoing and following paragraphs as if fully rewritten here.

286. This count is asserted against Defendant Josh Grimsley in his individual and personal capacity.

287. Despite having witnessed and participated in the entirety of May 24 training session, and having done nothing to intervene in the alleged misconduct against K.W., Grimsley proceeded to engage in a series of text messages and phone calls with K.W.'s and his father, Defendant Kenny Walker, to misrepresent the pizza incident as abusive, and suggested they hire a lawyer to threaten a lawsuit over it.

288. Grimsley engaged in these conversations with the specific intent to have Wattley and the other Plaintiffs removed from their positions as McKinley's football coaches.

289. After Walker and his attorney Ed Gilbert then came forward with the wild and extremely damaging accusations that the Plaintiffs forced K.W. to eat pork against his religious beliefs, Grimsley piled on by continuing to intentionally defame the coaches in his continued effort to have them removed from their positions. Specifically, as reported in a June 21 report by Ms. Weir in the Repository, and as admitted by Grimsley at his deposition, he told district officials in their investigation that "he heard coaches [specifically Thatcher] yell at [K.W.], 'you'll eat the (expletive) pepperoni.'"⁴⁵

⁴⁵ Kelli Weir, "Canton superintendent: Ex-McKinley football coaches should be fired from noncoaching jobs," CANTON REPOSITORY (June 24, 2021),

290. Grimsley knew, as has been confirmed by numerous eyewitnesses as set forth herein, that not only did the coaches not force Khalil to “eat the (expletive) pepperoni,” but that they offered him chicken as an alternative, and that Khalil chose instead to pick the cheese and pepperoni off of the pizza before eating a portion of it.

291. Grimsley has nevertheless maintained his false accusation that the coaches forced Khalil to eat the pepperoni, because he knew that that particular accusation, if substantiated, would destroy the reputations of his fellow coaches, including by implicating them as anti-Semites, thus ensuring their termination.

292. Grimsley did not believe he would ever be terminated from his own coaching position as a result of his counterfeit “whistleblowing,” and likely would not have been terminated had the undersigned counsel for Plaintiffs not specifically mentioned Grimsley’s ulterior motives in the initial phone call with the district Defendants’ attorney Ms. Perrico on June 3. In the wake of that phone call, Talbert, Rinaldi, and the other school-board members apparently came to believe they would be more likely to get away with their smear campaign by making Grimsley a collateral casualty.

293. Grimsley’s statements to Walker and the district constitute intentionally malicious, knowingly false, and independently actionable defamatory statements of fact that Plaintiffs forced Khalil to eat pork, and did so in a manner that wantonly or intentionally caused or risked substantial harm to Khalil

294. These are statements of fact that were demonstrably false, and Grimsley knew of the falsity of these statements, or had serious doubts as to their truth, at all times when he made these statements.

<https://www.cantonrep.com/story/news/2021/06/24/canton-superintendent-jeff-talbert-says-mckinley-coaches-should-fired-day-jobs/5311668001/>

295. In all of his public statements about this matter, Grimsley has not disclosed or referred to any facts suggesting that his accusations were false, despite his discovery and knowledge of such facts as set forth above.

296. By these statements, Grimsley intended to imply and did in fact imply that Plaintiffs engaged in criminal activity, and did so despite their knowledge that Plaintiffs engaged in no such activity.

297. These statements were intended to and have reflected upon Plaintiffs' character by bringing them into ridicule, hatred, or contempt, and were intended to and have affected them injuriously in their trade or profession. Thus, Grimsley's statements constitute defamation *per se*, or, in the alternative, defamation *per quod*.

298. As a result of Grimsley's publication of these false and defamatory statements, Plaintiffs' personal and professional reputations have been destroyed, and they have all suffered economic damages in the form of lost wages and earning capacity, as well as serious mental distress, pain, and anguish.

299. This Count 5 for defamation was previously asserted by Plaintiffs against Defendants Gilbert, Kenny Walker, and Khalil Walker in the Prior Case and was voluntarily dismissed by Plaintiffs (along with all other claims against all parties) on January 18, 2023, pursuant to Civ.R. 41(A)(1)(a). Thus, because this cause of action failed otherwise than on the merits, R.C. 2305.19(A) is applicable to this cause of action, making it timely filed.

**Count Six: False Light Invasion of Privacy
Defendant Grimsley**

300. Plaintiffs incorporate the foregoing paragraphs as if fully rewritten here.

301. This count is asserted against Grimsley in his individual and personal capacity.

302. Ohio recognized a tort for false light invasion of privacy in *Welling v. Weinfield*, 113 Ohio St.3d 464, 2007-Ohio-2451, 866 N.E.2d 1051, ¶ 1, ¶ 61, the necessary elements of which are established by the allegations set forth in the above Count Three and incorporated by reference.

303. Grimsley knew his statements would damage Plaintiffs by painting them in a false and extremely negative light, and chose to publish the statements anyway.

304. As a result of Grimsley's publication of these false and defamatory statements, Plaintiffs' personal and professional reputations have been destroyed, and they have all suffered economic damages in the form of lost wages and earning capacity, as well as serious mental distress, pain, and anguish.

305. This Count 6 for false light invasion of privacy was previously asserted by Plaintiffs against Defendant Grimsley in the Prior Case and was voluntarily dismissed by Plaintiffs (along with all other claims against all parties) on January 18, 2023, pursuant to Civ.R. 41(A)(1)(a). Thus, because this cause of action failed otherwise than on the merits, R.C. 2305.19(A) is applicable to this cause of action, making it timely filed.

**Count Seven: Tortious Interference
Defendant Grimsley**

306. Plaintiffs incorporate the foregoing paragraphs as if fully rewritten here.

307. This count is asserted against Defendant Grimsley in his individual and personal capacity.

308. Grimsley was aware that Plaintiffs were employed by the school district and that certain of the Plaintiffs had written employment contracts with the school district.

309. Grimsley, without any privilege, intentionally interfered with Plaintiffs' contracts and/or employment relationships with the school district by encouraging Khalil and his father Kenny to misrepresent the pizza incident as abusive and encouraging them to complain about the incident to the School District so as to get Wattley and the other coaches fired.

310. Plaintiffs' various contracts and employment relationships with the School District were terminated as a proximate result of Grimsley's tortious interference.

**Count Eight: Defamation
Defendants Gilbert, Kenny Walker, and Khalil Walker**

311. Plaintiffs incorporate the foregoing paragraphs as if fully rewritten here.

312. This count is asserted against Defendants Gilbert, Kenny Walker, and Khalil Walker in their respective individual and personal capacities.

313. As alleged in this complaint, Defendants Gilbert, Kenny Walker, and Khalil Walker have intentionally and maliciously caused the widespread publication of false and extremely defamatory accusations against the Plaintiffs, including the following independently actionable defamatory statements of fact:

- a. Plaintiffs forced Khalil to eat pork, with the knowing and specific intent to violate his religious beliefs;
- b. Plaintiffs “knew of [Khalil’s] beliefs and wanted to punish him,” so ordered him to eat the pepperoni pizza “intentionally” as “a punitive act,” “designed to psychologically injure [Khalil]”
- c. Plaintiffs forced Khalil to eat an entire pepperoni pizza, and did so in a manner that wantonly or intentionally caused or risked substantial harm to Khalil, including harm that “may affect [Khalil] for life.”
- d. Plaintiffs engaged in conduct sufficient to support a finding that they committed an “anti-Semitic” federal “hate crime” against Khalil,

314. These are statements of fact that were demonstrably false, and Gilbert, Kenny Walker, and Khalil Walker knew of the falsity of these statements, or had serious doubts as to their truth, at all times when they made these statements.

315. Gilbert, Kenny Walker, and Khalil Walker knew that these statements would destroy the reputations of these coaches, including by implicating them as anti-Semites. Indeed, Gilbert specifically called Wattley “an ignorant African-American anti-Semite.”

316. Khalil approved the statements made by Gilbert and Kenny Walker and aided and abetted

their publication. In all of their public statements about this matter, Gilbert and Kenny Walker have not disclosed or referred to any facts suggesting that their accusations were false, despite their discovery and knowledge of such facts as set forth above.

317. By these statements, Gilbert, Kenny Walker, and Khalil Walker intended to imply and did in fact imply that Plaintiffs engaged in criminal activity, and did so despite their knowledge that Plaintiffs engaged in no such activity.

318. These statements were intended to and have reflected upon Plaintiffs' character by bringing them into ridicule, hatred, or contempt, and were intended to and have affected them injuriously in their trade or profession. Thus, Gilbert's statements constitute defamation *per se*, or, in the alternative, defamation *per quod*.

319. Defendants Kenny Walker and Khalil Walker both made and authorized Gilbert, to make the false and defamatory statements alleged herein, despite their knowledge that the statements were false. As such, Defendants Kenny Walker and Khalil Walker are jointly and severally liable for all of Gilbert's malicious and defamatory statements.

320. As a result of Gilbert, Kenny Walker, and Khalil Walker's publication of these false and defamatory statements, Plaintiffs' personal and professional reputations have been destroyed, and they have all suffered economic damages in the form of lost wages and earning capacity, as well as serious mental distress, pain, and anguish.

321. These defendants' statements are not privileged because they were not made in a court proceeding, were entirely lacking in factual foundation, and were made in bad faith, with knowledge of their falsity.

322. This Count 8 for defamation was previously asserted by Plaintiffs against Defendants Gilbert, Kenny Walker, and Khalil Walker in the Prior Case and was voluntarily dismissed by Plaintiffs (along with all other claims against all parties) on January 18, 2023, pursuant to Civ.R.

41(A)(1)(a). Thus, because this cause of action failed otherwise than on the merits, R.C. 2305.19(A) is applicable to this cause of action, making it timely filed.

Count Nine: False Light Invasion of Privacy
Defendants Gilbert, Kenny Walker, and Khalil Walker

323. Plaintiffs incorporate the foregoing paragraphs as if fully rewritten here.

324. This count is asserted against Defendants Gilbert, Kenny Walker, and Khalil Walker in their respective individual and personal capacities.

325. Ohio recognized a tort for false light invasion of privacy in *Welling v. Weinfield*, 113 Ohio St.3d 464, 2007-Ohio-2451, 866 N.E.2d 1051, ¶ 1, ¶ 61, the necessary elements of which are established by the allegations set forth in the above Count Five and incorporated by reference.

326. Gilbert, Kenny Walker, and Khalil Walker knew their statements would damage Plaintiffs by painting them in a false and extremely negative light, and chose to publish the statements anyway.

327. As a result of Gilbert's and Kenny Walker's publication of these false and defamatory statements, Plaintiffs' personal and professional reputations have been destroyed, and they have all suffered economic damages in the form of lost wages and earning capacity, as well as serious mental distress, pain, and anguish.

328. Khalil approved the statements made by Gilbert and Kenny Walker and aided and abetted their publication to the public. Defendants' statements are not privileged because they were not made in a court proceeding, were entirely lacking in factual foundation, and were made in bad faith, with knowledge of their falsity.

329. This Count 9 for false light invasion of privacy was previously asserted by Plaintiffs against Defendants Gilbert, Kenny Walker, and Khalil Walker in the Prior Case and was voluntarily dismissed by Plaintiffs (along with all other claims against all parties) on January 18, 2023, pursuant to Civ.R. 41(A)(1)(a). Thus, because this cause of action failed otherwise than on the merits, R.C. 2305.19(A) is applicable to this cause of action, making it timely filed.

V. Prayer for Relief

Wherefore, Plaintiffs demand compensatory damages against the Defendants, jointly and severally, in excess of \$25,000, together with punitive damages, attorneys' fees, costs, expenses, and any other relief to which Plaintiffs may be entitled or that the Court deems equitable and just.

VI. Jury Demand

Plaintiffs demand a trial by jury on all issues within the Complaint.

Respectfully Submitted,



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Certificate of Service

On November 15, 2023, this document was filed with the Court and emailed to counsel for Defendants Talbert and Rinaldi (kperrico@westonhurd.com, scooper@westonhurd.com, mfair@westonhurd.com); Defendant Grimsley (mshoemaker@ffalaw.com; bfreeze@ffalaw.com), Defendant Gilbert (jason@wintertrimacco.com, courtney@wintertrimacco.com), Defendants Walker and K.W. (hwilson@reminger.com), and Defendant Humphrey (cgp@pelini-law.com).


Attorney for Plaintiffs