

IN THE CIRCUIT COURT OF YIG COUNTY
STATE OF MISSOURI

Jessica Jordan, a minor, by and)
through her Next Friend, James Jordan,)
)
Plaintiff)
)
vs.)
)
)
Turtle Creek Academy,)
)
Defendant)

Cause No. 09-0001

STATEMENT OF FACTS

Plaintiff Jessica Jordan, a minor, by and through her next friend and father, James Jordan, has brought suit against Turtle Creek Academy (“Academy”), arising out of injuries she sustained in a fire that occurred at the Academy on May 21, 2009. Jessica was a 7th grade student at the Academy when the fire occurred. The Academy is a private school located in Yigtown, Missouri, owned and operated by the Yigtown Ecumenical League, a local association of churches of all denominations. Plaintiff claims that the Academy negligently failed to protect her from a fire that was intentionally set that resulted in serious injuries to Jessica. Defendant claims that it was not negligent, and that any injuries sustained by Jessica were due to her own actions in engaging in cyberbullying of another student, Cynthia Brownfield.

On May 21, 2009, Jessica’s school day started like any other day. She got up at 7:00 a.m., got ready for school, and her dad, James, drove her to school on his way to work. School started at 8:30 a.m. When Jessica got to school at 8:15 a.m., she headed to the locker she shared with another 7th grader, Cynthia Brownfield. Their locker was in the middle of the “7th grade hall”, which was located in the front hall on the lower level of the three-story building which housed the middle school section of the Academy. A padlock with a four-digit combination secured the locker.

On reaching her locker, Jessica entered the combination and opened it. Within an instant, flames shot out of the locker from all over, the top, the bottom, and both sides. The flames reached her arms and caught her T-shirt on fire before she could back away. There were screams from other students, and several students helped put out the flames on Jessica's shirt, while a teacher, Mrs. Drake, pulled the fire alarm, got the extinguisher, and put the fire out. Another teacher called 911, and police, fire, and paramedics arrived at the scene.

Jessica was in shock. She was rushed to Yig Children's Hospital, where she remained in the burn unit for six (6) weeks. She sustained third degree burns to her arms, shoulders, and neck.

The Yigtown Fire Marshall performed a cause and origin investigation of the fire. A copy of the Fire Marshall's Cause and Origin report narrative is attached as Exhibit 1.

The Witnesses for the Plaintiff will be Plaintiff Jessica Jordan and Fire Marshall Steve Banks. The Witnesses for the Academy will be the Dean of the Academy, Jill Martin, and Cynthia Brownfield.

DEPOSITION OF JESSICA JORDAN

Comes now Jessica Jordan, and having first been duly sworn upon her oath, states as follows:

My name is Jessica Jordan. I am currently 13 years old. I am in school this year, attending the Yigtown Junior High School as an 8th grader. I can only attend class three (3) days a week, because of doctor's appointments and physical therapy. The other days I have a tutor who comes to my house.

I was severely burned while at school last year at the Turtle Creek Academy. It happened on May 21, 2009, which was the last day of school that year. I don't remember much about the fire. I remember being excited that school was out for the summer. I remember my dad driving me to school on his way to work. I live with my dad, as my mom died of breast cancer two (2) years ago. The last thing I remember is heading to my locker, which I shared with Cynthia Brownfield.

I have known Cynthia Brownfield since we both entered the Academy in the 6th grade. I always thought she was different, and we were not friends. I didn't dislike her, it was just that she was quiet, didn't talk much at all, and pretty much stayed to herself. I did notice that beginning around March of this year, she seemed awfully jumpy and nervous when I would see her at our locker. In fact, if I came up to the locker and she was there, she would pretty much leave immediately and run off to her next class or wherever she was going.

I did have a lot of friends at the Academy. I was on the Student Council as the 7th Grade Class Treasurer. I sang in the Honors Choir and did well in my classes. I was not super popular like the Cheerleaders, and I didn't have a boyfriend, but I liked it there.

The Academy didn't have a lot of rules. I guess they thought nothing criminal would ever happen. We didn't have to go through security checks, or have our purses/backpacks x-rayed like you do at the airport. There were kids who smoked, and I did see students carrying matches and lighters at school. I don't remember ever tattling on anyone who had matches or lighters. That would not be cool. The Academy did not have any policy on Internet use by students.

I understand from the Fire Marshall's report that the fire in our locker was caused by butane lighter fluid being intentionally spread all over the front of the metal locker, and a lit tea light candle attached to a metal wire being knocked off the top shelf when I opened the locker door. Of course I did not put the lighter fluid around, and I did not have a lit tea light candle in the locker.

It is true that I gave my locker combination away to a cheerleader, Duffy Hill, at the beginning of March of 2009. Duffy asked me for my locker combination so she could use my locker. It was next

to the locker of Kent Jenkins, who is the cutest guy in our class. Duffy told me she wanted to be near him so she could flirt with him and try and get him to take her out. She also told me to stay away from Kent. Kent is just a nice guy, and we would talk at the lockers. I guess Duffy thought I was flirting with him. She didn't really threaten me, but she did look a little upset at the time. I know we aren't supposed to give out our combinations, but Duffy can be pretty insistent, and I didn't want to make her an enemy.

I do access the Internet at home and go to social networking sites. I absolutely deny that I ever used facebook or myspace or Topix.com or any other site to bully or tease Cynthia Brownfield. I would never do anything like that.

The first thing I remember after the fire was waking up in the hospital with bandages and dressings all over my arms and upper body. I was hooked up to all sorts of machines and I was in the ICU for 3 weeks. The pain was just absolutely horrible, even with morphine. I was in the hospital for 6 weeks. I have had 5 skin graft operations. I am still in the process of healing. I will have scars on my upper arms and my neck/chest area for the rest of my life.

It is true that over the summer, we got a new computer at home. We threw away our old computer, which was at least five (5) years old.

DEPOSITION OF FIRE MARSHALL STEVE BANKS

Comes now Steve Banks, and having been first duly sworn upon his oath, states as follows:

My name is Steve Banks. I am 31 years old. I am the Fire Marshall for Yigtown, Missouri. I have held that position for 3 years. Before that, I was a firefighter for Yigtown. I have lived in Yigtown my whole life. I have been fighting fires since graduating from the Fire Academy when I was 19 years old.

As the Fire Marshall I am responsible for determining the cause and origin of fires that occur in Yigtown, Missouri. In addition to my training at the Fire Academy, the state puts on multiple educational classes each year on cause and origin investigation. I have attended these classes, obtaining 75 credits and am a Certified Cause and Origin Investigator with the State of Missouri.

When you investigate cause and origin, you are examining the evidence at the scene of the fire to determine where the fire started, i.e. the origin, and you investigate the potential and likely causes.

I was radioed by the fire department to respond to the scene of a fire at the Turtle Creek Academy at 8:30 a.m. on May 21, 2009. I responded to the scene at approximately 8:37 a.m. I went to the lower level front hall. Paramedics were at the scene tending to Ms. Jessica Jordan. I have known Jessica all her life. Her dad and I went to high school together and he is still a good friend.

When I arrived at the scene the locker area involved in the fire had not been secured, and there were students everywhere. The first thing I did was to block off the area with fire scene tape. Then, I began taking pictures of the scene and examining it. I noticed that the heaviest area of burn, shown by the most charring, was at the front of the locker and at the bottom. There were then black marks shooting upwards on the sides and towards the top of the locker. As evidence, I retrieved 3 empty bic butane lighters, which were lying on the floor of the locker. I retrieved a charred piece of metal that looked like a tea light container. I retrieved a piece of metal wire that was attached to the front door of the locker by a knot. The other end of the wire was in the shape of a circle. I talked to student witnesses who described the fire as a flash that burst through the entire locker immediately.

Based on the evidence at the scene and the witness accounts of the fire, I determined to a reasonable degree of scientific certainty that the fire was intentionally set, by spreading a butane accelerant all over the locker and lighting a tea candle, attached it with a wire to the front of the locker so that when someone opened the locker, it would cause the tea candle to fall to the floor and start the fire.

Two days after the incident, I was able to briefly interview Jessica Jordan. Jessica did not remember what happened in the incident. I did interview Jessica's lockermate, Cynthia Brownfield. I interviewed Cynthia on May 22, 2009.

Cynthia denied any knowledge of the incident, and denies placing the tea light candle and butane lighter fluid in the locker. She told me she was not at school on May 21, 2009 because she was not feeling well. I confirmed with the Academy that Cynthia did not show up to any of her classes on May 21, 2009. I asked Cynthia about her relationship with Jessica Jordan. Cynthia stated that she was not friends with Jessica and that Jessica had said bad things about her on the Internet. Cynthia gave me a printout from Topix.com, which is attached as Exhibit 2. Cynthia told me that she complained to Dean Martin about the Topix.com forum discussion thread in March of 2009, but that Dean Martin told her there was nothing that the Academy could do about the discussion thread because it didn't happen at school. Cynthia told me that just a day after talking to Dean Martin, she received a threatening note in her locker, telling her that she had better keep her mouth shut, or else. She gave me a copy of the note, which is attached as Exhibit 3. Cynthia was scared and did keep her mouth shut, until confronted by her mother asking why she was so upset on May 19, 2009.

After Jessica got out of the ICU, I followed up with her about the information that I learned from Cynthia. I showed her the print-out of the discussion thread from Topix.com (Exhibit 2) and she expressed shock. She told me she absolutely did not post anything on the Topix.com website and that she would never say those sorts of things about anyone, much less Cynthia Brownfield. Knowing her and her father, I completely believed her.

I did not take the investigation any further. I did not contact Topix.com about the postings or the account holders. I did not ask to look at or seize the Jordan's home computer. I did not do anything to try and find out who would have been posting under Jessica's name on Topix.com.

I have never had to respond to a fire at the Turtle Creek Academy as a firefighter or as Fire Marshall throughout my career. I am unaware of any fires being ruled intentionally set in Yigtown whatsoever during my career.

DEPOSITION OF JILL MARTIN

Comes now Jill Martin, and having been first duly sworn upon her oath, states the following:

My name is Jill Martin. I am 40 years old. I am the Dean of the Turtle Creek Academy. As the Dean, I am the Chief Executive Officer of the Academy. I report to a 9 member Board of Directors, which is made up of leadership of area churches that are part of the Yigtown Ecumenical League.

I have a bachelor's degree in secondary education from the University of Missouri St. Louis, received in 1992, and a Masters' Degree in School Administration from the University of Missouri that I received in 1995. I worked as a middle school English teacher in mid-Missouri for five (5) years, and then worked as a middle school Principal for seven (7) years. I came to Yigtown and joined the Turtle Creek Academy in 2004 as Assistant Dean. I was promoted to Dean at the beginning of the 2008-09 school year.

The students at the Academy are for the most part very well behaved. The Academy teaches students from grades 6 through 12. There are approximately 100 students in each class. The Academy does have a student handbook, and a written discipline policy. However, there is no policy regarding Internet use. We just have not had any problems with students inappropriately using the Internet prior to March of 2009. It is true that I do not proactively monitor websites or use any type of software program to monitor websites to check on student usage of the Internet.

The Academy had not had many problems with violence prior to May 21, 2009. We did have a bomb threat in 2008 that required an evacuation of the entire school. We never did determine who made the threat, and never found any type of bomb. We also had a fight between two 9th graders in 2008, and one of the students did have a knife. The student with the knife was suspended. At the time we did consider various security measures, but decided that the incident was not serious enough to warrant the expense of hiring a security guard or searching student bags and backpacks. The Academy does not have a policy specifically prohibiting matches or lighters, but again, we have not had a problem with students smoking, or carrying matches or lighters at school. We do not have any screening of bags or backpacks.

The locker fire incident of May 21, 2009 came as a complete shock to me and to the other Administrators and staff. I did not do any investigation to try and determine what happened, because I left the investigation to the Fire Marshall. I expected that the Fire Marshall would do a thorough job and gather all of the evidence necessary to determine who was responsible for the fire. It is unfortunate that the Fire Marshall was apparently blinded by his friendship with Jessica's father such that he failed

to confiscate their computer, which very likely would have proven Jessica was cyberbullying Cynthia Brownfield. After all, you are guilty if you destroy evidence, aren't you?

Over the summer, the Board did take certain actions to prevent another incident like the fire. We installed security cameras in each of the school hallways, and we hired a Security Guard to patrol the school and monitor the cameras for suspicious activity. The Security Guard can search student bags and backpacks. We also adopted an Internet Use Policy.

Cynthia Brownfield did come to me on March 10, 2009 and did show me a printout from Topix.com of a discussion thread that included disparaging and hurtful remarks regarding Cynthia. The hurtful remarks were posted by Jessica Jordan. I was somewhat surprised at first that Jessica would make such hurtful remarks, but middle school aged kids can be pretty hurtful. I did not take any specific disciplinary investigation or action in response to Cynthia's complaint. I did not talk to Jessica about the postings. I did not believe we could take any action based on freedom of speech and the fact that it didn't happen at school. I did talk to the entire 7th grade class at a previously scheduled assembly on March 10, 2009. I told them that words can harm, that they should put themselves in the shoes of the persons they are saying bad things about, that the internet should not be used to harm or gang up on someone, and that I expected better behavior from our students. I did not specifically mention Topix.com or Cynthia Brownfield. In addition to the talk, I also contacted Topix.com and had the discussion thread removed.

I am certainly sorry about the injuries that Jessica received in the fire, but when you hurt another person, you should expect that there would be consequences, which may even be violent. Ultimately, it is the responsibility of parents to control their children and teach them to act appropriately towards others. There is little that the education system can do in this type of situation.

DEPOSITION OF CYNTHIA BROWNFIELD

Comes now Cynthia Brownfield, and having been first duly sworn upon her oath, states the following:

My name is Cynthia Brownfield. I am 13 years old and in the 8th grade at the Mid-Missouri Middle School. I am not happy about being called to testify in this case. I did not rig my own locker to start a fire. I would never do anything to hurt anyone, even if they were hurting me. I have not been in trouble over this fire incident. I did not get in trouble with the law, and I did not get in trouble at school. I did not even go to school on May 21, 2009. I stayed home because I wasn't feeling well.

I don't know who caused the fire. It is true that I had all of my belongings out of the locker. I took everything out on May 20, 2009 because the 21st was the last day of school.

I was the victim of cyberbullying by my lockermate, Jessica Jordan. It happened in March of 2009. I got a text message from my friend Judy Adams on Monday night, March 9, 2009, telling me that some horrible stuff was being said about me on Topix.com. Judy is just about my only friend at school. I got on-line immediately at home when I got Judy's text message. I saw the horrible things, and it did upset me very much. I printed out a copy of the discussion thread. How can people be so mean and hurtful? I didn't know what to do. I was embarrassed to tell my parents, because I felt ashamed.

I hadn't really told anyone but Judy about my crush on Kent Jenkins. He is SO CUTE and he is SO NICE. His locker was right next to mine, and he was always so nice to me, even though I am not pretty or popular. I did have a spiral notebook in my locker with doodles like hearts that said "I love Kent", "Kent & Cynthia", that sort of thing. So, I guess that Jessica saw the doodles and decided to humiliate me on the Internet.

I did go to Dean Martin and told her about the Topix.com website on March 10, 2009. I showed her the printout. She told me there was nothing she could do. She did talk to the entire class about cyberbullying at an assembly that same day. That is when I got the threatening note in my locker to keep my trap shut, or else!

After that I spent as little time at my locker as possible and tried to steer clear of Jessica. I was really upset and worried about what she meant by "or else". I mean, she had already humiliated me completely with the postings. On May 19, 2009, my mom was bugging me as usual about why I was so upset, and I finally broke down and told her about what had happened. She was very upset. I told her PLEASE don't do anything about this. She wouldn't commit to not taking action. I later learned that

my mom got on Topix.com that very night and issued a warning to any students cyberbullying me that she would get to the bottom of the situation and make sure that they were punished.

After the fire, my parents talked to me and we decided that I would change schools. Things are better for me this year at the new school.

STATE OF MISSOURI
YIGTOWN

FIRE MARSHALL NARRATIVE REPORT

The undersigned responded to the scene of a fire in a locker area at the Turtle Creek Academy at 8:35 a.m. on May 21, 2009. The undersigned received a page from the Yigtown Police Dispatcher at 8:30 a.m. and proceeded to the scene of the fire.

The undersigned was met by the Dean, Jill Martin, at the front door of the Academy and escorted to the scene of the fire. There were approximately 12 students and 5 faculty members in the area of the scene, which was located in the front hall of the lower level of the Academy.

The undersigned immediately secured the scene with yellow tape. The fire had been extinguished with a fire extinguisher. The fire had been contained to a metal locker, locker number 105. The locker was covered with foam consistent with use of an AR-AFFF fire extinguisher.

The undersigned noted extensive charring at the front of the locker, with the heaviest charring at the bottom of the locker. Char marks showing an upward pattern of flames was noted. The extent of charring is consistent with use of an accelerant. The undersigned located the charred and melted remains of 3 bic lighters at the bottom of the locker.

The undersigned located a single wire attached to the inside of the door of the locker, measuring 10 inches in length. The wire was hanging from the door. At the end of the wire the wire was formed into a circle, approximately 3 inches in diameter.

On the floor under the locker the undersigned located a metal container consistent with a tea light candle.

The undersigned interviewed 3 students who witnessed the fire. Duffy Hill was interviewed. She told this Investigator that she saw Jessica Jordan open the locker. She stated that the flames immediately shot up and out of the locker. She was standing across the hall talking to another student, Kent Jenkins. Kent confirmed Duffy's statement. Both students said that they ran to Jessica's aide, and rolled her over to put out the fire. Both students were very upset about the incident.

The undersigned concludes based on the evidence at the scene and the statements of the witnesses that the fire was intentionally set. A tea light candle was lit and placed on the top shelf of the locker. Butane lighter fluid was spread about the front of the locker. A wire was attached to the door so that someone



opening the door would cause the tea light to fall to the bottom of the locker, igniting the lighter fluid.

The undersigned interviewed the victim, Jessica Jordan, who does not remember the incident. The undersigned also interviewed Cynthia Brownfield, who shared a locker with Jessica Jordan. The undersigned was unable to conclusively determine that Cynthia Brownfield caused the fire.

Steve Banks

Steve Banks
Yigtown Fire Marshall

Yigtown Ugly Girl

Posted in the Yigtown Forum

Comments

Showing Posts 1-9 of 9

JessJordan
Yigtown

Monday, March 9

Cynthia Brownfield actually thinks she can get Kent Jenkins! What a joke! Doesn't she know she is as ugly as a snorting Pig!

Jude
Yigtown

Monday, March 9

That is a hateful thing to say about Cynthia. What has she ever done to you?

JessJordan
Yigtown

Monday, March 9

She has stunk up my locker with her B.O. and has spread her snot all over the locker. She is just GROSS!

WonderBoy
Yigtown

Monday, March 9

That is gross. Jess, are you kidding?

Jess Jordan
Yigtown

Monday, March 9

Why would I kid about something as gross as that? I am sure Kent would be interested in her! What a fat pig!

Jude
Yigtown

Monday, March 9

This is just out of hand. Lies, pure lies. Just because she isn't in the popular crowd. How could you even know she has a crush on Kent Jenkins?

JessJordan
Yigtown

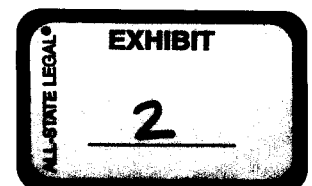
Monday, March 9

Well, I share a locker with her, don't I?

Concerned
Yigtown

Monday, March 9

Just because someone is not physically beautiful on the outside does not mean she is not a beautiful person on the inside. What is wrong with you? I thought your parents raised you better than this.



**I KNOW YOU TOLD DEAN MARTIN ABOUT THE INTERNET
POSTINGS.**

KEEP YOUR MOUTH SHUT ABOUT THIS,

OR ELSE.

