



**United States District Court**

**Williams v. Lynch**

**By Ethan Amaker**

UNITED STATES DISTRICT COURT

**Mo Williams**  
Plaintiff

v.

**Kris Lynch**  
Defendant

**Summary of Facts Stipulated**

On November 10, 2008, Millard Fillmore High School teacher Mo Williams began receiving a series of anonymous, threatening messages sent to his/her Facebook account. The messages contained threats of personal harm directed towards Mo Williams and, later, towards his/her family. On February 2, 2009, after closing his/her Facebook profile, Williams began receiving threatening messages in his/her email account, again from an anonymous individual. A police investigation that was initiated on February 21, 2009 revealed that the Facebook messages had been sent from the account of Kris Lynch, one of Williams' former students at Millard Fillmore High School. The messages were sent from a small number of school computers. Kris Lynch was logged on to each of the computers when the messages were sent. Williams was placed on emergency leave on April 11, 2009 and has not returned to work since that date.

**Complaint by the Plaintiff**

The plaintiff alleges that:

The defendant, Kris Lynch, acted intentionally to inflict emotional distress upon Mo Williams.

The defendant's pattern of threatening emails and messages represents extreme and outrageous conduct.

The defendant's threatening messages are responsible for the

plaintiff's distress.

As a result of the defendant's actions, the plaintiff suffers from severe emotional distress that currently limits the plaintiff's ability to find gainful employment.

### **Answer by the Defendant**

The defendant acknowledges that the messages did originate from his/her Facebook account, but denies responsibility for sending any of the offending messages. Furthermore, the defendant contends that the messages did not cause the plaintiff's current emotional distress.

### **Applicable Legal Definitions**

#### *Intentional or Reckless Behavior*

A defendant intended to inflict emotional distress if it is established that he or she desired to cause such distress or knew that such distress was substantially certain to result from his or her conduct.

A defendant's conduct is in reckless disregard of the probability of causing emotional distress if he or she has knowledge of a high degree of probability that emotional distress will result and acts with deliberate disregard of that probability or with a conscious disregard of the probable results.

#### *Extreme and Outrageous Conduct*

Extreme and outrageous conduct is conduct which goes beyond all possible bounds of decency so as to be regarded as atrocious and utterly intolerable in a civilized community.

Extreme and outrageous conduct goes beyond mere insults, indignities, threats, annoyances, petty oppressions or other trivialities. All persons must necessarily be expected and required to be hardened to a certain amount of rough language and to occasional acts that are definitely inconsiderate and unkind. Extreme and outrageous conduct, however, is conduct which would cause an average member of the community to immediately react in outrage.

### *Emotional Distress*

The term "emotional distress" means mental distress, mental suffering or mental anguish. It includes all highly unpleasant mental reactions, such as fright, nervousness, grief, anxiety, worry, mortification, shock, humiliation, and indignity, as well as physical pain.

### *Severity with Respect to Emotional Distress*

The word "severe" in the phrase "severe emotional distress" means substantial or lasting as distinguished from minor or temporary. Severe emotional distress is emotional distress of such substantial quantity or enduring quality that no reasonable person in a civilized society should be expected to endure it. In determining the severity of emotional distress, consideration is given to its intensity and duration.

### **Applicable State Case Law**

#### *Banks v. Bates Motel (2007)*

The plaintiff, a former model and television personality, sued a local motel after staying there, arguing that her excessively dirty and rodent-filled motel room had caused her severe emotional and psychological harm. The defense attempted to call the plaintiff's psychiatrist in an attempt to show that the plaintiff's emotional distress was caused by numerous other pre-existing psychological issues, and not the motel room. The trial court excluded the testimony, stating that it infringed upon doctor-patient privilege.

The appellate court reversed, holding that "In tort cases where harm of a psychological nature is alleged, the defense may subpoena a plaintiff's psychologist, psychiatrist, therapist, or any other mental health specialist, as long as that specialist treated the plaintiff during or after the time in which the alleged harm was inflicted. The burden in these types of cases is upon the plaintiff to prove psychological harm. Consequently, traditional doctor-patient confidentiality is assumed to be waived unless such information criminally incriminates the plaintiff."

*Picard v. Janeway (2006)*

The plaintiff filed a wrongful death lawsuit against the defendant, a famous politician and celebrity, alleging that he was responsible for her brother's shooting death. The politician had previously been the subject of a homicide investigation relating to the death, but was ultimately acquitted. In the civil suit, the defense argued that no testimony surrounding the criminal case or investigation should be admissible, as mention of the criminal trial was unduly prejudicial to the jury.

The trial court disagreed, and the state Supreme Court upheld the decision, stating that "In civil cases where the matter at hand has been preceded by a criminal investigation, law enforcement officials responsible for such investigations may be called in and allowed to discuss their findings, provided that they offer specialized knowledge"

#### **Instructions to the Jury**

The plaintiff has the burden of proof in this case. The plaintiff must prove his/her version of the facts by a preponderance of evidence. A preponderance of evidence is a much lower standard than proof beyond a reasonable doubt. If it is even slightly more likely than not that the defendant committed the actions alleged by the plaintiff, and that those actions constitute a breach of the law, then the defendant must be held liable.

As the plaintiff alleges that the defendant acted to intentionally inflict emotional distress, they plaintiff must prove by a preponderance of evidence that the defendant acted intentionally or recklessly, that the defendant's conduct was extreme and outrageous, that the defendant's act is the cause of the distress, and that the plaintiff suffers severe emotional distress as a result of defendant's conduct. It is important to note that simply proving that the defendant acted as the plaintiff alleges is not by itself enough to prove liability. The plaintiff must also establish a causal link between the defendant's actions and his/her own emotional distress. This is a bifurcated case, so this trial will deal exclusively with the question of liability and will not address the issue of monetary damages.

## Witness List

### **Plaintiff**

Mo Williams  
Kerry LaCosta  
Sandy Miller

### **Defendant**

Kris Lynch  
Pat Robinson  
Jesse Greene

### **Note on the Witnesses**

The order in which the plaintiff and the defendant call their witnesses is up to each side's discretion. That is, witnesses may be called in any order that a team finds advantageous. Furthermore, the witnesses' names are all gender neutral and may be portrayed as either male or a female.

**Affidavit of Mo Williams**  
Witness for the Prosecution

My name is Mo Williams, and I live in Central City with my spouse, Sam, and our two children. I used to be a science teacher at Millard Fillmore High School, but I'm currently unemployed. Back when I was still at Fillmore, I had a reputation for being a really strict teacher. I was so tough that the kids actually used to call me "the Hammer." Looking back, I guess I was a bit demanding, but that was only because I had high standards for my students and myself. I would never tolerate horse-play or slacking off, so when students did get out of line I made sure there were repercussions. Teaching used to really be my passion; it was what I wanted to do ever since I was a kid, but after everything that's happened, I can't even bring myself to enter a classroom—much less teach a class. My spouse has been out of work for even longer than I have, so things have really been hard for all of us. It's not easy for someone who has spent their entire career teaching to find a job in a completely different field. This isn't about the money though; I just want justice for everything that happened.

It all started in the fall of 2008. Earlier that year I had opened up a Facebook account to keep an eye on the students. On November 10, I started to get some rather disturbing messages from an anonymous user. They said things like "I'm watching you," and "you better be careful, or you could wind up dead." At first, I wasn't all that worried. After all, I know there are a lot of crazies out there, and I figured it was just someone's idea of a joke. After that, though, the messages started to get a bit more personal, and I really started to get worried. The anonymous user started to mention my spouse and kids by name, and one message even had pictures of my house photoshopped to look like it was on fire. When the messages started referring to me by my nickname, "the Hammer," I realized that this was school-related.

I tried to handle the problem myself by going to the school district and then filing a complaint with Facebook. I ended up closing my Facebook account on February 2, but it didn't really make a difference; instead, I just got messages in my personal email account. I started to get really nervous during my classes and would frequently lose my train of thought. After I found a brick thrown through my car window at the school parking lot, I started to get panic attacks, and was eventually forced to see a psychologist. Eventually my teaching became so affected that I was placed on emergency leave.

When I tried to follow up on my complaints, I didn't get a response, so I finally decided to go to the police. My complaint was forwarded to the special cybercrime unit of the State Police. On April 22, I was finally called in by Lt. Kerry La-Costa, who informed me that the Facebook messages were sent from an account belonging to Kris Lynch, one of my students. Every one of the messages had been sent from school computers during study hall, which made sense to me since Kris always cut study hall.

To be honest, I wasn't all that surprised that the messages had come from Kris' account. Kris was one of my least favorite students, as I made clear on multiple occasions. Kris was one of those kids who was always in detention for something. I know because I often put him/her there. Kris would constantly disrupt the classroom, would fail to turn assignments in on time, and, frankly, made teaching less enjoyable. To put it simply, Kris wasn't someone you would want in your class. Kris was supposed to graduate in 2008, but Kris decided not to turn in my final science project. Since Kris wasn't too worried about completing his assignments, I wasn't too worried about giving Kris an F in my class, even if it did mean Kris would be held back. After Kris found out that (s)he wouldn't be graduating on time, Kris came to my classroom and started to throw a fit. Kris threw down some of my books and yelled, "you'll pay for this!" I had seen worse outbursts from upset students before, so I didn't think much of it at the time. Instead, I just told Kris to get out before Kris really got into trouble. It never crossed my mind that Kris might actually follow up on his threats.

I'm sure that if I had been a happy-go-lucky teacher who let their students get away with anything, this probably wouldn't have happened, and I'd still be teaching. That said, if I had been that kind of teacher, I would have done my students a disservice. My only regret is that I didn't take Kris' threats seriously.

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Mo Williams

Subscribed and sworn to me on this, the 18<sup>th</sup> day of October, 2009

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Lita Rosa, Notary Public

**Affidavit of Kerry LaCosta**  
Witness for the Prosecution

My name is Kerry LaCosta. I'm currently a Lieutenant in the State Police assigned to the Cybercrime Task Force. We're a group that handles any criminal investigations involving computers. I originally started out in the private sector, working in Silicon Valley after receiving my bachelor's degree in Computer Science from California Polytechnic State University. I took some time off to complete a master's program at the Massachusetts Institute of Technology. I eventually decided to leave the private sector in 2001, when my mother lost all of her savings through an Internet scam. When that happened, I realized that there were more important things than making a six-figure salary so I decided to join the State Police, which had just opened a new department to deal exclusively with Cybercrime. After climbing through the ranks, I passed my lieutenant's exam in 2007. I don't quite have the lifestyle I used to, but now my work is much more rewarding.

I first heard from Mo Williams on February 21, 2009. Williams had been receiving a series of messages from an anonymous individual that had started off as simple taunts, but had gradually developed into violent threats, complete with references to Williams' family. These messages were initially directed to Williams' Facebook profile, but when Williams shut down the Facebook account, the messages were then sent to Williams' personal email address, which would have been easily accessible to anyone who had viewed the original Facebook profile.

Ordinarily these types of investigations have to go through a number of bureaucratic channels before they can even get started, but when I talked to Mo, Mo really seemed to be shaken up, so I did every thing I could to expedite things. For harassment investigations, we obviously try to look at the origin of the given messages. Unfortunately that proved to be somewhat difficult in this case, because the sender had opted to send the Facebook messages anonymously. The emails were also difficult to trace, as they had been sent through a remailer, which, in layman's terms, is a web-based service that strips a given sender's email address from a message and forwards it on to the intended recipient without any of the sender's information. Since the remailer used in this case was based outside of the United States, the best option was to contact Facebook and request records.

Initially, they were reluctant to turn over their data logs citing all sorts of contractual obligations that forced them to

protect their user's anonymity, but after a couple of weeks, they changed their mind. I guess a court order will do that. The records revealed that the messages had been sent from Kris Lynch's Facebook account. In terms of delivery, the messages followed a very clear pattern. The messages were only sent on Tuesdays and Thursdays between 3:30 and 4:00 PM. Further information revealed that the messages originated from a set of five Internet Protocol numbers, or IP numbers. These numbers function as the "address" of a device that is connected to the Internet, be it a smartphone, computer, or anything else along those lines. By using tracing programs, I was able to determine that all of the IP addresses belonged to desktop PCs located in the computer lab of Millard Fillmore High School. My next step was to check the school's records to see who had been logged on to the computers when the messages were sent. Sure enough, Kris Lynch had been logged on to each of the computers used to send the messages at the time of delivery.

Finally I spoke to Kris Lynch. Naturally, Kris denied having anything to do with the messages. Kris said that it wasn't that rare for him/her to forget to log off of the school computer. Kris also claimed that he/she never stayed in the computer lab for more than 15 minutes, and Kris' friend, Pat Robinson, confirmed this story when questioned by me. Honestly, though, I didn't buy their story. The computers in the lab are set to log users off after two minutes of inactivity, so if someone had attempted to use Kris' account, they would have had a very small window of opportunity.

Even though we were unable to trace the anonymous emails, we still had enough evidence to charge Kris Lynch with harassment. I was shocked when the District Attorney's office decided to drop the case against Kris. The DA's decision also ended up costing me a promotion. My superiors said it was because I had been a bit too hasty with Lynch investigation, but I still stand by the results of my investigation. It's just too bad that kid got off scot-free.

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Kerry LaCosta

Subscribed and sworn to me on this, the 12<sup>th</sup> day of November, 2009

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Diane Harper, Notary Public

**Affidavit of Sandy Miller**  
Witness for the Prosecution

My name is Sandy Miller, and I'm currently studying astrophysics at State University. I'm really enjoying college, since I can finally surround myself with hard-working, intelligent people instead of those idiots I had to deal with back in high school. I can even wear my Stephen Hawking t-shirt outside without getting laughed at.

I could go on for hours about college, but that's not why I'm giving this statement. Kris Lynch was responsible for terrorizing Mo Williams, which I'll admit came as a bit of a shock given that Kris isn't exactly the brightest crayon in the box. I was in the computer lab every day, and I would constantly see Kris and that Pat Robinson kid snickering in front of a computer for hours. Who would've guessed that the whole time Kris was plotting to scare the living daylights out of our teacher? Before I knew what they were really up to, I would usually just try to move across the room where I didn't have to hear their stupid laughter.

I didn't really think much of their shenanigans until one day last January when I was in the computer lab reading some really exciting articles on jet propulsion to kill time. That day Kris was there, without Pat for once, blasting this really awful music and making it impossible for me to concentrate. I tried moving across to the other side of the room, where I wouldn't even have to look at Kris, but that didn't really help. Even though there were a couple of other people in the lab, none of them were saying anything, so finally I took it upon myself to get Kris to act considerately.

Of course, when I went up to Kris and politely asked Kris to turn down the music or leave the computer lab so that real students like me could actually get work done, Kris just looked at me and laughed. I went back to my computer and tried to focus, but after about half an hour I decided I had had enough and went to go give Kris a piece of my mind. When I got to the computer Kris had been using, I saw that Kris had left the computer lab without even having the decency to turn off his/her music.

I tried to shut down the computer, but I stopped when I saw that Kris had left a Facebook window open. Having read the Student Policy for Computer Use many times, I knew that accessing social networking sites from school computers was strictly prohibited. It was exciting that I finally had the chance to get Kris into the kind of trouble that idiot deserved, but when I started reading the page my excitement turned to disgust. There

was a message sent to Mr./Ms. Williams' Facebook with a picture of a house on fire and a fake obituary. I was really worried by all of this, so I decided to print it up. Unfortunately, I ended up logging out of Kris' account before I could get a copy of the page. Without any proof I decided not to report what I had seen. I had managed to keep a perfect disciplinary record throughout school and I didn't want an accusation of misconduct to backfire.

Even though Kris is really incompetent, I'm not too surprised by the fact that Kris was responsible for sending messages like that. I've known Kris for a long time and I can honestly say that Kris is one of the most malicious people I've ever met. (S)he relished in tormenting intellectual superiors like me. When we were kids, Kris would constantly bully me, making it really hard for me to even go to school. Things didn't get any better in high school, where Kris would constantly humiliate me in front of all of my classmates. It's not that surprising that somebody so cruel would be capable of sending threatening messages like that, even to a teacher.

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Sandy Miller

Subscribed and sworn to me on this, the 5<sup>th</sup> day of December, 2009

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Gloria Brown, Notary Public

## Affidavit of Kris Lynch

Witness for the Demand

My name is Kris Lynch, and I currently live in Los Angeles. I'm originally from Central City, but I left that place as soon as I could so that I could move somewhere where things really happen. I've actually managed to do pretty well for myself out here by running my own gossip blog. It's got a pretty big following, and I'm making truckloads of money, which is why this lawsuit sucks. Every second I have to waste with lawyers is one less second I have to catch up on the latest celeb news for my blog.

The only reason I'm even here is because Mo Williams has always had it out for me. I was always singled out in class so that Mo could make an example out of me, no matter what the other students were up to. Williams even managed to ruin my entire senior year. I had lost my final project for science class on the way to school, so I asked Williams if I could turn it in the next day. Williams freaked out and said I was going to fail just like he/she knew I would. When I found out Williams wasn't going to budge, I lost it and said some pretty crazy things. Who wouldn't, though, if they found out they couldn't graduate along with all of their friends?

If it had been up to me I would have just dropped out, but since I was 17, it wasn't, and my parents made me enroll for the next school year. I decided that I would actually try to graduate, but I only did the bare minimum. My second senior year was going pretty well until about February, when the police showed up at my house and took me in for questioning. They wanted to know all about my Facebook page and basically accused me of sending threatening messages to Mo Williams. The cops said that the messages had been sent from my account during study hall, which actually makes sense.

I would always cut study hall with my friend Pat Robinson. We'd usually head down to the computer lab and check our email and Facebook pages for a few minutes, but we'd never hang out there; that place is dweeb city, so after a few minutes we'd just go hang out at the mall. I'm always really bad when it comes to signing out of my accounts and stuff, so anybody could have sent messages making it seem like they came from me.

Anyway, that LaCosta cop didn't buy my story, and the police ended up pressing charges. That really sucked, but since the case was thrown out, it didn't really matter in the end. Of course, I was never really worried, since the only thing I did wrong was forgetting to log off of the computer when I was done.

As far as Sandy Miller is concerned, I don't know what Sandy is talking about. It's not like I ever saw Sandy in the computer lab, so how could Sandy know what I was doing? That little geek has always had it out for me. I mean sure, I used to make fun of him back in elementary school, but that was years ago. I guess some people just can't let things go. A couple months before this whole thing blew up, I made a little joke about Sandy's outfit in front of the class. Everyone cracked up and it was all just for fun, but Sandy went nuts. Sandy started shrieking like a baby about how I made Sandy's life miserable and how he/she "wasn't going to forget what I did."

I can't really say that I'm sorry about all the stuff that happened to Williams. He/she was always so full of himself/herself and just loved to be mean to students. It's probably a good thing that Williams can't teach anymore since that means nobody else has to put up with Williams' crap anymore. Still, I didn't have anything to do with it. Williams was the most hated teacher in the school, so as far as I know it could have been anyone.

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Kris Lynch

Subscribed and sworn to me on this, the 4<sup>th</sup> day of December, 2009

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Monique Rice, Notary Public

**Affidavit of Pat Robinson**

Witness for the Defense

My name is Pat Robinson and I'm currently unemployed. So much for bothering to finish high school! I mean if I knew that getting a diploma would just mean sitting around on my parent's couch all day, I wouldn't have wasted so much time trying to get one. Free spirits like me shouldn't be kept cooped up like that. Being stuck in a place like Millard Fillmore High School forces you to do everything you can to make things bearable. That's why I always used to hang out with Kris Lynch. Kris was pretty much on the same page as me when it came to school—we didn't really care that much.

We were actually supposed to graduate together back in 2008, but we were both held back. Kris apparently failed too many classes, and I think I had missed too many school days, or something like that. When we started school in the fall, we tried to do as little as possible to get by. This meant doing things like skipping study hall to go hang out at the mall. Every Tuesday and Thursday we'd go down to the computer lab to check our Facebook profiles and read our emails, and then we'd leave. We couldn't have spent more than 15 minutes in that lab. If we had, we probably would have turned into dorks like the rest of those losers in there.

There's no way Kris could have sent any of those messages without me seeing them, since we only went down there together. We always sat next to each other, and I never saw Kris send any kind of threats. Somebody else must have sent the emails and stuff from Kris' account. Kris would always forget to sign out and even when I reminded Kris, Kris would just tell me it wasn't a big deal. I don't know why Kris wasn't a bit more careful; after all, that place was usually pretty crowded. It wouldn't have been too difficult for someone to see that his/her account had been left open. From there, it would have been pretty easy to send an email pretending to be Kris.

I just want to clear Kris' name. Kris might make fun of people every now and then, so I guess Kris might come off as kinda mean, but Kris would never try to scare someone with threats. Me and Kris have always had each other's backs. When we were kids, we'd never mind stretching the truth for our teachers if it meant we could keep each other out of detention. Aren't friends supposed to look out for each other?

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Pat Robinson

Subscribed and sworn to me on this, the 1<sup>st</sup> day of Decem-  
ber, 2009

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Dan Getts, Notary Public

**Affidavit of Jesse Greene**  
Witness for the Defense

My name is Jesse Greene, and I'm currently a licensed psychologist practicing here in Central City. After receiving my bachelor's in sociology from Duke University in 1995, I completed a six-year Ph.D. program in psychology at the University of Pennsylvania. I initially wanted to enter the field of forensic psychology, but after a one-year internship I decided that it wasn't the best fit for me. Currently, I have my own practice specializing in clinical psychology. My practice has agreements with a number of local businesses and government agencies to handle employees who are deemed to be in need of a psychological evaluation. That's actually how I came to know Mo Williams.

Mo was sent to my office for an evaluation on February 17, 2009. The referral form indicated that Mo had become increasingly agitated and distracted while teaching over the prior three months. Mo would frequently stop lectures in mid-sentence and stand in front of the class silently or leave the room. A standard review of Mo's medical and employment records failed to reveal any sort of explanation for Mo's behavior, so I called Mo in for an appointment.

During our session, Mo broke down in tears and spoke about a number of stressors that really seemed to exacting a heavy toll on Mo's mental health. Apparently, Mo had been under a great deal of financial stress after Mo's spouse was fired. Mo also seemed to be very unsatisfied with teaching. While discussing teaching, Mo actually became quite upset, claiming that the students were "doing everything to make my life miserable," and that they had "absolutely zero interest in learning anything." When Mo said he/she wished there was a way to make the students pay for ruining the dream of teaching, I became seriously concerned.

After our session, I told the school district that it would be best if Mo continued to see me so that I could find a way to help Mo deal with these issues. The district ordered Mo to attend another four sessions. During these sessions, I really felt as though we were able to lay the foundation for a successful course of treatment. As Mo elaborated on the sudden waves of fear and worry that were disrupting Mo's teaching, I began to suspect that Mo was suffering from an anxiety disorder. My suspicion was only heightened when I learned that these episodes were frequently accompanied by headaches, sweating and tremors.

After the next four sessions, I made the preliminary diagnosis that Mo Williams was suffering from an anxiety disorder brought on, at least in part, by financial troubles and severe difficulties at work. I told Mo that further sessions would be necessary in order to fully understand the root causes of Mo's problems and treat Mo's condition. Unfortunately, I didn't hear from Mo again. I tried contacting Mo at home, but my phone messages were not returned.

I'll have to admit that this lawsuit came as a bit of a surprise. Although Mo did mention receiving some bothersome messages, it was never the gist of our conversations. In fact, I couldn't say that we spent anything more than five minutes discussing that issue. I find it hard to believe that such messages were the source of Mo's anxiety issues.

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Jesse Greene

Subscribed and sworn to me on this, the 20<sup>th</sup> day of December, 2009

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LaToya Bond, Notary Public