

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

MAISOON RENICK,
as Personal Representative of the Estate
of Selena Perez,

Plaintiff,

Case No.:

vs.

Hon.

ANNAPOLIS HIGH SCHOOL,
DEARBORN HEIGHTS SCHOOL
DISTRICT #7,
AARON MOLLETT,
and DR. TYRONE WEEKS,

jointly and severally,

Defendant(s).

KOUSSAN LAW
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PLAINTIFF'S COMPLAINT FOR DAMAGES

PARTIES

NOW COMES Plaintiff, MAISOON RENICK as Personal Representative of the Estate of Selena Perez, by and through counsel, KOUSSAN LAW, and for her Complaint, states as follows:

1. Plaintiff, MAISOON RENICK (“MAISOON”) as Personal Representative of the Estate of Selena Perez (“SELENA”), is a resident of Dearborn Heights, County of Wayne, State of Michigan.

2. Defendants, ANNAPOLIS HIGH SCHOOL (“ANNAPOLIS”) and DEARBORN HEIGHTS SCHOOL DISTRICT #7 (“DHSD”) are political and/or municipal subdivisions - as defined under MCL 691.1401(e) – of the City of Dearborn Heights, Michigan and accept service of process through its school board president, Latanya Gater, located at 20629 Annapolis Street, Dearborn, Michigan 48125. Under information and belief, DHSD conducts all operations for ANNAPOLIS, including but not limited to: funding, staffing, training, supervising the staff, counselors and teachers at ANNAPOLIS and for maintaining the safety and security of school facilities for the education and welfare of DHSD students, like SELENA.

3. Defendants, ANNAPOLIS and DHSD, are being sued pursuant to 42 USC §1983 and for their official policies, practices and customs which were the motivating force and cause-in-fact for the decision to let SELENA leave schools

grounds without notifying her parents or the police of her marijuana intoxication and/or suicidal ideation on May 1, 2023. Defendants ANNAPOLIS and DHSD are also being sued for Wrongful Death and Gross Negligence under state law.

4. Defendant, AARON MOLLETT (“MOLLETT”) is a Citizen of the State of Michigan and was acting under the color of state law within the course and scope of his employment as Principal of ANNAPOLIS. MOLLETT is being sued pursuant to 42 USC §1983 and for Wrongful Death and Gross Negligence under state law.

5. Defendant, DR TYRONE WEEKS (“WEEKS”) is a Citizen of the State of Michigan and was acting under the color of state law within the course and scope of his employment as Superintendent of DHSD. WEEKS is being sued pursuant to 42 USC §1983 and for Wrongful Death and Gross Negligence under state law.

6. Upon information and belief, the events giving rise to the basis of this Complaint have occurred throughout the past several years and continued through, at least, May 1, 2023.

JURISDICTION AND VENUE

7. This action arises under the United States Constitution and the law of the United States, particularly the Fourteenth Amendment to the United States Constitution and 42 USC §§1983 and 1988, and under the statutes and common law of the State of Michigan.

8. This Court has jurisdiction over Plaintiff's federal claims pursuant to 28 USC §§ 1331, 1343(a)(3) and (a)(4) and 42 USC §1983.

9. This Court should exercise supplemental jurisdiction over the state law claims pursuant to 28 USC §1367 because those claims arise out of the same facts as the federal claims and all claims are part of the same case or controversy.

10. Venue is proper pursuant to 28 USC §1391(d) because all facts alleged in this Complaint took place in Oakland County, Michigan and the parties reside in the Eastern District of Michigan.

11. The amount in controversy is in excess of Seventy-Five Thousand (\$75,000.00) Dollars.

GENERAL ALLEGATIONS

12. Plaintiff, by reference, incorporates the preceding paragraphs of her Complaint as though fully set forth herein.

13. At all times relevant hereto, SELENA was Plaintiff's minor child and a student of Defendant, DHSD, and was enrolled at Defendant ANNAPOLIS.

14. At certain relevant times, Defendant MOLLETT was a faculty member serving in the appointed capacity of Principal at ANNAPOLIS during the school year 2022-2023 and had regular contact with SELENA.

15. At all times relevant hereto, Defendant WEEKS was a faculty member serving in the appointed capacity of Superintendent at Defendant DHSD.

16. Based on information and belief, SELENA died on May 1, 2023, and the cause and manner of death was verified by Wayne County Medical Examiner's Office.

STATEMENT OF FACTS

17. Defendant MOLLET was a school administrator involved in SELENA's education in a prior middle school and developed a teacher-student relationship with knowledge of SELENA's academic, social and personal history.

18. That, during her tenure as a student, at certain times SELENA had physical signs of self-induced trauma to her extremities that Defendants could have casually observed and linked to her suicidal ideation.

19. That SELENA engaged in electronic communication through Defendant, ANNAPOLIS' furnished tablet in order to maintain bilateral electronic dialogue with, *inter alia*, Defendant MOLLETT.

20. That SELENA's academic record was exceptional up until the last few months of her life when her grades started to decline.

21. That SELENA, on one or more occasions, was under the influence of Marijuana during school session at ANNAPOLIS and that Defendant MOLLETT, had personal first-hand knowledge that SELENA was under the influence of Marijuana in the hours before SELENA's death on May 1, 2023.

22. On May 1, 2023, Defendant MOLLETT contacted Plaintiff by telephone to report SELENA's minor misbehavior of "tossing bottles" in class, at or near the conclusion of the school day, and willfully and intentionally failed to report that SELENA was under any influence of Marijuana to Plaintiff.

23. That Defendant MOLLETT allowed SELENA to leave school premises without seeking medical treatment, without advising her parental guardians of the actual circumstances surrounding her altered mental and physical state, or reporting anything to the local authorities.

24. That SELENA walked home alone, in an altered state of mental health and within a short period of time after arrival, committed suicide in the basement of her residence, resulting in her death.

25. That within approximately thirty (30) minutes after SELENA's untimely demise, without advanced knowledge or invitation from Plaintiff, Defendants MOLLETT and WEEKS arrived at SELENA's residence, under the guise of expressing condolences on the passing of SELENA, and to report that SELENA was under the influence of Marijuana during school hours that day.

26. That Plaintiff did not make any public statements or provide any notice of death of SELENA to the Defendants, *prior to* Defendants MOLLETT and WEEKS' arrival at Plaintiff's residence.

27. That the mere arrival of Defendants MOLLETT and WEEKS at SELENA's residence, in such close temporal proximity to SELENA's death raises genuine concerns on how they developed the knowledge of SELENA's passing, who they obtained that information from, the content and substance of their electronic communications with SELENA and the nature of their relationship with SELENA.

28. While at the residence of Plaintiff on the evening of May 1, 2023, Defendant MOLLETT disclosed to Plaintiff that SELENA was under the influence of Marijuana earlier in the school day, and then subsequently attempted to backtrack on his statement.

29. Based on information and belief, certain events transpired within DHSD after SELENA's untimely passing that may have some correlation to the cause or negligence of all Defendants in SELENA's demise:

- a) Defendant MOLLETT was placed on a leave of absence during the school term, then placed back on active duty, and then following the school term, placed back on a leave of absence;
- b) At least three (3) school educator unions issued a "no-confidence" vote in May 2023 with respect to Defendant WEEKS role as DHSD's Superintendent role; and,
- c) Defendant WEEKS was subsequently placed on leave by the DHSD school board.

30. That DHSD's school policy/Code of Conduct imposes a mandatory minimum 10-day suspension and police contact when "students found to be using,

possessing, under the influence of, distributing or selling marijuana or any other illegal narcotic or controlled substances” (Exhibit 1).

31. Upon information and belief, Defendant MOLLETT routinely failed to enforce DHSD’s Code of Conduct in order to establish and maintain his popularity among students.

32. That Defendant MOLLETT failed to: (a) impose on SELENA, DHSD’s mandatory minimum 10-day suspension; and/or (b) contact police in order to avoid any investigation of his relationship with SELENA.

33. That there is an active police investigation with Dearborn Heights Police Department concerning SELENA’s death.

34. That SELENA’s school-issued device was confiscated by the Dearborn Heights Police Department and has not been returned.

35. Notwithstanding the aforementioned allegations, Defendants failed to take appropriate interventional steps to or for the benefit of SELENA.

36. As a proximate cause of Defendants’ egregious misconduct which includes, *inter alia*, Defendants’ pattern of refusing to enforce DHSD’s Code of Conduct, failure to intervene and failure to contact local authorities, SELENA was allowed to come under the influence of Marijuana, stay under the influence of Marijuana, was subjected to a state of altered mental health and endured mental,

emotional and physical injuries ultimately leading to her untimely death on May 1, 2023.

**COUNT I – WRONGFUL DEATH
(Against ALL Defendants)**

34. Plaintiff, by reference, incorporates the preceding paragraphs of her Complaint as though fully set forth herein.

35. At all times herein mentioned, it was the Defendants' duty to provide a safe environment for students within their care and custody, like SELENA, by providing necessary counseling, referrals to counseling, contacting the student's parent to report unusual or suspicious behavior or, when there has been use, possession or influence of Marijuana, engage in contacting local authorities when permitted and, as articulated in the Student Code of Conduct, providing first aide resources in the event of a student's physical, emotional or mental distress requiring medical care or a student who has life threatening condition requiring emergency medical services.

36. Defendant herein, had a duty to exercise due care and caution for the health and well-being of persons lawfully within their care and custody.

37. Notwithstanding the duties imposed upon the Defendant herein by statute and common law, the Defendant did violate said duties and was negligent in the following acts of negligence and/or omissions:

- a) by negligently failing to exercise due care, to protect SELENA from herself;
- b) by failing to inform Plaintiff of SELENA's Marijuana use and intoxication *before* SELENA's untimely demise;
- c) by failing to exercise ordinary care and prudence by making referrals to counseling;
- d) by failing to contact local authorities when warranted and as required by the school Code of Conduct;
- e) by failing to enforce school policies;
- f) by commission of other acts of negligence and/or omissions, which are hereby reserved for proof at the time of trial.

38. Defendants are responsible for the health and welfare of individuals within their care and custody.

39. Notwithstanding said duties and obligations as a direct and proximate result of the negligence of Defendants, SELENA was caused to suffer emotional, physical and mental injuries, altered state of mental health leading to her untimely demise.

40. This wrongful death claim is cognizable under MCL 600.2922.

41. SELENA's estate incurred medical, hospital, funeral and burial expenses for which Defendants are liable.

42. Plaintiff, MAISSON RENICK, as Personal Representative for the Estate of Selena Perez, Deceased, seeks all economic and non-economic damages allowed under the Michigan Wrongful Death Act, MCL 600.2922.

43. SELENA's heirs seek damages as a result of SELENA's death as allowable under the Wrongful Death Act. These include, but are not limited to:

- a) Plaintiff, Maisoon Renick (mother);
- b) Stacy Renick (father);
- c) Any / all other descendants or heirs under the Wrongful Death Act.

44. As a direct and proximate result of Defendants' conduct, Plaintiff and SELENA have been damaged in the manner outlined above.

**COUNT II - GROSS NEGLIGENCE
(Against ALL Defendants)**

45. Plaintiff, by reference, incorporates the preceding paragraphs of his Complaint as though fully set forth herein.

46. "Gross Negligence" means a duty and breach of that duty by conduct so reckless as to demonstrate a substantial lack of concern for whether injury results, causing injury. MCL 691.1407(2).

47. Defendants had a duty to refrain from taking actions that were so reckless as to demonstrate substantial lack of concern for whether an injury results, thereby causing injury.

48. In deliberate breach of this duty, Defendants MOLLETT and WEEKS concealed, minimized and downplayed to Plaintiff the known risk of harm to SELENA from being s suicide risk while under the influence of Marijuana.

49. Defendants MOLLETT and WEEKS were aware of multiple “red flags” alerting them to the danger that SELENA presented to herself, yet in a deliberate breach of their duty, Defendants MOLLETT and WEEKS failed to intervene by, *inter alia*: (a) preventing SELENA from leaving school; (b) notifying either of SELENA’s parents and/or the police that she was a suicide risk and under the influence of Marijuana, as required by the DHSD’s Code of Conduct; (c) failing to provide necessary counseling or counseling referrals; (d) failing to provide first aide resources in the event of SELENA’s physical, emotional or mental distress requiring medical care or where SELENA had a life threatening condition requiring emergency medical services; had Defendants done so, SELENA’s suicide would have been prevented.

50. In deliberate breach of this duty, Defendants released SELENA from ANNAPOLIS to walk home and ultimately commit suicide, without taking any

precautions after Defendants knew, or should have known, that SELENA was in an altered mental state from consuming Marijuana and was a suicide risk.

51. Had Defendants MOLLETT and WEEKS not breached their duties and properly intervened, SELENA's suicide could have been prevented.

52. Defendants' actions – or inactions – including but not limited to their inadequate and dangerous policies and practices, their affirmative decisions to exclude law enforcement and/or SELENA's parents and their decision to send SELENA home after school that day – were so reckless as to demonstrate a substantial lack of concern for whether and injury resulted, and therefore breached their standard of care.

53. Defendants' acts or omissions were grossly negligence and were the proximate cause of SELENA's injuries because Defendants' acts or omissions directly placed the victim, SELENA, to be in harm's way and provided her with ample opportunity to commit suicide while in an altered mental state, under the influence of Marijuana.

54. As a direct and proximate result of Defendants' actions, SELENA suffered a wrongful death, and her estate is entitled to recovery as alleged above.

**COUNT III – STATE CREATED DANGER – 42 USC §1983
(Against Defendants MOLLETT and WEEKS)**

55. Plaintiff, by reference, incorporates the preceding paragraphs of his Complaint as though fully set forth herein.

56. SELENA was a citizen of the United States entitled to all rights, privileges and immunities accorded to all citizens of the State of Michigan and the United States, including the clearly established right to not be deprived of life without due process of law under the Fourteenth Amendment to the United States Constitution, as enforced pursuant to 42 USC §1983.

57. Any reasonable person would be aware of this clearly established right.

58. Defendants MOLLETT (Principal) and WEEKS (Superintendent), with knowledge of this clearly established right, and acting in deliberate indifference, violated SELENA's right not to be deprived of life without due process, as secured by the Fourteenth Amendment's Due Process Clause, by taking affirmative acts under color of state law to disrupt the status quo and create a danger of death that did not exist in the status quo prior to those affirmative state actions, and by taking affirmative acts which caused the death of SELENA, which would not have happened but-for those affirmative state actions.

59. At all relevant times, Defendants MOLLETT and WEEKS, were acting under the color of state law as employees of DHSD and ANNAPOLIS, a public school district, including but not limited to securing, supervising, advising and

directing the activities of SELENA; actions and decisions regarding school practices and procedures, both formal and informal; and in their conduct at school administrators and counselors.

60. Defendants MOLLETT and WEEKS knew that SELENA was suicidal, that she was in extreme emotional distress; that she presented a substantial risk of danger to herself; that she was urgently requesting help from DHSD and/or ANNAPOLIS staff; and, that she was in an altered mental state due to being under the influence of Marijuana on May 1, 2023.

61. Defendants MOLLETT and WEEKS had the authority and obligation as school administrators to maintain the status quo, in which SELENA was safe, secure and restricted in the Principal's office or elsewhere on school grounds, where she was supervised by adults and did not have access to the means to harm herself.

62. Defendants MOLLETT and WEEKS had the authority to maintain SELENA in a safe and secure location, under the watchful eye of a responsible adult, until such time as she was no longer a threat to herself.

63. Defendants MOLLETT and WEEKS affirmatively misused their authority by releasing SELENA from school grounds, despite knowing that she was suicidal and in an altered mental state, and that she posed a substantial threat to herself.

64. Defendants MOLLETT and WEEKS each took affirmative actions that individually, or in concert with one another, created and substantially increased the danger that SELENA's conduct would escalate to actual violence against herself and result in her death on May 1, 2023.

65. Defendants MOLLETT and WEEKS took affirmative acts that created or increased the risk of danger, including but not limited to:

- a) Releasing SELENA from the safe and secure confines of the school grounds, despite knowing, or having probable cause to know, that SELENA was suicidal, under the influence of marijuana, and that she was a threat to herself;
- b) Promoting a policy, practice or custom of concealment, misrepresentation, minimizing or avoidance and non-escalation to higher authorities, including law enforcement, of suspected or known risks of SELENA's suicidal ideation and Marijuana intoxication;
- c) Promoting a policy, practice or custom of refusing to secure or hold a student on school grounds, or to otherwise restrict a student from leaving the school premises, where the student is suicidal and presents a risk of harm to herself, like SELENA did on May 1, 2023;

- d) Promoting a policy, practice or custom of not training staff or administrators in the proper manner of interviewing and questioning a student who is known to be suicidal, such as SELENA;
- e) Promoting a policy, practice or custom of not training staff or administrators in the proper methods or completing a risk assessment;
- f) Disregarding and diverting student mental health crises;
- g) Declining to file mandatory reports of suspected neglect or abuse concerning SELENA in violation of MCL 722.623(a);
- h) Any other additional affirmative acts that created or increased the chance that SELENA would commit suicide which may become known through the course of this litigation.

66. Defendants MOLLETT and WEEKS' affirmative actions created and exacerbated a state-created danger that substantially increased the special danger of harm to SELENA, and in doing so knowingly and recklessly disregarded the substantial risk for danger that SELENA posed to herself.

67. The relationship between Defendants MOLLETT and WEEKS, as school administrators, and SELENA, as a student of DHSD and AMMAPOLIS, was such that MOLLETT and WEEKS knew that SELENA was a foreseeable victim of suicide upon her release from the security of the school grounds on May 1, 2023.

68. Defendants MOLLETT and WEEKS are not entitled to qualified immunity because SELENA's right to not be deprived of her life, through self-inflicted harm, was a harm that was likely to occur was clearly established at the time of MOLLETT and WEEKS' actions.

69. The conduct of MOLLETT and WEEKS was objectively unreasonable and performed knowingly, deliberately and with deliberate indifference to the safety of SELENA causing students at DHSD and AMMAPOLIS, with suicidal ideation and under the intoxication of marijuana, to be less safe than they were before Defendants' affirmative actions.

70. Defendants MOLLETT and WEEKS knew that their conduct, which exacerbated the risk and ultimately caused SELENA's death, violated the clearly established rights of DHSD and ANNAPOLIS students, such as SELENA.

71. Defendants MOLLETT and WEEKS had ample time to deliberate and make an unhurried judgment about whether to release SELENA – who they knew was suicidal and under the influence of marijuana – from the safety and security of the school grounds.

72. Defendants MOLLETT and WEEKS consciously disregarded a substantial risk of serious harm by releasing SELENA - who they knew was suicidal and under the influence of marijuana – from the safety and security of the school grounds.

73. But for the affirmative acts of Defendants MOLLETT and WEEKS to change the status quo by permitting SELENA to leave the schools grounds without contacting her parent(s) and/or police to notify them of her suicidal ideation and marijuana intoxication, SELENA would not have waked home and committed suicide on May 1, 2023.

74. But for Defendants MOLLETT and WEEKS' actions of releasing SELENA from the school grounds, the status quo (i.e. student safety) would have remained.

75. Defendants MOLLETT and WEEKS thus affirmatively created new dangers that did not exist, as long as SELENA remained on the school grounds, and affirmatively increased the dangers that did not exist as long as the status quo was preserved.

76. It is shocking to the conscience that Defendants MOLLETT and WEEKS would release SELENA from the security of the school grounds and let her walk home alone where they knew that SELENA was suicidal, was under the influence of marijuana intoxication and that she was a threat to herself.

77. In comparison with the public-at-large, as a student of DHSD and ANNAPOLIS, SELENA was specifically at risk and exposed to the dangers presented by the act of releasing SELENA from the safety of the school grounds, where she subsequently committed suicide.

**COUNT IV-STATE CREATED DANGER
MONELL LIABILITY UNDER 42 USC §1983
(Against Defendants DHSD and ANNAPOLIS)**

78. Plaintiff, by reference, incorporates the preceding paragraphs of his Complaint as though fully set forth herein.

79. Defendants ANNAPOLIS and DHSD, along with their administrators and policymakers, including but not limited to Defendants MOLLETT (Principal) and WEEKS (Superintendent) adopted and maintained official policies, practices and customs that were the moving force behind, and cause-in-fact of, the SELENA's suicide on May 1, 2023. These official policies, practices and customs include and are not limited to:

- a) A policy, practice or custom of concealment, misrepresentation, minimizing or avoidance and non-escalation to higher authorities, including law enforcement, of suspected or known risks of SELENA's suicide risk and Marijuana intoxication;
- b) Defendants' policy, practice or custom of refusing to secure or hold a student in the counseling office, or to otherwise restrict a student from leaving the school premises where the student is suicidal and presents a risk of harm to herself, like SELENA did on May 1, 2023;

- c) Defendants' policy, practice or custom of not training staff or administrators in the proper manner of interviewing and questioning a student who is known to be suicidal, such as SELENA;
- d) Defendants' policy, practice or custom of not training staff or administrators in the proper methods or completing a risk assessment;
- e) Disregarding and diverting student mental health crises;
- f) Declining to file mandatory reports of suspected neglect or abuse concerning SELENA in violation of MCL 722.623(a);
- g) Any other policy, practice or customer that may become known through the course of this litigation.

80. These policies, practices and customs caused employees to inflict constitutional harms by directly causing SELENA's suicide on May 1, 2023.

DAMAGES/RELIEF

81. Plaintiff, by reference, incorporates the preceding paragraphs of her Complaint as though fully set forth herein.

82. Accordingly Plaintiff respectfully requests that this Honorable Court grant the following relief in accordance with 42 USC §1983, MCL 722.621 and Michigan common law:

- a) An award of actual and punitive or exemplary damages recoverable under Michigan's Wrongful Death Statute;
- b) An award of damages as the Court of Jury shall consider fair and equitable, under all the circumstances including reasonable medical, hospital, funeral and burial expenses for which the estate is liable; reasonable compensation for the physical and emotional pain and suffering, while conscious, undergone by SELENA in the moments between her injury and death;
- c) An award of damages for the loss of society and companionship of the deceased;
- d) An award of actual attorney's fees and costs; and,
- e) Any further legal and/or relief that the Court and/or Jury deem equitable or just.

WHEREFORE, Plaintiff pray for Judgment against Defendant in the amount of **TWENTY-FIVE MILLION (\$25,000,000.00) Dollars**, together with interest from the date of this Complaint to the date of Judgment, court costs and attorney fees so wrongfully sustained.

Respectfully submitted,

Koussan Law

/s/ Ali H. Koussan
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Dated: August 16, 2023

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JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues so triable.

Respectfully submitted,

Koussan Law

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Dated: August 16, 2023

