UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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JANE DOE, on behalf of her minor child, MICHAEL DOE

Plaintiffs,

COMPLAINT

- v -

Civil Action No.:

PENFIELD CENTRAL SCHOOL DISTRICT, LEANNA L. WATT, TASHA POTTER, and DR. ROBERT TUITE

Defendants.

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By and through their counsel, Davenport Law PLLC, the plaintiffs JANE DOE, on behalf of her minor child, MICHAEL DOE (collectively, "Plaintiffs"), alleges as follows:

PRELIMINARY STATEMENT

1. This action seeks immediate judicial intervention to stop a public school district and its officials from unlawfully excluding a high school senior from his final, irreplaceable year of school. Defendants Penfield Central School District, Principal LeAnna L. Watt, Superintendent Dr. Tasha Potter, and District Medical Director Dr. Robert Tuite have violated the Constitution and federal law by arbitrarily and capriciously rejecting a valid, life-saving medical exemption submitted on behalf of Michael Doe. The exemption, authored by a licensed New York State physician, certifies that Michael—a student with a documented personal history of severe vaccine-induced airway constriction, a strong family history of autoimmune disorders, and a life-threatening latex allergy—cannot be safely immunized.

2. Defendants' denial is a transparent pretext. It is not based on a good-faith medical dispute but on an extralegal "specialty test" invented by the District. In its formal denial, the District baselessly claims the certification is invalid because it was signed by a licensed physician specializing in psychiatry, not an "allergist or immunologist"—a requirement that exists nowhere in New York Public Health Law § 2164(8), which mandates an exemption be accepted if "any physician" licensed in the state certifies it.

3. This unlawful "second-guessing" was the predictable outcome of a corrupt and deeply biased review process. The District's review was conducted by a Medical Director, Dr. Tuite, operating under two profound conflicts of interest:

a) First, Dr. Tuite is the family's former pediatrician. The student's mother, Jane Doe, had a prior contentious relationship with him after she removed her children from his practice over his vaccine recommendations. His involvement renders the review process fundamentally unfair.

b) Second, and more egregiously, Dr. Tuite admitted to Michael's certifying physician that the District faces "substantial fines" from the New York State Department of Health for accepting exemptions. This admission reveals a direct financial incentive for the District to deny all claims, regardless of their medical validity or the risk to the child's life.

4. As a result of this arbitrary and bad-faith conduct, Michael is suffering immediate and irreparable harm. He has been excluded from school since September 25, 2025. Every day, he is denied his right to an education, falls further behind in his senior year classes, and risks his ability to graduate and his college prospects.

5. Plaintiffs have exhausted their path to interim administrative relief, as the New York State Commissioner of Education denied their request for an emergency stay on October 16, 2025. They now turn to this Court, the only forum that can remedy this injustice, seeking a Temporary Restraining Order and Preliminary Injunction to end this ongoing due process violation and immediately reinstate Michael to his senior year.

JURISDICTION AND VENUE

6. This Court has federal question jurisdiction over this action pursuant to 28 U.S.C. § 1331.

7. Plaintiffs' claims arise under 42 U.S.C. § 1983 for the deprivation by persons acting under color of state law of rights, privileges, and immunities secured by the Fourteenth Amendment to the United States Constitution.

8. This Court also has federal question jurisdiction as Plaintiffs' claims arise under federal anti-discrimination statutes, including Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131, et seq.

9. This Court has supplemental jurisdiction over Plaintiffs' state law claims pursuant to 28 U.S.C. § 1367(a) because they are so related to the federal claims that they form part of the same case or controversy, arising from a common nucleus of operative facts.

10. Venue is proper in the Western District of New York pursuant to 28 U.S.C. § 1391(b)(1) and (b)(2). Defendant Penfield Central School District is a municipal entity that resides within this judicial district. Furthermore, all Defendants reside in this district, and a substantial part of the events or omissions giving rise to the claims,

including the issuance of the unlawful denial and the exclusion of the student, occurred at Penfield High School, which is located in Monroe County, New York, within this judicial district.

PARTIES

11. Plaintiff JANE DOE is a citizen of the State of New York and a resident of Monroe County. She is the mother and natural guardian of the minor child, Plaintiff MICHAEL DOE, and brings this action on his behalf.

12. Plaintiff MICHAEL DOE (DOB: August 27, 2008) is a 17-year-old student and citizen of the State of New York. He is enrolled in and entitled to attend Penfield High School, which is part of the Defendant Penfield Central School District.

13. Defendant PENFIELD CENTRAL SCHOOL DISTRICT ("the District") is a public school district organized and existing under the laws of the State of New York, with its principal offices located in Monroe County, New York. The District is a "public entity" within the meaning of Title II of the Americans with Disabilities Act (ADA) and is a recipient of federal financial assistance, subjecting it to Section 504 of the Rehabilitation Act.

14. Defendant LEANNA L. WATT is the Principal of Penfield High School. Defendant Watt is the official responsible for the final determination to deny Michael Doe's medical exemption and exclude him from school, as memorialized in her letter dated September 25, 2025. She is sued in her individual and official capacities.

15. Defendant DR. TASHA POTTER is the Superintendent of Schools for the Penfield Central School District. As Superintendent, she is the chief executive officer responsible for the District's operations and compliance with state and federal law. She

was directly involved in communications regarding Plaintiff Jane Doe's initial attempt to secure compliance via a federal Letter of Accommodation. She is sued in her individual and official capacities.

16. Defendant DR. ROBERT TUITE is, upon information and belief, a physician retained by the District who serves as its designated physician and Medical Director. Defendant Dr. Tuite personally reviewed and recommended the denial of Michael Doe's medical exemption. He communicated directly with Michael's certifying physician regarding the exemption and allegedly admitted to a financial conflict of interest motivating the denial. He is sued individually for his role in the unlawful "second-guessing" of the medical exemption and the allegedly biased review process, and in his official capacity as the District's designated physician/Medical Director.

FACTUAL ALLEGATIONS

17. The following facts detail a bad-faith campaign by the Penfield Central School District and its agents to deny a 17-year-old high school senior his right to an education.

18. Defendants' unlawful actions followed Plaintiff Jane Doe's unsuccessful attempt to secure compliance through a federal "Letter of Accommodation." Jane submitted this document on August 25, 2025, directly and confidentially to Superintendent Potter and the District's ADA Compliance Officer, Assistant Superintendent Perez.

19. Superintendent Potter acknowledged receipt and directed Jane Doe to work with Assistant Superintendent Perez, suggesting a phone call. Jane Doe declined the call, preferring written communication. Despite Jane's confidential submission to

specific administrators, the District's health office subsequently notified her via email on September 2nd and 3rd, 2025, that Michael was not compliant with state vaccine requirements and would be excluded after September 17th. Through these communications, it became clear the federal document would not suffice under state law.

20. After realizing the federal document was insufficient, Jane Doe pursued the required New York State medical exemption. However, Defendants' unlawful conduct began in earnest on September 17, 2025, when Principal Watt informed Jane that Michael would be excluded effective the next day, compounding the harm by arbitrarily rejecting proof that Michael was "in process" of complying.

21. When Jane subsequently submitted the facially valid, physician-certified New York State medical exemption—certifying that immunization could be detrimental to Michael's health due to his history of vaccine-induced airway constriction and other severe allergies—Defendants, including Principal Watt acting upon the recommendation of Dr. Tuite, again refused to reinstate him.

22. Instead, Defendants engaged in an impermissible process of "second-guessing" the treating physician's medical judgment, led by Dr. Tuite, culminating in a formal denial issued by Principal Watt on September 25, 2025. This denial was based on a pretextual, extralegal "specialty test" that Dr. Tuite and the District invented, claiming the licensed physician was the wrong "type" of doctor to issue the exemption.

23. This entire review process was a sham, rendered fundamentally unfair by profound and undisputed conflicts of interest involving Dr. Tuite. Dr. Tuite, who recommended the denial, is Michael's former pediatrician with whom Jane had a prior contentious relationship over vaccine recommendations. Furthermore, Dr. Tuite

admitted to Michael's certifying physician that the District is motivated by a financial conflict, as it faces "substantial fines" from the State for accepting medical exemptions. Superintendent Potter, as the District's chief executive, oversaw and bears responsibility for this flawed and biased process.

24. The following allegations detail these unlawful acts by all Defendants, which were arbitrary, capricious, and undertaken in bad faith, resulting in the ongoing and irreparable harm to Michael Doe.

A. Michael's Medical Condition and the Physician-Certified Exemption

25. Plaintiff MICHAEL DOE is a 17-year-old student (DOB: August 27, 2008) and a senior at Penfield High School.

26. Michael has a significant, documented medical history of severe allergic reactions and vaccine contraindications. His personal history includes "multiple severe allergic reactions to vaccines with angioedema, difficulty breathing, rash and pruritus." These reactions are so severe that he is required to carry an EpiPen with him at all times.

27. His documented diagnoses include "Idiosyncratic allergic reactions to the excipients of vaccines" (Z88.7), "Adverse effect of vaccines" (T50.Z95A), and a known "Allergy to latex" (Z91.040).

28. This personal history is compounded by a "strong family hx of major adverse reactions," including a parent (Plaintiff Jane Doe) with a documented immune system disorder (Z82.69) and a personal history of adverse reactions to vaccines (Z83.0).

29. On September 20, 2025, Rima E. Laibow, M.D., a physician holding a valid New York State Medical License (No. 111813), reviewed Michael's case and medical history.

30. Based on this review, Dr. Laibow executed a standard New York State Medical Exemption form (DOH-5077) for the Meningococcal (MenACWY) vaccine. Dr. Laibow certified that, in her professional medical opinion, Michael's "confluence of personal and familial vulnerabilities" makes him not "a fit subject for vaccination at this time."

31. In her supplemental rationale, Dr. Laibow specifically noted the high risk associated with Michael's latex allergy, as latex "is not always disclosed in the manufacturer's packaging insert and may be present without notification in vaccine stoppers, etc."

32. On September 21, 2025, Plaintiff Jane Doe submitted this valid, physician-certified medical exemption to Defendant LeAnna L. Watt at Penfield High School.

B. <u>The Unlawful "In Process" Exclusion</u>

33. Plaintiff Jane Doe had been aware since Michael's junior year that the Meningococcal vaccine might be required for his senior year. After her initial attempt to use a federal Letter of Accommodation was not accepted by the District (as evidenced by subsequent communications from the health office demanding state compliance), Jane understood she needed to obtain a New York State medical exemption. She began this process immediately but obtaining the documentation took time.

34. Despite Jane's ongoing efforts to secure the NYS exemption, on September 17, 2025, Defendant Watt informed Jane Doe that Michael was not in compliance with state immunization requirements and would be "excluded from school effective the next day."

35. In a good-faith effort to comply with New York State regulations (10 NYCRR § 66-1.3(b)), which permit a student to attend school if they are "in process" of receiving immunizations, Jane immediately scheduled an appointment for Michael.

36. On September 18, 2025, Jane provided Defendant Watt with proof of this scheduled appointment with Michael's pediatrician, Dr. Joseph Kilimnick, for November 12, 2025.

37. Defendants, including Principal Watt acting in consultation with the District's physician (Dr. Tuite), arbitrarily and capriciously rejected this proof. In an email at 1:34 PM on September 18, 2025, Defendant Watt wrote to Jane: "This looks like a new patient appointment . . . The letter would need to clearly state an appointment for vaccination. He'll need to be excluded until we receive that."

38. Jane immediately replied, correcting Defendant Watt's baseless assumptions. She explained that this "has been his Dr for the last 5 years" and the physician "just moved to a different location."

39. To eliminate any possible confusion, Jane also executed a "Parental Permission to Release Confidential Information" form on September 18, 2025, and provided it to the District. This form explicitly authorized Penfield High School to exchange information with Genesee Pediatrics regarding Michael Doe. Jane wrote directly to Defendant Watt, "I also signed a release so the school can call and ask what the appointment is for. Please confirm that [Michael] is good to attend school tomorrow."

40. Upon information and belief, Defendants refused to make this simple, authorized phone call. They ignored the "in process" documentation and the release form, and continued to unlawfully exclude Michael from school, demonstrating their predetermined intent to bar him from attendance.

C. The Denial and Unlawful "Second-Guessing"

41. Upon receiving the valid medical exemption on September 21, 2025, Defendant Watt replied that Michael "is still excluded" until the exemption was reviewed by the "district physician," Dr. Tuite.

42. This "review" was a pretext. On or about September 24, 2025, Dr. Tuite called Michael's certifying physician, Dr. Laibow. During this call, Dr. Tuite did not engage in a good-faith clinical consultation; rather, he informed Dr. Laibow that he was "planning on denying" the exemption.

43. The next day, on September 25, 2025, Defendant Watt issued a formal denial letter on behalf of the District, ratifying Dr. Tuite's predetermined decision.

44. The denial letter stated that "[Michael Doe] will be excluded from school effective immediately."

45. The letter offered a series of pretextual, extralegal justifications for the denial, stating:

(a) That the documentation "does not provide specific information as to the contraindication to immunization"—a claim that is factually false, as the DOH-5077 form and Dr. Laibow's supplemental rationale detail a clear history of "mouth/throat airway constriction," "atopic skin disorders," and a life-threatening latex allergy;

(b) That "the exemption request was made by a psychiatrist"; and

(c) That the identified contraindications "would typically be considered out of the scope of a psychiatrist's practice" and that the District would only be "willing to reconsider the request" if it came from an "allergist or immunologist."

46. This conduct constitutes an unlawful "second-guessing" of a licensed physician's medical judgment.

47. New York Public Health Law § 2164(8) imposes a non-discretionary duty on school officials to accept a certification from "any physician licensed to practice medicine in this state."

48. Dr. Rima E. Laibow is a physician holding a valid New York State Medical License (No. 111813).

49. The District's invented "specialty test"—requiring an "allergist or immunologist" and rejecting a "psychiatrist"—is an extralegal standard that appears nowhere in the statute. It was used as an arbitrary and capricious basis to justify the District's unlawful denial.

D. The Corrupt and Biased Review Process

50. The District's review was not a fair, impartial, or good-faith assessment of Michael's health. Instead, it was a sham process, conducted by a decision-maker with clear and undisputed conflicts of interest that rendered an objective determination impossible.

51. **Personal Conflict of Interest:** The District official responsible for reviewing the exemption and advising Defendant Watt was its Medical Director, Dr. Tuite.

Dr. Tuite is not a neutral, independent reviewer; he is Plaintiff Jane Doe's former pediatrician for her children.

52. Jane Doe had previously removed her children from Dr. Tuite's practice following a contentious disagreement over his recommendation that they receive the COVID-19 vaccine.

53. The District's decision, overseen by Superintendent Potter and Principal Watt, to utilize a physician (Dr. Tuite) with a known, prior contentious relationship with the family to adjudicate this sensitive exemption request constitutes an improper basis for an administrative determination and demonstrates Defendants' reckless disregard for procedural fairness and a high likelihood of personal bias influencing the outcome.

54. **Financial Conflict of Interest:** The District's determination was further corrupted by a direct financial incentive to deny the exemption.

55. On or about September 24, 2025, during his call with Dr. Laibow, Dr. Tuite admitted that the District faces "substantial fines" from the New York State Department of Health for accepting any medical exemption that the State later deems invalid. Dr. Tuite characterized these fines as being in the "tens of thousands of dollars."

56. This threat of severe financial penalties creates an inherent, unlawful pressure on the District and its salaried Medical Director to deny exemptions, regardless of their medical validity, to protect the District's financial interests. This financial conflict irrevocably taints the entire decision-making process, rendering it arbitrary and capricious.

E. Exhaustion of Remedies and Ongoing Irreparable Harm

57. Following the District's final denial on September 25, 2025, and Defendant Watt's subsequent email on October 6, 2025, directing Plaintiffs to the "specific appeal process," Plaintiffs sought immediate administrative relief.

58. On October 6, 2025, Plaintiffs filed a Verified Petition with the New York State Commissioner of Education (Appeal No. 22523), appealing the District's arbitrary and unlawful determination.

59. The Petition included an application for an immediate stay, which, if granted, would have ordered the District to reinstate Michael to school pending the outcome of the appeal.

60. On October 16, 2025, the Commissioner of Education, via the Appeals Coordinator, issued a letter formally advising that "no stay order will be issued."

61. This denial exhausted Plaintiffs' only available path for interim administrative relief, leaving this Court as the only forum that can prevent the immediate and ongoing irreparable harm Michael is suffering.

62. As a direct result of Defendants' unlawful actions, Michael, a senior in high school, has been excluded from Penfield High School since September 25, 2025.

63. Michael is being deprived of his fundamental right to an education. He is falling behind his peers academically, which jeopardizes his ability to graduate and his college prospects. He is also suffering the severe emotional and social distress of being isolated from his school community, peers, and teachers during his final, irreplaceable year of high school.

64. This harm is not speculative; it is immediate, severe, and accrues daily. It cannot be compensated by monetary damages or undone at a later date.

FIRST CAUSE OF ACTION

42 U.S.C. § 1983 – Deprivation of Procedural and Substantive Due Process (Against All Defendants)

65. Plaintiffs re-allege and incorporate by reference all preceding paragraphs as if fully set forth herein.

66. At all times relevant to this Complaint, PENFIELD CENTRAL SCHOOL DISTRICT, LEANNA L. WATT (Principal), DR. TASHA POTTER (Superintendent), and DR. TUITE (Medical Director) were acting under color of state law, custom, or policy as policymakers and officials of a public school district.

67. Plaintiff MICHAEL DOE has a protected property and liberty interest in the public education to which he is entitled under the Constitution and laws of the State of New York.

68. Defendants, acting under color of state law, have deprived Michael of this protected interest without due process of law, in violation of the Fourteenth Amendment to the United States Constitution.

69. Defendants' actions violated Michael's rights to substantive due process because their denial of his medical exemption was arbitrary, capricious, irrational, and shocks the conscience. The denial, recommended by Dr. Tuite and implemented by Principal Watt under the oversight of Superintendent Potter, was:

(a) A willful violation of the clear and non-discretionary statutory mandate of New York Public Health Law § 2164(8), which requires the acceptance of a certification from "*any* physician" licensed in the state; and

(b) Based on an invented, extralegal "specialty test," advanced by Dr. Tuite and ratified by Principal Watt, that is not found anywhere in state law, namely

that a "psychiatrist" is unqualified to issue such an exemption and that it must come from an "allergist or immunologist."

70. Defendants' actions violated Plaintiffs' rights to procedural due process because they were denied a fair and impartial hearing process. The District's entire "review," conducted by Dr. Tuite and overseen by Superintendent Potter and Principal Watt, was a sham, rendered fundamentally unfair by the involvement of a decision-maker with clear and disqualifying conflicts of interest:

(a) Personal Bias: The District's Medical Director, Dr. Tuite, who reviewed the exemption and recommended its denial, is the family's former pediatrician with whom Plaintiff Jane Doe had a prior, contentious relationship; and

(b) Financial Bias: Dr. Tuite admitted to Michael's certifying physician that the District faces "substantial fines" from the State for *accepting* medical exemptions, creating an unlawful financial incentive to deny claims regardless of medical validity.

71. Defendants' conduct was willful, malicious, and/or undertaken with reckless indifference to Michael's clearly established constitutional and statutory rights, and as a direct and proximate result, Plaintiffs have suffered and continue to suffer irreparable harm.

SECOND CAUSE OF ACTION

Discrimination in Violation of Section 504 of the Rehabilitation Act (Against Defendant Penfield Central School District)

72. Plaintiffs re-allege and incorporate by reference all preceding paragraphs as if fully set forth herein.

73. Defendant PENFIELD CENTRAL SCHOOL DISTRICT is a "program or activity receiving Federal financial assistance" as defined by Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794(b).

74. Plaintiff MICHAEL DOE is a "qualified individual with a disability" under the Rehabilitation Act. He has multiple physical impairments, including a history of severe vaccine-induced "angioedema, difficulty breathing," "atopic skin disorders," and a severe, life-threatening "Allergy to latex."

75. These impairments substantially limit one or more of his major life activities, including but not limited to the major bodily functions of his immune and respiratory systems.

76. Michael Doe is otherwise qualified to participate in and receive the benefits of the District's public education program.

77. Michael requested a reasonable accommodation for his disability: acceptance of the valid, physician-certified medical exemption (DOH-5077), as explicitly provided for under New York State law. This accommodation is necessary to allow him to safely attend school.

78. Defendant PENFIELD CENTRAL SCHOOL DISTRICT refused to provide this reasonable accommodation. Instead, it unlawfully denied the exemption based on the pretextual "specialty test" and excluded him from school.

79. By doing so, the District has excluded Michael from participation in, denied him the benefits of, and subjected him to discrimination under its educational program "solely by reason of his . . . disability," in violation of Section 504 of the Rehabilitation Act.

80. As a direct and proximate result of the District's discriminatory conduct, Plaintiffs have suffered and continue to suffer irreparable harm.

THIRD CAUSE OF ACTION

Violation of Title II of the Americans with Disabilities Act (Against Defendant Penfield Central School District)

81. Plaintiffs re-allege and incorporate by reference all preceding paragraphs as if fully set forth herein.

82. Defendant PENFIELD CENTRAL SCHOOL DISTRICT is a "public entity" within the meaning of Title II of the Americans with Disabilities Act ("ADA"), 42 U.S.C. § 12131(1).

83. Plaintiff MICHAEL DOE is a "qualified individual with a disability" under Title II of the ADA.

84. He has multiple physical impairments, including a documented history of severe vaccine-induced "angioedema, difficulty breathing," "atopic skin disorders," and a severe, life-threatening "Allergy to latex."

85. These impairments substantially limit one or more of his major life activities, including but not limited to the major bodily functions of his immune and respiratory systems.

86. Defendant PENFIELD CENTRAL SCHOOL DISTRICT excluded Michael from participation in, and denied him the benefits of, its public education services, programs, and activities.

87. This exclusion was by reason of his disability. Michael was denied the reasonable modification of accepting his valid, physician-certified medical exemption—

an accommodation necessary for him to safely access his education—and was subsequently excluded for his failure to be vaccinated, a requirement he cannot meet because of his disability-related contraindications.

88. This conduct constitutes discrimination in violation of Title II of the Americans with Disabilities Act, 42 U.S.C. § 12132.

89. As a direct and proximate result of the District's discriminatory conduct, Plaintiffs have suffered and continue to suffer irreparable harm.

FOURTH CAUSE OF ACTION

Article 78 Proceeding for Violation of New York Public Health Law § 2164(8) in the Nature of Mandamus to Compel (Against All Defendants)

90. Plaintiffs re-allege and incorporate by reference all preceding paragraphs as if fully set forth herein.

91. This cause of action seeks judicial review of an administrative action pursuant to Article 78 of the New York Civil Practice Law and Rules, over which this Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1367.

92. New York Public Health Law § 2164(8) imposes a non-discretionary, ministerial duty on school officials to deem immunization requirements inapplicable "[i]f any physician licensed to practice medicine in this state certifies that such immunization may be detrimental to a child's health."

93. Plaintiffs fully complied with this statute. They submitted a valid certification on the state-mandated form (DOH-5077) from Rima E. Laibow, M.D., who is a physician licensed to practice medicine in New York State (License #111813).

94. Defendants' refusal to accept this facially valid certification constitutes a failure to perform a duty enjoined upon them by law.

95. Furthermore, Defendants' determination to deny the exemption was arbitrary, capricious, an abuse of discretion, and affected by clear errors of law.

(a) The denial was based on an extralegal "specialty test," unlawfully rejecting the certification from a licensed physician (a "psychiatrist") and demanding it come from an "allergist or immunologist"—a requirement that does not exist in the statute.

(b) The determination was the product of an unlawful "second-guessing" of the licensed physician's medical judgment, which is expressly prohibited by controlling precedent.

(c) The determination was tainted by undisputed personal and financial conflicts of interest, rendering the entire review process fundamentally unfair and arbitrary.

96. Accordingly, Plaintiffs are entitled to a judgment in the nature of mandamus to compel, directing Defendants to perform the duty enjoined upon them by law: to immediately accept Michael Doe's valid medical exemption and permit him to attend school.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs JANE DOE and MICHAEL DOE respectfully request that this Court enter judgment in their favor and against Defendants PENFIELD CENTRAL SCHOOL DISTRICT, LEANNA L. WATT, DR. TASHA POTTER, and DR. ROBERT TUITE, and grant the following relief:

A. A Temporary Restraining Order and a Preliminary Injunction, pursuant to Fed. R. Civ. P. 65, directing Defendants, their officers, agents, employees, attorneys, and all persons acting in concert with them, to immediately cease and desist from barring Michael Doe from school and to immediately permit him to attend Penfield High School and participate in all school-related programs and activities, pending a final determination of this action;

B. A Declaratory Judgment, pursuant to 28 U.S.C. § 2201, declaring that the medical exemption dated September 20, 2025, and submitted on behalf of Michael Doe is valid under New York Public Health Law § 2164(8) and that Defendants' refusal to accept it is arbitrary, capricious, contrary to law, and a violation of Plaintiffs' rights under the U.S. Constitution, the ADA, and the Rehabilitation Act;

C. A Permanent Injunction prohibiting Defendants from excluding Michael Doe from Penfield High School based on the currently valid medical exemption or any future valid medical exemption certified by his treating physician;

D. An award of Compensatory Damages in an amount to be determined at trial to compensate Plaintiffs for the injuries they have suffered as a direct result of Defendants' unlawful conduct, including but not limited to damages for the loss of educational opportunities, emotional distress, pain and suffering, and anxiety;

E. An award of Punitive Damages against the individual Defendants for their willful, malicious, and reckless disregard for Plaintiffs' clearly established rights under state and federal law;

F. An award of Plaintiffs' reasonable Attorneys' Fees, Costs, and Expenses incurred in this action, pursuant to 42 U.S.C. § 1988, the Rehabilitation Act, 29 U.S.C. §

794a, the Americans with Disabilities Act, 42 U.S.C. § 12205, and any other applicable law; and

G. Granting such other and further relief as the Court deems just and proper.

JURY DEMAND

Pursuant to Fed. R. Civ. P. 38, Plaintiffs demand trial by jury for all issues so triable.

Dated: October 24, 2025

Respectfully submitted,

Davenport Law PLLC

/s/ Chad A. Davenport

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JS 44 (Rev. 03/24)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

Jane Doe, on behalf of her minor child, Michael Doe

(b) County of Residence of First Listed Plaintiff Monroe
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*

Chad A. Davenport, 6384 Deanna Drive, Hamburg, New York 14075, 716-217-0328

DEFENDANTS

Penfield Central School District, Leanna L. Watt, Tasha Potter, Dr. Robert Tuite

County of Residence of First Listed Defendant Monroe
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question *(U.S. Government Not a Party)*
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*

(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

Click here for: Nature of Suit Code Descriptions.

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
- ☐ 365 Personal Injury - Product Liability
- ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 440 Other Civil Rights
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 445 Amer. w/Disabilities - Employment
- ☒ 446 Amer. w/Disabilities - Other
- ☐ 448 Education

PRISONER PETITIONS

Habeas Corpus:
- ☐ 463 Alien Detainee
- ☐ 510 Motions to Vacate Sentence
- ☐ 530 General
- ☐ 535 Death Penalty

Other:
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition
- ☐ 560 Civil Detainee - Conditions of Confinement

FORFEITURE/PENALTY
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Management Relations
- ☐ 740 Railway Labor Act
- ☐ 751 Family and Medical Leave Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Employee Retirement Income Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

INTELLECTUAL PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 835 Patent - Abbreviated New Drug Application
- ☐ 840 Trademark
- ☐ 880 Defend Trade Secrets Act of 2016

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 375 False Claims Act
- ☐ 376 Qui Tam (31 USC 3729(a))
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit (15 USC 1681 or 1692)
- ☐ 485 Telephone Consumer Protection Act
- ☐ 490 Cable/Sat TV
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 893 Environmental Matters
- ☐ 895 Freedom of Information Act
- ☐ 896 Arbitration
- ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes

V. ORIGIN *(Place an "X" in One Box Only)*

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District *(specify)* ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing ***(Do not cite jurisdictional statutes unless diversity)***:
42 U.S.C. § 12131; 29 U.S.C. § 794; 42 U.S.C. § 1983

Brief description of cause:
Violation of Americans with Disabilities Act and Rehabilitation Act, and Violation of Substantive Due Process Rights under Fourteenth Amendment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A **CLASS ACTION** UNDER RULE 23, F.R.Cv.P.

DEMAND $

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE
Oct 24, 2025

SIGNATURE OF ATTORNEY OF RECORD
s/Chad A. Davenport

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I.(a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below**; NOTE: federal question actions take precedence over diversity cases.**)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: Nature of Suit Code Descriptions.

V. Origin. Place an "X" in one of the seven boxes.
Original Proceedings. (1) Cases which originate in the United States district courts.
Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related cases, if any. If there are related cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of New York

JANE DOE, on behalf of her minor child, MICHAEL DOE

Plaintiff(s)

v.

PENFIELD CENTRAL SCHOOL DISTRICT, LEANNA L. WATT, TASHA POTTER, and DR. ROBERT TUITE

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* PENFIELD CENTRAL SCHOOL DISTRICT
2590 Atlantic Avenue
Penfield, New York 14526

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Chad A. Davenport
Davenport Law PLLC
6384 Deanna Drive
Hamburg, New York 14075

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

_____
Signature of Clerk or Deputy Clerk

Civil Action No.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____ was received by me on *(date)* _____ .

❒ I personally served the summons on the individual at *(place)* _____ on *(date)* _____ ; or

❒ I left the summons at the individual's residence or usual place of abode with *(name)* _____ , a person of suitable age and discretion who resides there, on *(date)* _____ , and mailed a copy to the individual's last known address; or

❒ I served the summons on *(name of individual)* _____ , who is designated by law to accept service of process on behalf of *(name of organization)* _____ on *(date)* _____ ; or

❒ I returned the summons unexecuted because _____ ; or

❒ Other *(specify):*

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of New York

JANE DOE, on behalf of her minor child, MICHAEL DOE

Plaintiff(s)

v.

PENFIELD CENTRAL SCHOOL DISTRICT, LEANNA L. WATT, TASHA POTTER, and DR. ROBERT TUITE

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* TASHA POTTER
2590 Atlantic Avenue
Penfield, New York 14526

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Chad A. Davenport
Davenport Law PLLC
6384 Deanna Drive
Hamburg, New York 14075

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

_____
Signature of Clerk or Deputy Clerk

Civil Action No.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____ was received by me on *(date)* _____ .

❒ I personally served the summons on the individual at *(place)* _____ on *(date)* _____ ; or

❒ I left the summons at the individual's residence or usual place of abode with *(name)* _____ , a person of suitable age and discretion who resides there, on *(date)* _____ , and mailed a copy to the individual's last known address; or

❒ I served the summons on *(name of individual)* _____ , who is designated by law to accept service of process on behalf of *(name of organization)* _____ on *(date)* _____ ; or

❒ I returned the summons unexecuted because _____ ; or

❒ Other *(specify):*

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of New York

JANE DOE, on behalf of her minor child, MICHAEL DOE

Plaintiff(s)

v.

PENFIELD CENTRAL SCHOOL DISTRICT, LEANNA L. WATT, TASHA POTTER, and DR. ROBERT TUITE

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* DR. ROBERT TUITE
2590 Atlantic Avenue
Penfield, New York 14526

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Chad A. Davenport
Davenport Law PLLC
6384 Deanna Drive
Hamburg, New York 14075

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

_____
Signature of Clerk or Deputy Clerk

Civil Action No.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____ was received by me on *(date)* _____ .

❒ I personally served the summons on the individual at *(place)* _____ on *(date)* _____ ; or

❒ I left the summons at the individual's residence or usual place of abode with *(name)* _____ , a person of suitable age and discretion who resides there, on *(date)* _____ , and mailed a copy to the individual's last known address; or

❒ I served the summons on *(name of individual)* _____ , who is designated by law to accept service of process on behalf of *(name of organization)* _____ on *(date)* _____ ; or

❒ I returned the summons unexecuted because _____ ; or

❒ Other *(specify):*

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of New York

JANE DOE, on behalf of her minor child, MICHAEL DOE

Plaintiff(s)

v.

PENFIELD CENTRAL SCHOOL DISTRICT, LEANNA L. WATT, TASHA POTTER, and DR. ROBERT TUITE

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* LEANNA L. WATT
2590 Atlantic Avenue
Penfield, New York 14526

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Chad A. Davenport
Davenport Law PLLC
6384 Deanna Drive
Hamburg, New York 14075

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

_____
Signature of Clerk or Deputy Clerk

Civil Action No.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____ was received by me on *(date)* _____ .

❒ I personally served the summons on the individual at *(place)* _____ on *(date)* _____ ; or

❒ I left the summons at the individual's residence or usual place of abode with *(name)* _____ , a person of suitable age and discretion who resides there, on *(date)* _____ , and mailed a copy to the individual's last known address; or

❒ I served the summons on *(name of individual)* _____ , who is designated by law to accept service of process on behalf of *(name of organization)* _____ on *(date)* _____ ; or

❒ I returned the summons unexecuted because _____ ; or

❒ Other *(specify):*

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc: