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9 RAY SHELTON

10 **UNITED STATES DISTRICT COURT**  
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 RAY SHELTON,

13 Plaintiff(s),

14 vs.

15 VIVIAN EKCHIAN; DARNEIKA  
16 WATSON, individually, and in her  
17 official capacity as Chief Human  
18 Resources and Operations Officer and  
19 Interim Superintendent; KATHLEEN  
20 CROSS, individually, and in her official  
21 capacity as a Board of Education member;  
22 INGRID GUNNELL, individually, and in  
23 her official capacity as a Board of  
24 Education member; SHANT  
25 SAHAKIAN, individually, and in her  
26 official capacity as a Board of Education  
27 member; JENNIFER FREEMON,  
28 individually, and in her official capacity  
as a Board of Education member;  
NAYIRI NAHABEDIAN, individually,  
and in her official capacity as a Board of  
Education member; KRISTINE TONOLI;  
and DOES 1-10, inclusive;

Defendants.

Case No. 2:23-cv-10427-CBM-SSC

FIRST AMENDED COMPLAINT  
FOR INJUNCTIVE/DECLARATORY  
RELIEF AND DAMAGES:

**Violations of 42 U.S.C. § 1983 [First  
and Fourteenth Amendments]**

**Jury Trial Demanded**

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**STATEMENT OF JURISDICTION AND VENUE**

1. This Court has original subject matter jurisdiction over this case pursuant to 28 U.S.C. §§ 1331 and 1343 as Plaintiff alleges that Defendants are violating 42 U.S.C. § 1983 by depriving him, under color of state law, of rights, privileges, and immunities secured by the First Amendment to the United States Constitution and incorporated against Defendants by the Fourteenth Amendment.

2. Venue is proper in this judicial district under 28 U.S.C. § 1391(b) as a substantial part of the events and omissions giving rise to the claims alleged herein occurred and are occurring in this district.

**INTRODUCTION**

3. “If there is a bedrock principle underlying the First Amendment, it is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable.” *Texas v. Johnson*, 491 U.S. 397, 414 (1989).

4. This premise has been the law of the land for the better part of the last century.

5. In recent years, however, certain political activists and their ideologue supporters in government, have been attempting to chip away at this principle by arguing that speech—and even silence itself—is “violence.”

6. The plaintiff in this case, Ray Shelton, is the victim of these government actors.

7. Mr. Shelton was a fifth-grade teacher employed by the Glendale Unified School District who disagreed with several policies being promulgated by the district. Mr. Shelton believed that the policies in question jeopardized the health and safety of children and also required members of the school community to subscribe to a political orthodoxy that violated their deeply held personal and religious beliefs.



1           17. Defendant Jennifer Freemon (“Freemon”) was, at all relevant times  
2 herein, a member of the GUSD Board of Education.

3           18. Defendant Nayiri Nahabedian (“Nahabedian”) was, at all relevant times  
4 herein, a member of the GUSD Board of Education.

5           19. The GUSD Board of Education (the “School Board” or “Board”) is a  
6 public body that governs public schools in Glendale, California and is the third  
7 largest school district in Los Angeles County.

8           20. The School Board has final policymaking and decision-making  
9 authority for rules, regulations, and decisions that govern school personnel, including  
10 the actions challenged herein.

11           21. The School Board has participated in, acquiesced in, sanctioned, and  
12 supported, and continues to participate in, acquiesce in, sanction, and support the  
13 actions of the other Defendants in enforcing the policies and procedures governing  
14 GUSD employees, specifically in the punitive measures taken against Mr. Shelton in  
15 retaliation for the exercise of his First Amendment rights.

16           22. The School Board refused to instruct GUSD personnel, including other  
17 Defendants, to rescind the disciplinary measures taken against Mr. Shelton or  
18 otherwise modify district policies to comply with constitutional mandates.

19           23. Defendant Vivian Ekchian (“Ekchian”) was, at all relevant times herein,  
20 the superintendent of GUSD.

21           24. As superintendent, Defendant Ekchian was GUSD’s chief executive  
22 officer whose powers included oversight and control of the district.

23           25. As superintendent, Defendant Ekchian is and was aware of the  
24 retaliatory and unconstitutional actions taken against Mr. Shelton and has refused to  
25 instruct GUSD personnel, including other Defendants, to rescind the disciplinary  
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1 measures taken against Mr. Shelton or otherwise modify district policies to comply  
2 with constitutional mandates.

3 26. As superintendent, Defendant Ekchian has a duty to ensure that  
4 disciplinary actions against personnel are applied in a consistent and lawful manner.  
5 Defendant Ekchian has confirmed, sanctioned, and ratified the other Defendants'  
6 discriminatory, retaliatory, and unconstitutional discipline against Mr. Shelton.

7 27. Defendant Darneika Watson ("Watson") was, at all relevant times  
8 herein, the Chief Human Resources and Operations Officer of GUSD. She currently  
9 serves as interim superintendent of GUSD.

10 28. Defendant Watson possessed the authority and responsibility for  
11 governing and regulating GUSD employees.

12 29. Defendant Watson exercised her authority to punish Mr. Shelton for  
13 exercising his First Amendment rights.

14 30. Defendant Kristine Tonoli ("Tonoli") was, at all relevant times herein,  
15 the principal of Mark Keppel.

16 31. Defendant Tonoli possesses the authority and responsibility for  
17 governing and regulating Mark Keppel teachers, including Mr. Shelton.

18 32. Defendant Tonoli exercised her authority to punish Mr. Shelton for  
19 exercising his First Amendment rights.

20 33. Plaintiff is not aware of the true names and capacities of the defendants  
21 sued as DOES 1-50, inclusive, and therefore sues these defendants by such fictitious  
22 names. Each of these fictitiously named defendants is responsible in some manner  
23 for the activities alleged in this complaint. Plaintiff will amend this complaint to add  
24 the true names of the fictitiously named defendants once they are discovered.

25 34. Plaintiff alleges, on information and belief, that at all times relevant  
26 hereto each of the defendants, including each DOE, was the agent, principal, servant,  
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1 master, employee, employer, joint-venturer, partner, successor-in-interest, and/or  
2 coconspirator of each other defendant and was at all said times acting in the full  
3 course and scope of said agency, service, employment, joint venture, concert of  
4 action, partnership, successorship, or conspiracy, and that each defendant committed  
5 the acts, caused or directed others to commit the acts, or permitted others to commit  
6 the acts alleged in this complaint and is itself liable for the conduct of the named  
7 defendants herein.

8 **FACTUAL ALLEGATIONS**

9 35. Plaintiff Ray Shelton was a venerated fifth-grade teacher at the Mark  
10 Keppel, which is part of GUSD, for 25 years.

11 36. He was universally beloved by his students and their parents, and well-  
12 respected by his colleagues.

13 37. Over the course of his career, Mr. Shelton earned many professional  
14 awards. His unique and engaging approach to teaching earned him recognition from  
15 the community and in the press. Most recently, in March 2023, he was honored with  
16 the “Golden Oak Service Award,” California’s most prestigious PTA award,.

17 38. Mr. Shelton took particular pride in teaching biology and science, which  
18 he had a keen personal interest in.

19 39. One of the basic foundational lessons in biology Mr. Shelton taught his  
20 students is that the human species has two sexes: Male and female.

21 40. This is not only an accepted scientific fact but a deeply held personal  
22 belief for Mr. Shelton.

23 41. Recently, however, this fact has come under attack from politically-  
24 motivated activists, including the Defendants, who believe that there are more than  
25 two sexes and claim that the idea of biological sex itself is a social construct.  
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1           42. Over the last several years these activist-driven ideas have started  
2 creeping into official GUSD policy.

3           43. Some of these policies include, but are not limited to, keeping a secret  
4 file on students who have decided to use pronouns that do not correspond to their  
5 natal sex and a “preferred” cross-sex name which is different from their given one;  
6 permitting natal males, who “identify” as the opposite sex, to use girls' locker rooms  
7 and bathrooms at school; mandating that teachers and students use "preferred  
8 pronouns" regardless of natal sex, even if this violates the users’ deeply held  
9 religious or personal beliefs; and teaching elementary school children about various  
10 sexual positions. More importantly, it is GUSD’s policy to conceal all of this  
11 information from parents (these will be referred to herein as the “Sex-Change  
12 Policies.”).

13           44. Mr. Shelton believes, based on scientific evidence, that children do not  
14 have a fully developed capacity to understand the long-term consequences of their  
15 decisions, especially when it comes to sex and identity.

16           45. Mr. Shelton believes that parents must be intimately involved in any  
17 serious decisions involving their children, especially those with permanent physical  
18 or psychological implications.

19           46. Mr. Shelton believes that parents also have a fundamental right to  
20 control the upbringing and education of their children.

21           47. Mr. Shelton wants to protect children from making potentially  
22 irreversible and life-changing decisions that they may later regret. Mr. Shelton  
23 believes that, because of the complex social, spiritual, and psychological issues  
24 involved in changing one’s sex—especially when paired with chemical hormone and  
25 surgical interventions—children should not be encouraged to undertake social or  
26 medical transition due to their inability to assess the long-term consequences. This is  
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1 especially true when these decisions are actively concealed from parents or otherwise  
2 made without parental involvement.

3 48. Mr. Shelton believes that educators have free speech rights that may be  
4 impacted by educational policy relating to sex identity.

5 49. Mr. Shelton believes that every human being deserves to be treated with  
6 dignity and respect. However, Mr. Shelton believes that referring to a child by a  
7 pronoun that does not correspond to their natal sex does not constitute dignity or  
8 respect; in fact, Mr. Shelton believes, this is harmful both to the child and the  
9 speaker, because it is untrue.

10 50. As a gay man, Mr. Shelton also believes that GUSD's Sex-Change  
11 Policies cause harm to gay people because they are a form of gay conversion therapy  
12 that attempt to convince individuals they are "born in the wrong body" rather than  
13 simply attracted to the same sex.

14 51. On April 18, 2023 Mr. Shelton attended a GUSD Board of Education  
15 meeting. Mr. Shelton attended as a private citizen and not in any representative  
16 capacity as a GUSD employee.

17 52. During the public comment portion of the meeting, Mr. Shelton gave a  
18 short speech in front of the Board, speaking in defense of scientific, biological fact  
19 and in opposition to GUSD's newly-adopted, politically faddish Sex-Change  
20 Policies.

21 53. Mr. Shelton expressed his sincere personal belief, based in scientific  
22 fact, that these GUSD policies were causing mental, physical, and emotional harm to  
23 the children who were being experimented on by adults pursuing a political agenda.

24 54. Mr. Shelton's speech was given as a private citizen on a matter of public  
25 concern.

26 55. Mr. Shelton's speech did not violate any GUSD School Board rules.  
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1           56. Mr. Shelton’s participation in the School Board meeting did not  
2 interfere with the performance of his duties as a Mark Keppel educator.

3           57. Mr. Shelton’s participation in the School Board meeting did not disrupt  
4 any education activities at Mark Keppel.

5           58. When Mr. Shelton arrived to teach his class the morning after the  
6 meeting, Defendant Tonoli pulled Mr. Shelton out of his class and directed him to  
7 Tonoli’s office, where a School Board administrator sat waiting.

8           59. Defendants instructed Mr. Shelton that he was under investigation for  
9 unspecified “misconduct” and was being put on administrative leave pending  
10 discipline. They also handed him a letter from Defendant Watson to that effect.

11           60. Defendants’ letter also informed Mr. Shelton that he was to have a  
12 further meeting with human resources regarding the disciplinary investigation  
13 against him and that he had a right to have a union representative present at the  
14 meeting.

15           61. Upon information and belief, the Defendants responsible for the  
16 decision to place Mr. Shelton on leave were Tonoli, Ekchian, and Watson.

17           62. Later that day, Defendant Tonoli published an email to the entire Mark  
18 Keppel community publicly disparaging Mr. Shelton, accusing him of “hate speech”  
19 at the school board meeting, and stating that he is no longer on campus.

20           63. Defendant Tonoli admitted that Defendants’ conduct against Mr.  
21 Shelton was in direct retaliation for the personal views he expressed at the school  
22 board meeting.

23           64. Defendant Tonoli unlawfully revealed details regarding Mr. Shelton’s  
24 personnel matter despite admitting in the letter that such matters are required to be  
25 kept confidential.

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1           65. Upon information and belief, the School Board conspired with Tonoli  
2 regarding the content and publishing of the email as retaliation for Mr. Shelton  
3 exercising his First Amendment rights.

4           66. Upon information and belief, the School Board reviewed the decisions  
5 to remove Mr. Shelton from his classroom and place him on leave and, despite  
6 having the power to reverse them, approved the actions.

7           67. Defendants barred Mr. Shelton from school-related activities and events  
8 and never allowed Mr. Shelton to return to his classroom. Defendants also barred  
9 Mr. Shelton from attending his students’ fifth-grade graduation ceremony—  
10 something that he deeply cherished every year to commemorate the achievement of  
11 his students and to be able to celebrate with them and their families before they  
12 moved on to middle school.

13           68. For Mr. Shelton, this was a devastating loss.

14           69. By placing Mr. Shelton on leave, Defendants attacked his credibility as  
15 an educator and sullied his personal and professional reputation.

16           70. As a consequence of the administrative leave, Mr. Shelton lost  
17 opportunities to develop his skills as an educator and to mentor his students.

18           71. Upon information and belief, Mr. Shelton’s personnel file now contains  
19 derogatory information, based on Defendants’ retaliatory conduct, that is likely to  
20 harm his prospects with prospective employers.

21           72. Punishing Mr. Shelton for communicating his views on GUSD’s Sex-  
22 Change Policies does not serve any legitimate or compelling state interest and is not  
23 narrowly tailored to serve any such interests.

24           73. Defendants, through their retaliatory actions, also sent a message to all  
25 GUSD employees that speaking on matters of public concern, that conflict with  
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1 District heterodoxy, will be met with punishment, including suspension and  
2 termination.

3 74. Defendants' actions were taken with the intent to chill Mr. Shelton's  
4 speech, as well as that of other employees who disagree with GUSD's radical, child-  
5 harming policies. Defendants' actions were reasonably likely to deter a person in Mr.  
6 Shelton's position from speaking out against these policies.

7 75. Notably, GUSD employees who have spoken publicly in favor of these  
8 Sex-Change Policies have never been punished or disciplined in any way.

9 76. For example, upon information and belief, a GUSD teacher who showed  
10 sexually inappropriate content to her third-grade class—in furtherance of  
11 Defendants' policies—was publicly lauded by the Board.

12 77. Other Mark Keppel teachers, who supported the Sex-Change Policies,  
13 engaged in a public campaign of harassment and personal attacks directed against  
14 Mr. Shelton because of his stated opposition. Unlike Mr. Shelton's speech—which  
15 focused on ideas and policies, not individuals—the teachers who attacked Mr.  
16 Shelton named him specifically in their campaign. However, unlike the retaliatory  
17 actions taken against Mr. Shelton, Defendants took no action against these teachers.

18 78. Conversely, GUSD retaliated against individuals and families who  
19 opposed the Sex-Change Policies.

20 79. Upon information and belief, the Board explicitly changed the rules of  
21 its meetings to prevent individuals from being able to voice their opposition to its  
22 policies. This was done in direct retaliation for these individuals' previous efforts to  
23 convince the Board to change the Sex-Change Policies.

24 80. Upon information and belief, a special needs GUSD student and her  
25 mother attended a Board meeting and voiced their opposition to these policies. The  
26 student's teacher and the school retaliated against the student by abusing and  
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1 harassing her and calling her a “bigot.” Despite having the power to do so,  
2 Defendants took no action against the teacher because she was aligned with their  
3 ideological beliefs.

4 81. As demonstrated, above, Defendants’ retaliatory conduct against Mr.  
5 Shelton conformed to an official policy, custom, or practice.

6 **CAUSES OF ACTION**

7 **COUNT 1**

8 **FIRST AMENDMENT RIGHT OF FREE SPEECH AND PETITION (42**  
9 **U.S.C. 1983)**

10 **(Viewpoint Discrimination)**

11 82. Plaintiff repeats and realleges each of the foregoing allegations in this  
12 Complaint as if fully set forth herein.

13 83. Mr. Shelton’s speech regarding political and social issues, including his  
14 speech about Glendale School District policies, constitute speech and petition on  
15 matters of public concern protected by the First Amendment from viewpoint  
16 discrimination.

17 84. The First Amendment also protects Mr. Shelton’s right to present his  
18 views in the ways that he chooses, including his choice of words and images,  
19 regardless of whether others would find his speech disagreeable or offensive.

20 85. By punishing Mr. Shelton for publicly expressing his views Defendants,  
21 under color of state law, violated and continue to violate Mr. Shelton’s rights of free  
22 speech and petition under the First Amendment to the United States Constitution.

23 86. Accordingly, Defendants injured and continue to injure Mr. Shelton in  
24 violation of 42 U.S.C. § 1983.

25 87. As a further direct and proximate result of said conduct, Mr. Shelton  
26 suffered extreme emotional distress, shame, intimidation, humiliation, indignation,  
27 embarrassment, and fear.

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88. Plaintiff is entitled to declaratory and injunctive relief as well as damages and attorney fees and expenses under 42 U.S.C. § 1988.

89. Defendants’ conduct identified in this complaint has been intentional, deliberate, willful, systematic, and conducted in callous disregard of the federally protected rights of Plaintiff. As a result, Plaintiff is entitled to punitive damages.

**COUNT 2**  
**FIRST AMENDMENT RIGHT OF FREE SPEECH AND PETITION (42 U.S.C. 1983)**  
**(Retaliation)**

90. Plaintiff repeats and realleges each of the foregoing allegations in this Complaint as if fully set forth herein.

91. By punishing and threatening to punish Mr. Shelton for expressing his views regarding GUSD’s Sex-Change Policies, Defendants have retaliated and are retaliating against Plaintiff for exercising his First Amendment rights.

92. When Mr. Shelton communicated his views at the GUSD school board meeting he was speaking as a private citizen on a matter of public concern and engaging in constitutionally-protected speech.

93. By punishing Mr. Shelton for publicly expressing his views Defendants, under color of state law, violated and continue to violate Mr. Shelton’s rights of free speech and petition under the First Amendment to the United States Constitution.

94. Defendants’ retaliatory actions against Mr. Shelton would deter a person of ordinary firmness from exercising his right of free speech in the future.

95. Mr. Shelton’s engagement in constitutionally-protected speech was a substantial motivating factor for Defendants’ punitive actions against him.

96. Accordingly, Defendants injured and continue to injure Mr. Shelton in violation of 42 U.S.C. § 1983.





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- protected speech from his personnel file, and (3) refrain from any future retaliation.
- F. Attorneys’ fees, costs, interest, and expenses pursuant to 42 U.S.C. §1988 and other relevant statutes.
- G. And such other and further relief as the Court may deem proper.

Dated: April 2, 2024

THE PIVTORAK LAW FIRM

By: /s/ David Pivtorak  
David Pivtorak  
Attorney for Plaintiff,  
RAY SHELTON