

STATE OF INDIANA )  
 )  
SS )  
DELAWARE COUNTY )

IN THE DELAWARE CIRCUIT COURT NO. 1  
CAUSE NO: 18C01-1208-PL-

JOHN DOE and JANE DOE, )  
Individually, and as Parents and )  
Natural Guardians of JUNIOR DOE )

Plaintiffs, )

vs. )

BALL STATE UNIVERSITY, )  
BALL STATE UNIVERSITY BOARD )  
OF TRUSTEES, JANIS SEGEDY and )  
BURRIS LABORATORY SCHOOL )

JURY TRIAL DEMANDED

Defendants.

COMPLAINT FOR DAMAGES

Plaintiffs, John Doe and Jane Doe, individually, and as parents, natural guardians and next friends of Junior Doe, by counsel, Delk McNally, LLP hereby file their Complaint against Defendants, Ball State University, Ball State University Board of Trustees, Burris Laboratory School and Janis Segedy, and in further support thereof state as follows:

Introduction

Ball State University is nationally renowned for its Teacher's College and educational degree programs. As part of this world-class educational degree program, Ball State University established Burris Laboratory School – a Kindergarten through Twelfth Grade school that provides elementary and secondary education to students in accordance with the requirements of Indiana law. As its core and fundamental mission, Ball State and Burris Laboratory School tout themselves as the leading educational institution for providing the development, demonstration, and dissemination of effective and innovative teaching practices, which offers an exemplary pre-



service clinical program for teaching majors that provides an educationally sound instructional program for its K-12 population. According to Ball State University and Burriss Laboratory School, this mission is based on the belief that all students can learn and will be empowered to develop their fullest intellectual, social, artistic, and physical potentials.

Given the esteemed reputation of this institution, John and Jane Doe were shocked to discover the horrific and ghastly events that took place within the walls of Ball State and Burriss Laboratory School. The Does discovered that due to Burriss and Ball State's complete lack of supervision and institutional controls over their eight (8) year old son during the school day, Junior Doe was forced, on multiple occasions, to engage in explicit sex acts with other children and forced to perform oral sex on other children his age. This horrific sexual abuse and molestation took place in the Burriss bathroom, Burriss library and within Junior Doe's classroom at Burriss Laboratory School. The sexual abuse and molestation occurred after Ball State and Burriss Laboratory School allowed elementary aged students unfettered access to the school internet to view pornographic videos and then "act out" the scenes on each other. The Does entrusted Burriss Laboratory School to provide for the safety and protection of their child, and certainly never expected that such a school would allow their eight (8) year old son to be the victim of such egregious sexual abuse while attending their "esteemed" educational institution.

Unfortunately, due to the above-named Defendants' negligence, failure to supervise and failure to implement proper policies and precautions, the Does' lives – and the life of their young child – are forever damaged.

**Parties, Jurisdiction and Venue**

1. Plaintiffs, John Doe and Jane Doe, individually, and as parents, natural guardians and next friends of Junior Doe, are, and have been at all times relevant hereto, residents of Delaware County, Indiana.
2. Defendant, Ball State University, is an Indiana political subdivision that is located in Muncie, Delaware County, Indiana and has its principal office located in Muncie, Delaware County, Indiana.
3. Defendant, Ball State University Board of Trustees, is the governing body of Ball State University with its principal office located in Muncie, Delaware County, Indiana.
4. Defendant, Burriss Laboratory School, is an educational institution established, operated and managed by Ball State University. Burriss Laboratory School is located in Muncie, Delaware County, Indiana.
5. Defendant, Janis Segedy, is an adult individual who, at all times relevant hereto, was a teacher at Burriss Laboratory School acting in her individual capacity and within the course and scope of her employment as a teacher at Burriss Laboratory School. Upon information and belief, Janis Segedy is a resident of Delaware County, Indiana. Defendant, Janis Segedy, is hereby sued as an individual and in her official capacity as a teacher for Ball State University and Burriss Laboratory School.
6. The incidents giving rise to this cause of action occurred in Delaware County, Indiana. Accordingly, venue in the Circuit Courts of Delaware County, Indiana is proper pursuant to Indiana Rule of Trial Procedure 75(A).
7. The Circuit Courts of Delaware County have personal and subject matter jurisdiction over this matter.

**Facts Relevant to All Counts**

8. In the fall of 2011, Junior Doe, an eight (8) year-old boy, was a second grade student at Defendant, Burriss Laboratory School. Junior Doe's teacher for the 2011-2012 school year was Defendant, Janis Segedy.

9. On December 5, 2011, John and Jane Doe received a horrifying phone call from the parent of another student at Burriss Laboratory School. The Does were informed that their son, Junior Doe, had been the victim of sexual abuse, molestation and sexual harassment at Burriss Laboratory School. However, it was not until days later that the Does discovered the full extent of the sexual abuse that occurred at Burriss Laboratory School as teachers and administrators at Burriss failed to inform the Does of the nature of the abuse, even though Burriss had knowledge of the horrific events. Only after John Doe confronted Burriss administrators and staff about the situation did Burriss inform the Does of the severity of the sexual abuse.

10. Throughout the weeks that followed, the Does discovered that Junior Doe had been forced to give and receive oral sex and engage inappropriate sexual touching with other second grade boys in the restrooms, library and classroom(s) at Burriss Laboratory School during school hours. This sexual abuse and molestation occurred over a three (3) month period and occurred on at least eleven (11) different occasions.

11. It is believed that a total of four (4) boys were involved in the sexual abuse/molestation. Each of the students involved were students in Ms. Segedy's second grade class.

12. Ball State, Burriss and Ms. Segedy allowed these students to freely use the restroom together unsupervised for lengthy periods of time in groups of three to four. The abuse likewise occurred in the library at Burriss Laboratory School as well as Ms. Segedy's classroom.

13. On more than one occasion, students even approached Ms. Segedy to inform her that certain boys in the class “were doing things to other boys’ private parts.” Rather than investigating these extremely disturbing complaints, Ms. Segedy simply told the students to sit down and stop “tattling” on others and took no further action.

14. Burriss Laboratory School also allowed students to view pornographic videos on school laptops and iPads.

15. In fact, the perpetrators involved in sexually abusing Junior Doe were provided with unfettered and unsupervised access to the internet via computers located in the library of Burriss Laboratory School and on school provided iPads. Once on the internet, the students would watch pornographic videos. After viewing the pornographic videos in the school library, the students would then “act out” the scenes viewed in the pornographic videos on each other in the school library, restrooms and classroom(s).

16. Ball State and Burriss failed to employ sufficient controls and screening programs to prevent students from accessing improper and sexually explicit internet content.

17. During recess, certain students would engage in a “game” called “grab the wiener,” which involved male students running around grabbing each other’s genitals. Of course, had these students been properly supervised then teachers and staff would have been able to promptly cease this activity and counsel the students on the severe inappropriateness of this behavior. Complaints of this abusive game were reported to Burriss teachers and administrators, but again the complaints of inappropriate sexual acts fell on deaf ears and no action was taken by Ball State and/or Burriss.

18. One of the particular students involved in the sexual abuse/molestation of Junior Doe, and considered to be the “ring leader” that forced Junior Doe to engage in the sexual acts at

school, had a well-documented history of abuse and predatory behavior. In fact, the “ring leader” student was required to go to the bathroom alone at his previous school as a result of his inappropriate bathroom behavior. This fact was known, or should have been known, by Ball State and/or Burriss Laboratory School. Yet, nothing was done to ensure that this student did not engage in inappropriate behavior and was allowed to go to the bathroom in groups for lengthy periods of time.

19. As previously noted, the Does discovered these incidents from a telephone call from the parent of another student involved. As this matter was investigated, the Does discovered that Burriss Laboratory School had actual knowledge of these incidents several days before Ball State and/or Burriss ever tried to contact the Does, or even the proper governmental authorities. In fact, Burriss and Ball State failed to inform governmental authorities of the sexual abuse even when police officers were present in the school during a drug sweep at the school.

20. As this matter was investigated by Child Protective Services, local law enforcement and students’ parents, it has become clear that Burriss Laboratory School has engaged in a systematic effort to “cover up” these incidents to keep it from becoming public knowledge.

21. Prior to discovering these horrific incidents, Jane Doe has previously noted odd behavior from one of the students toward Junior Doe at a school function in late 2011. Around this time, Junior Doe had begun displaying a different pattern of behavior at home. Jane Doe addressed these concerns with Junior’s behavior and the behavior of the other student with Ms. Segedy. However, Ms. Segedy dismissed those concerns and lead Jane Doe to believe that nothing was out of the ordinary.

22. As a result of these horrifying events that were caused by Ball State and Burriss Laboratory School's blatant disregard for student supervision and safety, John Doe, Jane Doe and Junior Doe have all suffered physical, emotional and psychological harm.

23. Ms. Segedy's refusal to respond to and investigate student complaints of sexually inappropriate activity was willful or wanton. Specifically, her refusal to respond to and investigate these complaints was done with reckless disregard of the consequences of injury to the students involved in the sexually inappropriate activity at the time she received the complaints.

24. At all times relevant hereto, Defendants, Ball State University and Burriss Laboratory School were the recipients of state and federal funding.

25. Defendants, Ball State University and the Ball State University Board of Trustees, are responsible for ensuring that Burriss Laboratory School properly supervises and provides a safe environment for those students. Defendants, Ball State University and the Ball State University Board of Trustees are also responsible for promulgating appropriate policies and procedures that provide for the safety and protection of students at Burriss Laboratory School.

26. Plaintiffs have complied with all requirements precedent, which are necessary to bring this lawsuit against Defendants.

**Count I: Negligence**

27. Plaintiffs repeat and incorporate by reference the allegations set forth in rhetorical paragraphs 1 through 26 as if fully set forth herein.

28. Defendants had a duty to exercise ordinary and reasonable care for the safety and protection of all students at Burriss Laboratory School – including Junior Doe.

29. Defendants repeatedly breached their duty to care for the safety and protection of its students, particularly Junior Doe. Those breaches include, but are not limited to, the following:

- a. Failing to properly supervise Junior Doe and the other students involved in the sexual molestation and abuse in the bathrooms at Burris Laboratory School;
- b. Failing to properly supervise Junior Doe and the other students involved in the sexual molestation and abuse in the classroom at Burris Laboratory School;
- c. Failing to properly supervise Junior Doe and the other students involved in the sexual molestation and abuse in the library at Burris Laboratory School;
- d. Failing to properly supervise Junior Doe and the other students involved in the sexual molestation and abuse during recess at Burris Laboratory School;
- e. Failing to implement proper security measures to prevent student access to pornographic material on the internet through the use of school computers and iPads at Burris Laboratory School;
- f. Failing to comply with school policy and procedure regarding the supervision, safety and protection of students;
- g. Failing to implement appropriate policies and procedures to provide for the proper supervision of students at Burris Laboratory School;
- h. Failing to implement adequate precautions to provide for the safety and protection of students at Burris Laboratory School;
- i. Failing to implement appropriate policies and procedures to provide for the safety and protection of students at Burris Laboratory School;



- j. Failing to engage in appropriate screening and background checks for students to ensure proper precautions can be taken to ensure other students' safety;
- k. Failing to properly investigate a certain student's previous predatory and abusive behavior and take appropriate actions to ensure that this behavior did not occur at Burris Laboratory School and/or negatively impact other students at Burris; and
- l. Failing to adequately train and supervise the teachers and staff members of Burris Laboratory School with respect to student safety and sexual abuse, molestation and harassment.

30. Defendants' negligence is the direct and/or proximate cause of the physical, emotional and psychological harm suffered by Junior Doe.

31. Defendants' negligence is the direct and/or proximate cause of the emotional and psychological harm suffered by John Doe and Jane Doe.

32. As a result of Defendants' negligence, John Doe, Jane Doe and Junior Doe suffered substantial damages for which the Defendants are collectively responsible.

WHEREFORE, Plaintiffs individually, and as parents and natural guardians of Junior Doe, respectfully request judgment in their favor and against Defendants, compensation for all damages resulting from Defendants' negligence, punitive damages, attorneys' fees and costs, and all other just and proper relief.

**Count II: Violation of Title IX**

33. Plaintiffs repeat and incorporate by reference the allegations set forth in rhetorical paragraphs 1 through 32 as if fully set forth herein.

34. Title IX of the Education Amendments of 1972 provides that no person shall, on the basis of sex, be excluded from participation in, denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.

35. Defendants violated Title IX of the Education Amendments of 1972.

36. While a student at Burriss Laboratory School, Junior Doe was subjected to sexual abuse, molestation and harassment that was severe, pervasive and objectively offensive. The abuse, molestation and harassment occurred under circumstances wherein the Defendants exercised substantial control over the students and the context in which the abuse, molestation and harassment occurred.

37. As a result of the sexual abuse, molestation and harassment, Junior Doe was deprived of access to the educational opportunities and benefits provided by the school. Specifically, the sexual abuse, molestation and harassment altered the educational environment and created an abusive educational environment for Junior Doe.

38. Defendants had actual knowledge of the sexual abuse, molestation and harassment to which Junior Doe was subjected. Specifically, teachers and administrators were expressly informed of many incidents of sexual abuse, molestation and harassment by other students.

39. Despite Defendants' actual knowledge of the sexual abuse, molestation and harassment, the Defendants were deliberately indifferent to its occurrence. Specifically, the Defendants created an environment of sexual indifference that made Junior Doe more vulnerable to acts of sexual abuse, molestation and harassment. The Defendants created an environment of sexual indifference by:

- a. Failing to investigate student complaints that the students were engaging in sexually inappropriate activity with each other;
- b. Failing to provide proper security measures and controls to prevent students from accessing pornographic material on school computers and iPads;
- c. Failing to provide proper supervision and security measures for students in the bathrooms; and
- d. Failing to properly screen and investigate students and failing to follow-up and investigate known propensities of students to engage in sexually inappropriate and predatory behavior.

40. Defendants' actions and inactions were clearly unreasonable in light of the known circumstances.

41. Due to the sexual abuse, molestation and harassment, Junior Doe was deprived of access to the educational opportunities and benefits provided by Burriss Laboratory School.

42. As a result of Defendants' violation of Title IX of the Education Amendments of 1972, Junior Doe suffered substantial damages and harm including, but not limited to, psychological trauma, physical and emotional pain and suffering and a denial of educational opportunities and benefits.

WHEREFORE, Plaintiffs individually, and as parents and natural guardians of Junior Doe, respectfully request judgment in their favor and against Defendants, compensation for all damages resulting from Defendants' violation of Title IX, punitive damages, attorneys' fees and costs, and all other just and proper relief.

**Count III: Deprivation of Constitutional Rights**

43. Plaintiffs repeat and incorporate by reference the allegations set forth in rhetorical paragraphs 1 through 42 as if fully set forth herein.

44. The Defendants' conduct, actions, customs, policies and practices set forth herein deprived Junior Doe of his constitutional right to bodily integrity and physical safety secured by the Due Process Clause of the Fourteenth Amendment of the United States Constitution, all in violation of 42 U.S.C. § 1983. These unlawful actions included, but are not limited to, the following:

- a. By affirmatively refusing to respond to or investigate student complaints of sexually inappropriate activity made to teachers, thereby creating and/or enhancing a specific danger of sexual abuse, molestation and harassment to Junior Doe;
- b. By providing students unsupervised and unfettered access to the internet at school to view pornographic materials;
- c. By providing student's unsupervised access to school bathrooms where sexual abuse, molestation and harassment may occur without consequence;
- d. By providing a student known to have been engaged in sexually predatory behavior at a previous school unsupervised access to other students in the bathrooms, library and classrooms at Burriss Laboratory School.
- e. By creating an atmosphere -- through the failure to implement or enforce appropriate policies and procedures -- that permits peer-to-peer sexual harassment to occur without consequence, thereby emboldening abusers and harassers to continue to engage in such conduct.

- f. By creating an atmosphere – through the failure to supervise students, among other failures – that permits peer-to-peer sexual harassment to occur without consequence, thereby emboldening abusers and harassers to continue their harassing conduct.

45. The Defendants' improper actions and failure to protect Junior Doe while he was in their care, custody and control created and/or enhanced the danger that Junior Doe would be subjected to peer-to-peer sexual abuse, molestation and harassment. Specifically, Defendants improper conduct and failure to protect Junior Doe rendered Junior Doe more vulnerable to peer-to-peer sexual abuse, molestation and harassment.

46. The Defendants' improper conduct and failure to protect Junior Doe while he was in their care, custody and control was the direct and/or proximate cause of the physical, emotional and psychological harm suffered by Junior Doe, and the emotional and psychological harm suffered by John and Jane Doe.

47. The Defendants' improper conduct was undertaken under the color of state law.

48. The risk to Junior Doe was obvious and known to the Defendants.

49. The Defendants' conduct was reckless and constitutes a conscious disregard of the known risk to Junior Doe.

50. When viewed in total, Defendants' conduct shocks the conscience.

WHEREFORE, Plaintiffs individually, and as parents and natural guardians of Junior Doe, respectfully request judgment in their favor and against Defendants, compensation for all damages resulting from Defendants' deprivation of Junior Doe's constitutional rights, punitive damages, attorneys' fees and costs, and all other just and proper relief.

**Demand for Jury Trial**

Plaintiffs, John Doe and Jane Doe, individually, and as parents and natural guardians of Junior Doe, by counsel, Delk McNally, LLP hereby demand a trial by jury.

Respectfully submitted,

DELK McNALLY LLP

A handwritten signature in black ink, appearing to read "Jason R. Delk", is written over a horizontal line.

Jason R. Delk, Attorney No. 24853-18  
Michael T. McNally, Attorney No. 23676-49  
Daniel J. Gibson, Attorney No. 27113-18  
*Attorneys for Plaintiffs*

DELK McNALLY LLP  
421 S. Walnut Street  
Suite 200  
Muncie, IN 47305  
Tel: (765) 896-9495  
Fax: (888) 453-0545

STATE OF INDIANA )  
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IN THE DELAWARE CIRCUIT COURT NO. 1  
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JOHN DOE and JANE DOE, )  
Individually, and as Parents and )  
Natural Guardians of JUNIOR DOE )

Plaintiffs, )

vs. )

BALL STATE UNIVERSITY, )  
BALL STATE UNIVERSITY BOARD )  
OF TRUSTEES, JANIS SEGEDY and )  
BURRIS LABORATORY SCHOOL )

FILED  
CLERKS OFFICE  
DELAWARE CO., INDIANA

SEP 28 2012

*Steven J. Anger*  
CLERK

Defendants.

**VERIFIED PETITION TO PROCEED BY ANONYMOUS NAMES**

Plaintiffs, John Doe and Jane Doe, individually, and as parents and natural guardians of Junior Doe, by counsel, Delk McNally, LLP, hereby file their Petition to Proceed by Anonymous Names, and in further support thereof state as follows:

1. Simultaneously herewith, the Plaintiffs, John Doe and Jane Doe, individually, and as parents and natural guardians of Junior Doe, a minor, filed a Complaint against Defendants, Ball State University, Ball State University Board of Trustees, Janis Segedy and Burris Laboratory School.

2. The Complaint arises out of the repeated sexual abuse, molestation and harassment that occurred to Junior Doe at Burris Laboratory School during school hours. Specifically, it is alleged that Junior Doe – an eight (8) year old boy – was forced to give and receive oral sex and engage in other inappropriate sexual touching with other boys his age.

3. Although Indiana Rule of Trial Procedure 17 provides that every action shall be prosecuted in the name of the real party in interest, Indiana law allows parties to proceed



anonymously in litigation under certain special circumstances. *See, Doe v. Town of Plainfield*, 860 N.E.2d 1204 (Ind. Ct. App. 2007). Specifically, parties may proceed anonymously when the need for anonymity outweighs the presumption of openness in judicial proceedings. *Id.* at 1211.

4. Because there is a body of federal law on the issue of proceeding anonymously, the Indiana Court of Appeals has found it helpful to rely upon federal law in resolving such an issue. *Id.* at 1206-07.

5. "Notwithstanding the powerful presumption in favor of open proceedings where the parties are identified, the federal courts of appeal and a number of district courts have recognized that a district court may have the discretion to permit a party to proceed under a fictitious name." *Doe v. Indiana Black Expo, Inc.*, 923 F.Supp. 137, 139 (S.D. Ind. 1996). "This unusual practice has been permitted in exceptional cases where the party has a privacy right so substantial as to outweigh the customary and constitutionally-embedded presumption of openness in judicial proceedings." *Id.*

6. The cases where fictitious names have been permitted most commonly involved claims concerning abortion, mental illness, personal safety, homosexuality and children. *Indiana Black Expo, Inc.*, 923 F.Supp. at 139 (citation omitted) (emphasis added).

7. Instead of articulating a mechanical test to determine whether proceeding anonymously is appropriate; courts have identified a number of facts that should be considered. *Town of Plainfield*, 860 N.E.2d at 1208. (citation omitted). These factors include the following:

- a. Whether the plaintiff is challenging governmental activity;
- b. Whether the plaintiff would be required to disclose information of the utmost intimacy;



- c. Whether the plaintiff would be compelled to admit his or her intention to engage in illegal conduct, thereby risking criminal prosecution;
- d. Whether the plaintiff would risk suffering injury if identified;
- e. Whether the party defending against a suit brought under an anonym would be prejudiced;
- f. Whether the interests of children are at stake;
- g. Whether there are less drastic means of protecting legitimate interests of either the party seeking anonymity or the opposing party;
- h. The extent to which the identity of the litigant has been kept confidential; and
- i. The public interest in knowing the litigant's identity.

*Id.* These factors, however, are not meant to comprise an exclusive list of factors to be exclusively considered when determining the propriety of anonymous litigation. *Id.*, citing, *Doe v Provident Life & Accident Ins. Co.*, 176 F.R.D. 464, 468 (E.D. Pa. 1997).

8. A judge presented with a request to proceed under a fictitious name should carefully review all the circumstances of a given case and then decide whether the customary practice of disclosing the identity should yield to the plaintiff's privacy concerns. *Id.*, citing, *Indiana Black Expo, Inc.*, 923 F.Supp. at 140.

9. A cursory review of the nature of the claims, the identity of the defendants and the age of the victim and other children involved, reveals that a number of the factors weigh strongly in favor of allowing the Does to proceed anonymously.

10. The most obvious factor weighing in favor of anonymous litigation is the sensitive issues at stake relevant to children. This case involves extremely intimate, personal and exceedingly sensitive sexual issues regarding very young children. In fact, all of the children involved in this matter are currently under the age of ten. This is an extremely difficult situation that has caused a great deal of emotional and psychological harm for Junior Doe and his parents.

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Due to the grave nature of the allegations presented in this case, it will likely garner a great deal of media attention. If the Does are unable to retain their privacy, the focus of that media attention will shift to them, thereby forcing them to publicly rehash these horrifying events and cause a great deal of embarrassment to Junior Doe and his family.

11. Given the presence of the extremely sensitive issues with respect to sexual abuse and the age of the children involved, it is vitally important the names of the Plaintiffs remain confidential throughout this litigation. See, *John Does 1, 2, 3 and 4 v. Covington Co. School Bd.*, 884 F.Supp. 462 (M.D. Al. 1995) (allowing elementary students seeking damages for sexual abuse allegedly committed by public school teacher to litigate anonymously); See also, *Roe v. Borup*, 500 F.Supp. 127 (E.D. Wisc. 1980) (Plaintiffs permitted to proceed anonymously in case involving sexual abuse of children).

12. Additional factors weighing in favor of permitting anonymous litigation are the fact that a public entity is involved, the absence of any prejudice to the Defendants and a lack of any public interest in disclosing the identity of the Plaintiffs.

13. As a general proposition, when a plaintiff attacks governmental activity, the plaintiff's interest in proceeding anonymously is considered particularly strong. *Town of Plainfield*, 860 N.E.2d at 1210, quoting, *Does v. City of Indianapolis*, 2006 WL 2289187, \*1-2 (S.D. Ind. 2006). In such circumstances the plaintiff presumably represents a minority interest (and may be subject to stigmatization), and there is arguably a public interest in a vindication of his rights. *Id.* In addition, the government is viewed as having a less significant interest in protecting its reputation from damaging allegations than the ordinary individual defendant. *Id.*

14. Ball State University is a quasi-governmental entity that is perceived by many to be well-respected in this community. Filing a lawsuit against this entity – especially given the

unbelievably serious nature of the claims – will certainly garner public interest and subject the Plaintiffs to stigmatization. Accordingly, this factor weighs in favor of anonymity.


15. Additionally, the Defendants will not suffer any prejudice by allowing the Plaintiffs to proceed anonymously because the Defendants have already been made aware of the identity of the Plaintiffs. See, *Town of Plainfield*, 860 N.E.2d at 1211, citing *City of Indianapolis*, 2006 WL 2289187 at \*3 (holding that the defendants would not be prejudiced by allowing plaintiffs to proceed anonymously because plaintiffs fully intended on disclosing their identities to the trial court and the defendants). Further, the Plaintiffs are willing to confidentially disclose their identities to the Court should the Court so desire. As such, this factor likewise weighs in favor of anonymity.

16. Lastly, there is absolutely no public interest in knowing the identity of the Plaintiffs who filed this lawsuit. The Plaintiffs' "use of a pseudonym will not interfere with the public's right or ability to follow the proceedings." *Id.*, citing, *City of Indianapolis*, 2006 WL 2289187 at \*3. This court is still able to keep these proceedings open to the public while still maintaining the confidentiality of plaintiff's identity. *Id.* As such, the public interest factor also weighs in favor of anonymity.

17. Simply put, this case which involves extremely personal and sensitive issues relating to the sexual abuse and molestation of children and is the exact type of case that should be litigated anonymously. If the Indiana Court of Appeals has determined that a convicted sex offender challenging the constitutionality of a town ordinance can proceed anonymously (*Town of Plainfield*), then it is certainly proper to allow a child that suffered severe peer-to-peer sexual abuse and harassment to remain confidential.

WHEREFORE, the Plaintiffs, John Doe and Jane Doe, individually, and has parents and natural guardians of Junior Doe, by counsel, respectfully request that this Court grant this petition and allow the Plaintiffs to proceed in litigating this matter anonymously and under the pseudonyms John Doe, Jane Doe and Junior Doe, in addition to all other just and proper relief.

**I AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE FOREGOING REPRESENTATIONS ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.**

9/28/12                        
Date                                      Jason R. Delk

Respectfully submitted,

DELK McNALLY LLP



Jason R. Delk, Attorney No. 24853-18  
Michael T. McNally, Attorney No. 23676-49  
Daniel J. Gibson, Attorney No. 27113-18  
*Attorneys for Plaintiffs*

DELK McNALLY LLP  
421 S. Walnut Street  
Suite 200  
Muncie, IN 47305  
Tel: (765) 896-9495  
Fax: (888) 453-0545

STATE OF INDIANA )  
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 ) CAUSE NO: 18C01-1208-PL- 0026

JOHN DOE and JANE DOE, )  
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 ) Individually, and as Parents and )  
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Plaintiffs, )  
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BALL STATE UNIVERSITY, )  
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 ) BALL STATE UNIVERSITY BOARD )  
 ) OF TRUSTEES, JANIS SEGEDY and )  
 ) BURRIS LABORATORY SCHOOL )

Defendants.

**ORDER GRANTING VERIFIED PETITION**  
**TO PROCEED BY ANONYMOUS NAMES**

Comes now the Court, and the Plaintiffs, by counsel, having filed their Verified Petition to Proceed by Anonymous Names, now finds that Verified Petition should be GRANTED.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiffs shall be permitted to litigate this matter anonymously and under the pseudonyms John Doe, Jane Doe and Junior Doe.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all parties to this matter shall be expressly prohibited from disclosing the true identity of John Doe, Jane Doe and/or Junior Doe without express permission from this Court.

SO ORDERED this 1<sup>st</sup> day of October, 2011.



Honorable Marianne Vorhees  
Judge, Delaware Circuit Court No. 1



Distribution to:

Ball State University  
c/o Hollis E. Hughes, Jr., President  
Board of Trustees  
Administration Building, Room 101  
Muncie, IN 47306

Ball State University  
c/o JoAnn M. Gora, President  
Administration Building, Room 101  
Muncie, IN 47306

Ball State University Board of Trustees  
c/o Hollis E. Hughes, Jr., President  
Administration Building, Room 101  
Muncie, IN 47306

Burriss Laboratory School  
c/o Department of Teacher's College  
Ball State University  
2000 W. University Avenue  
Muncie, IN 47306

Burriss Laboratory School  
c/o Dr. William Sharp, Superintendent  
Burriss Laboratory School  
2000 W. University Avenue  
Muncie, IN 47306

Janis Segedy  
2201 W. University Avenue  
Muncie, IN 47306