

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>Daphne Snook,</b>	:	<b>No:</b>
<b>Plaintiff</b>	:	
	:	
<b>v.</b>	:	
	:	<b>CIVIL ACTION - LAW</b>
<b>Midd-West School District, Victor</b>	:	
<b>Abate, Ronald Wilson, Ronald</b>	:	
<b>Hoffman, Sean Sassaman, Corey</b>	:	
<b>Smith, Jeremy Tittle, Sheryl Wagner,</b>	:	
<b>and Orris Knepp, III,</b>	:	
<b>Defendants</b>	:	<b>JURY TRIAL DEMANDED</b>
	:	

**COMPLAINT**

1. Plaintiff Daphne Snook currently resides at 162 Snook Lane, Millmont, Union County, Pennsylvania.

2. Defendant Midd-West School District is an educational agency with business offices located at 568 East Main Street, Middleburg, Snyder County, Pennsylvania. Defendant is a recipient of state and federal funds.

3. Defendant Victor Abate is an adult individual, who, at all times relevant to this Complaint, was a voting member of the Midd-West School Board, located at 568 East Main Street, Middleburg, Snyder County, Pennsylvania. Defendant is being sued in both his official and individual capacity.

4. Defendant Ronald Wilson is an adult individual, who, at all times relevant to this Complaint, was a voting member of the Midd-West School Board, located at 568 East Main Street, Middleburg, Snyder County, Pennsylvania. Defendant is being sued in both his official and individual capacity.

5. Defendant Ronald Hoffman, is an adult individual, who, at all times relevant to this Complaint, was a voting member of the Midd-West School Board, located at 568 East Main Street, Middleburg, Snyder County, Pennsylvania. Defendant is being sued in both his official and individual capacity.

6. Defendant Sean Sassaman is an adult individual, who, at all times relevant to this Complaint, was a voting member of the Midd-West School Board, located at 568 East Main Street, Middleburg, Snyder County, Pennsylvania. Defendant is being sued in both his official and individual capacity.

7. Defendant Corey Smith is an adult individual, who, at all times relevant to this Complaint, was a voting member of the Midd-West School Board, located at 568 East Main Street, Middleburg, Snyder County, Pennsylvania. Defendant is being sued in both his official and individual capacity.

8. Defendant Jeremy Tittle is an adult individual, who, at all times relevant to this Complaint, was a voting member of the Midd-West School Board, located at 568 East Main Street, Middleburg, Snyder County, Pennsylvania. Defendant is being sued in both his official and individual capacity.

9. Defendant Sheryl Wagner is an adult individual, who, at all times relevant to this Complaint, was a voting member of the Midd-West School Board, located at 568 East Main Street, Middleburg, Snyder County, Pennsylvania. Defendant is being sued in both her official and individual capacity.

10. Defendant Orris Knepp, III, is an attorney who at all times relevant to this Complaint was solicitor to Defendant Midd-West School District, located at 568 East Main Street, Middleburg, Snyder County, Pennsylvania and the Defendant members of

the school board. Defendant is being sued in both his official and individual capacity.

11. Federal District Court has jurisdiction over the claims asserted in this Complaint pursuant to the provisions of 28 U.S.C. § §1331, 1343, and 1367.

12. Pursuant to the provisions of 28 U.S.C. §1391, venue lies in the Federal District Court for the Middle District of Pennsylvania.

13. On August 8, 2011, Plaintiff entered into a written agreement for employment as the School District Assistant Superintendent for Curriculum, Instruction, and Technology. See Exhibit 1, Employment Contract.

14. The agreement was for a term of four years, effective on August 8, 2010 and ending on June 30, 2014.

15. Under the express terms of the Agreement, the Assistant Superintendent was subject to termination only for valid cause for the reasons specified under Section 1080 of the Public School Code, including willful violation of any policies of the District or of the Employment Contract.

16. Beginning in December 2013, Plaintiff became the temporary acting Superintendent, when she stepped in for the prior Superintendent of Schools who had resigned after Defendants levied charges against him.

17. Throughout her tenure with the School District, Plaintiff had developed and implemented within the District a nationwide program for individualized reading education entitled "Readers Workshop."

18. Although the program was widely successful in the District, various factions within the School Board disliked the program and began to work to have it canceled, despite the popularity of the program with the general public.

19. During the period of time in which the program was active in the District and was being debated, Plaintiff, as a private citizen, issued a number of statements to the press indicating her opinion that the program was crucial to the successful education of the students in the District, and several of Defendants became openly antagonistic towards her as a result.

20. On April 1, 2014, Defendants issued an email to all staff members of the District, including Plaintiff, threatening to terminate anyone who continued to speak to the public in support of the Reading Workshop program.

21. On April 10, 2014, Defendants suspended Plaintiff without pay and without giving her any explanation of the charges against her or any opportunity to respond.

22. On the very next day after Plaintiff was suspended, Defendants peremptorily canceled a planned teachers planning course for the Reading Workshop program.

23. Defendants then issued public statements indicating that Plaintiff had been suspended without pay and they accused her of engaging in criminal conduct by breaching the District's email system and illegally monitoring emails.

24. Defendants subsequently contacted the District Attorney of Snyder County, Pennsylvania in order to press charges against Plaintiff; however, on May 9, 2014, after conducting an investigation, the District Attorney issued a press release indicating that no criminal charges would be filed against Plaintiff because there was insufficient evidence that she had done anything at all criminal in nature.

25. Following her suspension, Plaintiff continued to make statements in the press in support of the Reading Workshop program.

26. She also indicated to the press her innocence of any criminal wrongdoing

and her belief that Defendants were retaliating against her for her public advocacy in favor of the Reading Workshop program.

27. On May 5, 2014, Plaintiff met with Defendants at a conference that Defendants labeled a “Loudermill hearing” for a vote on her termination. At the meeting, Defendants did not hold any votes at all but instead informed Plaintiff that they intended to vote approximately two weeks later to determine whether to hire a “special prosecutor.”

28. Currently, Plaintiff remains suspended without pay and has not received any hearing or written statement of the charges against her.

**COUNT I**  
**DAPHNE SNOOK V. DEFENDANTS**  
**FIRST AMENDMENT RETALIATION**

\_\_\_\_29. Paragraphs 1 through 28 are incorporated herein by reference as if set forth in full.

30. At all times relevant to this Complaint, Defendants were acting under color of state law and pursuant to a conspiracy to retaliate against Plaintiff for her exercise of her free speech rights.

31. Plaintiff engaged in protected activity in that, as a private citizen and not pursuant to her official duties, she spoke publicly about matters of public concern regarding affairs of public interest, namely her belief in the negative impact that the District’s proposed canceling of the Reading Workshop program would have on the students in the District.

32. Defendants expressly threatened Plaintiff, as well as every other employee in the District, with termination if they did not cease public expressions of support for the Reading Workshop program.

33. Within ten days of this documented threat, Defendants suspended Plaintiff without pay in direct retaliation for her exercise of free speech without providing any cause for the suspension.

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter Judgment in her favor in an amount in excess of \$75,000 against Defendants, together with costs and attorney's fees, punitive damages, and for any such other relief as the Court may deem appropriate.

**COUNT II  
DAPHNE SNOOK V. DEFENDANTS**

**FOURTEENTH AMENDMENT - PROCEDURAL DUE PROCESS**

\_\_\_\_ 34. Paragraphs 1 through 33 are incorporated herein by reference as if set forth in full.

35. Plaintiff has a protected property interest in continued public employment, as assistant superintendent and as acting superintendent, under the employment contract as well as under the Pennsylvania School Code, 24 Pa.C.S. §§1-101, *et seq.*, which applies to the employment of superintendents and assistant superintendents, and which enumerates the "cause" for which any superintendent or assistant superintendent may be suspended or terminated.

36. The Code and the agreement further mandate that any such adverse

employment action comport with the dictates of Due Process and be ratified at a hearing of which notice of at least one week has been sent by mail to the accused and the hearing shall comport with local agency hearing law.

37. To date, no written or oral statement of charges has been received by Plaintiff, no pre-suspension hearing was held, and the only explanation for the suspension constitutes statements from Defendants to the press and to law enforcement indicating a desire to charge Plaintiff criminally for accessing emails while she was acting superintendent, charges which the District Attorney has expressly rejected as unsupported by the evidence.

38. Defendants violated Plaintiff's procedural due process rights in failing to afford her adequate procedural protections as required by the Due Process Clause of the Fourteenth Amendment in connection with the suspension without pay.

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter Judgment in her favor in an amount in excess of \$75,000 against Defendants, together with costs and attorney's fees, punitive damages, and for any such other relief as the Court may deem appropriate.

**COUNT III  
DAPHNE SNOOK V. DEFENDANTS**

**FOURTEENTH AMENDMENT - SUBSTANTIVE DUE PROCESS**

39. Paragraphs 1 through 38 are incorporated herein by reference as if set forth in full.

40. Additionally, and in conjunction with the illegal suspension of Plaintiff,

Defendants publicly disseminated false and defamatory statements about Plaintiff, her honesty and her reputation, as a superintendent and assistant superintendent of schools, harming Plaintiff, both professionally and personally, within the community.

41. Defendants violated Plaintiff's property interests, in her continued employment, and her liberty interests, in her reputation protected by the Due Process Clause of the Fourteenth Amendment.

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter Judgment in her favor in an amount in excess of \$75,000 against Defendants, together with costs and attorney's fees, punitive damages, and for any such other relief as the Court may deem appropriate.

**COUNT IV**  
**DAPHNE SNOOK V. MIDD-WEST SCHOOL DISTRICT**  
**VIOLATION OF PENNSYLVANIA SCHOOL CODE**

42. Paragraphs 1 through 41 are incorporated herein by reference as if set forth in full.

42. The Pennsylvania School Code, 24 Pa.C.S. §§1-101, *et seq.*, mandates that a superintendent or assistant superintendent can only be removed from office or have her contract terminated for specified cause and only following statutorily specified notice of a hearing and a hearing conducted in accord with the Local Agency Law.

43. Case law extends this protection to suspension without pay, which must be performed in accord with the protections of due process.

44. Plaintiff has been suspended without pay in violation of the dictates of the



School Code.

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter Judgment in her favor in an amount in excess of \$75,000 against Defendants, together with costs and attorney's fees, punitive damages, enter an Order mandating her reinstatement and back wages, and for any such other relief as the Court may deem appropriate.

**COUNT V**  
**DAPHNE SNOOK V. MIDD-WEST SCHOOL DISTRICT**

**BREACH OF CONTRACT**

\_\_\_\_\_45. Paragraphs 1 through 44 are incorporated herein by reference as if set forth in full.

\_\_\_\_\_46. The District suspended Plaintiff without pay, cause, or a hearing, and removed her from her dual office of acting superintendent and assistant superintendent in violation of her employment agreement with the District.

47. As a direct and proximate result of the District's actions, Plaintiff has been harmed in the form of lost wages and benefits that were due to her under the agreement.

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter Judgment in her favor in an amount in excess of \$75,000 against Defendants, together with costs and attorney's fees, and for any such other relief as the Court may deem appropriate.

**COUNT VI**  
**DAPHNE SNOOK V. VICTOR ABATE, RONALD WILSON, RONALD HOFFMAN,**

**SEAN SASSAMAN, COREY SMITH, JEREMY TITTLE, SHERYL WAGNER, and  
ORRIS KNEPP, III**

**DEFAMATION**

\_\_\_\_ 48. Paragraphs 1 through 47 are incorporated herein by reference as if set forth in full.

\_\_\_\_ 49. The individual defendants defamed Plaintiff by publishing false statements about her or by directing that false statements be published about her in that Defendants indicated publicly that Plaintiff had engaged in criminal activity for which she was being suspended, when in fact she had not engaged in criminal conduct.

50. These statements concerning Defendants' allegations that she had engaged in criminal conduct were false and clearly referenced Plaintiff as the subject of the allegations, and Defendants either knew or recklessly disregarded the fact that Plaintiff had not engaged in criminal activity at the time that they published the allegations of criminal activity.

51. As a direct and proximate result of these defendants defamation of her, Plaintiff has suffered and continues to suffer severe damages and crippling harm to her reputation, emotional distress, mental anguish, and humiliation.

\_\_\_\_ WHEREFORE, Plaintiff respectfully requests this Honorable Court enter Judgment in her favor in an amount in excess of \$75,000 against Defendants, together with costs and attorney's fees, punitive damages, and for any such other relief as the Court may deem appropriate.

**SCHEMERY ZICOLELLO, P.C.**

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