UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

JANE DOE,	§	
	§	
Plaintiff,	§	
vs.	§	**CIVIL ACTION NO. 4:25-CV-00859-O**
	§	
AZLE INDEPENDENT SCHOOL DISTRICT, SUPERINTENDENT TODD SMITH, REBECCA SPURLOCK, and CARLOS ALBERTO FONT SANTIAGO	§	
	§	
Defendants.	§	

DEFENDANT REBECCA SPURLOCK'S MOTION TO DISMISS PLAINTIFF'S ORIGINAL COMPLAINT & BRIEF

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Defendant Rebecca Spurlock ("Defendant" or "Ms. Spurlock") and, pursuant to Federal Rule of Civil Procedure 12(b)(6), files this her Motion to Dismiss Plaintiff's Original Complaint & Brief[1] and respectfully shows:

I.
SUMMARY

Plaintiff's Fourteenth Amendment Right to Bodily Integrity and Equal Protection Claim brought under 42 U.S.C. §1983 against Ms. Spurlock should be dismissed because Plaintiff fails to allege facts sufficient to state a claim against Ms. Spurlock and she is entitled to qualified immunity.

[1] Pursuant to Federal Rule of Civil Procedure 12(a)(4), the Defendant is not required to file an answer until fourteen (14) days after the Court rules on a motion filed pursuant to Rule 12. *See Smith v. General Motors, LLC*, No. 4:23-cv-00379-O-BP, 2023 WL 4849442, *1 (N.D. Tex. July 7, 2023) (citing *Talbot v. Sentinel Ins. Co., Ltd.*, No. 2:11-cv-01766-KJD-CWH, 2012 WL 1068763, at *4 (D. Nev. Mar. 29, 2012) ("collecting cases holding that partial motion to dismiss tolls the time to respond under Rule 12(a)(4)"). This extension applies regardless of whether the motion relates to some or all of the claims alleged in Plaintiff's complaint. *See* CHARLES ALAN WRIGHT & ARTHUR R. MILLER, 5B FED. PRAC. & PROC. CIV. 3D § 1346 (West 2006).

II.
TABLE OF CONTENTS

III.
TABLE OF AUTHORITIES

Page(s)

CASES

RULES

OTHER AUTHORITIES

IV.
BACKGROUND

A. Procedural Background

1. On August 11, 2025, Plaintiff filed her Original Complaint. Dkt.1.

2. On August 29, 2025, Defendants filed their Unopposed Motion to Extend Time to File Answers or Other Responsive Pleadings. Dkt. 6. On September 2, 2025, the Court entered an Order Granting Defendants' Motion and granting Defendants until September 30, 2025 to file their respective Answers or Other Responsive Pleadings. Dkt. 7.

B. Plaintiff's Allegations Against Ms. Spurlock[2]

3. Plaintiff alleges that at all relevant times, Ms. Spurlock was the Athletic Director of Azle High School. Dkt. 1, ¶6.

4. Plaintiff alleges that in August 2020, AISD hired 27-year-old newlywed, Defendant Font Santiago as a Spanish teacher and assistant coach of the girls' volleyball and basketball teams. *Id.*, ¶¶10-11.

5. Plaintiff alleges that she first met Font Santiago in September or October of 2021 at her first basketball practices of the 2021-2022 school year. *Id.*, ¶12. She was a 16-year-old sophomore on the junior varsity basketball team. Plaintiff alleges that at the time, Font Santiago was an assistant coach for the girls' junior varsity basketball and volleyball teams. *Id.*

6. Plaintiff alleges that Font Santiago began grooming her and that by October or November of 2021 their relationship had progressed to sexual assault and abuse. *Id.*, ¶¶14-16.

7. Plaintiff alleges that she sent Font Santiago a Snapchat friend request as a joke with friends, thinking he would never accept "because to do so would violate the high school's policy

[2] Because this is a Rule 12(b)(6) motion to dismiss, the Court must accept as true all well-pleaded facts in Plaintiff's Complaint. Defendant accepts as true the well-pleaded facts in Plaintiff's Complaint *only* for the purposes of this Motion to Dismiss and does not admit to them for any other purpose.

prohibiting educators from privately communicating with students through social media or other electronic devices until the student had graduated." *Id.*, ¶18. Plaintiff alleges she was surprised when Font Santiago quickly accepted her friend request. *Id.*

8. Plaintiff alleges she and Font Santiago communicated via Snapchat and other electronic formats throughout the day from about October or November of 2021 and continuing through mid-spring of 2023, Plaintiff's junior year. *Id.*, ¶19. Plaintiff alleges that she saved some of the "Snaps." *Id.* ¶¶21, 27.

9. Plaintiff alleges that was not a student in any of Font Santiago's classes but he "often provided her with a written hall pass to excuse her tardiness to her classes after she had spent time conversing with him in the hallway between classes." *Id.*, ¶24. Plaintiff alleges that she received a "patently excessive number of hall passes from Font Santiago" from October 2021 through the end of the 2021-22 school year. *Id.* Plaintiff alleges she was not questioned by teachers or administrators about the hall passes. *Id.*

10. Plaintiff alleges that she and other students frequently went to Font Santiago's classroom during lunch periods. *Id.*, ¶25.

11. Plaintiff alleges that after spring break of her sophomore year, she and several other students obtained permission to go to Font Santiago's classroom three to four times per week for the last 15-20 minutes of class time while he was teaching a Spanish class. *Id.*, ¶26.

12. Plaintiff alleges that beginning in October or November of 2021, and continuing though the end of May 2022, she met with Font Santiago at least three times per week in his empty classroom during seventh period to engage in sexual activity, while Font Santiago locked the classroom door and covered the window. *Id.*, ¶29. Plaintiff would ask for her teacher, Hopkins' permission to use the restroom and would be gone for approximately 30 minutes. *Id.*, ¶31. Plaintiff

alleges that Hopkins did not investigate Plaintiff's restroom breaks or take any action to stop her restroom breaks. *Id.*, ¶34. The Complaint indicates that Hopkins did not report Plaintiff's excessive absences and restroom breaks to Ms. Spurlock or any administrator. *Id.*

13. Plaintiff alleges that her illegal sexual activity with Font Santiago only occurred in his classroom during seventh period while she would take restroom breaks, and that they never engaged in sexual activity elsewhere. *Id.*, ¶33.

14. Plaintiff alleges that in the fall of 2022, Plaintiff's junior year, Font Santiago was no longer assistant coach for the girls' basketball team, but only for the girls' volleyball team. *Id.* ¶36.

15. Plaintiff alleges, upon information and belief, that "in early 2022," head girls' basketball coach Mitzi Marquardt and assistant coach Bert Trevino summoned Font Santiago for a meeting "to discuss his conduct around female students." *Id.*, ¶37. Plaintiff alleges "Marquardt cautioned him that, among other things, he needed to keep a safe distance from the female students due to his relatively young age." *Id.*

16. Plaintiff alleges, upon information and belief, that Font Santiago then met with Ms. Spurlock. *Id.*, ¶38. Plaintiff alleges that Font Santiago "attempted to get Marquardt and Trevino fired for accusing him of inappropriate conduct with female students." *Id.*

17. Plaintiff alleges that Ms. Spurlock then met with Marquardt to discuss the matter. *Id.* Plaintiff alleges that Ms. Spurlock did not take other action against Font Santiago after these meetings, such as reporting Marquardt's concerns to other officials, the AHS Principal, HR, or security personnel. *Id.*

18. Plaintiff alleges that during this same time frame, "the coaches" then had a meeting with the girls' basketball team, wherein "Head Coach Marquardt cautioned the students that there

had been reports of team members going into the classrooms of teachers other than their own during the school day, and that they must remain in their assigned classrooms." *Id.*, ¶39.

19. Plaintiff alleges that Ms. Spurlock allowed Font Santiago to continue in his position as assistant junior varsity girls' basketball coach for the remainder of the 2022 basketball season. *Id.*, ¶40.

20. Plaintiff alleges that in the fall of 2022, Font Santiago no longer coached the girls' basketball team but continued to coach girls' volleyball and later began coaching girls' softball. *Id.*, ¶41. Plaintiff alleges for the 2024-25 school year, the year after Plaintiff graduated, Font Santiago was promoted to head coach of the girls' softball team. *Id.*

21. Plaintiff alleges that she and Font Santiago continued to engage in inappropriate electronic communications through the 2022 summer break, and then the relationship ended in August 2022 when Kyndall Font, Font Santiago's spouse, was hired as an Athletic Trainer at AHS. *Id.*, ¶¶43-45. Except for one last physical contact incident the week before Thanksgiving, 2022, when, after obtaining leave from her Peer Helpers class to use the restroom, Plaintiff went to Font Santiago's athletic office where the two kissed. *Id.*, ¶¶43-45.

22. Plaintiff alleges that they continued to engage in texting and messaging of a sexual nature into the spring semester of 2023, though their physical relationship had ended. *Id.*, ¶47.

23. Plaintiff alleges she ended her relationship with Font Santiago between March and May, 2023, when she developed a romantic relationship with a different young man. *Id.*, ¶48.

24. Plaintiff graduated in May, 2024. *Id.*, ¶49.

25. Plaintiff alleges that on April 17, 2025, another female student alleged that she received inappropriate messages from Font Santiago via SportsYou, an application for coaches and groups to organize and communicate with their teams. *Id.* Plaintiff alleges that upon

information and belief, the student also reported that Font Santiago took her mobile phone and attempted to add himself as a connection on her Snapchat. *Id.*

26. Plaintiff alleges that on April 17 a parent associated with the AHS girls' athletics booster, told Plaintiff that the other student reported on Font Santiago that morning and also "that the AHS administration was aware of the relationship between Font Santiago and Doe." *Id.*, ¶50. Plaintiff alleges this same parent told Plaintiff that she, the parent, "long suspected that there was something going on between Doe and Font Santiago." *Id.*, ¶51. This parent told Plaintiff that, when she knew Plaintiff's parents would be out of town, the parent followed Plaintiff to her home after a softball game to make sure Font Santiago did not come to her home. *Id.*, ¶51. Plaintiff does not allege that this parent ever revealed this information to Ms. Spurlock or any other Azle ISD administrator.

27. Plaintiff alleges that on April 17, 2025, upon learning of the current student's report, Plaintiff revealed her sexual abuse to her boyfriend and parents for the first time. *Id.*, ¶52.

28. Plaintiff alleges that, on April 17, 2025, Plaintiff and her parents went to the Azle Police Department (APD) and filed a police report on Font Santiago. *Id.*, ¶53.

29. Plaintiff alleges that on April 17, 2025, the APD arrested Font Santiago and charged him with a felony for Improper Relationship Between Educator and Student. *Id.*, ¶55. Plaintiff alleges he was also charged with Sexual Assault of a Child. *Id.* Plaintiff's Complaint refers to an April 18, 2025 news release from the APD regarding the arrest of Font Santiago. *Id.*, ¶56.

30. Plaintiff alleges that Azle ISD received the current student's report the morning of April 17. *Id.*, ¶57. Plaintiff alleges that Azle ISD learned that afternoon that Plaintiff had filed a police report against Font Santiago that same day. *Id.* Plaintiff does not allege who at Azle ISD

allegedly learned of the report, what information Azle ISD received, or what instruction Azle ISD was given by the APD. Plaintiff does not allege that she or her parents reported to Azle ISD.

31. Plaintiff alleges that Azle ISD allowed Font Santiago to coach a girls' softball game that evening. *Id.*

32. Plaintiff alleges that on April 21, 2025, a current Azle ISD student and softball team member gave a speech during the public comment period of a meeting of the Azle ISD board of directors, wherein she asked why Font Santiago had been allowed to stay on the game field that night and stated "you let him hang one more thing over our head that night." *Id.*, ¶58.

C. Plaintiff's Cause of Action Against Ms. Spurlock

33. Plaintiff sues Ms. Spurlock in her individual capacity.

34. Plaintiff alleges that Spurlock was Font Santiago's supervisor. *Id.*, ¶81. Plaintiff alleges that she deprived Plaintiff of her Fourteenth Amendment right to bodily integrity and equal protection of the laws. *Id.* Plaintiff alleges Spurlock demonstrated conscious indifference "when she had reports, complaints, and observable warning signs indicating a pattern of abuse," but "covered up reports" about Font Santiago and allowed him to continue coaching. *Id.*

35. Plaintiff alleges a Title IX claim against Azle ISD. *Id.*, ¶¶62-74.

VI.
ARGUMENTS & AUTHORITIES

A. Motion to Dismiss Standard Under Rule 12(b)(6).

To survive a Rule 12(b)(6) motion to dismiss, a plaintiff must plead sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.[3] A formulaic recitation of the elements of a cause of action will not suffice.[4] In deciding a Rule 12(b)(6) motion, the court

[3] *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009); *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007).
[4] *Id.*

does not, "presume true a number of categories of statements, including legal conclusions; mere labels; threadbare recitals of the elements of a cause of action; conclusory statements; and naked assertions devoid of further factual enhancement."[5] The Court need only accept as true the "well pleaded" facts; and to be "well pleaded," a complaint must state specific facts to support the claim, not merely conclusions and unwarranted factual deductions.[6] A court is not bound to accept legal conclusions couched as factual allegations.[7] A conclusory allegation is one which lacks factual support.[8] The Court should dismiss a complaint if it lacks an allegation regarding an element of a cause of action.[9]

B. <u>The Qualified Immunity Standard.</u>

"A plaintiff must plead factual allegations that, if true, raise the right to relief above the speculative level, meaning that the relief is plausible, not merely possible."[10] "Although nominally an affirmative defense, the plaintiff has the burden to negate the assertion of qualified immunity once properly raised."[11] Qualified immunity "adds a wrinkle" to §1983 pleadings.[12] "'A plaintiff seeking to overcome qualified immunity must plead specific facts that both allow the court to draw the reasonable inference that the defendant is liable for the harm he has alleged and that defeat a qualified immunity defense with equal specificity.'"[13] Public officials sued in their individual

[5] *Harmon v. City of Arlington*, 16 F.4th 1159, 1162-63 (5th Cir. 2021) (citing *Morgan v. Swanson*, 659 F.3d 359, 370 (5th Cir. 2011) (en banc)); *Gentilello v. Rege*, 627 F.3d 540, 544 (5th Cir. 2010).
[6] *Tuchman v. DSC Comms. Corp.*, 14 F.3d 1061, 1067 (5th Cir. 1994); *Fee v. Herndon*, 900 F.2d 804, 807 (5th Cir. 1990).
[7] *Papasan v. Allain*, 478 U.S. 265, 286 (1986); *Iqbal*, 556 U.S. at 679; *Tuchman*, 14 F.3d at 1067 (Plaintiff must plead "specific facts, not merely conclusory allegations."); *Lormand v. US Unwired, Inc*., 565 F.3d 228, 244 (5th Cir. 2009).
[8] *E.g.*, *Inclusive Communities Project, Inc. v. Lincoln Prop. Co.*, 920 F.3d 890, 911 (5th Cir. 2019).
[9] *Keane v. Fox TV Stations, Inc.*, 297 F. Supp. 2d 921, 925 (S.D. Tex. 2004) (citing *Blackburn v. City of Marshall*, 42 F.3d 925, 931 (5th Cir. 1995)).
[10] *Edmiston*, 75 F.4th at 557 (cleaned up, citations omitted).
[11] *Collier v. Montgomery*, 569 F.3d 214, 217-18 (5th Cir. 2009).
[12] *Arnold v. Williams*, 979 F.3d 262, 266-67 (5th Cir. 2020).
[13] *Id*. (quoting *Backe v. LeBlanc*, 691 F.3d 645, 648 (5th Cir. 2012)).

capacities are presumed to enjoy qualified immunity, which is an immunity from the lawsuit itself, not merely from liability.[14] Qualified immunity is the rule, not the exception.[15]

A plaintiff seeking to defeat qualified immunity must show: (1) that the official violated a statutory or constitutional right; and (2) that the right was clearly established at the time of the challenged conduct, such that the official's actions were objectively unreasonable.[16] Thus, there are two basic questions involved in resolving questions of qualified immunity: first, taken in the light most favorable to the party asserting the injury, do the facts alleged show that the public official's conduct violated a constitutional right; and second, was the right clearly established in light of the specific context of the case?[17] Courts have discretion in deciding which of the two prongs will be addressed first.[18]

Qualified immunity applies "when an official's conduct 'does not violate clearly established statutory or constitutional rights of which a reasonable person would have known.'"[19] Only if the violation was "clearly established" at the time can the plaintiff defeat the invocation of qualified immunity.[20] "Critically, courts must not define clearly established law at a high level of generality; rather, we must undertake the inquiry in light of the specific context of the case."[21]

The question is whether a reasonable official could have believed that the actions of the defendant official were lawful in light of clearly established law and the information the official possessed at the time.[22] If reasonable officials could differ on the lawfulness of a defendant's

[14] *Hunter v. Bryant*, 502 U.S. 224, 227 (1991).
[15] *Foster v. City of Lake Jackson*, 28 F.3d 425, 428 (5th Cir. 1994).
[16] *Morgan*, 659 F.3d at 371; *Brumfield v. Hollins*, 551 F.3d 322, 326 (5th Cir. 2008).
[17] *Scott v. Harris*, 550 U.S. 372, 377 (2007) (quoting *Saucier v. Katz*, 533 U.S. 194, 201 (2001)).
[18] *Pearson v. Callahan*, 555 U.S. 223, 236 (2009).
[19] *White v. Pauly*, 580 U.S. 73, 137 S. Ct. 548, 551 (2017) (quoting *Mullenix v. Luna*, 577 U.S. 7, 11 (2015)).
[20] *Morrow v. Meachum*, 917 F.3d 870, 874 (5th Cir. 2019).
[21] *Edmiston*, 75 F.4th at 559 (cleaned up) (quoting *Cope v. Cogdill*, 3 F.4th 198, 204 (5th Cir. 2021) (quoting *Mullenix*, 577 U.S. at 12).
[22] *Anderson v. Creighton*, 483 U.S. 635, 641 (1987).

actions, the defendant is entitled to qualified immunity.[23] Qualified immunity protects "all but the plainly incompetent or those who knowingly violate the law."[24]

Again, it is the plaintiff's burden to plead and prove specific facts overcoming qualified immunity.[25] To do so, a claimant "must plead specific facts that both allow the court to draw the reasonable inference that the defendant is liable for the harm he has alleged and that defeat a qualified immunity defense with equal specificity."[26] "For qualified immunity to be surrendered, pre-existing law must dictate, that is, truly compel (not just suggest or allow or raise a question about), the conclusion for every like-situated, reasonable government agent that what the defendant is doing violates federal law *in the circumstances*."[27] Thus, to deny qualified immunity "existing precedent must have placed the statutory or constitutional question *beyond debate*."[28]

Moreover, plaintiffs must plead facts sufficient to state a claim without the benefit of any discovery.[29] The defense of qualified immunity is to be adjudicated at the earliest possible stage of litigation "full stop," namely at the motion to dismiss stage, and a court may not permit *any* discovery, "cabined or otherwise."[30]

---

[23] *Malley v. Briggs*, 475 U.S. 335, 341 (1986).
[24] *Id.*; *see also Mitchell v. Forsyth*, 472 U.S. 511, 528 (1985) (officials are immune unless "the law clearly proscribed the actions" they took).
[25] *Atteberry v. Nocona Gen. Hosp.*, 430 F.3d 245, 253 (5th Cir. 2005).
[26] *Backe*, 691 F.3d at 648; *Meadours v. Ermel*, 483 F. 3d 417 at 421 (5th Cir. 2007); *Bonner v. Alford*, No. 3:10-CV-2556-N (BF), 2014 WL 285139, *2 (N.D. Tex. Jan. 27, 2014) *aff'd*, 594 F. App'x 266 (5th Cir. 2015) (when qualified immunity is an issue "the complaint is subject to a heightened pleading requirement. The plaintiff must allege 'particularized facts which, if proved, would defeat a qualified immunity defense.'"); *Schultea v. Wood*, 47 F.3d 1427, 1430 (5th Cir. 1995).
[27] *Pasco v. Knoblauch*, 566 F.3d 572, 578–79 (5th Cir. 2009) (quoting *Pierce v. Smith*, 117 F.3d 866, 882 (5th Cir. 1997) (emphasis in original)).
[28] *Morgan*, 659 F.3d at 371 (quoting *Ashcroft v. al-Kidd*, 131 S. Ct. 2074, 2083 (2011)) (emphasis in original).
[29] *Carswell v. Camp*, 54 F.4th 307, 310-11 (5th Cir. 2022) ("The Supreme Court has now made clear that a plaintiff asserting constitutional claims against an officer claiming QI must survive the motion to dismiss without *any* discovery.") (emphasis in original).
[30] *Id.* at 311-12.

C. Plaintiff has failed to State a Claim Upon Which Relief May Be Granted Against Ms. Spurlock Based on Plaintiff's Alleged Sexual Abuse, and Ms. Spurlock is Entitled to Qualified Immunity.

Plaintiff's sole claim against Ms. Spurlock is for supervisory liability.[31] The Court should dismiss Plaintiff's claim against Ms. Spurlock because Plaintiff's Complaint fails to allege facts sufficient to state a claim against Ms. Spurlock, and because she is entitled to qualified immunity.

Ms. Spurlock is entitled to qualified immunity from Plaintiff's Substantive Due Process/bodily integrity claim because Plaintiff has not sufficiently alleged the elements of such a claim against her. Plaintiff has not, therefore, demonstrated that Ms. Spurlock engaged in a constitutional violation which was clearly established.

1. The Standard for Supervisory Liability for the Violation of a Student's Fourteenth Amendment Right to Bodily Integrity.

The Substantive Due Process Clause of the Fourteenth Amendment secures the "right to be free of state-occasioned damage to a person's bodily integrity."[32] A public school teacher's physical sexual abuse of a schoolchild violates that schoolchild's right to bodily integrity.[33]

For a supervisory school official to be held personally liable for a subordinate's violation of a secondary school student's constitutional right to bodily integrity in physical sexual abuse case, the plaintiff must plead and establish facts as to three elements:

> (1) the defendant learned of facts or a pattern of inappropriate sexual behavior by the subordinate pointing plainly toward the conclusion that the subordinate was sexually abusing the student; and

[31] *See* Dkt. 1, ¶¶78-82 (citing *Taylor*, 15 F.3d at 445, and making the conclusory assertions that, in her capacity as Athletic Director, Ms. Spurlock deprived Plaintiff of her right to bodily integrity and equal protection of the laws, by allegedly learning of facts or a pattern inappropriate sexual behavior by Font Santiago, that he was sexually abusing Plaintiff, and then demonstrated deliberate indifference toward Plaintiff's rights by failing to take action to stop the known abuse of Plaintiff by Font Santiago).
[32] *Tyson v. Sabine*, 42 F.4th 508, 517 (5th Cir. 2022) (quoting *Doe v. Taylor Indep. Sch. Dist.*, 15 F.3d 443, 450-51 (5th Cir. 1994) (en banc)).
[33] *Taylor*, 15 F.3d at 450-51.

> (2) the defendant demonstrated deliberate indifference toward the constitutional rights of the student by failing to take action that was obviously necessary to prevent or stop the abuse; and
>
> (3) such failure caused a constitutional injury to the student.[34]

Plaintiff basically alleges that Ms. Spurlock should have known there was actually an inappropriate relationship because other coaches expressed a concern. Plaintiff attempts to avoid *Taylor's* requirement that a supervisor actually **learned of** facts clearly demonstrating the subordinate's wrongdoing, instead seeking recovery based on a theory of *respondeat superior* liability, which the Supreme Court and the Fifth Circuit have soundly rejected.[35]

Supervisors are not liable for mere knowledge, but for "demonstrat[ing] deliberate indifference toward the constitutional rights of the student by failing to take action" that itself "cause[s]" the constitutional injury.[36] "Because this standard focuses on the independent misconduct of the supervisor, *Taylor* falls within *Iqbal*'s recognition that 'each Government official ... is only liable for his or her own misconduct'".[37]

The Fifth Circuit Court describes deliberate indifference as "an extremely high standard to meet."[38] "To act with deliberate indifference, a state actor must know of and disregard an excessive risk to the victim's health or safety."[39] Deliberate indifference is shown where the official knows that a person faces "a substantial risk of serious harm and disregards that risk by failing to take

---

[34] *Doe v. Ferguson*, 128 F.4th 727, 734 (5th Cir. 2025) (citing *Doe v. Taylor Indep. Sch. Dist.*, 15 F.3d 443, 454 (5th Cir. 1994)).
[35] *Cf. Iqbal*, 556 U.S. at 677 ("[e]ach Government official…is only liable for his or her own misconduct"); *Pembaur v. City of Cincinnati*, 475 U.S. 469, 479 (1986) (noting that §1983 cannot be interpreted to incorporate doctrines of vicarious liability); *Estate of Davis ex rel. McCully v. City of N. Richland Hills*, 406 F.3d 375, 381 (5th Cir. 2005) ("Supervisory officials cannot be held liable under section 1983 for the actions of subordinates…on any theory of vicarious or *respondeat superior* liability."); *Oliver v. Scott*, 276 F.3d 736, 742 (5th Cir. 2002) (§1983 does not create supervisory or *respondeat superior* liability).
[36] *Ferguson*, 128 F.4th at 733 (quoting *Taylor*, 15 F.3d at 454; citing *Farmer v. Brennan*, 511 U.S. 825, 835 (1994)).
[37] *Id.* (quoting *Iqbal*, 556 U.S. at 677, 129 S.Ct. 1937).
[38] *Domino v. Tex. Dep't of Crim. Just.*, 239 F.3d 752, 756 (5th Cir. 2001); *see also, Whitley v. Hanna*, 726 F.3d 631, 641 (5th Cir. 2013) (quoting *Doe v. Dall. Indep. Sch. Dist.*, 153 F.3d 211, 219 (5th Cir. 1998)).
[39] *Id.* (quoting *McClendon v. City of Columbia*, 305 F.3d 314, 326 n.8 (5th Cir. 2002)).

reasonable measures to abate it."[40] "The state actor's actual knowledge is critical to the inquiry—a failure to alleviate a significant risk that he should have perceived but did not, while no cause for commendation, does not rise to the level of deliberate indifference."[41] "Deliberate indifference requires culpability beyond gross negligence, it 'must amount to an intentional choice'—one that 'consciously disregard[s] a known and excessive risk to the victim's health and safety.'"[42] Deliberate indifference requires a showing of more than negligence or even gross negligence.[43] "Actions and decisions by officials that are merely inept, erroneous, ineffective, or negligent do not amount to deliberate indifference and do not divest officials of qualified immunity."[44]

Plaintiff's allegations concerning Font Santiago's alleged sexual abuse of Plaintiff do not state a claim upon which relief can be granted against Ms. Spurlock. Plaintiff failed to offer well-pleaded allegations in support of the three *Taylor* elements to support a claim against Ms. Spurlock.

2. Plaintiff failed to allege facts of subjective knowledge of sexual abuse.

First, Plaintiff failed to allege facts to establish that Ms. Spurlock learned of facts or a pattern of inappropriate sexual behavior by Font Santiago that pointed plainly toward the conclusion that Font Santiago was sexually abusing Plaintiff.[45]

While Plaintiff's Complaint sets forth allegations of an improper relationship with Font Santiago, the Complaint does not set forth facts indicating that Ms. Spurlock learned of the relationship or otherwise acquired knowledge of any facts of sexual abuse or of a substantial risk of sexual abuse of Plaintiff by Font Santiago.

---

[40] *See Farmer*, 511 U.S. at 847 (emphasis added).
[41] *Whitley*, 726 F.3d at 641 (quoting *McClendon*, 305 F.3d at 326 n.8).
[42] *Kennedy v. City of Arlington, Tex.*, No. 4:24-CV-208-P, 2024 WL 5176870, at *7 (N.D. Tex. Oct. 16, 2024), report and rec. adopted, 2025 WL 20434 (N.D. Tex. Jan. 2, 2025) (quoting *Sterling v. City of Jackson, Miss.*, 715 F. Supp. 3d 918, 929 (S.D. Miss. Feb. 5, 2024); *M.D. by Stukenberg v. Abbott*, 907 F.3d 237, 251 (5th Cir. 2018)).
[43] *City of Canton v. Harris*, 489 U.S. 378, 390 (1989).
[44] *Alton v. Texas A&M Univ.*, 168 F.3d 196, 201 (5th Cir. 1999).
[45] *Ferguson*, 128 F.4th at 734; *Farmer*, 511 U.S. at 847.

The only alleged instances where Ms. Spurlock is alleged to have gained knowledge of an allegation concerning Font Santiago was her meeting with Font Santiago and subsequent meeting with Coach Marquardt after Font Santiago allegedly had a falling out with Coaches Marquardt and Trevino. Dkt. 1, ¶37. Plaintiff alleges that, "upon information and belief," Font Santiago himself came to Ms. Spurlock first to attempt to get Coaches Marquardt and Trevino fired for wrongfully accusing him of "inappropriate conduct with female students." *Id.*, ¶38. Plaintiff does not allege, and it would be an unwarranted inference to assume, that Font Santiago admitted to any facts in this meeting indicating that he engaged in any inappropriate conduct with female students, let alone sexual abuse with Plaintiff, or otherwise posed a substantial risk.[46]

Plaintiff alleges that Ms. Spurlock then met with Coach Marquardt "to discuss the matter." *Id.* Plaintiff does not allege what was specifically communicated at this meeting; however, Plaintiff alleges that Marquardt's concern regarding Font Santiago was that he needed "to keep a safe distance from the female students due to his relatively young age." Dkt. 1, ¶37. Learning that a more experienced head coach advised a younger coach "to keep a safe distance" from female students due to his age does not establish actual knowledge that sexual abuse occurred, is occurring, or that Font Santiago was a substantial risk of sexually abusing Plaintiff. Importantly, the Complaint indicates that Marquardt's alleged concern was due to Font Santiago's age, not to due to any facts of sexual abuse. That a coach is relatively young does not plainly point toward the conclusion that he is sexually abusing students or is a substantial risk thereof.[47]

---

[46] The Court should not accept unwarranted factual inferences as true. *Gentilello*, 627 F.3d at 544.

[47] Even assuming, *arguendo*, that Marquardt expressed an actual concern of Font Santiago being physically close to students, this does not meet Title IX's high standard of actual knowledge of sexual abuse or a substantial risk thereof. *See Doe v. Northside I.S.D.*, 884 F. Supp. 2d 485 (W.D. Tex. 2012) (the court found "no actual knowledge of abuse despite allegations that teacher had 'boundary' issues, hugged plaintiff, and gave chest bumps."); *Kelly v. Allen Indep. Sch. Dist.*, 602 F. App'x 949, 954 (5th Cir. 2015) (an email notifying a school district's board of trustees and superintendent that a middle school student had sexually assaulted another minor fell "far short of Title IX's stringent actual-knowledge standard" for notice of the student's possible sexual harassment of others); *Gebser v. Lago Vista Indep. Sch. Dist.*, 524 U.S. 274, 277, 291 (1998) (Complaints from parents that a teacher "often made sexually

Plaintiff's Complaint indicates that the coaches then met with the girls' basketball team, wherein "Marquardt cautioned the students that there had been reports of team members going into the classrooms of teachers other than their own during the school day, and that they must remain in their assigned classrooms." *Id.*, ¶39. This allegation does not support a claim against Ms. Spurlock. First, the Complaint does not allege that Ms. Spurlock witnessed the meeting. Second, even assuming, *arguendo*, that Ms. Spurlock could be imputed with knowledge of what was said in the meeting, an official learning that a student skips class to visit a teacher alone does not put the official on notice of potential sexual abuse by the teacher, let alone when multiple team members are involved. [48] The alleged conduct "is susceptible to multiple interpretations, and is certainly not definitive to provide actual notice" that Font Santiago was sexually abusing or harassing students, or that a substantial risk of such existed.[49] Third, assuming, *arguendo*, that Ms. Spurlock could be imputed with knowledge of what was said in the meeting, the Complaint does

suggestive comments" to students in class were "plainly insufficient" to alert school officials that he might be in a sexual relationship with a student); *Moreno*, 2016 WL 3198159, at *12-13 ("bizarre behavior," including standing too close to a student, were not sufficient).

[48] *M.E. v. Alvin Indep. Sch. Dist.*, 840 Fed. Appx. 773, 776 (5th Cir. 2020) (citing *Rosa H. v. San Elizario Indep. Sch. Dist.*, 106 F.3d 648, 652-53 (5th Cir. 1997); *Northside I.S.D.*, 884 F. Supp. 2d at 493 (explaining that a student skipping class to visit a teacher in her classroom "in hindsight ... was problematic" but it did not serve to put school officials on notice of potential abuse because "at the time, there was no indication that [the teacher] was inappropriately touching [the student]")); *see also*, *Doe v. Edgewood ISD*, 964 F.3d 351, 363–64 (5th Cir. 2020) (An inconclusive investigation into reports that one student spent time with a chemistry teacher at his home did not put school officials on notice that the teacher might be in a sexual relationship with another student.); *Doe v. Beaumont Indep. Sch. Dist.*, 727 F. Supp. 3d 589, 613–14 (E.D. Tex. 2024) (finding that principal and assistant principal's knowledge that middle school students Jane Does 1 and 2 were skipping class to vape with a substitute teacher, while "weird and inappropriate," did not support a finding that the principal and assistant principal had actual knowledge that the substitute teacher was sexually harassing or abusing Jane Doe 1 and 2, or that there was a substantial risk thereof so as to meet the "high bar for plaintiffs to recover monetary damages under Title IX."); *J.T. v. Uplift Educ.*, No. 23-10773, 2024 WL 5118486, at *4 (5th Cir. Dec. 16, 2024) (finding that knowledge of teacher turning off classroom lights and setting up privacy folders at his desk around him and the young victim did not indicate a substantial risk of harm of sexual abuse; rather, "It is, to the contrary, an unfortunate reality that abuse occurs in a range of otherwise harmless settings: behind closed doors, within private offices, or inside bathroom stalls. While this tragic case involves a dark classroom and privacy folders, a school cannot be held liable for its failure to notice every setting an abuser might use to prey on children.")

[49] *Moreno v. Mcallen Indep. Sch. Dist.*, No. 7:15-CV-162, 2016 WL 3198159, at *13 (S.D. Tex. June 9, 2016)

not allege that Font Santiago or Plaintiff were singled out by Marquardt's cautioning;[50] rather, it was aimed at multiple "team members" and "teachers" (plural). Therefore, it cannot establish that she "learned of facts or a pattern of inappropriate sexual behavior by [Font Santiago] pointing plainly toward the conclusion that [Font Santiago] was sexually abusing [Plaintiff]."[51] The Complaint contains no other pled facts of "concerns" regarding Font Santiago, or "conduct" concerning female students reported to Ms. Spurlock. Conclusory assertions do not suffice.[52]

Plaintiff alleges no other instance of Ms. Spurlock learning of any facts to show she knew of a substantial risk that Font Santiago would sexually abuse Plaintiff. Plaintiff does not allege facts of Ms. Spurlock being made aware that Font Santiago was having a special relationship or any physical contact with Plaintiff or any other student, let alone that he was committing sexual abuse.

Plaintiff alleges that the only times she was physically abused by Font Santiago was during the school day. Plaintiff does not allege that Ms. Spurlock, as Athletic Director, was Font Santiago's supervisor at times when he was being employed as a Spanish teacher. Plaintiff does not allege that, as Athletic Director, Ms. Spurlock was even physically present on the campus when the alleged sexual activity occurred. Plaintiff does not allege that Ms. Spurlock was made aware of Plaintiff's frequent and extended restroom breaks from Hopkins' classroom during seventh period when she engaged in sexual activity with Font Santiago; rather, the Complaint indicates that Hopkins "never once investigated or reported Doe's excessive absences," or took any action to stop Plaintiff's extended breaks. Dkt. 1, ¶¶31-34. Plaintiff does not allege that Ms. Spurlock was

[50] Plaintiff's allegation that "she sensed" that Marquardt had concerns of a "'special connection' between Font Santiago and Doe", is conclusory and not a well-pled fact to establish that such a concern existed. Dkt. 1, ¶39.
[51] *Taylor Indep. Sch. Dist.*, 15 F.3d at 454.
[52] *Gentilello*, 627 F.3d at 544.

made aware of Font Santiago interacting with Plaintiff or any other student over Snapchat or any other social media, which Plaintiff admits would have been a violation of Azle ISD policy.

Plaintiff's Complaint simply lacks facts to establish that Ms. Spurlock, the Athletic Director, knew of a substantial risk of Font Santiago sexually abusing Plaintiff during seventh period in a classroom.

The case of *M.E. v. Alvin Indep. Sch. Dist.*, is instructive.[53] In that case, the Court found that school administrators were aware of an "inappropriately close" relationship between the teacher abuser and student victim, but this did not constitute knowledge of a substantial risk for sexual abuse. In particular, the victim's mother met with an assistant principal and "expressed discomfort with the bond between her daughter and Tennard," and a concern for the daughter's "penchant for confiding personal matters in a school police officer and teacher instead of her school counselor or therapist." The Court found that "the meeting put the district on notice that Tennard had become a trusted confidant for J.E."; however, "it did not provide notice of a substantial risk that sexual abuse was occurring." Additionally, the district's discovery that the victim "had again skipped class to visit Tennard…fell short of putting them on notice of 'a substantial risk' for sexual abuse."[54] "[B]efore Tennard's arrest, there were no allegations of any sexual harassment," and, like Plaintiff and Font Santiago in this case, the victim and alleged abuser in that case did not tell any official about their relationship or any sexual abuse.[55] In our case, Ms. Spurlock was not alleged to have been made aware of any relationship between Plaintiff and Font Santiago, but only of Marquardt's generalized concern that he keep a safe distance from female students due to his relatively young age. Even assuming, *arguendo*, that Ms. Spurlock was made

[53] *M.E. v. Alvin Indep. Sch. Dist.*, 840 F. App'x 773, 776 (5th Cir. 2020).
[54] *Id.* (citing *Rosa H.*, 106 F.3d at 652-53; *Northside I.S.D.*, 884 F. Supp. 2d at 493).
[55] *Id.*

aware of Marquardt's concern of girls' basketball team members going to other teachers' classrooms during the day, this would not have put Ms. Spurlock on notice that Font Santiago, specifically, was a substantial risk for sexual abuse.

Since Plaintiff failed to allege facts to establish this necessary element of her claim against Ms. Spurlock, Ms. Spurlock is entitled to qualified immunity. Plaintiff cannot show that, based on the facts alleged, Ms. Spurlock violated a right that was clearly established.

3. Plaintiff failed to allege facts of Ms. Spurlock responding with deliberate indifference.

Plaintiff also cannot establish the second element of this claim—that Ms. Spurlock demonstrated deliberate indifference toward the constitutional rights of Plaintiff by failing to take action that was obviously necessary to prevent or stop Font Santiago's alleged abuse.[56] The "deliberate indifference" standard is a "stringent standard of fault, requiring proof that a municipal actor disregarded a known or obvious consequence of his action."[57]

The relevant inquiry is not the ultimate efficacy of the actions that were taken, nor the number of steps that were taken.[58] Instead, all that is required are good faith measures, any measures, designed to avert the anticipated harm.[59]

To act with deliberate indifference, the official "must know of and disregard an excessive risk to the victim's health or safety."[60] "The state actor's actual knowledge is critical to the inquiry—a failure to alleviate a significant risk that he should have perceived but did not, while

[56] *Taylor Indep. Sch. Dist.*, 15 F.3d at 454.
[57] *Board of the County Comm'rs v. Brown*, 520 U.S. 397, 410 (1997). "The deliberate indifference standard is a high one." *Whitley*, 726 F.3d at 641 (quoting *Dallas ISD*, 153 F.3d at 219).
[58] *Taylor Indep. Sch. Dist.*, 15 F.3d at 458 (superintendent was not deliberately indifferent even though his actions were ineffective); *Leffall v. Dallas Indep. Sch. Dist.*, 28 F.3d 521, 531-32 (5th Cir. 1994).
[59] *Hare v. City of Corinth*, 74 F.3d 633, 649 (5th Cir. 1996); *Leffall*, 28 F.3d at 531-32 (the single act of school official's hiring of security guards for dance where student was fatally shot conclusively established that the official did not act with deliberate indifference, even though the official had actual knowledge that violence was likely at dance).
[60] *McClendon v. City of Columbia*, 305 F.3d 314, 326 n.8 (5th Cir. 2002).

no cause for commendation, does not rise to the level of deliberate indifference."[61] Based on the knowledge that can be imputed upon Ms. Spurlock, her alleged actions in response were not deliberately indifferent. For the court to accept an allegation about a defendant's subjective state-of-mind, the allegation must do more than "merely restate[ ] the standard required to demonstrate the requisite subjective knowledge".[62] "[W]e must carefully discern factual allegations from legal conclusions in plaintiffs' complaint".[63]

Plaintiff fails to offer well-pleaded allegations of deliberate indifference by Ms. Spurlock. Plaintiff's bald assertions that Spurlock acted with conscious or deliberate indifference[64] and "had reports, complaints, and observable warning signs," and "covered up reports" are no more than invalid legal conclusions or conclusory allegations which the Court should not accept as true.[65] Instead, Plaintiff's more specific allegations negate any finding of deliberate indifference.

Plaintiff acknowledges that the first instance of Ms. Spurlock being made aware of any potential for concern was when Font Santiago himself came to her and complained of Coaches Marquardt and Trevino making wrongful allegations of inappropriate conduct and requesting that they be fired. Dkt. 1, at ¶¶37-38. Ms. Spurlock met with Font Santiago and did not grant his request. Ms. Spurlock instead then met with Coach Marquardt to address her concerns. *Id*. Based on the Complaint, Ms. Spurlock would have learned that her alleged subordinate Coach Marquardt would have "cautioned him that, among other things, he needed to keep a safe distance from the female students due to his relatively young age." *Id.* Additionally, Ms. Spurlock would have learned that

[61] *Id.*
[62] *Ferguson*, 128 F.4th at 735(quoting *Edmiston v. Borrego*, 75 F.4th 551, 560 (5th Cir. 2023)).
[63] *Id.* (citing *Robertson*, 751 F.3d at 388 (allegation that defendants "exhibited deliberate indifference" was "merely a legal conclusion", even if it "might have been couched as a factual allegation")).
[64] Dkt. 1, ¶¶81-82.
[65] *Gentilello*, 627 F.3d at 544.

her alleged subordinates—"the coaches"—also met with the girls' basketball team to warn them to discontinue going to other teachers' classrooms during the school day. *Id.* at ¶39.

With regard to any information Ms. Spurlock can be alleged to have gained from her meetings with Font Santiago and Coach Marquardt, the case of *King v. Conroe ISD*[66] confirms that Plaintiff failed to plead facts to establish deliberate indifference. In *King*, a junior high school student alleged the principal was deliberately indifferent to sexual abuse committed against her by a volleyball coach. In that case, the principal received a report from another student's parent that the coach was having an "affair" with a female student, and was seen kissing and passing notes with the student.[67] Upon learning of the alleged relationship involving the student, the principal met with coach, "questioned her about the alleged relationship, and, upon receiving a denial, warned her to keep her relationships with students professional at all times," and no further action was taken. The Fifth Circuit determined that the plaintiff could not establish deliberate indifference, because, "[b]ased on the limited information [the principal] had, such action satisfies the *Doe v. Taylor* standard."[68] Ms. Spurlock was alleged to have been made aware of far less information than the principal in *King* (i.e., only a generalized concern for Font Santiago to keep a safe distance from female students due to his relatively young age, as opposed to allegations an affair, kissing, and passing notes). However, like the alleged perpetrator in *King*, Font Santiago was warned to keep his relationships with student professional. Under *King*, this satisfies the *Doe v. Taylor* standard. At most, Plaintiff's allegations against Ms. Spurlock imply negligence, which

[66] *King v. Conroe ISD*, 289 F. App'x 1, 3 (5th Cir. 2007).
[67] *Id.*, at 2.
[68] *Id.* (citing *Doe* at 456, n.12 ("We can foresee many good faith but ineffective responses that might satisfy a school official's obligation in these situations, *e.g.*, warning the state actor, notifying the student's parents, or removing the student from the teacher's class.")); *see also Dallas ISD*, 153 F.3d at 219 (Administrator was not deliberately indifferent, when, after meeting with the victim's mother, the administrator "misread the situation and made a tragic error in judgment," determining that the victim's allegations were not true, but "[n]evertheless, she warned McGrew to examine his behavior closely and to ensure that he was not doing anything that could be misinterpreted by a child.")

is insufficient to state a cognizable claim under § 1983.[69] That Ms. Spurlock allegedly did not investigate further or take some other additional steps Plaintiff might suggest does not amount to deliberate indifference, especially since Plaintiff does not allege that any new information indicating Font Santiago was a danger until April 17, 2025.[70]

Finally, the Complaint does not allege any facts indicating that Ms. Spurlock could have learned anything else indicating a substantial threat of sexual abuse of Plaintiff by Font Santiago until after her graduation, when, on April 17, 2025, another student made a report of inappropriate behavior by Font Santiago, compelling Plaintiff to make a police report later that day. Plaintiff does not allege that she ever made a report to Ms. Spurlock or Azle ISD. Font Santiago was arrested that day, showing a swift response. This is a far cry from deliberate indifference. Since Plaintiff cannot establish deliberate indifference, Ms. Spurlock is entitled to qualified immunity. Plaintiff cannot show that, based on the facts alleged, Ms. Spurlock violated a right that was clearly established.

4. Ms. Spurlock did not cause a constitutional injury.

Finally, Plaintiff's allegations fail to establish that any action or failure to act by Ms. Spurlock caused a constitutional injury to Plaintiff.[71] Plaintiff's outcry did not occur until April 17, 2025, which was after Plaintiff had graduated. As shown *supra*, Plaintiff offers no well-pled allegations that Ms. Spurlock knew of a significant threat of sexual abuse by Font Santiago before that time. Plaintiffs' allegations do not, therefore, establish the third element of a supervisor liability claim against Ms. Spurlock.

[69] *See Eason v. Thaler*, 73 F.3d 1322, 1329 n.3 (5th Cir. 1996) ("[N]egligence is not a theory for which liability may be imposed under section 1983.").
[70] *I.L.*, 776 Fed. App'x at 842.
[71] *Taylor Indep. Sch. Dist.*, 15 F.3d at 454.

The Court should dismiss Plaintiff's Due Process/bodily integrity claim against Ms. Spurlock because Plaintiff has not offered well-pled allegations in support of all of the elements of such a claim. Since Plaintiff has not pled a constitutional violation, Ms. Spurlock is entitled to qualified immunity. *Supra* at 9.

D. Plaintiff has failed to State an Equal Protection Claim Against Ms. Spurlock, and Ms. Spurlock is Entitled to Qualified Immunity.

Ms. Spurlock is entitled to qualified immunity from Plaintiff's Equal Protection claim for the same reasons she is entitled to qualified immunity from the due process claim established *supra*. Plaintiff has not sufficiently alleged: (1) a constitutional violation by Ms. Spurlock; or (2) conduct by Ms. Spurlock that violated clearly established law, defined with appropriate specificity.

First, it is not clear that Plaintiff can even pursue an equal protection claim in this case. In *Taylor*, the Court indicated that it need not reach the question of whether the plaintiff stated an equal protection claim.[72] "Following the *Taylor* court, district courts in this Circuit have both declined to differentiate between a substantive due process and equal protection claim with these facts and some have gone further to say an equal protection claim likely cannot be recognized in the context of sexual assaults."[73] Thus, Ms. Spurlock is entitled to qualified immunity, because it is not clearly established that Plaintiff's equal protection claim is recognized.

Assuming, *arguendo*, that Plaintiff could pursue her claim separately as an equal protection claim, she failed to allege facts to state such a claim in the same manner she failed to do so for a bodily integrity claim as shown *supra*.[74]

[72] *Taylor*, 15 F.3d at 458.
[73] *Doe v. Serna-Venegas*, No. MO:23-CV-00091-DC-RCG, 2025 WL 2538854, at *5–6 (W.D. Tex. Aug. 19, 2025), report and rec. adopted, 2025 WL 2533526 (W.D. Tex. Sept. 3, 2025) (collecting cases)
[74] *Taylor Indep. Sch. Dist.*, 15 F.3d at 458.

Also, "[t]o state a claim under the Equal Protection Clause, a § 1983 plaintiff must allege that a state actor intentionally discriminated against the plaintiff because of membership in a protected class."[75] Thus, a plaintiff must demonstrate that he or she has been treated differently due to membership in a protected class and that the unequal treatment stemmed from a discriminatory intent.[76] To state a "class of one" claim under the Equal Protection Clause, the plaintiff must allege that: (1) the defendant intentionally treated the plaintiff differently from others similarly situated, and (2) the defendant lacked a rational basis for the difference in treatment.[77]

Plaintiff does not allege facts of being intentionally discriminated against because of a membership in a protected class, nor any facts of similarly situated individuals being treated differently from her. Ms. Spurlock is entitled to qualified immunity on this basis, as well.

E. <u>The Court Must Stay All Discovery.</u>

While a defendant's assertion of immunity is pending, courts cannot allow **any** discovery to take place.[78] The Court may not allow any discovery to take place until Ms. Spurlock's assertion of immunity is resolved.

VII.
<u>CONCLUSION</u>

WHEREFORE, PREMISES CONSIDERED, Defendant Rebecca Spurlock prays that the Court grant this motion and that all of Plaintiff's causes of action against her be dismissed, with prejudice to the refiling of same; Ms. Spurlock further prays that Plaintiff take nothing by this suit;

---

[75] *Williams v. Bramer*, 180 F.3d 699, 705 (5th Cir. 1999).
[76] *See Hampton Co. Nat'l Sur., LLC v. Tunica County*, 543 F.3d 221, 228 (5th Cir. 2008).
[77] *Lindquist v. City of Pasadena*, 669 F.3d 225, 233 (5th Cir. 2012).
[78] *Carswell v. Camp*, 54 F. 4th 307,312 (5th Cir. 2022); *Iqbal*, 556 U.S. at 684-686 (recognizing "serious and legitimate reasons" for the basic thrust of qualified immunity—to free government officials from the concerns of litigation, including disruptive discovery, and noting that permitting discovery to proceed as to other defendants would prejudice defendants who have asserted qualified immunity); *Siegert v. Gilley*, 500 U.S. 226, 232 (1991) (quoting *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982) for the proposition that discovery should not be allowed until the threshold question of qualified immunity is resolved); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985) ("Unless the plaintiff's allegations state a claim of violation of clearly established law, a defendant pleading qualified immunity is entitled to dismissal before the commencement of discovery.")

that all relief requested by Plaintiff be denied; and for such other and further relief, both general and special, at law or in equity, to which she may show herself to be justly entitled.

Respectfully submitted,

/s/ John D. Husted
THOMAS P. BRANDT
State Bar No. 02883500
Tbrandt@thompsoncoe.com
JOHN D. HUSTED
State Bar No. 24059988
Jhusted@thompsoncoe.com
CHRISTOPHER D. LIVINGSTON
State Bar No. 24007559
Clivingston@thompsoncoe.com

THOMPSON, COE, COUSINS & IRONS, L.L.P.
Plaza of the Americas, 700 N. Pearl Street,
Twenty-Fifth Floor
Dallas, TX 75201-2832
Telephone: 214-871-8200
Fax: 214-871-8209

ATTORNEYS FOR DEFENDANTS AZLE INDEPENDENT SCHOOL DISTRICT, SUPERINTENDENT TODD SMITH, AND REBECCA SPURLOCK

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument has been served to all attorneys of record, in compliance with Rule 5 of the Federal Rules of Civil Procedure, on this the 30th day of September, 2025.

/s/ John D. Husted
JOHN D. HUSTED

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

JANE DOE,	§	
	§	
Plaintiff,	§	
vs.	§	**CIVIL ACTION NO. 4:25-CV-00859-O**
	§	
AZLE INDEPENDENT SCHOOL DISTRICT, SUPERINTENDENT TODD SMITH, REBECCA SPURLOCK, and CARLOS ALBERTO FONT SANTIAGO	§	
	§	
Defendants.	§	

ORDER GRANTING DEFENDANT REBECCA SPURLOCK'S MOTION TO DISMISS PLAINTIFF'S ORIGINAL COMPLAINT & BRIEF

ON THIS, the day of signing, came on to be considered Defendant Rebecca Spurlock's Motion to Dismiss Plaintiff's Original Complaint & Brief pursuant to Federal Rule of Civil Procedure 12(b)(6). The Court, having considered the motion and any responses and replies thereto, finds that it should be granted.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that Defendant Rebecca Spurlock's Motion to Dismiss Plaintiff's Original Complaint is GRANTED. All claims of Plaintiff against Defendant Rebecca Spurlock are hereby dismissed with prejudice to the refiling of same.

Signed this _____ day of _____, 2025.

_____
UNITED STATES DISTRICT JUDGE