

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

-----X
J.L., a minor child, by his father and
natural guardian, ROBERT SULLIVAN,

09 Civ. _____ () (ECF CASE)

Plaintiff,

**AFFIDAVIT OF
PLAINTIFF J.L.**

- against -

MOHAWK CENTRAL SCHOOL DISTRICT;
JOYCE CAPUTO, Superintendent of Mohawk Central
School District; EDWARD RINALDO,
Principal of Gregory B. Jarvis Junior/Senior High
School; CYNTHIA STOCKER, Equal Opportunity
Compliance Officer,

Defendants.

-----X

AFFIDAVIT OF J.L.

I, J.L., in accordance with the provisions of 28 U.S.C. § 1746, declare as follows:

1. I am the plaintiff in above-referenced case, pending in the Federal District Court for the Northern District of New York.
2. I attend Gregory B. Jarvis Junior/Senior High School ("Jarvis High") where I will be in the ninth grade beginning on Sept. 8, 2009.
3. I came to the Mohawk Central School District in the fall of 2005, and started at Jarvis High in the seventh grade in the fall 2007, after graduating from Fisher Elementary.
4. Since beginning at Jarvis High I have been harassed, bullied, and threatened by students in my class almost every day. Usually, when something happened to me I told my dad about it. He always went to talk to the principal about it and sometimes I would go with him to meet with the principal.
5. In the seventh grade students made fun of me for being more feminine than other boys. They called me names like "pussy" and "bitch." Some kids told me I should just get a sex change because I was so girly. A few times I told my principal, Mr. Rinaldo, about the comments kids were making. He always told me he would look into it, but never got back to me or told me if he did anything. The harassment continued throughout the year.
6. For example, near the end of seventh grade I was changing in a stall in the locker room because I didn't want to change with the rest of the boys, who were always making fun of

- me. A group of boys who often picked on me stood outside of the stall door and started telling the rest of the gym class that I was masturbating to gay porn.
7. At the end of seventh grade I was listening to my iPod at school, which is allowed after classes are over. A kid grabbed my iPod from me, stepped on it and then threw it over the staircase railing.
 8. At the beginning of eighth grade, I came out as gay to people at school.
 9. In eighth grade the harassment got much worse. I was constantly being called names like “cocksucker,” “pussy,” “homo,” “faggot,” and “bitch.” Kids would call me these names every day in the hall between classes, in the cafeteria, and in class. Kids also often threw food at me in the cafeteria, pushed me in the halls, and threatened to beat me up or kill me.
 10. On the first day of eighth grade my teacher was giving my class a tour of the school. A kid came up and pushed me against the lockers. When the teacher asked what happened an older kid who was in the hallway lied and said that someone had tripped. After class the kid that pushed me ran after me, but I got away.
 11. In the early fall of that year a kid came up to me, grabbed my cell phone, and stepped on it, breaking it.
 12. Another example of the things I have had to deal with happened in October 2008. I came out of a stall in the locker room and my clothes and shoes had been taken from my gym locker. I found them in the trashcan. Someone had written “faggot” and “I hope you die” on my shoes. I told my dad and my gym teacher. My gym teacher said he would take care of it. My dad talked to the principal and even though the principal said he would get me a new lock for my locker, he never did. I met with the guidance counselor to talk about what happened, but I don’t think anyone ever looked into who did this to me or punished anyone for doing it.
 13. Sometime in the fall of 2008, I was in the cafeteria with a friend before school started. Some kid threw cream cheese at me and it got all over my back.
 14. In the fall of eighth grade, I started dyeing my hair bright colors, like blue and pink. Kids would make lots of fun of me for dyeing my hair and said only girls dye their hair.
 15. In November 2008 a kid who picks on me all the time came up to me in the lunch room and said “I’m glad your dad has cancer, I hope he dies soon, he’s probably a faggot too so why don’t you go suck him off.” There were lunch room monitors who were there but no one said anything to the kid. I was really upset and shoved him. He shoved me back and I hit him. I know I shouldn’t have but I was so angry that he said he was glad my dad is dying. Even though my dad told the principal what the kid had said to start it all, I got a one day in-school suspension and I don’t think the other kid did. We both got two weeks of detention where they made us eat lunch together in a room alone and told us we had to talk to each other. For the two weeks the other student just kept insulting me and saying the same anti-gay things he always says. It was awful having to sit with him at lunch all those days, it felt like an extra punishment on top of the suspension and detention.

16. Later that month, I was walking down the stairs between classes. Someone pushed me really hard from behind and I fell down some stairs and landed on the floor. I sprained my ankle and it was very painful. I had to be on crutches for a few weeks.
17. While I was on crutches because of my sprained ankle, I was walking down the hall and one of the kids who is always bothering me was trying to trip me in the hall and trying to pull my crutch out from under me. There were teachers and students in the hall but no one tried to stop him. I told my dad, who told the principal. Mr. Rinaldo said he would let me use the elevator because of my ankle, but I don't think he did anything else.
18. Also that month the student who has the locker next to me slammed my locker shut while I was using it, pushed my books on to the floor, and then and kicked me in the shins. Since then every time that kid sees me he calls me "faggot" and "cocksucker."
19. In November 2008, my parents were having a meeting with the principal. They called me down to explain that I was allowed to leave class if I felt unsafe and go to a room near the principal's office. The principal also said I could have my phone on during the day so I could call my dad if I felt unsafe at school.
20. Even though they said I could use my phone to call my dad, every four or five days when I tried to use it to text or call my dad teachers would take it away from me. I think it was taken away from me about ten times total. I would tell the teachers that I was allowed to have the phone but they didn't believe me. I went to a meeting with my dad and the principal where the principal said he would look in to why my phone kept getting taken away. But even after that meeting teachers would still take my phone away when I tried to call my dad. I don't think Principal Rinaldo ever talked to the teachers about it.
21. I tried to use the "safe room" twice. The first time I was walking there and a teacher stopped me in the hall. I told him I was allowed to leave class and go to the room but he said "I doubt that" and sent me back to class. The second time I made it almost all the way to the safe room but then I got scared that a teacher would catch me and give me detention so I went back to class.
22. Around December 2008 I was walking to class and as I passed my science teacher, Mr. Hartmann's, room Mr. Hartmann called me over and said "Come here, I need to talk to you about something serious." He said I should be ashamed of myself for being gay and also said "you should hate yourself every day unless you change."
23. In December 2008, some students came up to me when I was on one of the landings of the stairs, and tried to push me over to the railing and push me over.
24. That winter I started wearing eyeliner to school sometimes. Lots of kids started making fun of me and calling me a girl and telling me I shouldn't wear makeup.
25. In January 2009, I had my hair dyed a bright color and one of the kids who is always harassing me came up to me in the hall and told me that I was basically a girl and said "you should just get a sex change."

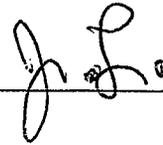
26. That month that same student started a rumor that I had sex with another boy in my class. I told my dad about this rumor and I think he told the principal.
27. In early March 2009, the same student who had told me to get a sex change, said he was glad my dad was dying, and tried to trip me on my crutches, approached me in the lunch room, threw a banana at me and said “here, now you don’t need a boyfriend, suck on that.” Lots of students heard him say this. I told my dad about this and he called the principal. That afternoon my step-mom and I went to the school to talk to the principal about it. He asked us for a list of names of the boys who bully me the most, and we gave him one, even though I know my dad had given him a list of names on the phone earlier.
28. In April 2009, the same student again approached me in the lunch room and said “if you don’t die I’ll make the world’s dream possible.” I understood that to mean that he would kill me. He also said “It’s Adam and Eve, not Adam and Steve.” I told my dad who told the principal.
29. In May 2009, I was in technology class and a boy who bullies me a lot came up to me and said “lose the makeup, lift weights, lose the faggot voice and start liking girls, then maybe we’ll be friends with you.” That same day, also in technology class, he also said “you’re a disgrace to the human race. Do the world a big favor and die because no one would miss you.” I told my dad who told the principal. I don’t know if the principal ever talked to the student, but when I see that kid now he still makes those same kinds of comments to me.
30. In the first week of June, 2009, my mom, my sister and I went to a concert at the school. On the way to the concert we were in the park across from the school and a kid from my class came up to us and yelled “tell your faggot son to keep away from me” and “when I catch your son alone I’m going to kick his ass.” My mom had to chase the kid away from us. I went with my mom, step-mom, and sister to report this to the principal, but he said there was nothing he could do to punish that student or protect me from him in the future because the incident didn’t happen in the school.
31. On June 5, 2009 one of the students who is always bothering me leaned over to me in Spanish class, took a pocket knife out under the desk, and told me he was going to stab my “faggot ass” and hang me up on the flagpole. I was so scared I left class and ran home where I told my dad what happened. I told my friend about it on my way out of school and I think she told the principal. My dad went to the school to talk to someone about it. No one ever interviewed me about what happened or asked me if anyone else saw the knife.
32. After that I was too scared to go to school so my dad arranged that I could go only to take my final exams. I stayed home from school for the last two weeks and my dad would drive me over for my exams and wait for me. During those two weeks at some point my dad and I went to the school and we gave him some notes I had written over the course of the year about what was happening to me at school. Later my stepmom picked them up and Mr. Rinaldo had put his initials on them.

33. I was sad about not being able to go to the last two weeks of school and see all my friends before summer vacation. My dad let me go back to school for the last day to see my friends and he waited for me nearby in a parking lot in case anything happened.
34. The harassment and threats have made me very afraid to go to school. I missed a lot of days of class last year because I was afraid to go in case someone beat me up or pushed me down the stairs again.
35. When I'm at school, I can't use the bathroom because I'm afraid that boys will follow me in and beat me up, so I go all day without using the toilet.
36. I'm afraid of changing with other boys in the locker room for P.E. Sometimes I just don't change but then I get detention for not wearing my P.E. clothes.
37. I also had a hard time concentrating at school because I was constantly being harassed, even during class.
38. The harassment has also made me very sad in general. It has made me feel like I'm worthless and that I should just stop being who I am to make the harassment stop.
39. Because I missed so many classes when I was too scared to go, I had to go to summer school to pass the eighth grade. I had planned on getting a summer job but I couldn't do that because I had to go to school instead.
40. I'm afraid of what is going to happen when I go back to school in the fall. Since there's only one school in our district I know that all of the kids who have bullied me the most will be back in school with me. Over the summer some of them have been harassing me and yelling things when I see them in town, or they drive by my house yelling insults at me. I'm afraid that when I go back they will try to beat me up or push me down the stairs, or that the person who threatened me with the knife will bring the knife back to school and stab me.
41. I don't know who I can tell about this in school because it feels like even though I always told someone about what was happening to me, no one in the school ever did anything. I don't know how I am supposed to learn when I feel so scared.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 17th day of August, 2009.

AMI T. SANGHVI
Notary Public, State of New York
No. 02SA6147026
Qualified in New York County
Commission Expires May 30, 2010



J.L.