

CAUSE NO. 416-01334-2026

**JOHN DOE and JANE DOE,
INDIVIDUALLY AND AS NEXT
FRIENDS OF MINOR DOE**

Plaintiffs,

v.

**MCKINNEY INDEPENDENT SCHOOL
DISTRICT and LINDSEY ELIZABETH
POST**

Defendants.

IN THE DISTRICT COURT

COLLIN COUNTY, TEXAS

_____ JUDICIAL DISTRICT

PLAINTIFFS' ORIGINAL PETITION

TO THE HONORABLE COURT:

COME NOW Plaintiffs John Doe and Jane Doe, individually and as next friends of Minor Doe, and complain of Defendants McKinney Independent School District and Lindsey Elizabeth Post, and in support would respectfully show the Court as follows:

LEVEL

1. Plaintiffs plead that discovery should be conducted in accordance with a tailored discovery control plan under Texas Civil Procedure Rule 190.4 (**Level 3**).

**CONFIDENTIAL IDENTITY (SEXUAL ABUSE OF A MINOR);
MOTION FOR STATUTORY ORDER**

2. *Invocation of Confidentiality Provisions*—Because this is a suit for damages by a minor and the minor's parents arising out of conduct described as a felony in the Texas Penal Code, sections 22.011 (sexual assault), as further described herein, Plaintiffs affirmatively invoke the protections of section 30.013 of the Texas Civil Practice and Remedies Code, and proceed as of right by way of confidential identity as defined in that statute, by the use of a pseudonym and by not filing other identifying information.

3. *Motion for Statutory Order Restricting Divulgence of Identifying Information*—In this connection, Plaintiffs respectfully moves the Court to dispatch its mandatory duties under that statute by promulgation of an order complying with section 30.013(e), which orders that a person entitled to know the true identifying information (the judge, a party, its attorney, and a person authorized by a written order of a court specific to that person) may not divulge that information to anyone without a written order of the court, and warning that a person who violates the order shall be held in contempt. A proposed Order is filed alongside the Original Petition.

4. *Persons Entitled to Know*—In satisfaction of Civil Practice & Remedies Code section 30.013(d), Plaintiffs' identities are known or will be disclosed in discovery to Defendants and their counsel, but because at least one Defendant is not a natural person, Plaintiffs' identities must not be disclosed to all agents thereof beyond those absolutely necessary. Plaintiffs will tender their identities to the judge of this Court as required by that statute upon request, by hand-delivered letter or any other secure method.

5. *Do Not Divulge Minor's Gender*—As part of the confidential identification used herein, Plaintiff Minor Doe is not and shall not be gendered in the public filings of this suit, including this Petition, and any pronouns or other word choices herein which may tend to identify Minor Doe's gender, such as "he, him, his, she, her, hers" are not intended to be associated with the child, and may only be language which is gendered in the caselaw or statutes cited herein.

PARTIES

6. Plaintiff John Doe (last three digits of identification number: [withheld]; last three digits of social security number: [withheld]) is an individual residing in Collin County, Texas.

7. Plaintiff Jane Doe (last three digits of identification number: [withheld]; last three digits of social security number: [withheld]) is an individual residing in Collin County, Texas.

8. Plaintiffs John Doe and Jane Doe proceed in their individual capacity and in their capacity as next friend of Minor Doe, their minor child.

9. Defendant McKinney Independent School District (Defendant “McKinney ISD,” the “ISD,” or the “District”) is an independent school district situated in Collin County, Texas. Defendant McKinney Independent School District may be served with citation by serving Shawn Pratt, its superintendent, at 1 Duvall Street, McKinney, Collin County, Texas 75069, the administrative offices of the ISD.

10. Defendant Lindsey Elizabeth Post (“Defendant Post”) is an individual resident and citizen of Texas who resides at 8901 Aplanado Drive, McKinney, Collin County, Texas 75072, where she may be served with citation.

VENUE

11. Venue is proper in Collin County because all or a substantial part of the events or omissions giving rise to Plaintiffs’ claims occurred in Collin County, Texas. *See* Tex. Civ. Prac. & Rem. Code § 15.002(a)(1).

JURISDICTION

12. Plaintiffs seek monetary relief in excess of \$1,000,000. In particular, Plaintiffs seek the maximum actual damages permitted under the causes sued upon, including the statutory limit of \$500,000 in actual damages for an action brought pursuant to Chapter 118 of the Texas Civil Practice and Remedies Code, but Plaintiffs also seek exemplary damages, attorney’s fees, and costs beyond that amount. *See* Tex. Civ. Prac. & Rem. Code §§ 118.003, 118.004. The damages sought are within the jurisdiction of this Court.

FACTUAL BACKGROUND

13. This is a case of the grooming and serial rape of a fourteen-year-old first-year highschooler, Minor Doe, by a school-employed athletic trainer, Lindsey Post, while that child was a student in the care and supervision of the child's school, part of McKinney ISD.

14. Minor Doe met, knew, and came to interact with Post in Post's capacity as the school's athletic trainer, meaning that Post was hired to provide health care including therapeutic intervention to manage and treat athletic injuries. *See* Tex. Occ. Code § 451.001.

15. Chiefly during the fall semester of the 2025–2026 school year, in and around November 2025, Post began to interact inappropriately with Minor Doe on school grounds, exceeding clearly-established norms and boundaries for school employee–student interaction. Beyond acceptable pleasantries, Post began prying into Minor Doe's personal affairs, asking overly familiar questions, and entering Minor Doe's personal space. In this way, Post worked deliberately to appear trustworthy to the child, going so far as to develop a friendship.¹

16. Over time, as Post instilled this sense of trust in the mind of Minor Doe, Post began to get closer to the child while isolating the child from others, including the child's own parents.²

17. When Post had the child in her clutches, Post purported to confess her feelings for the 14-year-old, and began messaging the child's personal telephone number.³

¹ *See* RAPE, ABUSE & INCEST NATIONAL NETWORK (RAINN), *Get the Facts About Grooming* (Oct. 1, 2025), section titled "What Is Grooming?" <https://rainn.org/get-the-facts-about-sexual-violence/get-the-facts-about-grooming/> [<https://perma.cc/EN6P-XXM9>].

² *See id.*, section titled "What Does Grooming Look Like?"

³ *See id.*, section titled "Psychological Grooming" and "How To Spot Grooming Behaviors," bullet point titled "Secrecy."

18. Above and beyond any legitimate physical therapy that Post could have arguably provided Minor Doe, Post began to intrude into Minor Doe's physical autonomy, eventually rising to hugging and kissing the child on the lips on school grounds.⁴

19. Around the same time, Minor Doe had the need to attend a school-sponsored event off-campus, for which the District did not arrange to provide organized transit, such as a charter or school bus.

20. In this vacuum, Post lured Minor Doe into Post's own car, that Post would drive Minor Doe to the event.

21. Instead, Post drove Minor Doe to a third location, away from the school and the off-campus event, and, while still in the car, raped Minor Doe.

22. Thereafter, Post delivered Minor Doe to the event, from which the child's parents retrieved them.

23. Unbeknownst to the parents, this criminal pattern of taking the child away from the school to rape the child recurred multiple times in that month and thereafter.

24. Due to Post's thorough manipulation and grooming of the impressionable child, Minor Doe did not believe it was safe or feasible to escape the car or otherwise to make an outcry.

25. Plaintiffs, Minor Doe's parents, only discovered that McKinney ISD's athletic trainer had been engaging in sexually explicit conversations with their child when they inspected Minor Doe's phone, from which they uncovered the underlying heinous sexual offenses against their fourteen-year-old child.

⁴ See *id.*, section titled "Physical Grooming"

26. Only thereafter did McKinney ISD conduct its “mandatory report” of those acts to law enforcement and state regulators—too late to protect Minor Doe from being raped over and over again.

INTRUSION UPON SECLUSION
AGAINST DEFENDANT POST

27. Defendant Post intentionally intruded on Minor Doe’s private affairs when she undressed and exposed Minor Doe, viewing and touching the child’s genitals, among other acts, without Minor Doe’s consent.

28. The intrusion was a kind that would be highly offensive to a reasonable person, in that a reasonable person would not expect that a child be undressed and touched in their private parts by an adult for other than a legitimate medical purpose, by their own coach/educator to whose care they were entrusted, and the same would shock and offend such reasonable person’s sense of decency, trust, privacy, and personal agency.

29. Each of such intentional acts, singularly or in combination with others, constituted an invasion of Minor Doe’s privacy in the form of intrusion upon seclusion.

ASSAULT BY OFFENSIVE PHYSICAL CONTACT
AGAINST DEFENDANT POST

30. Defendant Post made offensive physical contact with Minor Doe’s person by acts which comprise a subset of the acts described as sexual assault of a child under Texas Penal Code section 22.001(a)(2), involving, on distinct occasions, the genitals of the child and the genitals of Post.

31. At all relevant times, Minor Doe was a “child” as that term is defined in section 22.011(c)(1) of the Texas Penal Code, being younger than 17 years of age.

32. Said contact was also done by acts which comprise a subset of the acts described as indecent assault. *See* Tex. Penal Code § 22.012.

33. Said contact was also done by kissing on the lips offensive to a child of Minor Doe's age.

34. Defendant Post made the physical contact intentionally or knowingly.

35. Defendant Post knew or reasonably should have believed that Minor Doe would regard the physical contact as offensive.

36. Each of such acts and omissions, singularly or in combination with others, constituted assault by offensive physical contact with malice, which proximately caused the injuries which Plaintiffs⁵ suffered. *See* Tex. Civ. Prac. & Rem. Code § 41.003(a)(2).

ASSAULT BY INFLICTION OF BODILY INJURY
AGAINST DEFENDANT POST

37. Alternatively, the physical contact described in the above count and otherwise herein caused bodily injury to Minor Doe.

38. Defendant Post intentionally, knowingly, or recklessly caused Minor Doe's bodily injury.

39. Each of such acts and omissions, singularly or in combination with others, constituted assault by infliction of bodily injury with malice, which proximately caused the injuries which Plaintiffs suffered. *See* Tex. Civ. Prac. & Rem. Code § 41.003(a)(2).

FALSE IMPRISONMENT AGAINST DEFENDANT POST

40. Because of the District's failure to provide planned mass transportation to Minor Doe's extracurricular event, and its failure to supervise who was conveying Minor Doe to that event, Defendant Post took Minor Doe in Post's own car to these extracurricular events.

⁵ It can be said that "Plaintiffs" collectively suffered injuries, *viz.*, medical expenses including psychotherapy, only insofar as the parents of a minor child own the debt incurred for their minor child's medical treatment and it is, as such, the parents' legal injury. Only Minor Doe was the direct victim of this assaultive conduct, and Plaintiffs do not assert bystander claims but may assert, e.g., filial consortium damages.

41. Since whichever occasion on which Defendant Post instead used this transportation as a false pretense to lure Minor Doe into the vehicle and to take the child to a third location and rape the child, that occasion and each occasion thereafter constituted false imprisonment.

42. Defendant Post prevented Minor Doe from leaving Post's presence or making an outcry between these episodes by psychologically grooming, isolating, and subjugating the child's will to Post's own. Defendant Post commanded the child to disable their phone, including its location features, and to not tell the child's parents. Defendant Post did not return Minor Doe to a location with other people known to the child until Post finished raping the child. This constituted willful detention and confinement.

43. Minor Doe did not consent to this detention and confinement but, being a child, was unable to disobey Post's demands while maintaining their physical safety. Minor Doe at no time believed that they could escape the car, refuse to enter the car, or make an outcry in a safe manner.

44. Post had no justification or authority to detain Minor Doe. Even if, *arguendo*, Post began to act under the legitimate auspices of a school employee *in loco parentis*, the repeated luring, inveigling, taking away, and subsequent sexual assault of Minor Doe was not in the child's best interest nor within even the implied writ of Post's pseudo-parental authority. Post only kept and conveyed Minor Doe to arouse Post's own prurient interest.

INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS
AGAINST DEFENDANT POST

45. Defendant Post, on school grounds, off school grounds while acting under color of her employment for the District, and by remote communication, isolated, groomed, and made sexually and romantically suggestive advances, statements, and contact, including kissing on the lips, with Minor Doe and then, on multiple occasions seized, confined,

inveigled, decoyed, kidnapped, abducted, or carried away Minor Doe's person under the false pretense of taking Minor Doe to school-sponsored extracurricular events in Post's capacity as a school-employed athletic trainer, instead taking Minor Doe to a third location apart from the school grounds or the location of the extracurricular event, where Post sexually assaulted Minor Doe without Minor Doe's effective consent, being a child incapable of consenting.

46. Defendant Post knew that such conduct would subject Minor Doe to severe emotional distress, because Post knew that the serial grooming, kidnapping, and rape of Minor Doe would traumatize the child and forever victimize the child, rendering the child severely emotionally impaired in the child's ability to psychologically develop into normal adulthood.

47. Defendant Post's conduct was extreme and outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, as to be regarded as atrocious and utterly intolerable in a civilized community. In particular, the conduct should be outrageous because Defendant Post sought to be, and was, entrusted with the safety of young children *ex officio* her position and certification, past or purported, as an athletic trainer, whose very profession enabled personal and physical contact with children for legitimate purposes, but which trust and contact Post violated and bent to her own prurient interest, over the wellbeing of said children.

48. Minor Doe's resulting emotional distress has been severe in that the child has had difficulty sleeping, attending school, continuing in participation with all the classes, programs, sports, clubs, and/or activities in which the child engaged before, and visiting the parts of the school or local community in which the child had interfaced with and was assaulted by Post.

49. Minor Doe has begun or will imminently begin psychotherapeutic counseling to process the events described herein and mitigate the child's intolerable distress and the potential welling up of posttraumatic stress.

50. Each of Defendant Post's intentional acts, singularly or in combination with others, constituted intentional infliction of emotional distress with malice, which proximately caused Plaintiffs' severe mental pain and anguish. *See* Tex. Civ. Prac. & Rem. Code § 41.003(a)(2).

**GROSS NEGLIGENCE UNDER C.P.R.C. CHAPTER 118 AGAINST
DEFENDANT MCKINNEY INDEPENDENT SCHOOL DISTRICT**

51. Plaintiffs proceed against Defendant McKinney ISD pursuant to Chapter 118 of the Texas Civil Practice and Remedies Code (the "Act"), which effects a waiver and abolition of governmental and official immunity of public schools and professional school employees for sexual misconduct.

52. In satisfaction of the Act's requirements for liability, Plaintiffs would show that Defendant McKinney ISD, a public school, was grossly negligent, reckless, or engaged in intentional misconduct, in hiring, supervising, or employing a professional school employee, *viz.*, Defendant Lindsey Elizabeth Post, rendering it liable for an act or omission that is committed by the employee against a student enrolled in the school and that is sexual misconduct or failure to report suspected child abuse or neglect under Section 261.101, Family Code. Tex. Civ. Prac. & Rem. Code § 118.002(a).

53. In particular, Defendant McKinney ISD's conduct, as a body corporate or by way of any agent or employee thereof, in:

- a. failing to ensure supervised transportation to extracurricular event(s) which student(s) such as Minor Doe were expected to attend;
- b. failing to require by policy or actually enforce a rule against a school employee from taking a student away from the campus in an irregular manner, i.e., in the employee's own vehicle;

- c. failing to require by policy or actually enforce a system of ensuring that in the highly unlikely event that above said transportation of a student by an employee's own vehicle were authorized, the student arrive safely and timely at their destination after their departure from the school, so as to assure there is no detour;
- d. failing to require by policy or actually enforce the requirement of two-deep leadership in employee–student interactions outside of the classroom;
- e. failing to require by policy or actually enforce a system by which no student may exit a campus without either being directly delivered to the possession of a known parent or legal guardian, signed out through a secure system, or tendered to planned mass transportation, such as a school bus or charter bus, to an extracurricular activity;
- f. failing to require by policy or actually enforce a system for routinely auditing and verifying the continued licensure, certification, and/or training of all school employees and contractors whose work is around children and requires a license, certificate, or training which periodically expires and must be renewed;
- g. failing to require and audit attendance in physical or virtual seminars to educate other school employees in adequately detecting and preventing child abuse, neglect, grooming, isolation, overreaching beyond the normal adult–student boundary, and molestation including from insider threats proactively, beyond mere mandatory reporting upon its discovery through no effort of the school;
- h. not only insufficiently supervising but being absolutely derelict in its duties to supervise Defendant Post's interactions with students whether in Post's provision of athletic trainer services such as direct therapeutic intervention or any time around students not providing such services;
- i. failing either in adequately installing, operating, or configuring security cameras in and around the hallways, doors, parking areas, or exit roads of the school in a manner that such cameras could capture footage of Defendant Post taking Minor Doe in Post's personal car; monitoring such footage from such cameras; or understanding the implication of such monitoring of such footage;

was grossly negligent, in that, when viewed objectively from the standpoint of Defendant McKinney ISD at the time of the act or omission, the conduct involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others, and—

54. in that Defendant McKinney ISD had actual, subjective awareness of the risk involved, to wit:

- a. that failing to provide supervised, school-sanctioned, scheduled, chartered, and/or hired mass transportation for students to off-campus extracurriculars for students which the school knew would not be transported by their parents would create an environment which fostered *ad hoc* transportation of single students by school employees by necessity;
- b. that authorizing, allowing, permitting, acquiescing to, or negligently failing to stop the resulting *ad hoc*, single employee–student transportation from the school removed all safeguards from the child and would present an extreme risk of child abuse;
- c. that instituting no additional safeguards in the event of even genuine, authorized single employee–student transportation such as by tracking the timely and safe pickup and delivery of the student by the employee to prevent detours and kidnapping would allow a sufficiently motivated school employee to take a student away rather than immediately deliver them and commit abuse with impunity before delivering the child to the intended destination before the delay could be casually detected;
- d. that neither requiring by rule or enforcing by practice a form of “two-deep leadership”⁶ in high-risk locations and/or scenarios in the school, during the school day, during school-sanctioned extracurriculars, or in the course of employee–student interactions would allow any one adult who was able to single out any one student and who was inclined to abuse the student to do so, for want of a second adult to hold the first adult accountable, if only out of fear of being reported and prosecuted;
- e. that failing to implement a system of student check-out to parent-approved individuals, or at least of notifying parents of abnormal check-outs, would allow an adult inclined to abuse a student to check out the student under false pretenses at least once, or absent notice to parents, repeatedly, to abuse that student;
- f. that neither requiring by rule or enforcing by practice a system to routinely audit the licensure or certification, as the case may be, of school employees whose work was around students and required such

⁶ The former Boy Scouts of America (“BSA,” now “Scouting America”) had the dishonor of being one of the earlier organizations forced to confront systemic child sexual abuse and molestation risk. BSA formally implemented “two-deep leadership” in 1987, requiring two adult leaders at all Scouting activities. BOY SCOUTS OF AMERICA, *Youth Protection (Infographic)*, at 2, bullet point “1987” (Aug. 10, 2019), <https://www.hoac-bsa.org/Data/Sites/1/media/safe-scouting/youth-protection-infographic.pdf> [<https://perma.cc/6F89-GLA9>].

licensure or certification, increased the risk that students would be exposed to a school employee whose lapse in licensure was due to either: a decline in mental health and coming about of a compulsion to molest children incapacitating the employee in the maintenance of their licensure, some other incapacity which would have caused the employee to fail to renew their license had they tried—rendering them facially unfit to work that job around children, or the employee’s fraudulent misrepresentation of their license in a manner which was readily subject to contradiction by public records—were anyone to look;

- g. that not mandating adequate education of school employees in child abuse detection and prevention, beyond mere mandatory reporter education, would enable staff to report the abuse well after the fact, but would not enable staff to prevent the grooming and serial rape in the first place, so as to check a regulatory box but not actually protect children from having their bodily integrity violated;
- h. that being totally derelict in supervising Defendant Post’s interactions with students—whether hands-on contact therapy or otherwise—would enable and even embolden her to act with impunity in abusing a child or children including Minor Doe, and that even if Post were otherwise inclined to abuse a child and such tendencies had escaped detection, the mere supervision of her work would have prevented her successful abuse of a child or children including Minor Doe;
- i. that either failing to surveil by remote video camera or otherwise the areas in and through which a student might exit or be taken away from the school, or by surveilling such areas but failing to intelligently understand the significance of video footage of Defendant Post repeatedly taking Minor Doe away from campus by her own vehicle, indicated that the District was either willfully blind to the danger under its own nose, or that it had actual knowledge thereof, but ignored it for any number of unacceptable reasons, in any event leading to the serial rape of Minor Doe;

but, nevertheless, proceeded with conscious indifference to the rights, safety, and welfare of others, including Plaintiffs.

55. Each of such acts and omissions, singularly or in combination with others, constituted gross negligence which proximately caused the sexual conduct herein described

and the injuries which Plaintiffs suffered as a result, because, if Defendant McKinney ISD had undertaken any of these preventative measures including termination, Plaintiffs would not have been subject to said conduct.

56. In further satisfaction of the Act's requirements for liability, this suit under the Act against the public school, Defendant McKinney ISD, has named the professional school employee who committed the act or omission on which the claim is based, Defendant Post, as a defendant. Tex. Civ. Prac. & Rem. Code § 118.002(b).

57. Defendant McKinney ISD is a public school within the meaning of the Act because it is "an independent school district or open-enrollment charter school." *See* Tex. Civ. Prac. & Rem. Code § 118.001(3).

58. Defendant Post was a "professional school employee" because at all times described herein, she was employed by a public school, namely, Defendant McKinney ISD, as an athletic trainer, which is a profession requiring certification⁷ and the exercise of discretion.⁸ Tex. Civ. Prac. & Rem. Code § 118.001(2).

⁷ The practice of athletic training requires a license by the State of Texas, as administered by the Texas Department of Licensing and Regulation (TDLR). Tex. Occ. Code § 451.151; 451.001(2); 451.101(a-1); *see generally* 16 Tex. Admin. Code ch. 110 ("Athletic Trainers"). Licensure often, but not always, arises by reciprocity with certification by the Board of Certification, Inc., i.e. "the Board of Certification for the Athletic Trainer." *See* 16 Tex. Admin. Code § 110.21(b)(2). Licensure always requires certification for CPR and AED use, or EMS training. 16 Tex. Admin. Code § 110.21(e). It can thus be said that working for a school as an athletic trainer requires "certification."

⁸ This phrase is apparently a reference to federal time and wage regulation, namely, the administrative exemption in the United States Department of Labor, Wage and Hour Division's overtime law. *See* 29 C.F.R. § 541.202. Based on W.H.D. published guidance, athletic trainers appear to fall within the related "learned professional" exemption. U.S. DEPT OF LABOR, Fact Sheet #17S (rev'd Aug. 2024) (citing 29 C.F.R. § 541.301), <https://www.dol.gov/agencies/whd/fact-sheets/17s-overtime-educational-institutions> [<https://perma.cc/APG5-ESV4>]. By reference, the cited regulation defines the learned professional exemption as applying to employees who "perform work requiring advanced knowledge." 29 C.F.R. § 541.301(a)(1). That, in turn, is defined as work "requiring the consistent exercise of discretion and judgment." *Id.* § 541.301(b). Thus, it appears that the learned professional is the subset of the administrative laborer under FLSA regulations.

59. The acts or omissions complained of herein were committed by the professional school employee, Defendant Lindsey Elizabeth Post, against a student or students enrolled in the school, Minor Doe, and the acts or omissions constituted sexual misconduct.

60. The acts or omissions constituted “sexual misconduct” within the meaning of the Act because they constituted sexual abuse or one or more of the enumerated statutes in the Act, Tex. Civ. Prac. & Rem. Code § 118.001(4), including but not limited to Texas Penal Code:

- a. § 20A.02(a)(7) Child Sex⁹ Trafficking¹⁰ from a School¹¹;
- b. § 21.02 Continuous Sexual Abuse of Young Child;
- c. § 21.11 Indecency with a Child;
- d. § 21.12 Improper Relationship Between Educator and Student;
- e. § 22.011(a)(2) Sexual Assault of a Child; and
- f. § 22.021(a)(2)(A)(iii) Aggravated Sexual Assault by Kidnapping.

61. To remove any doubt, Plaintiffs expressly contend that the conduct of Defendant Post against Minor Doe fell within at least some of the physical definitions of sexual assault of a child under Texas Penal Code § 22.011(a)(2).

62. Plaintiffs affirmatively plead that the governmental immunity of Defendant McKinney Independent School District is waived, and the official immunity of Defendant Lindsey Elizabeth Post is abolished, to the extent either party is liable under the Act. See Tex. Civ. Prac. & Rem. Code § 118.006.

⁹ There are many variants of the Human Trafficking offense, Texas Penal Code § 20A.02(a)(7) being specifically the child trafficking resulting in certain sex crimes variant.

¹⁰ To transport, entice, recruit, harbor, provide, or otherwise obtain another person by any means. Tex. Penal Code § 20A.01(4).

¹¹ First degree felony enhancement. Tex. Penal Code § 20A.02(b-1)(1)(A).

ATTORNEY'S FEES

63. Because this is a suit under Chapter 118 of the Civil Practice and Remedies Code, Plaintiffs are entitled to recover reasonable and necessary attorney's fees that are equitable and just. Tex. Civ. Prac. & Rem. Code § 37.009.

CONDITIONS PRECEDENT

64. All conditions precedent to Plaintiff's' claims for relief have been performed or have occurred.

DAMAGES

65. As a direct and proximate result of Defendants' gross negligence and intentional conduct, respectively, Plaintiffs have sustained bodily injuries and incurred expenses for the necessary medical care of those injuries and in reasonable probability will incur future medical expenses. These charges are reasonable, customary, and prevailing charges for the services rendered in the county in which they were rendered.

66. Plaintiffs have also sustained physical pain and mental anguish and in reasonable probability, will continue to sustain physical pain and mental anguish into the future.

67. Plaintiffs have also sustained physical impairment and in reasonable probability, will continue to sustain physical impairment into the future.

68. Plaintiffs have also sustained an invasion of privacy.

69. Plaintiffs have also sustained an injury to reputation.

70. Plaintiffs' injuries resulted from Defendant Post's malice, which entitles Plaintiffs to exemplary damages as to her only under Texas Civil Practice & Remedies Code section 41.003(a)(2). In particular, Defendant Lindsey Elizabeth Post possessed the specific intent to cause substantial injury or harm to Plaintiffs, by exploiting their trust as parent(s) and student(s), under color of Post's employment by the school, to intrude upon Minor Doe's

privacy and physical integrity, causing severe mental anguish. See Tex. Civ. Prac. & Rem. Code § 41.001(7).

71. Plaintiffs separately contend that Defendant McKinney ISD is liable to Plaintiffs for exemplary damages under Chapter 118 of the Texas Civil Practice & Remedies Code, above and beyond the statutory limit on recovery of actual damages, as the Act requires a showing of gross negligence, which is accorded exemplary damages by separate statute, the Act is cumulative to other remedies, and the Act neither precludes nor limits a recovery of exemplary damages. See Tex. Civ. Prac. & Rem. Code §§ 118.003, 41.003(a)(3), 118.005.

PRAYER

WHEREFORE, Plaintiffs request that Defendants appear and answer, and that this case be tried before a jury, after which Plaintiffs take a judgment against Defendants, jointly and severally, for damages including, but not limited to, the following:

- 1) actual damages including:
 - a) past and future medical expenses;
 - b) past physical pain and mental anguish;
 - c) future physical pain and mental anguish;
 - d) past physical impairment;
 - e) future physical impairment;
 - f) invasion of privacy;
 - g) injury to reputation;
- 2) exemplary damages due to malice as to Defendant Lindsey Elizabeth Post only;
- 3) exemplary damages due to gross negligence as to Defendant McKinney ISD only;
- 4) reasonable attorney's fees;
- 5) costs of court;
- 6) prejudgment and post-judgment interest at the highest lawful rate; and
- 7) such other and further relief, at law or in equity, to which Plaintiffs may be justly entitled.

NOTICE THAT DOCUMENTS WILL BE USED

Plaintiffs, in accordance with Rule 193.7 of the Texas Rules of Civil Procedure, hereby gives notice to all parties that Plaintiffs intend to use at trial, or at any pre-trial proceedings, all documents produced by Defendants and Plaintiffs in response to discovery from any and all parties in this cause.

METHODS OF SERVICE

Plaintiffs' counsel has a designated electronic service email address for all electronically served documents and notices, filed and unfiled. Pursuant to Texas Rules of Civil Procedure 21a(a)(1) and 21(f)(2), Plaintiffs' electronic service email address is **service@herzlaw.com**. **Service through any other email address will be considered invalid.**

Respectfully submitted,

HERZ LAW

/s/ Paul Herz

Jill Herz

State Bar No. 00785930

Harry Herz

State Bar No. 24136399

Paul Herz

State Bar No. 24138309

4835 LBJ Freeway, Suite 470

Dallas, Texas 75244

Telephone: 214-745-4567

Facsimile: 214-745-1156

Email: service@herzlaw.com

ATTORNEYS FOR PLAINTIFFS