

District Court, Arapahoe County, Colorado Court address: 7325 S Potomac St #100, Centennial, CO 80112 Phone number: (303) 663-7200	DATE FILED: January 25, 2022 8:06 PM FILING ID: AD00142C73697 CASE NUMBER: 2022CV30137
<p><b>Plaintiff:</b> Cydney Norris</p> <p style="text-align: center;"><b>v.</b></p> <p><b>Defendants:</b> Cherry Creek School District, Perry Weisman, Sandy Smith, and Anton Durall Kaempfer.</p>	
Attorney for Plaintiffs: James W. Avery #13037 DENVER INJURY LAW LLC d/b/a AVERY LAW FIRM P.O. Box 6888 Denver, Colorado 80206 Phone: (303) 840-2222 Email: averylawfirm@gmail.com	<p><b>Case Number:</b></p> <p><b>Division</b></p>

**COMPLAINT AND JURY DEMAND**

The Plaintiff, Cydney Norris, by and through her attorney, James W. Avery, Denver Injury Law, LLC, as her complaint against the Defendants, states and alleges:

**Jurisdictional Allegations**

1. Plaintiff, Cydney Norris, at all times pertinent hereto, was a minor and student at Campus Middle School in City of Greenwood Village, Arapahoe County, Colorado and Smoky Hill High School, in City of Aurora, Arapahoe County, Colorado.
2. Defendant Cherry Creek School District (CCSD), is and was at all times pertinent hereto a Colorado school district, which is the operator of Campus Middle School (CMS) and Smoky Hill High School (SHHS) located in City of Aurora, Arapahoe County, Colorado.
3. Defendants Perry Weisman, Sandy Smith, and Anton Durall Kaempfer, were at all times pertinent hereto, adults employed by Defendant CCSD. As such, Perry Weisman, Sandy Smith, and Anton Durall Kaempfer had responsibility for the overall safety and welfare of the students while engaged in youth activities with students (such as Plaintiff Cydney Norris).

4. Defendant Anton Durall Kaempfer, age 78, is believed to be presently residing in the City of Centennial, Arapahoe County, Colorado.
5. The incident which forms a basis for this complaint occurred at Smoky Hill High School, Aurora, Arapahoe County, Colorado, and Boulder County, Colorado, and involves damages in excess of the jurisdictional limits of this court.
6. Jurisdiction and venue are proper.

#### General Allegations

7. Beginning in approximately early spring, 1975, when Plaintiff Cydny Norris was 12 years old, Defendant Kaempfer, age 31, began grooming her for sexual exploitation while acting in a position of authority as her guidance counselor at Campus Middle School. Defendant Kaempfer engaged Plaintiff in conversation about her private home life and prior history of sexual abuse by her elder brother. Defendant Kaempfer was frequently telling Plaintiff (age 12 and onward) she was "so beautiful," "special" and he spent a lot of time with her, often calling her to the counseling office. After Plaintiff graduated CMS in Fall, 1976 and enrolled in Smoky Hill High School, Defendant Kaempfer became employed there as a counselor and continued to groom Plaintiff for the sole purpose of his future sexual exploitation.
8. Defendant Kaempfer, an adult male, acting as a counselor and agent for CCSD, obtained the trust and confidence of Plaintiff, and began isolating Plaintiff in Smoky Hill High School for purposes of his grooming and ultimate sexual exploitation, with the full knowledge and consent of the CCSD.
9. While hidden in the Smoky Hill High counselor's office room, social studies room, and other private places, Defendant Kaempfer began having sexual relations with Plaintiff in the Spring of 1980 when she was age 17, which conduct continued throughout the Spring of 1980. Defendant Kaempfer engaged in such sexual misconduct on the premises of the Smoky Hill High School and outside it.
10. In the fall of 1979, Plaintiff became a "peer counselor" at Smoky Hill High School. Defendant Kaempfer was one of the adults in charge, along with Sandy Smith, another counselor. The group went on two school organized retreats for students in Boulder, Colorado, in the fall 1979 and spring 1980. It was during the 1980 retreat where Defendant Kaempfer began having sexual relations with Plaintiff. Several students went on a beer run. On the beer run with Defendant Smith's knowledge, Plaintiff was isolated with Defendant Kaempfer in the back seat of the car where he groomed and groped her. During the Spring of 1980, Defendant Kaempfer would often encourage Plaintiff to meet off campus following evening (after-school) Peer Counseling meetings, isolating Plaintiff in his car parked in vacant lots in the vicinity of the campus of Smoky Hill High School where he had sexual relations with her. Defendant Kaempfer sometimes isolated Plaintiff in his counseling office at Smoky Hill High School and

had sexual relations with her on a sofa in there. Other times, Defendant Kaempfer would isolate Plaintiff in the social studies room where there was a sofa, and have sexual relations with her in there. All told, Defendant Kaempfer engaged in dozens of separate acts of sexual intercourse with Plaintiff when she was age 17. Plaintiff didn't turn 18 until after her 1980 graduation from Smoky Hill, in August of 1980.

11. Defendant Perry Weisman (Smoky Hill HS English teacher) was aware of the abuse while it was ongoing during the Spring of 1980. Plaintiff confided in Defendant Weisman the fact that Defendant Kaempfer was having sexual relations with her, yet there was no investigation by local law enforcement or the CCSD as far as Plaintiff is aware. If there was an investigation, and there should have been, it was kept secret.

12. Defendant Sandy Smith (Smoky Hill HS Student Counselor) knew of the student drinking at the retreat and asked all involved to keep it secret, thereby facilitating the sexual misconduct of Defendant Kaempfer. Defendant Smith worked in the same office as Defendant Kaempfer and was in a position to witness the sexual abuse or grooming (specifically including but not limited to the excessive time Defendant Kaempfer spent with Plaintiff), yet there was no investigation by local law enforcement or the CCSD as far as Plaintiff is aware. If there was an investigation, and there should have been, it was kept secret.

13. Not one of the responsible adults identified herein, and there were likely others, all of whom were agents of CCSD, involved or with knowledge, reported the sexual misconduct to local law enforcement authorities at the time of the events described above. As a result of the acquiescence of CCSD, Plaintiff believed at the time the sexual misconduct of Defendant Kaempfer was 'normal' or 'permitted' and failed to acknowledge the actions as criminal. Later, Plaintiff reported the matter to the Office of the Boulder County Sheriff, who refused to take a report. Defendant Kaempfer was never criminally prosecuted, and has lived a normal productive life as Plaintiff suffered from the effects of childhood sexual abuse.

14. Plaintiff, due to her youth and immaturity, vulnerability and trust of Defendant Kaempfer, did not understand the inappropriate nature of the sexual exploitation by Defendant, which Kaempfer promoted and conducted at the Smoky Hill High School to avoid discovery and prosecution. Plaintiff was also unaware of the harm that those exploitations were causing to her emotionally and physically until later in life.

15. After attaining the age of 18, following years of sexual misconduct and abuse at CMS and Smoky Hill HS, Plaintiff graduated from SHHS. Following graduation, Defendant Kaempfer maintained a relationship with Plaintiff. In the fall of 1980, Plaintiff was raped at knife-point by an adult male assailant, and afterwards, Defendant Kaempfer, still in her confidence, recommended she 'maintain her sexuality' by having 'lots of sex' to overcome the assault.

16. In Spring of 1993, an employee of Horizon Middle School (also in Cherry Creek School

District), who became aware of the abuse of Plaintiff, reported it to Horizon Principal, Gwen Sonnenburg (Sonnenburg), a CCSD employee and agent. Rather than report or investigate, Sonnenburg gave the whistleblower the cold shoulder for the remainder of her employment at Horizon MS. Shortly after the report to Horizon MS, Plaintiff learned of the reporting of Kaempfer and contacted Smoky Hill Principal Dr. Mary Jarvis (Dr. Jarvis), another employee of CCSD, to get information about the 'investigation.' Instead of treating Plaintiff compassionately, Dr. Jarvis berated Plaintiff for 'trying to get Mr. Kaempfer in trouble,' deliberately deterring Plaintiff from further action at the time. Plaintiff waited but was never contacted again about the investigation of Kaempfer. It appears the investigation of Kaempfer was covered up and all witnesses silenced by the actions or inaction of the agents of the Defendant Cherry Creek School District.

17. In 2015, although finally having released herself from the exploitation, Plaintiff was experiencing extreme physical and emotional pain and suffering. Plaintiff finally wanted justice for her abuse and the betrayal by Defendant Kaempfer. She reported the abuse to Boulder County Sheriff law enforcement at the advice of the 18th Judicial District Attorney's Office. Boulder County Sheriff Office refused to take a report advising too many years had passed since the abuse. Plaintiff was deterred from further contact with law enforcement or lawyers, was never advised to, nor did she ever pursue a civil remedy until now.

18. As a result of the sexual exploitation in her youth, Plaintiff has experienced and continues to experience physical and emotional pain and dysfunction, and suffers many trauma triggering episodes on a daily basis.

19. Defendants Weisman, Smith and Kaempfer, and each of them, with the assistance of Sonnenburg and Dr. Jarvis have deliberately hidden Defendant Kaempfer's sexual misconduct so as to avoid criminal prosecution and civil culpability. Defendants' conduct was fraudulent since the failing to acknowledge or report the sexual abuse of Plaintiff was calculated to avoid criminal and civil responsibility.

20. Defendant CCSD created a culture of permissiveness of sexual misconduct targeting students (such as Plaintiff) by failing to supervise, allowing employees to isolate students, and failing to implement adequate policies and procedures for detection and reporting of sexual abuse of students. Defendant CCSD, by and through its agents, fraudulently concealed information related to the sexual misconduct committed by Defendant Kaempfer against Plaintiff.

First Claim for Relief  
(Negligence)

21. Plaintiff hereby incorporates by reference each of the foregoing allegations as though fully set forth herein.

22. Defendants Perry Weisman, Sandy Smith, and Anton Durall Kaempfer, at all times pertinent hereto, had a duty to exercise reasonable care to protect , as a person entrusted the role of student counselors and teachers of a minor.

23. At all times pertinent hereto, Defendants Perry Weisman, Sandy Smith, and Anton Durall Kaempfer failed to exercise reasonable care, Plaintiff was sexually exploited at Smoky Hill High School, causing her to suffer and incur extreme emotional and physical distress, loss of enjoyment of life, embarrassment, loss of self-image, depression, anxiety, disassociation from self and life circumstances, and other economic damages such as counseling expenses and loss of earning capacity.

Second Claim for Relief  
(Action for Sexual Misconduct Against Minor-C.R.S. § 13-20-1201)

24. Plaintiff hereby incorporates by reference each of the foregoing allegations as though fully set forth herein.

25. Defendant Kaempfer, (the “actor”) was a counselor in an CCSD sanctioned youth program, and as such was an adult 'in a position of trust' pursuant to C.R.S. 13-20-1201 who engaged in “a pattern of sexual misconduct” pursuant to C.R.S. 13-20-1201(8).

26. Defendant CCSD, is a ‘managing organization’ pursuant to C.R.S. 13-20-1201(4) which organized a youth-related activity or program at Smoky Hill HS which engaged the services of Defendants Perry Weisman, Sandy Smith, and Anton Durall Kaempfer as employee(s) or volunteer(s).

27. Defendants Perry Weisman, Sandy Smith, and Anton Durall Kaempfer were ‘agents’ of the CCSD at all times pertinent hereto pursuant to C.R.S. § 13-20-1201(2). Defendants Perry Weisman, Sandy Smith, and Anton Durall Kaempfer and others engaged in a civil conspiracy to commit a pattern of sexual misconduct against the minor Plaintiff.

28. As a managing organization with knowledge of the circumstances and possible illicit relationship, Defendant CCSD was in the best position to discover the sexual misconduct perpetrated by Defendant Kaempfer against Plaintiff. It is believed that other agents of APS deliberately disregarded and covered up the report from another person, which had they investigated, would have revealed the misconduct and protected the minor Plaintiff from a pattern of sexual misconduct. The actions of Defendant Kaempfer were open and notoriously conducted on the CCSD Smoky Hill HS campus with full knowledge and consent of CCSD (such as using CCSD offices and meeting rooms, and car park, as a place to get Defendant

Kaempfer alone with the minor Plaintiff so she could be abused).

29. The conduct of the Defendants Perry Weisman, Sandy Smith, and Anton Durall Kaempfer were in violation of the provisions of the criminal laws of the State of Colorado, to wit, first degree misdemeanor or felony offenses under Article 3 of Title 18, C.R.S.

Third Claim for Relief  
(Joint and Several)

30. Plaintiff incorporates by reference each and every paragraph of the preceding claims for relief as though fully set forth here.

31. As a direct result of the actions of the Defendants, jointly and severally, the Plaintiff was subjected to sexual misconduct and suffered the injuries and damages alleged herein.

WHEREFORE, the Plaintiff prays for an award of general and consequential damages against the Defendants, including past and future economic and noneconomic losses, prejudgment interest, and litigation costs.

PLAINTIFF DEMANDS A TRIAL BY JURY.

Respectfully Submitted,  
DENVER INJURY LAW, LLC

By: s/James W. Avery  
James W. Avery

*ATTORNEY FOR PLAINTIFFS*

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