

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

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| <p>BROOKE ZAHN,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>PRIOR LAKE-SAVAGE AREA SCHOOLS (Independent School District No. 719);</p> <p>DR. MICHAEL THOMAS, in both his personal capacity and in his official capac- ity as Superintendent of Schools for Inde- pendent School District No. 719;</p> <p>PATRICK GLYNN, in both his personal capacity and in his official capacity as Principal of Jeffers Pond Elementary;</p> <p style="text-align: center;">Defendants.</p> | <p>Case No. 25-cv-3323</p> <p style="text-align: center;">COMPLAINT</p> <p style="text-align: center;">JURY TRIAL DEMANDED</p> |
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For her complaint against Defendants, Plaintiff Brooke Zahn alleges as follows:

INTRODUCTION

1. “Vigilance is necessary to ensure that public employers do not use authority over employees to silence discourse, not because it hampers public functions but simply because superiors disagree with the content of employees’ speech.” *Rankin v. McPherson*, 483 U.S. 378, 384 (1987).

2. In particular, the freedom of speech guaranteed by the United States and Minnesota Constitutions means that a government employer may not give random online critics a “heckler’s veto” over an employee’s speech outside the workplace. If outsiders try to

“cancel” a government employee based on disagreement with her speech that has nothing to do with her work, government may not use that as an excuse to levy punishment on her in the workplace. Nor may government itself generate a “controversy” over an employee’s protected speech as a pretext for disciplining her. Nor yet may government seize on “workplace disruption” as an excuse to discriminate based on viewpoint, by punishing “disruptive” speech expressing viewpoints that it dislikes while tolerating similarly “disruptive” speech expressing viewpoints that it favors.

3. Defendants here violated the First Amendment in exactly those ways. They suspended Plaintiff Brooke Zahn from her job because they disliked the political “message” (that was Defendants’ word) that Mrs. Zahn expressed in a private Facebook group—a message that she posted from her own home outside work hours, using her maiden name instead of her professional name, from an account that expressly noted it represented only her own personal views.

4. Defendants purported to justify this action based on complaints they received from outsiders who, to all appearances, had never interacted with Mrs. Zahn professionally but simply read about her speech online, disagreed with it politically, and set out to have her punished for it. Moreover, Defendants themselves had generated many of these comments by using their own speech to call people’s attention to—and to express disapproval of—Mrs. Zahn’s outside-of-work comments.

5. The First Amendment does not permit this. Mrs. Zahn has the same right as any citizen to speak on the political topics of the day. Her government employer may not punish her speech unless it causes actual problems in the workplace—and online “cancel”

attempts from people who do not interact with Mrs. Zahn at work do not count. That is doubly true when much of the “cancel” attempt was generated by her employer’s own actions.

6. Finally, even if a government employer can arguably claim that an employee’s speech caused some “disruption” in the workplace, the First Amendment requires that it respond to such “disruption” in a viewpoint-neutral way, not by punishing “disruptive” speech only because the government additionally disagrees with its message.

7. Therefore, the Court should declare that Defendants violated Mrs. Zahn’s right to free speech, award her damages, and enjoin Defendants from any further such violations.

THE PARTIES

8. Plaintiff Brooke Zahn is a full-time teacher at Jeffers Pond Elementary School in Prior Lake, Minnesota. She has been a teacher in the Prior Lake-Savage school district continuously since August 2016.

9. Mrs. Zahn resides within this District of Minnesota.

10. Mrs. Zahn holds bachelor’s and master’s degrees in education and has held teaching licenses in three different States.

11. Before Mrs. Zahn started at her current position, she had taught elsewhere for four years. She has experience teaching students from a variety of educational, socio-economic, and cultural backgrounds.

12. In January 2024, Mrs. Zahn was named both the Prior Lake VFW Post 6208 Teacher of the Year and the Minnesota VFW 2nd District Teacher of the Year.

13. Defendant Prior Lake-Savage Area Schools, Independent School District No. 719, is a public school district and a public corporation with a business address of 4540 Tower Street SE in Prior Lake, Minnesota, within this District of Minnesota.

14. District 719 operates and has authority over Jeffers Pond Elementary School and is Mrs. Zahn's employer.

15. Defendant Michael Thomas is District 719's Superintendent of Schools. He is sued in his personal and official capacities.

16. Pursuant to District 719's written policies and Minnesota law, Superintendent Thomas is a nonvoting member of the School Board and the CEO of the District's school system; he is responsible for implementing, interpreting, and executing school board policies; and he supervises all District employees.

17. On information and belief, Thomas resides within this District of Minnesota.

18. Defendant Patrick Glynn is the Principal at Jeffers Pond Elementary School and has held that position since the 2020-2021 school year. He is sued in his personal and official capacities.

19. Pursuant to District 719's written policies, Principal Glynn has direct responsibility for administration and leadership of Jeffers Pond Elementary.

20. On information and belief, Glynn resides within this District of Minnesota.

JURISDICTION AND VENUE

21. This Court has subject-matter jurisdiction pursuant to 28 U.S.C. §§1331 and 1343 because Mrs. Zahn's First Amendment claims arise under the Constitution and laws of the United States, including the Civil Rights Act of 1871, 42 U.S.C. §1983.

22. This Court has supplemental jurisdiction over Mrs. Zahn’s state-law claims pursuant to 28 U.S.C. §1367.

23. Venue is appropriate in this District pursuant to 28 U.S.C. §1391(c)(1) and (c)(2) because all Defendants reside within this District and the events and acts alleged herein took place in this District.

MRS. ZAHN’S PROTECTED SPEECH

24. Mrs. Zahn maintained a personal Facebook account for many years, since well before she began teaching for District 719.

25. Mrs. Zahn has always been known to her colleagues, students, and parents in the Prior Lake schools as “Mrs. Zahn” or “Brooke Zahn.”

26. In order to clarify that her Facebook activity was done only in her personal capacity and not her professional capacity, Mrs. Zahn intentionally used her maiden name on Facebook. At all times relevant to this case, her Facebook profile identified her as “Brooke Bendorf.”

27. Mrs. Zahn’s Facebook account had “Intro” and “About” sections that generally identified her. At no relevant time did either of these sections indicate any affiliation between Mrs. Zahn and District 719.

28. In early 2022—years before the Facebook post at issue in this case—Mrs. Zahn inserted a disclaimer into her Facebook profile’s “Intro” section: “The views I share are mine & mine alone and only represent me.” Her “Intro” section included this statement until she deactivated her Facebook account in 2025.

29. None of Mrs. Zahn's employment or professional responsibilities have ever required the use of her personal Facebook account, and she has never used her personal Facebook account to fulfill any job-related responsibility.

30. As of December 2024, Mrs. Zahn's Facebook privacy settings allowed her profile page to be viewed only by people with whom she had agreed to be "Friends" on Facebook.

31. As of December 2024, Mrs. Zahn was a member of a private Facebook group called "Prior Lake Light Hearted Conservative Group US," referred to hereinafter as "LHC."

32. As a private Facebook group, LHC was not open to the public. Facebook members had to apply to join the group by answering a series of three questions. Group administrators and moderators would review an applicant's answers and decide whether he or she could join. *See* Ex. 2.

33. Facebook account holders who had not been approved for LHC membership by the group administrators and moderators could search Facebook to find LHC and see that it existed, but could not see who was in the group and could not read any posts that LHC members addressed to the group. *See id.*

34. In December 2024, LHC had approximately 876 members, including Mrs. Zahn. *See* Ex. 1.

35. Mrs. Zahn knew multiple LHC members personally.

36. In late 2024, Mrs. Zahn was following the national political debate about immigration policy and border security. In particular, Mrs. Zahn was aware of the policy

debate about how to address situations where some members of a family were lawful U.S. residents, while other members of the same family were due to be removed from the country under federal law. Mrs. Zahn was aware that such situations require a policy choice between leaving immigration laws unenforced, removing people from the country who have a right to be here, or separating family members from each other.

37. Thus, Mrs. Zahn was aware that, toward the end of the 2024 presidential campaign, Thomas Homan, who had served as Director of Immigration and Customs Enforcement during the first Trump administration, made headlines when he commented that, to avoid family separations, “‘families can be deported’ together.”¹

38. Shortly thereafter, in November 2024, President Trump won re-election and announced that Mr. Homan would serve as the “border czar” in his upcoming administration. These events led to renewed discussion of whether immigration removals could or should “split ... mixed-status families.”²

¹ See J. Haner, *Ex-Trump ICE Chief: ‘Families can be deported together,’* TheHill.com (Oct. 28, 2024), <https://thehill.com/blogs/blog-briefing-room/news/4957180-former-ice-director-thomas-homan/> (last accessed Aug. 11, 2025); 60 Minutes, X.com, Oct. 27, 2024, <https://x.com/60Minutes/status/1850689458590384212?lang=en> (“‘Families can be deported together,’ says Tom Homan, head of ICE during Trump’s family separation policy.”) (last accessed Aug. 11, 2025).

² E.g., Martinez, *Trump’s mass deportations could split 4 million mixed-status families,* NBCNews.com (Nov. 22, 2024), <https://www.nbcnews.com/news/trumps-mass-deportations-split-4-million-mixed-status-families-one-get-rcna181318> (last accessed Aug. 11, 2025).

39. On the afternoon of Sunday, December 1, 2024, Mrs. Zahn spoke on this debate by accessing her private Facebook account using her personal electronic device from her own home, and by posting the image depicted at right to the LHC Facebook group.

40. Mrs. Zahn posted this image to the LHC group because she believed that the immigration laws should neither go unenforced nor cause family members to be separated



from each other; because she wanted to support Mr. Homan's then recent-proposal; and because it is a play on the saying, "the family that prays together stays together," which is well-known in conservative and religious circles as a commentary on the importance of family unity.

41. The only way Mrs. Zahn ever shared the relevant image was by private Facebook post. She never shared the image outside Facebook or in any non-private Facebook group; she never shared the image directly with any District 719 employees, students, or parents; and she never displayed the image at Jeffers Pond Elementary School or at any District 719 facility or event.

OUTSIDERS TAKE OFFENSE TO MRS. ZAHN'S SPEECH

42. Mrs. Zahn understands that, as is true for most speech on topics of public debate, many people disagree with the view she expressed in her Facebook posting. Nevertheless, on information and belief, no students in Mrs. Zahn's class and none of their parents ever objected to Mrs. Zahn's posting.

43. Any discussion of Mrs. Zahn's posting that did occur among parents, school employees, or community members had no material effect on the operation of Mrs. Zahn's classroom, of Jeffers Pond Elementary, or of District 719.

44. However, Mrs. Zahn's posting did gain relatively widespread notice online from people and activist groups who are *not* her students, parents of her students, or (for the most part) members of the Jeffers Pond community at all.

45. Within a few days of Mrs. Zahn's posting the image to the LHC group, someone shared her post outside LHC, including the name "Brooke Bendorf," and others began posting it outside LHC.

46. Although Mrs. Zahn does not know who originally shared her post outside LHC, on December 5, 2024 it was posted by individuals named Jeff Goldy, Terri Cecil Schammel, and possibly others. Ex. 8.

47. On December 6, 2024, a group called "Troublemakers Alliance" shared Mrs. Zahn's post on the social media site BlueSky. Ex. 8.

48. Troublemakers Alliance describes itself as "a Minnesota-based community committed to turning red votes to blue through the power of unity, understanding, and

action.” See <https://redwineblue.controlshift.app/groups/twin-cities-troublemakers> (last accessed Aug. 12, 2025).

49. None of the individuals who publicized Mrs. Zahn’s posting had children in her class at school, and on information and belief, none of the groups who publicized her posting had members with children in her class at school.

50. Despite this, people publicizing Mrs. Zahn’s posting online quickly began identifying her as a teacher in the Prior Lake schools.

51. This led members of the public who disagreed with Mrs. Zahn’s speech politically to contact District 719 and ask that it punish her for her speech. In the first week of December 2024, according to District 719’s response to a public-data request, it received approximately 22 emails of this kind, at least 3 of which contained virtually identical messages.

52. On information and belief, none of these emails were from anyone who had a child in Mrs. Zahn’s class.

53. District 719 itself then chose to broadcast the issue much more widely. On the afternoon of December 6, 2024, Defendant Glynn, in his capacity as Jeffers Pond principal, sent a “blast” email to a listserv of “Jeffers Pond Families.” The blast email referred to “concerns ... about a recent social media post allegedly connected to a staff member,” invited recipients to express “questions or concerns about our school climate or culture,” and advised that the District’s “dean and social worker” were “available to support any questions or concerns from students.” Ex. 3.

54. Glynn also shared the same email with Jeffers Pond Elementary staff. *Id.*

55. Defendant Thomas, in his capacity as Superintendent, shared the same email with all District staff. *Id.*

56. The same day, December 6, the District's Human Rights Officer also emailed all District staff, stating that, "[i]n light of recent concerns," the District "encourage[d]" staff to access online resources entitled "Responding to Microaggressions" and "Understanding and Dealing with Racial Trauma."

57. It was not standard practice in the District or at Jeffers Pond Elementary to broadcast personnel matters to all staff or all families in this manner. Indeed, it had not been done previously in all of Mrs. Zahn's years as a teacher in the District.

58. Defendants' decision to call attention to Mrs. Zahn's posting predictably led to more discussion about it. Over the next two weeks the District received about 20 emails on the topic.

59. Several of these emails supported Mrs. Zahn's speech.

60. The rest—several of which replied to the District's "blast" email or appended it—were critical of her speech.

61. On information and belief, none of these emails were from anyone who had a child in Mrs. Zahn's class.

62. On the morning of December 9, District personnel met with a student advisory group at Prior Lake High School and informed the advisory group's members about Mrs. Zahn's Facebook post.

63. At the District's regularly scheduled school board meeting that same evening, December 9, four people spoke about Mrs. Zahn's posting—two high-school students

who were members of the group that District personnel had spoken with that morning, one parent named Lauren Harding, and one community member named Megan American Horse (aka Meggie Brock).³

64. On information and belief, none of these four people have ever been students of Mrs. Zahn, and none of them had children in Mrs. Zahn's class.

65. Mrs. Zahn is not aware of anyone with children in her class who complained to the District about her Facebook posting. Upon information and belief, there is no such person.

66. In fact, the District's response to a public-data request indicates that the only parent with a child in Mrs. Zahn's classroom who spoke to the District about the posting (on December 10, 2024) said that her child did not know about it and it had not affected the child's classroom experience.

67. Over the following weeks, however, strident criticisms of Mrs. Zahn's posting continued to spread online. On the social network Reddit's "r/Minnesota" subgroup, for instance, posters referring to Mrs. Zahn's Facebook post stated that "Jeffers Pond is being destroyed right now by the M4L, extreme right group," described Mrs. Zahn as "a Nazi f[*]ck that deserves to be punished far beyond a firing," and expressly called for the District to "Fire Brooke Zahn" because "[s]he clearly aligned herself with a political factor" that these online posters disagreed with. Ex. 9.

³ Prior Lake-Savage Area Schools, Regular School Board Meeting, December 9, 2024, <https://youtu.be/O8GPY7g7Ft8?si=iot0Gei7l8WYQr6r> (see 00:01:40 – 00:15:27) (last accessed Aug. 11, 2025).

DEFENDANTS PUNISH MRS. ZAHN FOR HER SPEECH

68. The District learned of Mrs. Zahn's December 1 Facebook posting on December 5, 2024. *See* Ex. 1.

69. As described above, the very next day—Friday, December 6—Glynn emailed the Jeffers Pond listserv strongly suggesting the District's disagreement with the viewpoint expressed in Mrs. Zahn's posting, and Glynn shared the same information with Jeffers Pond staff while Thomas shared it with all District staff. Ex. 3.

70. Also on December 6, the District arranged a meeting about Mrs. Zahn's posting between Mrs. Zahn, Glynn (her principal), and Dan Edwards (the District's Executive Director of Academic Services, and Glynn's immediate superior). *See* Ex. 1.

71. On information and belief, by December 11, 2024 Defendants Thomas and Glynn had personally decided to punish Mrs. Zahn for her speech.

72. The District's written policies, officially promulgated by its Board, provide that "the specific form of discipline chosen in a particular case and/or the decision to impose discipline" ordinarily "is solely within the discretion of the school district." District 719 Policy 403(II).

73. On December 11, the District issued Mrs. Zahn a letter that, among other things, (i) suspended her for seven days without pay, (ii) ordered her to "refrain from posting content" on social media that "could reasonably be perceived as inconsistent with your role as a District employee," (iii) required her to "demonstrate good judgment and professionalism ... when members of the District community could reasonably perceive you are acting in your role as a District teacher," and (iv) ordered her to complete "cultural

competence and inclusion professional development training.” The letter required Mrs. Zahn to comply with these orders on pain of “discipline, up to and including the immediate termination of your employment.” Ex. 1.

74. The letter expressly stated that “[t]he message in” Mrs. Zahn’s posting “conflicts with the District’s strategic plan, which includes fostering a welcoming, inclusive, and safe learning environment.” *Id.*

75. The letter falsely claimed that Mrs. Zahn’s private Facebook posting “has caused significant education disruption across the District,” and ignored the fact that Mrs. Zahn’s posting only became known “across the District” at all because the District itself chose to broadcast the news of it. *See* Ex. 1

76. Any “disruption” that resulted from Mrs. Zahn’s speech was caused by outsiders who had no business with the District, and who interacted with the District only because they wished to express disagreement with the viewpoint Mrs. Zahn expressed in her private speech.

77. Any additional “disruption” cited by the District was the result of the District’s own actions in broadcasting its response to Mrs. Zahn’s private speech to countless individuals who otherwise would never have heard about or responded to it.

78. Neither the District’s discipline letter nor District personnel have ever explained to Mrs. Zahn how she could determine what speech “could reasonably be perceived as inconsistent with [her] role as a District employee,” or when anyone “could reasonably perceive [she was] acting in [her] role as a District teacher.” *See* Ex. 1

**DEFENDANTS' PUNISHMENT OF MRS. ZAHN WAS
VIEWPOINT DISCRIMINATORY AND RETALIATORY**

79. As described above, the discipline letter that Defendants issued to Mrs. Zahn stated on its face that Defendants were punishing Mrs. Zahn because they disliked the “message” conveyed in her private Facebook posting. *See* Ex. 1. Defendants’ other attempted rationalizations for their punishment of Mrs. Zahn only confirm this. Each rationalization is so overbroad that it would allow Defendants to punish practically any speech that they dislike—rendering these rationales either obviously viewpoint-discriminatory and retaliatory, transparently pretextual, or both.

80. In their disciplinary letter, Defendants accused Mrs. Zahn of violating District Policy 428, which required District employees “to observe [certain] rules when referring to the District, its schools, students, programs, activities, employees, volunteers, and communities on any social media networks.” One of those rules requires that “[e]mployees must make clear that any views expressed are the employee’s alone and do not necessarily reflect the views of the District.” Exs. 1, 4.

81. Mrs. Zahn’s private Facebook posting on December 1 did not refer to the District nor to any of its schools, students, programs, activities, employees, volunteers, or communities.

82. Any attempt by Defendants to construe Policy 428’s “referring to the District” requirement broadly enough to cover Mrs. Zahn’s private Facebook posting on December 1 would also encompass practically any commentary on current events that any District employee ever posts on social media. *See* Ex. 4.

83. The District has never enforced Policy 428 in such a broad fashion.

84. Even assuming that the “referring to the District” requirement could encompass Mrs. Zahn’s posting here, she did specify that her views were her own and not the District’s, as the policy prescribed, by expressly stating that her views were her own in the “Intro” section to her Facebook account.

85. Any attempt by the District to construe Policy 428’s disclaimer requirement so broadly as to render Mrs. Zahn’s posting in violation of it (for instance, by construing it to require a “my-own-views-only” disclaimer in every single social-media post) would, on information and belief, encompass the vast majority of all social media usage by all District employees.

86. The District has never enforced Policy 428 in such a broad fashion.

87. Defendants’ discipline letter also accused Mrs. Zahn of violating District Policy 413, which prohibits (among other things) “harassment[] and violence” against “a student, teacher, administrator, or other school personnel,” including on “on the basis of ... national origin.” Policy 413 defines “national origin” as “the place of birth of an individual or of any of the individual’s lineal ancestors.” Exs. 1, 5.

88. Mrs. Zahn’s private Facebook post—which did not refer to any identifiable District personnel or students, and which she made to a private Facebook group that was not associated with the District or any of its schools or programs—was not harassment of any District student, teacher, administrator, or other personnel.

89. Any attempt by Defendants to construe Policy 413 so broadly as to apply to Mrs. Zahn’s posting would also encompass practically any statement by any District

employee, made in any context, that anyone who was associated with the District eventually found out about and took offense to.

90. The District has never enforced Policy 413 in such a broad fashion.

91. Likewise, Mrs. Zahn's posting manifestly was not advocating anything on the basis of national origin, since it is well known that American citizens and lawful residents include people of every conceivable national origin.

92. Any attempt by Defendants to define "national origin harassment" as including Mrs. Zahn's posting would require them to construe their policy as prohibiting all speech by District employees in favor of enforcing immigration laws or of limiting the residence of foreign citizens in the United States.

93. Defendants' December 2024 discipline letter also asserted that Mrs. Zahn's December 1 Facebook posting was in violation of "prior directives" that the District had issued to her years before. Specifically, in 2021 the District had disciplined Mrs. Zahn for speaking out on social media against COVID-19-era masking requirements in schools, and had ordered her to avoid "any conduct that is the same or similar to the described incident" in the future. Exs. 1, 6, 7.

94. Mrs. Zahn's December 2024 posting, of course, had nothing to do with COVID-19 or school mask mandates. The only way in which it was "the same or similar to" her previous disciplinary issue was that it involved a social media post that Defendants disliked or disagreed with.

95. The District's allegation in its discipline letter that Mrs. Zahn's speech had caused "disruption" was likewise a pretext or excuse for viewpoint discrimination. To any

extent that Mrs. Zahn's speech did cause alleged "disruption," the District nevertheless disciplined her for it only because of the viewpoint she expressed.

96. Any alleged "disruption" resulted predominantly, if not exclusively, from disagreement by others at Jeffers Pond with the viewpoint expressed in Mrs. Zahn's private speech. The District has no viewpoint-neutral or generally-applicable policies about how to evaluate or respond to alleged disruption from such disagreements.

97. The District's disagreement with or disapproval of the viewpoint expressed in Mrs. Zahn's Facebook posting was a but-for cause of its decision to discipline her.

98. Indeed, on information and belief, the District has not disciplined other employees whose speech on controversial topics gave rise to alleged "disruption" similar to any that resulted from Mrs. Zahn's Facebook posting here. The only difference between Mrs. Zahn and those un-disciplined employees was that the District disapproved of the viewpoint Mrs. Zahn expressed in the speech it punished her for.

DEFENDANTS' PUNISHMENTS INJURED MRS. ZAHN

99. As stated in Defendants' discipline letter, Defendants suspended Mrs. Zahn for seven school days without pay starting the day after the issuance of the letter, in December 2024.

100. Mrs. Zahn received the discipline letter at approximately 3:30 PM.

101. Mrs. Zahn's daily contract hours are 8:00 AM to 4:00 PM.

102. Therefore, the discipline letter gave Mrs. Zahn the choice between working extra time outside her scheduled hours in order to prepare seven days' worth of substitute-

teacher lesson plans in one evening, or else leaving her students with a substitute teacher on no advance notice and with no preparation.

103. In order not to leave her students and substitute teacher unprepared during her suspension, Mrs. Zahn chose to work an extra unscheduled evening on a half-hour's notice.

104. Mrs. Zahn also lost her entire pay for the next seven school days during her suspension.

105. Mrs. Zahn filed a grievance regarding the December disciplinary letter through the Prior Lake-Savage Education Association, and in January 2025 the District rejected her grievance.

106. Mrs. Zahn took the "cultural competence and inclusion" training required by the December letter, causing her lost time and dignitary harm from (among other things) having her employer try to convince her to change her political views.

107. The events described herein also caused Mrs. Zahn mental anguish, emotional distress, humiliation, reputational harm, and loss of dignity. As a result, Mrs. Zahn has felt the need to remove herself from school committees and to eat lunch in her classroom, away from her peers and colleagues. She goes to work each day with the belief that her career is on a precipice and she is one misstep away from termination.

108. In response to the events described herein, Mrs. Zahn deleted her December 1 Facebook posting.

109. In response to the events described herein, Mrs. Zahn later deactivated her entire Facebook account.

110. If Mrs. Zahn obtains the relief she seeks in this case, she intends to reactivate her Facebook account and resume posting about matters of public concern as they arise.

CAUSES OF ACTION

Count One: First Amendment Retaliation (42 U.S.C. §1983) Against All Defendants (Official and Personal Capacities)

111. Mrs. Zahn's December 1, 2024 Facebook posting was activity protected by the First Amendment.

112. Posting to private Facebook groups using her private Facebook account and her private electronic device from her own home was not within the scope of Mrs. Zahn's duties as a District teacher.

113. Defendants committed adverse employment actions against Mrs. Zahn when they suspended her without pay, required her to attend a "cultural competence" class, and restricted her future speech on pain of termination.

114. These actions were applications of the District's written and unwritten policies.

115. Mrs. Zahn's December 1 Facebook posting was a substantial or motivating factor in Defendants' decision to implement these adverse employment actions.

116. These adverse employment actions would chill a person of ordinary firmness from continuing to speak on matters of public concern.

117. These adverse employment actions did in fact chill Mrs. Zahn's speech, including by causing her to delete the Facebook post at issue and to deactivate her Facebook account.

118. Mrs. Zahn's speech posed no material disruption or difficulty in the operation of her classroom, of Jeffers Ponds Elementary School, or of the District as a whole.

119. In the alternative, any disruption or difficulty that may have been caused by political objections to Mrs. Zahn's protected speech from persons who had no other business with the District, or by Defendants' own emphasis on or response to Mrs. Zahn's protected speech, cannot as a matter of law serve as the basis for any adverse action by Defendants against Mrs. Zahn.

120. Defendants' adverse actions caused Mrs. Zahn lost wages from a week of work, lost time from being forced to file a grievance and take a reeducation class, emotional distress from having her livelihood placed in jeopardy, dignitary harm and damage to her personal and professional reputation, impairment of future professional opportunities, and other losses.

**Count Two: Minn. Const. art. 1, §3 Retaliation (Minn. Stat. §555.01)
Against All Defendants (Official and Personal Capacities)**

121. Mrs. Zahn's December 1, 2024 Facebook posting was activity protected by the Minn. Constitution, art. 1, §3.

122. Posting to private Facebook groups using her private Facebook account and her private electronic device from her own home was not within the scope of Mrs. Zahn's duties as a District teacher.

123. Defendants committed adverse employment actions against Mrs. Zahn when they suspended her without pay, required her to attend a "cultural competence" class, and restricted her future speech on pain of termination.

124. These actions were applications of the District's written and unwritten policies.

125. Mrs. Zahn's December 1 Facebook posting was a substantial or motivating factor in Defendants' decision to implement these adverse employment actions.

126. These adverse employment actions would chill a person of ordinary firmness from continuing to speak on matters of public concern.

127. These adverse employment actions did in fact chill Mrs. Zahn's speech, including by causing her to delete the Facebook post at issue and to deactivate her Facebook account.

128. Mrs. Zahn's speech posed no material disruption or difficulty in the operation of her classroom, of Jeffers Ponds Elementary School, or of the District as a whole.

129. In the alternative, any disruption or difficulty that may have been caused by political objections to Mrs. Zahn's protected speech from persons who had no other business with the District, or by Defendants' own emphasis on or response to Mrs. Zahn's protected speech, cannot as a matter of law serve as the basis for any adverse action by Defendants against Mrs. Zahn.

130. Defendants' adverse employment actions caused Mrs. Zahn lost wages from a week of work, lost time from being forced to file a grievance and take a reeducation class, emotional distress from having her livelihood placed in jeopardy, dignitary harm and damage to her personal and professional reputation, impairment of future professional opportunities, and other losses.

**Count Three: First Amendment Viewpoint Discrimination (42 U.S.C. §1983)
Against All Defendants (Official and Personal Capacities)**

131. Defendants' December 2024 discipline of Mrs. Zahn was an application of the District's written and unwritten policies, and it was motivated by the viewpoint that Mrs. Zahn expressed in her December 1 Facebook posting.

132. The District has no viewpoint-neutral or generally applicable standards for evaluating or responding to alleged "disruption" in the workplace caused by employees', students', or parents' disagreement with the viewpoints expressed in one of their colleagues' private speech.

133. On information and belief, other similarly situated District employees have expressed opinions on social media about politically debated subjects but have not been disciplined by Defendants.

134. On information and belief, other similarly situated District employees have expressed opinions that caused "disruption" in the District's operations that was similar to any legally-cognizable disruption caused by Mrs. Zahn's speech, but have not been disciplined by Defendants.

135. Notwithstanding any alleged "disruption" caused by Mrs. Zahn's private speech, Defendants' disagreement with or disapproval of the viewpoint she expressed in that speech was the but-for cause of their decision to discipline her.

136. Had Mrs. Zahn expressed a different viewpoint that generated similar controversy and "disruption" but that Defendants approved of, they would not have disciplined her.

137. Mrs. Zahn's December 1 Facebook posting did not implicate or threaten any compelling or significant government interest.

138. Defendants' discipline of Mrs. Zahn was not narrowly tailored to serve any compelling or significant government interest, because any concerns expressed by others about her speech could have been addressed through measures that were far less drastic and less chilling of her speech.

139. Defendants' discipline did in fact chill Mrs. Zahn's speech, by causing her to delete the Facebook post in question and to deactivate her Facebook account.

140. Defendants' discipline caused Mrs. Zahn lost wages from a week of work, lost time from being forced to file a grievance and take a reeducation class, emotional distress from having her livelihood placed in jeopardy, dignitary harm and damage to her personal and professional reputation, impairment of future professional opportunities, and other losses.

**Count Four: Minn. Const. art. 1, §3 Viewpoint Discrimination (Minn. Stat. §555.01)
Against All Defendants (Official and Personal Capacities)**

141. Defendants' December 2024 discipline of Mrs. Zahn was an application of the District's written and unwritten policies, and it was motivated by the viewpoint that Mrs. Zahn expressed in her December 1 Facebook posting.

142. The District has no viewpoint-neutral or generally applicable standards for evaluating or responding to alleged "disruption" in the workplace caused by employees' or parents' disagreement with the viewpoints expressed in one of their colleagues' private speech.

143. On information and belief, other similarly situated District employees have expressed opinions on social media about politically debated subjects but have not been disciplined by Defendants.

144. On information and belief, other similarly situated District employees have expressed opinions that caused “disruption” in the District’s operations that was similar to any legally-cognizable disruption caused by Mrs. Zahn’s speech, but have not been disciplined by Defendants.

145. Notwithstanding any alleged “disruption” caused by Mrs. Zahn’s private speech, Defendants’ disagreement with or disapproval of the viewpoint she expressed in that speech was the but-for cause of their decision to discipline her.

146. Had Mrs. Zahn expressed a different viewpoint that generated similar controversy and “disruption” but that Defendants approved of, they would not have disciplined her.

147. Mrs. Zahn’s December 1 Facebook posting did not implicate any compelling or significant government interest.

148. Defendants’ discipline of Mrs. Zahn was not narrowly tailored to serve any compelling or significant government interest, because any concerns expressed by others about her speech could have been addressed through measures that were far less drastic and less chilling of her speech.

149. Defendants’ discipline did in fact chill Mrs. Zahn’s speech, by causing her to delete the Facebook post in question and to deactivate her Facebook account.

150. Defendants' discipline caused Mrs. Zahn lost wages from a week of work, lost time from being forced to file a grievance and take a reeducation class, emotional distress from having her livelihood placed in jeopardy, dignitary harm and damage to her personal and professional reputation, impairment of future professional opportunities, and other losses.

**Count Five: First Amendment Prior Restraint (42 U.S.C. §1983)
Against All Defendants (Official and Personal Capacities)**

151. Defendants disciplined Mrs. Zahn in December 2024 purportedly for violating a years-old directive that required her to avoid "conduct that is the same or similar to" a previous social-media posting by Mrs. Zahn (about masking requirements) that Defendants had found objectionable.

152. In the December 2024 discipline itself, Defendants reiterated this years-old prohibition, and additionally prohibited Mrs. Zahn "from posting content that could reasonably be perceived as inconsistent with your role as a District employee," or from failing to use "professional judgment" whenever "members of the District community could reasonably perceive you are acting in your role as a District teacher."

153. None of these restrictions on Mrs. Zahn's future speech is narrowly tailored.

154. Each restriction is unconstitutionally vague and overbroad because Mrs. Zahn has no way to know what conduct "is the same or similar to" her previous social-media posts, what speech "could reasonably be perceived as inconsistent with [he]r role as a District employee," or when "members of the District community could reasonably perceive [she is] acting in [he]r role as a District teacher."

155. The effect of the vague and open-ended restrictions is that Mrs. Zahn must completely refrain from public speech on any topic that she believes might offend Defendants.

156. These prohibitions would chill any person of ordinary firmness from speaking because they threaten to fire Mrs. Zahn for speech that Defendants might dislike, and because Defendants have actually suspended Mrs. Zahn without pay for violating one of them.

157. These prohibitions are in fact chilling Mrs. Zahn's speech, by causing her to delete the Facebook post in question and to deactivate her Facebook account.

**Count Six: Minn. Const. art. 1, §3 Prior Restraint (Minn. Stat. §555.01)
Against All Defendants (Official and Personal Capacities)**

158. Defendants disciplined Mrs. Zahn in December 2024 purportedly for violating a years-old directive that required her to avoid "conduct that is the same or similar to" a previous social-media posting by Mrs. Zahn (about masking requirements) that Defendants had found objectionable.

159. In the December 2024 discipline itself, Defendants reiterated that years-old prohibition, and additionally prohibited Mrs. Zahn "from posting content that could reasonably be perceived as inconsistent with your role as a District employee," or from failing to use "professional judgment" whenever "members of the District community could reasonably perceive you are acting in your role as a District teacher."

160. None of these restrictions on Mrs. Zahn's future speech is narrowly tailored.

161. Each restriction is unconstitutionally vague and overbroad because Mrs. Zahn has no way to know what conduct “is the same or similar to” her previous social-media posts, or what speech “could reasonably be perceived as inconsistent with [he]r role as a District employee,” or when “members of the District community could reasonably perceive [she is] acting in [he]r role as a District teacher.”

162. The effect of the restrictions is that Mrs. Zahn must completely refrain from public speech on any topic that she believes might offend Defendants.

163. These prohibitions would chill any person of ordinary firmness from speaking because they threaten to fire Mrs. Zahn for speech that Defendants might dislike, and because Defendants have actually suspended Mrs. Zahn without pay for violating one of them.

164. These prohibitions are in fact chilling Mrs. Zahn’s speech, by causing her to delete the Facebook post in question and to deactivate her Facebook account.

**Count Seven: First Amendment Unconstitutional Conditions (42 U.S.C. §1983)
Against the District**

165. Mrs. Zahn’s speech in her December 1, 2024 Facebook posting was within her First Amendment rights as a citizen.

166. Mrs. Zahn wishes to continue to engage in speech protected by the First Amendment.

167. Through its 2021 and 2024 disciplines of Mrs. Zahn, the District has conditioned her employment, and her enjoyment of the full salary and benefits of her employment, on her willingness not to engage in protected speech that causes no cognizable

disruption or difficulty in the workplace, but that merely displeases or inconveniences the District.

168. Those disciplines and their accompanying unconstitutional conditions are currently in effect.

169. By their terms, those disciplines and their accompanying unconstitutional conditions will remain in effect indefinitely.

**Count Eight: Minn. Const. art. 1, §3 Unconstitutional Conditions (Minn. Stat. §555.01)
Against the District**

170. Mrs. Zahn's speech in her December 1, 2024 Facebook posting was within her free speech rights as a citizen under the Minnesota Constitution, art. 1, §3.

171. Mrs. Zahn wishes to continue to engage in speech protected by Article 1, §3.

172. Through its 2021 and 2024 disciplines of Mrs. Zahn, the District has conditioned her employment, and her enjoyment of the full salary and benefits of her employment, on her willingness not to engage in protected speech that causes no cognizable disruption or difficulty in the workplace, but that merely displeases or inconveniences the District.

173. Those disciplines and their accompanying unconstitutional conditions are currently in effect.

174. By their terms, those disciplines and their accompanying unconstitutional conditions will remain in effect indefinitely.

**Count Nine: First and Fourteenth Amendments Void for Vagueness (42 U.S.C.
§1983)
Against the District**

175. District Policy 428(III)(B) applies, by its terms, when District employees make social media posts “referring to the District, its schools, students, programs, activities, employees, volunteers, and communities.” Ex. 4.

176. This policy does not apply to Mrs. Zahn’s December 1, 2024 Facebook posting because the posting does not refer to any of those entities or people, either expressly or implicitly.

177. However, to any extent that this policy *is* construed such that Mrs. Zahn’s December 1, 2024 Facebook was “referring to” the District or the other specified entities or people within the meaning of the policy, it is void for vagueness under the First Amendment because ordinary speakers can only guess which social media posts it does or does not apply to.

178. Similarly, District Policy 413 prohibits harassment of “a student, teacher, administrator or other school personnel ... based on,” among other things, the person’s “national origin.” Ex. 5.

179. This policy does not apply to Mrs. Zahn’s December 1, 2024 Facebook posting because the posting was addressed to a private Facebook group not affiliated with the District, and because nothing about the post referred expressly or implicitly to any person’s national origin.

180. However, to any extent that this policy *is* construed such that Mrs. Zahn’s December 1, 2024 Facebook posting qualifies as addressing District students or personnel

based on their “national origin” within the meaning of the policy, it is void for vagueness under the First Amendment because ordinary speakers can only guess what speech it does nor does not apply to.

**Count Ten: Minn. Const. art. 1, §§3 & 7 Void for Vagueness (Minn. Stat. §555.01)
Against the District**

181. District Policy 428(III)(B) applies, by its terms, when District employees make social media posts “referring to the District, its schools, students, programs, activities, employees, volunteers, and communities.” Ex. 4.

182. This policy does not apply to Mrs. Zahn’s December 1, 2024 Facebook posting because the posting does not refer to any of those entities or people, either expressly or implicitly.

183. However, to any extent that this policy *is* construed such that Mrs. Zahn’s December 1, 2024 Facebook was “referring to” the District or the other relevant entities or people within the meaning of the policy, it is void for vagueness under Minn. Const. art. 1, §3 because ordinary speakers can only guess what social media posts it does or does not apply to.

184. Similarly, District Policy 413 prohibits harassment of “a student, teacher, administrator or other school personnel ... based on,” among other things, the person’s “national origin.” Ex. 5.

185. This policy does not apply to Mrs. Zahn’s December 1, 2024 Facebook posting because the posting was addressed to a private Facebook group not affiliated with the

District, and because nothing about the post referred expressly or implicitly to any person's national origin.

186. However, to any extent that this policy *is* construed such that Mrs. Zahn's December 1, 2024 Facebook posting qualifies as addressing District students or personnel based on their "national origin" within the meaning of the policy, it is void for vagueness under Minn. Const. art. 1, §3 because ordinary speakers can only guess what speech it does nor does not apply to.

PRAYER FOR RELIEF

Mrs. Zahn demands a trial by jury of all claims so triable, and prays that the Court enter judgment in her favor and order the following relief as to all Defendants:

- A. A declaration that Defendants violated Mrs. Zahn's rights under the First Amendment and Minn. Const. art. 1, §3;
- B. An injunction against the enforcement of, and ordering the revocation of, Defendants' September 2021 and December 2024 disciplinary directives against Mrs. Zahn as unlawful prior restraints and unconstitutional conditions of her employment;
- C. An injunction ordering the removal of the September 2021 and December 2024 disciplinary actions from Mrs. Zahn's personnel record;
- D. Actual damages, including lost wages and time spent in cultural competence training, as well as for mental anguish, emotional distress personal humiliation, and dignitary and reputational harm;
- E. Punitive damages for Defendants' intentional and malicious violation of, or reckless indifference to, Mrs. Zahn's constitutional rights;

- F. An award of reasonable attorneys' fees, costs, and disbursements in this action pursuant to 42 U.S.C. §§1983 and 1988 and Minn. Stat. §555.10; and
- G. All other relief that this Court may deem just and proper.

Dated: August 20, 2025

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