Twitter Thread by Colin Wright



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1/ ■BREAKING: Lawsuit filed today against educational agencies, teachers, principal, & CEO responsible for hosting workshops requiring children to make public professions about their racial, sexual, gender & religious identities, some of which were singled out for interrogation.

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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

GABRIELLE CLARK, individually and as parent and guardian of WILLIAM CLARK and WILLIAM CLARK, individually, Plaintiffs v. STATE PUBLIC CHARTER SCHOOL AUTHORITY, DEMOCRACY PREP PUBLIC SCHOOLS, DEMOCRACY PREP PUBLIC SCHOOLS, INC., DEMOCRACY PREP at the AGASSI CAMPUS, DEMOCRACY PREP NEVADA LLC, SCHOOL BOARD of Democracy Prep at the Agassi Campus, NATASHA TRIVERS individually and in her official capacity as Superintendent and CEO, ADAM JOHNSON, individually and in his official capacity as Executive Director and Principal, KATHRYN BASS individually and in her capacity as Teacher, JOSEPH MORGAN, individually and in his official capacity as Board Chair, KIMBERLY WALL individually and in her capacity as assistant superintendent, and John & Jane Does 1-20 Defendants.	Case No. **PLAINTIFFS' COMPLAINT FOR INJUNCTIVE RELEIF, DECLARATORY RELIEF, AND DAMAGES** **(JURY TRIAL DEMANDED)**

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2/ Educators directed the plaintiff "to reveal his identities in a controlled, yet non-private setting, to scrutiny and official labeling," and are "coercing him to accept and affirm politicized and discriminatory principles and statements that he cannot in conscience affirm."

3/ The educators "repeatedly threatened William Clark with material harm including a failing grade and non-graduation if he failed to comply with their requirements."

42. Defendants informed Plaintiff William Clark that he must return to and complete the "Sociology of Change" class, or he would not be permitted to graduate from high school. Plaintiffs spoke with school officials on multiple occasions from September to the present to express their conscientious objection to the programming of the class and assert their rights to abstain from participating in a class that was coercive, invasive and discriminatory. But the response from increasingly higher levels DPAC and DPPS officials was the same: don't participate, don't graduate.

43. Plaintiff Gabrielle Clark spoke with DPAC Principal Adam Johnson on or about September 15, 2020 to discuss her and Plaintiff William Clark's concerns about the abusive and discriminatory nature of DPAC/DPPS' "Sociology of Change" class taught by Defendant Kathryn Bass, as well as the identity confessions and labeling, which Defendants in a mid-November meeting would concede was "encouraged." Defendant Adam Johnson, DPAC principal and Democracy Prep Nevada LLC Executive Director, dismissed Plaintiffs' concerns, instead delivering a lecture on the virtues of "intersectionality" theory that inspired the class, and should inspire them. He denied the class had anything to do with "Critical Race Theory." He told Plaintiffs that the course was required for graduation and he would not allow William to opt out of participation.

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4/ Plaintiffs claim that the educators' "coercive and intrusive behavior compelled William Clark's protected speech and invaded his privacy, violating his constitutional rights under the First Amendment and his due process rights under the Fourteenth Amendment."

5/ The new curriculum, based on Critical Race Theory and Intersectionality, was done stealthily: "The generic name and syllabi provided to parents remained the same," and "parents were not made aware of the ideological turn in the curriculum."

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of its schools."[7] Despite their self-professed public status and exclusive reliance on public funding, DPAC or Democracy Prep Nevada LLC and DPPS applied for and received millions of dollars in Payroll Protection Program loans under the CARES Act this summer.[8]

24. DPPS began implementing its "civics" curriculum at the newly acquired Agassi Campus in the Fall of 2017. The acquisition met with significant resistance from parents who were skeptical of the newly arrived New York organization. Defendant Natasha Trivers, DPPS's interim CEO at the time, characterized the parental opposition to Democracy Prep in Las Vegas as comprised of "haters," and lamented the difficulty of combating this opposition because of the sheer geographic distance between the school and the organization taking it over: "We've always dealt with the haters, so to speak, but that was haters on a really large scale." She added that she regretted "not getting out in front of our parents so that they heard our voice louder than the detractors in a way that we just haven't experienced before."[9]

25. Defendant Natasha Trivers at the time was interim CEO of DPPS during the medical leave and absence of Katie Duffy, who would later resign from DPPS. Upon her assumption of the role of full and permanent CEO more recently, Natasha Trivers began implementing a very different "civics" curriculum, although the generic name and syllabi provided to parents remained the same. Parents at DPAC were not made aware of the ideological turn in curriculum. In place of a conventional civics curriculum that addressed the workings of the democratic system, political history, and the importance of civic engagement, Trivers' new DPPS curriculum inserted consciousness raising and conditioning exercises under the banner of "Intersectionality" and "Critical Race Theory." These sessions, according to the instruction materials exhibited herein, are not descriptive or informational in nature, but

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6/ The new educational sessions were not "descriptive or informational" but were "normative and prescriptive."

"Parents...were not aware of the turn towards coercive, ideological indoctrination until they began seeing the detrimental effects it worked up in their children."

normative and prescriptive: they require pupils to "unlearn" and "fight back" against "oppressive" structures allegedly implicit in their family arrangements, religious beliefs and practices, racial, sexual, and gender identities, all of which they are required to divulge and subject to non-private interrogation. Some racial, sexual, gender and religious identities, once revealed, are officially singled out in the programming as inherently problematic, and assigned pejorative moral attributes by Defendants.

26. Because the so-called "civics" curriculum implemented by Defendant Natasha Trivers carried the same name as the previous curriculum promoted by former DPPS CEO Katie Duffy, parents at DPAC like Gabrielle Clark were not aware of the turn towards coercive, ideological indoctrination until they began seeing the detrimental effects it worked upon their children. [10]

7/ "The teacher's material stated who qualified as oppressors, and who in virtue of their gender and race harbored 'inherent belief in the inferiority' of others," which "assigned moral attributes to pupils based on their race, gender, sexual orientation and religion."

"the inherent belief in the inferiority of the oppressed group."[15] The teacher's material stated

[11] A copy of the DPAC curriculum and syllabi is attached hereto as **Exhibit D**.

[12] Defendants' class wears many hats, and defendants describe it in various ways, including "Intersectionality," "Critical Race Theory" and "Sociology of Change." Rather than disambiguating the various titles and characterizations, plaintiffs focus on the specific harms inflicted on them by defendants' class programming.

[13] *See* **Ex. A** at page 30.

[14] *Id.* at page 11.

[15] *Id.* at page 2.

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who qualified as oppressors, and who in virtue of their gender and race harbored "inherent belief in the inferiority" of others.[16] As a result, Kathryn Bass explicitly assigned moral attributes to pupils based on their race, gender, sexual orientation and religion. William Clark felt that if he had submitted to the terms of this exercise, he would have been in effect adopting and making public affirmations about his racial, sexual, gender identities and religious background that he believed to be false and which violated his moral convictions. He also did not wish to profess his identities on command in a non-private setting.

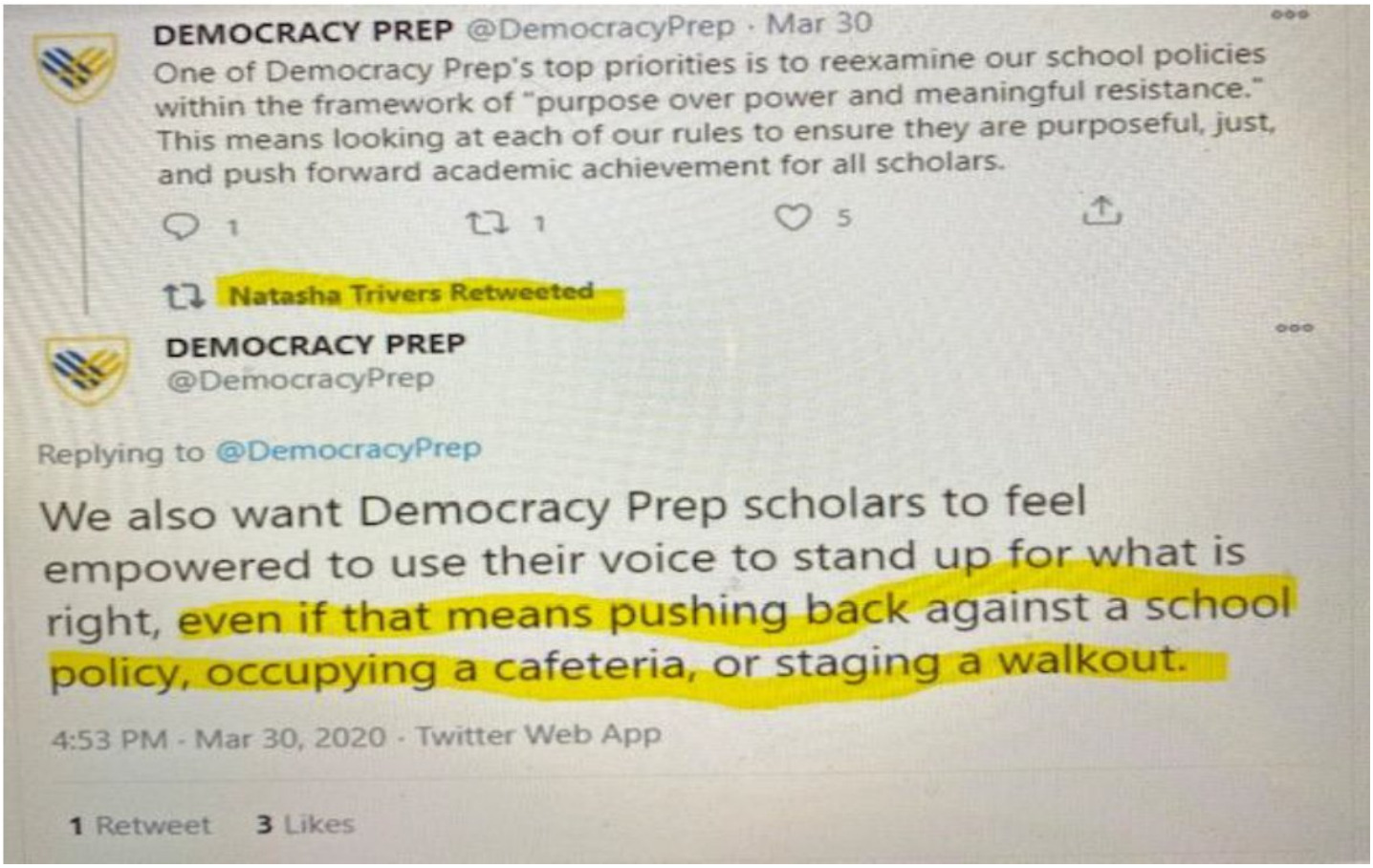
31. A "vocab reminder" visual graphic from the same class instructed participants that "oppression" is "malicious or unjust treatment or exercise of power."[17] The lesson categorized certain racial and religious identities as inherently "oppressive," singling these identities out in bold text, and instructed pupils including William Clark who fell into these categories to accept the label "oppressor" regardless of whether they disagreed with the pejorative characterization of their heritage, convictions and identities. The familial, racial, sexual, and religious identities that were officially singled out and characterized as "oppressive" were predetermined by Defendants' class material from the outset, highlighted as such in bold text, antecedent to any discussion between student and teacher. Plaintiff William Clark could not bring himself to accept or affirm these labels, which he conscientiously believed were calumny against his self-identity and his family. What William Clark refused to do was to submit to racial, sexual, and religious labeling exercises carried out in a non-private setting which was coercive in its very nature and trafficked in intimate personal matters that are outside the legitimate scope of state-funded and controlled public education.

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8/ Plaintiff "was obliged to profess himself complicit in 'internalized privilege [which] includes acceptance of a belief in the inherent inferiority of the [corresponding] oppressed group' [and] supporting 'the inherent superiority or normalcy of one's own privileged group.'"

religious, sexual, and gender identities, and would be labeled as an "oppressor" on these bases by Defendants. Plaintiff William Clark was obliged to profess himself complicit in "internalized privilege [which] includes acceptance of a belief in the inherent inferiority of the [corresponding] oppressed group" as well as supporting "the inherent superiority or normalcy of one's own privileged group." As a male, William Clark's identities were "malicious and unjust" and "wrong" whether or not he was conscious of these alleged facts, and whether or not he was personally responsible for any acts or omissions[21]. By professing his sexuality at the teacher's command, William Clark would in effect be submitting to these derogatory labels. William Clark and his fellow students were instructed that any denial of these characterizations itself amounts to unjust privilege "expressed as denial"[22]. Plaintiff William Clark's female teacher instructed him that only members of the male sex were capable of committing "real life interpersonal oppression", because "interpersonal sexism is what men to do women"[23]. This was not descriptive instruction, but compulsory, graded normative exercises in which Plaintiff William Clark was required to participate.

9/ The education agency "Democracy Prep" encouraged radical activism against existing school policies.



10/ The plaintiff, student William Clark, has suffered "severe mental and emotional stress" resulting from the hostile environment and is "living in fear" of retaliation.

This proved justified, as he has now been suspended and accused of being a racist.

54. As a senior, William Clark is now at work on his FAFSA application for colleges and is plying away at his other DPAC classes, despite the fear and loss of trust of in

[34] *See* **Exhibit C.**

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school officials resulting from this ordeal. His best subject is pre-calculus at the moment and he works at a fast-food restaurant most evenings to support his family. Plaintiff William Clark has suffered severe mental and emotional distress as a result of Defendants' actions and the hostile environment created by their official actions, all of which has negatively impacted his academic performance, personal relationships and future professional and academic prospects. He is in therapy addressing these harms as well as the ongoing harassment and discrimination that is being inflicted on him by Defendants under the guise of "civics." Plaintiffs are unmoved by individual Defendants' professed intentions to "change the world"; Plaintiff William Clark is at present living in fear of Defendants and reasonably anticipates further retaliation. His fears have been confirmed. Upon information and belief Defendants again blatantly retaliated against Plaintiffs and suspended William Clark on December 16, 2020, falsely accusing him of "racism" to preempt any further self-assertion from Plaintiffs.

55. Plaintiff Gabrielle Clark is also personally suffering from the shock, anxiety, and guilt associated with having entrusted her son to adult custodians who have set upon "unlearning" the Judeo-Christian values she imparted to her son, and from exposing him to derogatory labeling and discrimination and retaliation on the basis of his perceived race, sexuality and gender. She has suffered severe emotional distress as a result and is now experiencing consequent heart palpitations, weight gain and insomnia. She has watched helplessly as Defendants doubled down again and again on their coercive ideological policy towards her son, threatening his graduation and academic and professional future.

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11/ COUNT I: VIOLATION OF THE FIRST AMENDMENT TO THE U.S. CONSTITUTION

COUNT I

VIOLATION OF THE FIRSTAMENDMENT TO THE U.S. CONSTITUTION (42 U.S.C. § 1983) (Freedom of Speech: Compelled Speech & Retaliation)

56. Plaintiffs incorporate all of the above paragraphs as though fully set forth herein.

57. The First Amendment provides: "Congress shall make no law ... abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to

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petition the Government for a redress of grievances."[35]

58. The United States Supreme Court has held with respect to public schools that "[i]f there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein." *W. Va. Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943). Defendants thus possess a duty to Plaintiff William Clark to honor his protected First Amendment right. Defendants violated that duty, and their unlawful actions are ongoing.

59. Defendants repeatedly compelled Plaintiff William Clark's speech. Defendants compelled William Clark to proclaim in class and in assignments his race, color, sex, gender and religious identities for which he in turn would receive official, derogatory labels. Defendants predetermined programming required Plaintiff to accept and affirm that "privilege" and "oppressor" as officially defined by Defendants attached to himself in virtue of his professed identities, and then to reflect and interrogate on this in a non-private setting within preset, ideologically loaded parameters set by Defendants.

60. These unlawful actions were done with the specific intent to deprive Plaintiff William Clark of his right to free speech, which Defendants do not value.

61. Defendants and their employees and agents intended to violate Plaintiff William Clark's right to free speech, and deliberately invade the sphere of intellect and spirit which it is the purpose of the First Amendment to our Constitution to reserve from all official control. *See West Virginia State Board of Education v. Barnette*, 319 U.S. 624.

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12/ COUNT II: VIOLATION OF THE FIRST AMENDMENT TO THE U.S CONSTITUTION

COUNT II

VIOLATION OF THE FIRSTAMENDMENT TO THE U.S CONSTITUTION (42 U.S.C. § 1983) (Freedom of Speech: Association, Viewpoint Discrimination & Retaliation)

66. Plaintiffs incorporate all of the above paragraphs as though fully set forth herein.

67. On or about September 10, 2020, Defendant Kathryn Bass terminated class discussion when students, including Plaintiff William Clark, objected to a PowerPoint slide she showed in Defendants' "Sociology of Change Class" stating that "Reverse Racism Doesn't Exist" and "Black Prejudice Does Not Affect the Rights of White People." Plaintiff William Clark's stated objections was that everyone can be racist, that prejudice anywhere

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from anyone can harm others. For this protected speech and others like it, Defendant Kathryn Bass terminated class discussion immediately with the intent to chill and discourage future objections to Defendants' sponsored politicized ideology.

68. Defendants Kathryn Bass's actions, and the subsequent coordinated efforts from Defendants to punish and fail Plaintiff William Clark, was intended to chill protected speech that Defendants did not themselves share concerning their ideologically loaded program concerning race, gender, sexuality and religion.

69. Defendant Kathryn Bass, who was not adequately trained by Defendants, instructed Plaintiff William Clark and other that denial of "privilege" which she attached to their identities was itself "privilege," and defined "privilege" in a non-descriptive, normative and derogatory manner. Defendant Kathryn Bass thus created a coercive environment where any objection from Plaintiff William Clark was and would be officially labeled pejoratively. Defendants' program was intended to and did chill and discourage Plaintiff William Clark's speech.

13/ COUNT III: VIOLATION OF THE FIFTH & FOURTEENTH AMENDMENT (42 U.S.C. § 1983) (Due Process: Invasion of Privacy & Equal Protection)

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COUNT III

VIOLATION OF THE FIFTH & FOURTEENTH AMENDMENT
(42 U.S.C. § 1983) (Due Process: Invasion of Privacy & Equal Protection)

73. Plaintiffs incorporate all of the above paragraphs as though fully set forth herein.

74. Under the Fourteenth Amendment of the United States Constitution, the Government may not "deprive any person of life, liberty, or property, without due process of law." U.S. Const. Amend. I.

75. Defendants and their employees and agents owed duty under the due process clause of the Fourteenth Amendment's Plaintiff William Clark's privacy.

76. Defendants violated Plaintiff William Clark's substantive due process right to privacy.

77. Despite Defendants' assurances to Plaintiff William Clark and other students, Defendant Kathryn Bass' confessional exercises were not in fact private or limited to the herself and classroom participants. DPPS and DPAC Defendants conceded to Plaintiffs and counsel in a mid-November meeting that school supervisors including Defendant Adam Johnson could and would "tune in" to the classroom sessions unbeknownst to students like Plaintiff William Clark, who were at the time in acute discomfort as their gender, race, disabilities "if any" and sex were being confessed, interrogated and labeled.

78. The same is true for the written, graded assignments requesting identity divulgence submitted to Defendant Kathryn Bass on a database which in fact was visible to all other DPAC teachers and supervisors, despite Defendant Kathryn Bass' explicit and written assurances in Defendants' course material that submissions would be private.

79. Defendants' program of directing and requiring students to reveal, "unlearn" and interrogate intimate matters relating to gender, sex, race, color and religious identities for the service of an ideological, politically non-neutral purposes violate Plaintiff's William

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Clark's right to privacy and is official intrusion upon seclusion. This curriculum programming was screened and approved by Defendants DPAC School Board and SPSCA.

80. Defendants' unlawful actions are ongoing, intentional violations of Plaintiff William Clark's protected right to privacy that serve no reasonable state or educational interest and yet to express policy of Defendants DPPS.

14/ COUNT IV: VIOLATION OF THE FIRST & FOURTEENTH AMENDMENT (42 U.S.C. § 1983) (Substantive Due Process: Establishment Clause, Family Integrity &
Retaliation)

COUNT IV

VIOLATION OF THE FIRST & FOURTEENTH AMENDMENT

(42 U.S.C. § 1983) (Substantive Due Process: Establishment Clause, Family Integrity & Retaliation)

88. Plaintiffs incorporate the allegations and averments contained in paragraphs 1 through 73 as if fully set forth herein.

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89. The Due Process Clause of the Fourteenth Amendment prohibits states from depriving individuals of "life, liberty, or property without due process of law." The Supreme Court has expanded individual rights in personal matters to include parental rights and family integrity. *See Meyer v. Nebraska,* 262 U.S. 390, 401-02 (1923) (finding the protection of parental autonomy linked to the American culture's placement of childrearing responsibility on parents rather than the community and includes the "power of parents to control the education of their own.").

90. Plaintiff Gabrielle Clark, mother of William Clark, brings suit on her own behalf against Defendants and claims violation of the Establishment Clause and her substantive due process right to Family Integrity. Defendant Kathryn Bass explicitly expressed an animus towards the family structure as such which she claimed in exhibited course materials to be responsible for perpetuating "bigotry and homophobia." Bass then took the further step of repeatedly instructing Plaintiff Gabrielle Clark's son to "unlearn" and "fight back" against the principles Plaintiff Gabirelle Clark imparted to him throughout his childhood, including the Christian precepts that all are equal before the eyes of God and should be judged by their actions and character rather than attributes beyond their control, including color, race, gender and sex. This extra step of "unlearning" and thought reform is non-neutral and burdens religion, and knowing this, DPAC and DPPS endeavored to keep exercises and assignments hidden from parents like Plaintiff Gabrielle Clark, who are supplied with generic syllabi and course descriptions upon inquiry. The politicized "unlearning" of family influence, disguised from parents in deceptive course descriptions and syllabi, is mandatory and graded. This coercive program was generated and promoted by Defendants DPPS and Natasha Trivers, implemented by Defendant Kathryn Bass, and the campaign of coercing participation directly carried out by Defendants Kimberly Wall, Joseph Morgan, and Adam Johnson. Defendants' position to this day is that Plaintiff William Clark must either return to Defendant Kathryn Bass' class without any accommodating change to the class content or programming or he will not graduate.

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15/ COUNT V: Title VI Violation of 42 U.S.C. § 2000d et seq. (Intentional and Retaliatory Discrimination on The Basis Of Color, Race and Religion against Authority, DPAC, DPPS and Defendants in their individual capacity)

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COUNT V

Title VI Violation of 42 U.S.C. § 2000d et seq.
(Intentional and Retaliatory Discrimination on The Basis Of Color, Race and Religion against Authority, DPAC, DPPS and Defendants in their individual capacity)

93. Plaintiffs incorporate the allegations and averments contained in paragraphs 1 through 58 as if fully set forth herein.

94. Defendants SPSCA, DPAC School Board, DPPS, DPAC, Democracy Prep Nevada and Democracy Prep Public Schools Inc. are recipients of federal funds, and Defendants harassed and discriminated against Plaintiffs on the basis of actual and perceived race, sex and religion in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq. by intentionally supporting, promoting and implementing a curriculum

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programming, including but not limited to the "Sociology of Change" class, with knowledge of its discriminatory content and application, which has created a hostile educational environment for those students who are actually or perceived white, biracial, male and of a Christian heritage. Defendants' behavior treated Plaintiff William Clark differently than other students on account of his racial, sexual, and religious identities. Title VI is privately enforceable.

95. The courts have followed a broad interpretation by ruling that a local educational agency for purposes of Title VI and IX includes school boards, their members, and agents of such boards. *Meyers v. Board of Education of the San Juan School District*, 905 F. Supp. 1544 (D. Utah 1995) (34); Horner, supra, 43 F.3d at 272 (Title IX case); see also Young by and through *Young v. Montgomery County (AL) Board of Education*, 922 F. Supp. 544 (M.D. Al. 1996).

96. Discriminatory conduct based on perceived race, gender, sex and religious heritage from Defendants include failing him and coercing him to submit to the discriminatory exercises in class. Defendants Natasha Trivers and DPPS publicly announced they encourage students to push back against "school policy" they object to on principle; Defendants departed from this stated policy with respect to Plaintiff William Clark because of his perceived race, color, sex, gender and religious background which Defendants explicitly disfavor. Defendant Adam Johnson followed through on his threats personally delivered the report card with a failing grade that contravened Defendants' own grading policy. Defendant Katherine Bass failed William Clark in accordance with Executive Director and Principal Adam Johnson's retaliatory threats. Defendants Kimberly Wall and Natasha Trivers at DPPS in the New York headquarters, oversaw and coordinated the above for three months, and refused to reasonably accommodate Plaintiffs at the direction of Defendant Natasha Trivers, who designed, promoted and implemented the coercive, invasive and discriminatory curriculum program. All of the above was manifestly intentional discrimination and disparate treatment based on Plaintiff William Clark's perceived race and color, resulting in disparate impact and effects.

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16/ COUNT VI: (Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681 et seq.)

COUNT VI

(Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681 et seq.)

101. Defendants including the various Defendants in their individual capacity, violated Title IX in their deliberate indifference and active promotion of the ongoing abuse and harassment Plaintiff William Clark endured in DPAC's "Sociology of Change" class.

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102. Title IX protects Plaintiffs from sex discrimination when they are engaged in education programs and activities that receive federal financial assistance. Among the types of sex discrimination that Title IX expressly prohibits is intentional sexual harassment. Title IX gives individuals a private right of action to bring a lawsuit for injunctive or monetary relief.

103. After being repeatedly directed to divulge his sexual and gender identities, school officials as custom and policy and in direct acts described above publicly labeled, repeatedly categorized and stereotyped Plaintiff William Clarks' sexual and gender identities in a deliberately pejorative and offensive manner. Plaintiff William Clark was compelled to participate in this process of publicly professing identity, receiving in turn derogatory designation of "oppressor" on the basis of his sex and gender identities. This included inherent "internalized privilege [which] includes acceptance of a belief in the inherent inferiority of the [corresponding] oppressed group" as well as the "the inherent superiority or normalcy of one's own privileged group." This is a condition inherent to Plaintiff's sex and gender which is "malicious and unjust" and "wrong" whether conscious or not[36]. Denial of these qualities inherent to Plaintiff's sex and gender is itself privilege "expressed as denial."[37] Only Plaintiff's sex can commit "real life interpersonal oppression", Plaintiff's female teacher told him, since "interpersonal sexism is what men to do women."[38]. Plaintiffs were harmed by Defendants behavior.

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17/ COUNT VII: (Breach of Contract)

Parents were essentially fooled into approving of the new curriculum because the ideological alterations were not made apparent. The same old syllabi were used, so parents were "caught off guard."

COUNT VII

(Breach of Contract)

104. Plaintiffs incorporate the allegations and averments contained in paragraphs 1 through 85 as if fully set forth herein.

[36] *See* **Exhibit A,** page 11.

[37] *See* **Exhibit A,** page 2.

[38] *See* **Exhibit A,** page 9.

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105. Under Nevada law, "the Plaintiff in a breach of contract action [must] show (1) the existence of a valid contract, (2) a breach by the Defendant, and (3) damage as a result of the breach." *Saini v. Int'l Game Tech*., 434 F. Supp. 2d 913, 919-20 (D. Nev. 2006). Parents like Plaintiff Gabrielle Clark were caught off guard. The acquisition of Agassi Collegiate Prep was affected under the DPPS Duffy administration, which sold a rather neutral and traditional version of "civics." Suddenly after renewing enrollment, students were being instructed in a fringe ideology overtly hostile to core personal beliefs about home and church, race and sex, and much else. The new "Sociology of Change" violates its own DPPS charter and mission, set forth on their website and elsewhere, including its handbook[39]. DPAC violated its own Nondiscrimination, Harassment and grading standards pursuant to its own handbook.[40]. As such Plaintiffs Gabrielle Clark and William Clark claim breach of contract.

106. Defendant's breach of contract implicates both Nevada state law and 42 U.S.C. § 1981 subsection (b) as it involves "the making, performance, modification, and termination of contracts, and the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship." *Domino's Pizza, Inc. v. McDonald*, 546 U.S. 470, 126 S.Ct. 1246, 163 L.Ed.2d 1069 (2006) (holding "[a]ny claim brought under § 1981 ... must initially identify an impaired contractual relationship under which the Plaintiff has rights.").

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18/ To my knowledge this is the first lawsuit of its kind. Keep a close eye on this one, as it could set a precedent and cause a lot of dominoes to start falling.