

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSISSIPPI

**HEATHER WYATT, as Administratrix of
the Estate of Aubreigh Wyatt and HEATHER
WYATT, INDIVIDUALLY AND AS PARENT/
GUARDIAN OF AUBREIGH WYATT**

PLAINTIFFS

VS.

CAUSE NO. 25-19

**OCEAN SPRINGS SCHOOL DISTRICT, OCEAN
SPRINGS BOARD OF OF TRUSTEES, OCEAN
SPRINGS SCHOOL DISTRICT SUPERINTENDENT;
OCEAN SPRINGS UPPER ELEMENTARY: TEACHERS
A-Z, LUNCH AIDES A-Z, SCHOOL NURSES A-Z,
LIBRARIANS A-Z, JOHN DOES 1-20; SCHOOL
COUNSELORS A-Z, SCHOOL ADMINISTRATORS A-Z,
And OCEAN SPRINGS MIDDLE SCHOOL: TEACHERS
A-Z, LUNCH AIDES A-Z, SCHOOL NURSES A-Z,
LIBRARIANS A-Z, JOHN DOES 1-20; SCHOOL
COUNSELORS A-Z, SCHOOL ADMINISTRATORS A-Z,**

DEFENDANTS

**COMPLAINT FOR NEGLIGENCE, WRONGFUL DEATH
VIOLATION OF TITLE IX, AND VIOLATION OF MISSISSIPPI
ETHICS IN EDUCATION LAW**

**AMENDED COMPLAINT
(JURY TRIAL REQUESTED)**

COMES NOW, Plaintiffs, Heather Wyatt, (“Heather”), individually and as
parent/guardian of Aubreigh Wyatt, and files this Complaint against Defendants, Ocean Springs
School District, Ocean Springs School District Board of Trustees, Ocean Springs School District

Board of Trustees Superintendent, Ocean Springs Upper Elementary School: Teachers A-Z, Lunch Aides A-Z, School Nurses A-Z, Librarians A-Z, John Does 1-20, School Counselors A-Z, School Administrators A-Z, Ocean Springs Middle School: Teachers A-Z, Lunch Aides A-Z, School Nurses A-Z, Librarians A-Z, John Does 1-20, and School Counselors A-Z, School Administrators A-Z and states as follows:

SCHOOL BULLYING FACTS

1. Suicide rates for adolescent boys and girls have been steadily rising since 2007.

According to the U.S. Centers for Disease Control and Prevention, the suicide rate for young girls doubled from 2007 to 2015. This is a brutally painful reminder that suicide is a significant and growing global health issue among adolescents and children.

2. Numerous cases involving suicide or attempted suicide attributable to cyber-bullying have been reported recently by news and media outlets. The ongoing publicity has created public awareness of bullying incidents and their consequences. Bullying among school-age children is now recognized as a major public health problem. In 2001 the Surgeon General of the United States published a report emphasizing the importance of focusing attention on this epidemic.

3. Generally, bullying is known to fall into 4 categories: physical, verbal, relational (i.e. social exclusion, spreading rumors), and the newest form, cyberbullying. There has been a drastic increase in cyberbullying with the advancement of smart phones and the internet.

4. Exposure to bullying is considered a public health issue due to the substantial

negative mental health effects on young girls and boys. Known negative mental health effects are low self-regard, depression, anxiety and suicidal ideation. The most devastating result, however, is the loss of life through suicide.

5. The incidence of bullying is a critical issue for educators and schools as it affects a significant proportion of school students. The 2015 Youth Risk Behavior Survey of students in grades 9 through 12 in the United States indicated that during the 12 months before the survey, 20.2% of students were bullied on school property, 15.5% of students were electronically bullied, and 5.6% of students had not gone to school on at least 1 day during the 30 days prior to the survey because they felt unsafe at school or on their way to or from school.

6. Because victims of bullying and cyberbullying experience a higher risk of depression and suicidal ideation due to the low self-esteem that develops from bullying, in turn they suffer from academic and peer group difficulties in school settings. Lower school performance and school attachment has been associated with the substantial distress experienced by victims of bullying. Negative consequences experienced by victims of bullying include greater difficulty establishing friendships, humiliation from peer knowledge of bullying incidents, and a greater risk of abuse of drugs or alcohol.

7. Schools have a fundamental duty to employ successful mechanisms to protect from and prevent bullying, harassment, assault, sexual assault, emotional trauma, and cyber-bullying. When educators fail to take action to prevent these foreseeable harms, significant numbers of children, who might otherwise have been protected from bullies, will suffer serious and often life-long harm and in worst case scenarios, the senseless loss of life through suicide. That is in

fact what happened to young Aubreigh Wyatt, who killed herself in September of 2023, after years of being harassed, assaulted, belittled, humiliated, and bullied.

PARTIES

8. In 2023, Plaintiff, Aubreigh Wyatt was a minor student at Ocean Springs Middle School, located at 3600 Hanshaw Rd. Ocean Springs, MS 39564.

9. Plaintiff, Heather Wyatt, is a resident of Ocean Springs, Jackson County Mississippi and is the parent/legal guardian of Aubreigh Wyatt, a minor child who tragically passed away on September 4, 2023, as a result of suicide. The Plaintiff resides at 3816 Timberlake Dr., Ocean Springs, MS 39564.

10. The Defendants, Ocean Springs School District, Mississippi, through the Ocean Springs Board of Education, the Ocean Springs School District Board of Trustees, and the Ocean Springs Board of Trustees Superintendent, is a city body politic established under and operating by virtue of the laws of the State of Mississippi.

11. The Defendants, Ocean Springs School District, a public school district organized under the laws of the State of Mississippi, Ocean Springs Upper Elementary School, a public school within the Ocean Springs School District located in Ocean Springs, Jackson County, Mississippi, and Ocean Springs Middle School, a public school within the Ocean Springs District located in Ocean Springs, Jackson County, Mississippi.

12. All Defendants may be served with process upon the Ocean Springs School District Superintendent pursuant to M.R.C.P Rule 4 and Miss. Code Ann. §79-35-13.

13. This Court has proper *in personam* and subject matter Jurisdiction and venue of this

action is proper.

14. As to all Defendants, Heather Wyatt has complied with the jurisdictional mandates of the Mississippi Torts Claims Act as set forth in Miss. Code Ann. §11-46-11 (Supp. 1996). Moreover, the statutory tolling period has expired.

FACTS

15. Aubreigh Wyatt was a student at Ocean Springs Upper Elementary School and on or about August 30, 2020, Aubreigh Wyatt, in the 5th grade, began to suffer and forced to endure years of bullying, harassment, cyber bullying and abuse by several students, including but not limited to A.C., P.A.G., P.H., and M.N.

16. The bullying included, but was not limited to, verbal abuse, threats, humiliation, cyberbullying, physical altercations/assault, sexual assault, being punched in the face on two occasions and social exclusion.

17. While in the 5th grade, on or about August 3, 2020, Aubreigh Wyatt, A.C., and P.A.G. had a sleepover, which is the earliest documented date of bullying, emotionally damaging, harassing and threatening behavior and abuse began when A.C., P.H., PG . were taking inappropriate videos/pictures of Aubreigh without her consent when she was changing clothes. Aubreigh became very emotionally distraught and upset. Increasingly traumatized, taunted, and threatened by P.G. that she was going to send the video/pictures/TikTok . P.G. subsequently threatened to disseminate these images to the entire school, causing Aubreigh significant emotional distress.

18. On or about October 5, 2020, Aubreigh was visibly distressed during class. Noticing her

demeanor, her teacher, Mrs. Alain, inquired about her well-being. Aubreigh confided that she was upset due to the interactions with M.N describing the day as bad. In response, it is alleged that Mrs. Alain remarked, “ I don’t even know why you are friends with M.N; she is so mean to you, you shouldn’t be. This exchange further highlights the ongoing peer harassment and awareness of the bullying and its impact on Aubreigh.

19. On or about December 31, 2020, Aubreigh again stayed the night at one of the girls houses, A.C’s house, during this sleepover A.C. and P.H were on a website called Omegle. Aubreigh was upset and emotionally distraught because they were sending inappropriate photos of their breasts to strangers and older men. When Aubreigh became upset A.C. began videoing and taking photos of her crying to mock her. When Aubreigh expressed her discomfort, they mocked her, recording her distress and further exacerbating her emotional trauma. Aubreigh was so upset she called her uncle to come pick her up. The Plaintiff also took steps to try to resolve the problem with parents on multiple occasions. (See Exhibit A)

20. On or about August 2021 and up until her tragic suicide on September 4, 2023 Aubreigh Wyatt was a student at Ocean Springs Middle School and endured continuous bullying, abuse and harassment from A.C., P.A.G., P.H., and M.N.

21. On or about March 25, 2021, several teachers, the Principal and the Assistant Principal were emailed about the bullying notifying the school and asking for action to protect her daughter from M.N. who frequently calls Aubreigh belittling names, spreads rumors, and is extremely hateful to Aubreigh, and that Aubreigh had been hit in her face in class by M.N. Heather expresses concern about her daughter being subjected to such abuse and Aubreigh’s emotional distress as a result of this abuse and bullying and advising that her daughter no longer

wants to even attend school and is asking to do virtual school to avoid the bullying. (See Exhibit B)

22. Aubreigh sustained, endured and was victimized consistently and constantly for a period of 4 years in the Ocean Springs School District.

23. In the 5th grade, on or about March of 2021, M.N. created and posted a threatening and harassing video while at school during school hours targeting Aubreigh Wyatt and passes it around the school. Aubreigh Wyatt sees the video while in class at Ocean Springs Upper Elementary School and reports the video to her teacher Ashley Parker Smith, she then shows the video to the principal. It is reported that M.N. faces some consequence thought it does not deter her from continuing her abusive, threatening and harassing behavior. The bullying continues. There was not any action taken to separate the minor children, and or protect Aubreigh from further harassment. (See Exhibit C) Multiple emails and text messages from Aubreigh's teachers to Plaintiff documented the continued behavior, advising efforts to keep Aubreigh away from her. Despite these warnings, the school failed to separate them in classrooms, lunches, and other activities.

24. On or about April 20, 2021, P.G. began making fun of Aubreigh's weight and body. Aubreigh became upset but there was a substitute that day and there is no record that disciplinary action was taken.

25. On or about January 30, 2023, A.C. sent messages and taunts to Aubreigh via Snapchat while in school, further contributing to her distress.

26. Aubreigh Wyatt repeatedly asked A.C., P.G., P.H., and M.N. to stop the harassment,

activities occurred openly within the school environment but were ignored by staff. Despite these incidents, Defendants failed to:

- a. Conduct a thorough and impartial investigation into the sexual assault in compliance with Title IX of the Education Amendments of 1972.
- b. Protect Aubreigh Wyatt from ongoing harassment and trauma.
- c. Provide her with appropriate accommodation or support to ensure her safety.

31. School officials questioned Aubreigh about the sexual assault without her parent present, despite Plaintiff's explicit request to be included. During this discussion, school officials told Aubreigh that the alleged perpetrator's parents believed she was lying, further isolating and traumatizing her.

32. The Plaintiff reported frequent abuse and bullying to the school and the bullying never stopped. Aubreigh wanted to move to another state out of Mississippi because the bullying was so bad. (See Exhibit F)

33. Aubreigh was hit when a student threw his cell phone at her. (see Exhibit G)

34. On or about March 21, 2023, Aubreigh was assault by M.N. M.N. hit her in the face in the classroom. The Plaintiff emailed the principal immediately and included the pictures her daughter sent of her face after being assaulted by M.N. for the second time. (

35. On or about April 2023, Aubreigh was again hit on the back of the head by another student. This incident was witnessed by a teacher, Mrs. Menke. Aubreigh communicated the incident with her mother, Heather Wyatt via text messages detailing the incident. Despite being the victim of the unprovoked aggression, Aubreigh was informed she would be written up for

both verbally and in writing. When Aubreigh would notify teachers and administration the bullying would increase and get worse, and she was called a snitch.

27. Aubreigh Wyatt and Heather Wyatt also informed the Parents of the Minor children involved directly of the bullying and requested that they intervene to stop their children's harmful behavior. Heather took every avenue available as a mother to try to protect her daughter.

28. On or about February 2023, Aubreigh expressed more emotional distress due to ongoing harassment by A.C and P.H. It is reported that they gossiped, pointed, and publicly ridiculed Aubreigh during lunch time creating an environment of humiliation. The behavior occurred in supervised environments and the staff had a legal and ethical duty to recognize the signs of bullying, harassment, and emotional distress in their students, but failed to act, intervene, investigate, or report the harassment as required by both district policy and state law.

29. Principals were emailed about the bullying notifying the school and asking for action to protect her daughter from M.N. who frequently calls Aubreigh belittling names, spreads rumors, and is

30. On or about March 2, 2023, Aubreigh reported that she was sexually assaulted while at a sports event on school grounds. (See Exhibit D). Aubreigh later pressed to drop the claim because she felt bad about what it would do to them both after administration reportedly continued to call her in office and share that the male student's parents were very upset. (See Exhibit E). They informed Aubreigh that the alleged perpetrator's parents accused her of lying, further isolating and traumatizing her. Following the assault, students engaged in social media harassment, creating Team Aubreigh vs. Team S.G trends on TikTok and Snapchat. These

“horseplaying”. Although no known write up occurred the threat of disciplinary action when she was a victim caused Aubreigh significant emotional distress and anxiety, as reflected in her message where she expressed feelings of frustration, anger, and helplessness.

36. In August of 2023, at the beginning of her 8th grade year, Aubreigh was assigned to a class alongside the male student who had previously sexually assaulted her, despite prior assurances from the school administration that they would be kept separate. Upon encountering him, Aubreigh experienced a severe panic attack, sought refuge in the bathroom, and contacted her mother in distress. She subsequently spent approximately an hour in the counselor’s office before being checked out of school. Following this incident, the school compelled Aubreigh to adjust her schedule to accommodate the assailant, thereby prioritizing his educational experience over her safety and wellbeing.

37. Defendants’ negligence in failing to address or prevent bullying caused severe emotional distress to Aubreigh Wyatt, ultimately contributing to her tragic suicide on September 4, 2023.

**FACTS COMMON TO ALL COUNTS REGARDING OCEAN SPRINGS SCHOOL
DISTRICT EMPLOYEES AND ADMINISTRATORS**

38. At all times pertinent to the complaint, Defendant, Ocean Springs Board of Education had a duty to provide for the safety and security of students within the school district and to adhere to and provide protections and other requirements under the Mississippi Anti-Bullying Act, Miss. Code Ann. §37-11-67. They were also responsible for supervising and monitoring the design, implementation, dissemination, training and/or supervision of staff, maintenance of records regarding procedures to prevent and/or address abusive student behavior

and/or to propound and disseminate anti-harassment, intimidation, and bullying policies and programs consistent with the Mississippi Anti-Bullying Statute, Miss. Code Ann. §37-11-67.

39. At all times pertinent to the complaint, Defendant, the Superintendent of Ocean Springs School District Board of Education and had a duty to provide for the safety and security of students within the school district and to adhere to and provide the protections and other requirements under the Mississippi Anti-Bullying Act, Miss. Code Ann. §37-11-67. He was also responsible for supervising and monitoring the design, implementation, dissemination, training and/or supervision of staff, maintenance of records regarding procedures to prevent and/or addressing abusive student to student behavior and/or to propound and disseminate anti-harassment, intimidation, and bullying policies and programs consistent with the Mississippi Anti-Bullying Act, Miss. Code Ann. §37-11-67.

40. At all times pertinent to the complaint, Defendant Principal of Ocean Springs Middle School, a School within Ocean Springs School District. The Defendant had a duty to provide for the safe and secure environment for pupils at the school and to adhere and provide protections and other requirements under the Mississippi Anti-Bullying Act, codified at Miss. Code Ann. §37-11-67. The Defendant was also responsible for the design, implementation, dissemination, training and/or supervision of staff, maintenance of records regarding procedures to prevent and/or address abusive student to student behavior and/or to propound and disseminate anti-harassment, intimidation, and bullying policies and programs consistent with the Mississippi Anti-Bullying Act, codified at Miss. Code Ann. §37-11-67.

41. At all times pertinent to the complaint, Defendant, the Principal at Ocean Springs

Upper Elementary School, a school within Ocean Springs School District. The Defendant had a duty to provide for the safe and secure environment for pupils at the school and to adhere to and provide the protections and other requirements under the Mississippi Anti-Bullying Act, codified at Miss. Code Ann. §37-11-67. The Defendant was also responsible for designing, implementation, dissemination, training and/or supervision of staff, maintenance of records regarding procedures to prevent and/or address abusive student to student behavior and/or to propound and disseminate anti-harassment, intimidation, and bullying policies and programs consistent with the Mississippi Anti-Bullying Act, codified at Miss. Code Ann. §37-11-67.

42. At all times pertinent to this complaint, Defendant vice/assistant principal at Ocean Springs Middle School had a duty to provide a safe and secure environment for pupils at the school and to adhere to and provide protections and other requirements under the Mississippi anti-Bullying Act, Miss. Code Ann. §37-11-67. The vice/assistant principal is responsible for designing, implementation, dissemination, training and/or supervision of staff, maintenance of records regarding procedures to prevent and/or address abusive student to student behavior and/or to propound and disseminate anti-harassment, intimidation, and bullying policies and programs consistent with the Mississippi Anti-Bullying Act, Miss. Code Ann. §37-11-67.

43. At all times pertinent to this complaint, Defendant Principal at Ocean Springs Middle School and had a duty to provide a safe and secure environment for pupils at the school and to adhere to and provide the protection and other requirements under the Mississippi anti-Bullying Act, Miss. Code Ann. §37-11-67. The Defendant was also responsible for designing, implementation, dissemination, training and/or supervision of staff, maintenance of records regarding procedures to prevent and/or address abusive student to student behavior

and/or to propound and disseminate anti-harassment, intimidation, and bullying policies and programs consistent with the Mississippi Anti-Bullying Act, Miss. Code Ann. §37-11-67.

44. At all times pertinent to this complaint, Defendant vice/assistant principal at Ocean Springs Middle School had a duty to provide a safe and secure environment for pupils at the school and to adhere to and provide protections and other requirements under the Mississippi anti-Bullying Act, Miss. Code Ann. §37-11-67. The Defendant was also responsible for designing, implementation, dissemination, training and/or supervision of staff, maintenance of records regarding procedures to prevent and/or address abusive student to student behavior and/or to propound and disseminate anti-harassment, intimidation, and bullying policies and programs consistent with the Mississippi Anti-Bullying Act, Miss. Code Ann. §37-11-67.

CAUSES OF ACTION

COUNT I- TITE XI

45. Plaintiff incorporates by reference the allegations in Paragraphs 1–44 as if fully set forth herein.

46. Despite the continued incidents, Defendants failed to:

- a. Conduct a thorough and impartial investigation into the sexual assault in compliance with Title IX of the Education Amendments of 1972;
- b. Protect Aubreigh Wyatt from ongoing harassment and trauma;
- c. Provide her with appropriate accommodation or support to ensure her safety.

47. School officials questioned Aubreigh Wyatt about the sexual assault without

her parent present, despite Plaintiff's explicit request to be included. During this discussion, school officials told Aubreigh Wyatt that the alleged perpetrator's parents believed she was lying, further isolating and traumatizing her.

48. Following these events, students engaged in social media harassment, including creating "Team Aubreigh" vs. "Team Male Student" trends on TikTok and Snapchat, which escalated the hostile environment. These activities were conducted openly in classrooms and other school areas but were ignored by staff.

49. Upon returning to school in August 2023, Aubreigh was placed in the same class as her alleged abuser, despite her prior trauma. This caused her to suffer a severe panic attack, leading her to flee the classroom and call her mother.

50. Instead of protecting Aubreigh the Defendants forced her to change her schedule, further stigmatizing her and making her feel as though she was at fault.

51. Defendants' failure to act in accordance with their legal and ethical obligations created a hostile and dangerous learning environment for Aubreigh Wyatt directly contributing to her suicide on September 4, 2023.

COUNT II NEGLIGENCE

52. Plaintiff incorporates by reference the allegations in Paragraphs 1–51 as if fully set forth herein.

53. Defendants owed a duty of care to Aubreigh Wyatt to provide safe learning environment and to protect her from foreseeable harm, including bullying, harassment, and sexual assault.

54. Defendants breached this duty by failing to:

- a. Supervise students adequately;
- b. Enforce anti-bullying policies;
- c. Protect Aubreigh Wyatt from her known aggressors;
- d. Investigate and respond appropriately to reports of bullying and assault.

55. As a direct and proximate result of Defendants' negligence, Aubreigh Wyatt suffered severe emotional distress, physical harm, and death by suicide.

Count III – Violation of Mississippi Educator Code of Ethics and Standards

56. Plaintiff incorporates by reference the allegations in Paragraphs 1–55 as if fully set forth herein.

57. Under the Mississippi Educator Code of Ethics and Standards of Conduct, educators and administrators are required to protect the rights and dignity of all students, ensure a safe environment, and report and address bullying and harassment.

58. Defendants violated these standards by:

- a. Failing to intervene in instances of bullying and harassment;
- b. Allowing the continued victimization of Aubreigh Wyatt;
- c. Failing to take corrective action to protect Aubreigh Wyatt from harm.

59. As a direct result of these violations, Aubreigh Wyatt suffered severe emotional and psychological harm, leading to her death.

60. As a direct and proximate result of Defendants' negligence, Aubreigh Wyatt,

suffered severe emotional distress, mental anguish, and ultimately death by suicide.

61. Plaintiff and Aubreigh Wyatt's surviving family members have suffered immense pain, suffering, and loss of companionship due to Defendants' actions and inactions.

62. The Plaintiff would allege and show that as a proximate result of reckless conduct, acts or omissions of Ocean Springs School District Board of Education, OSSD Board of Trustees, Superintendent, Administration, Faculty, Counselors, Nurses and all other associated employees of the OSSD Board of Education, Ocean Springs Middle School, and Ocean Springs Upper Elementary through its agents are liable

63. Plaintiff would allege that she is entitled to reasonable compensation for all damages to which she may be entitled under Mississippi law.

DAMAGES

WHEREFORE, Plaintiff sues and demands judgement, of and from, all Defendants under the liability insurance policy or the maximum statutory amount allowed under the Mississippi Tort Claims Act, whichever of the two is the greater amount on behalf of Aubreigh Wyatt.

RESPECTFULLY submitted this the 9th day of February, 2025.

PLAINTIFF

Law Office of Kimberly M. Papania



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Certificate of Service

This is to certify that I, Kimberly M. Papania, have this date served a true and correct copy of the above and foregoing COMPLAINT by PERSONAL SERVICE by Certified U.S. Mail, postage fully prepaid, to the following counsel of record and pursuant to the MS Torts Claims Act, codified at Miss. Code Ann. §11-46-11 (Supp. 1996) :

Ocean Springs School District Superintendent

MIKE LINDSAY
2300 Government St.
P.O. Box #7002
Ocean Springs, MS 39564

This the 9th day of February, 2025.

Respectfully submitted,



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