

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

Claire Daly, by and through her mother and general guardian,
Danielle Daly v. Miller Place Union Free School District, Christopher
Herrschaft, Joseph Zito, Nicole Farley, and Lisa Bray

No. 2:23-cv-8601 (AMD) (SIL) (E.D.N.Y. Dec. 3, 2025) · No. 2:23-cv-8601 (AMD) (SIL) · Decided December 3, 2025

SUMMARY

The United States District Court for the Eastern District of New York considers defendants’ motion to dismiss claims arising from alleged sexual harassment, bullying, discrimination, and retaliation against a student in a public school district. The court holds that the plaintiff plausibly stated a Title IX deliberate-indifference claim based on the district’s response to alleged sexual harassment, while addressing additional Title IX, equal-protection, and First Amendment claims. The motion to dismiss is granted in part and denied in part.

CASE DETAILS

COURT	United States District Court for the Eastern District of New York
WRITING FOR THE COURT	Ann M. Donnelly
JURISDICTION	United States District Court for the Eastern District of New York
DECIDED	December 3, 2025
DOCKET	2:23-cv-8601 (AMD) (SIL)
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss the second amended complaint asserting Title IX and 42 U.S.C. § 1983 claims. The plaintiff moved to convert the motion to a summary-judgment motion; that request was denied.
STANDARD OF REVIEW	Under Rule 12(b)(6), the court accepted well-pleaded factual allegations as true, drew reasonable inferences for the plaintiff, and determined whether the complaint alleged enough facts to state a facially plausible claim for relief. Conclusory allegations and threadbare recitals of elements were insufficient.
PRECEDENTIAL VALUE	unpublished district court opinion

TOPICS

civil rights

section 1983

equal protection

motions to dismiss

first amendment

PRACTICE AREAS

Civil rights

Education law

Constitutional law

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QUESTIONS PRESENTED

1. Whether the complaint plausibly alleged that Miller Place acted with deliberate indifference to severe, pervasive, and objectively offensive student-on-student sexual harassment in violation of Title IX.
2. Whether the Title IX hostile educational environment claim was duplicative of the deliberate-indifference claim.
3. Whether the complaint plausibly alleged Title IX disparate treatment based on sex or sexual orientation.
4. Whether the complaint plausibly alleged Title IX retaliation for reporting discrimination and filing complaints.
5. Whether the complaint plausibly alleged First Amendment retaliation or a First Amendment free-speech violation under 42 U.S.C. § 1983.
6. Whether the complaint plausibly alleged that school officials and the school district violated the Equal Protection Clause by acting with deliberate indifference to peer harassment based on sex and sexual orientation.
7. Whether qualified immunity protected the individual defendants from the Equal Protection claim.
8. Whether the complaint plausibly alleged municipal liability under Monell for the Equal Protection violation.

HOLDINGS

1. The complaint plausibly alleged a Title IX damages claim because the alleged harassment was severe, pervasive, and objectively offensive, school officials with authority had actual knowledge, and the school's responses were clearly unreasonable and not reasonably calculated to end the harassment.
2. The hostile educational environment claim was dismissed as duplicative of the Title IX deliberate-indifference claim because both claims relied on the same facts, standard, and alleged hostile environment.
3. The complaint did not plausibly allege Title IX disparate treatment based on sex or sexual orientation.
4. The complaint did not plausibly allege Title IX retaliation because the identified conduct was not sufficiently adverse or causally connected to protected activity.
5. The First Amendment retaliation claim was dismissed because the complaint did not plausibly allege a sufficiently adverse action or a causal connection between protected speech and the challenged conduct.
6. The First Amendment free speech claim was dismissed because the no-contact instruction regulated alleged conduct rather than protected expression, and the complaint did not allege an actual, non-

speculative chilling effect from comments about discussing sexuality.

7. The complaint plausibly alleged that Miller Place and individual officials acted with deliberate indifference to peer harassment based on sex and sexual orientation, thereby violating the Equal Protection Clause.
8. Qualified immunity did not shield the individual defendants from the Equal Protection claim at the pleading stage because the right to an educational environment free from deliberate indifference to sex- and sexual-orientation-based peer harassment was clearly established.
9. The complaint plausibly alleged municipal liability against Miller Place for the Equal Protection violation based on a persistent policy or custom of failing to address known harassment, but did not plausibly allege a municipal policy suppressing First Amendment rights.

KEY QUOTATIONS

“Because ‘courts should refrain from second-guessing the disciplinary decisions made by school administrators,’ Davis, 526 U.S. at 648, the official response must be ‘‘clearly unreasonable’ in light of known circumstances,” Papelino, 633 F.3d at 89 (citation omitted).” (at 8)

“These allegations are sufficient to allege deliberate indifference—a lack of effort ‘to investigate or put an end to the harassment,’ Davis, 526 U.S. at 654—by Miller Place.” (at 12)

“An unreasonable reaction to peer bullying based on sex and sexual orientation violates the Equal Protection Clause.” (at 26)

FACTUAL BACKGROUND

Claire Daly alleged that, throughout elementary school, classmates subjected her to persistent bullying, sexual comments, sexualized conduct, threats, physical assaults, and harassment based on her perceived or actual sexual orientation. She and her parents repeatedly reported the conduct to teachers, counselors, principals, and district officials, filed complaints under New York's Dignity for All Students Act, and appealed adverse findings. The school took some protective measures but allegedly failed to investigate or effectively stop recurring harassment, after which Daly experienced anxiety and depression, withdrew from school activities, attended school remotely, and transferred to a private school.

PROCEDURAL HISTORY

The plaintiff sued a school district and school officials alleging deliberate indifference to student-on-student sexual harassment and bullying, Title IX discrimination and retaliation, and First Amendment and Equal Protection violations under § 1983. The case was reassigned to Judge Donnelly on October 21, 2025. On the motion to dismiss, the court dismissed the Title IX hostile-environment, disparate-treatment, and retaliation claims, and the § 1983 First Amendment claims, while allowing the Title IX deliberate-indifference claim and the § 1983 Equal Protection claim to proceed in substantial part.

DISPOSITION

CASES CITED

- *Town of Babylon v. Federal Housing Finance Agency*, 699 F.3d 221, 227 (2d Cir. 2012)
- *Laza v. Reish*, 84 F.3d 578, 581 (2d Cir. 1996)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555, 570 (2007)
- *Olson v. Major League Baseball*, 29 F.4th 59, 71 (2d Cir. 2022)
- *Pennhurst State School & Hospital v. Halderman*, 451 U.S. 1, 17 (1981)
- *Gebser v. Lago Vista Independent School District*, 524 U.S. 274, 287-90 (1998)
- *Davis v. Monroe County Board of Education*, 526 U.S. 629, 648, 651-54 (1999)
- *Papelino v. Albany College of Pharmacy of Union University*, 633 F.3d 81, 89, 91 (2d Cir. 2011)
- *Zeno v. Pine Plains Central School District*, 702 F.3d 655, 664-65, 669-70 (2d Cir. 2012)
- *Cianciotto ex rel. D.S. v. New York City Department of Education*, 600 F. Supp. 3d 434, 451-52, 455-56, 458 n.11 (S.D.N.Y. 2022)
- *T.E. v. Pine Bush Central School District*, 58 F. Supp. 3d 332, 357-58 (S.D.N.Y. 2014)
- *Agosto v. New York City Department of Education*, 982 F.3d 86 (2d Cir. 2020)
- *Schiebel v. Schoharie Central School District*, 120 F.4th 1082, 1095 n.6 (2d Cir. 2024)
- *Original Ballet Russe v. Ballet Theatre*, 133 F.2d 187, 189 (2d Cir. 1943)
- *National Railroad Passenger Corp. v. Morgan*, 536 U.S. 101, 116 (2002)
- *Roe v. St. John's University*, 91 F.4th 643, 661 (2d Cir. 2024)
- *Samuels v. City of New York*, 2023 WL 5717892, at *11 (S.D.N.Y. Sept. 5, 2023)
- *Facci-Brahler v. Montgomery County*, 2021 WL 1224048, at *3 n.3 (N.D.N.Y. Mar. 31, 2021)
- *Fagan v. U.S. Carpet Installation, Inc.*, 770 F. Supp. 2d 490, 492, 496-97 (E.D.N.Y. 2011)
- *Yusuf v. Vassar College*, 35 F.3d 709, 715 (2d Cir. 1994)
- *Doe v. Columbia University*, 831 F.3d 46, 55-56 (2d Cir. 2016)
- *Murray v. New York University College of Dentistry*, 57 F.3d 243, 248 (2d Cir. 1995)
- *Littlejohn v. City of New York*, 795 F.3d 297, 312 (2d Cir. 2015)
- *Radwan v. Manuel*, 55 F.4th 101, 131-32 (2d Cir. 2022)
- *Jackson v. Birmingham Board of Education*, 544 U.S. 167, 174 (2005)
- *Fincher v. Depository Trust & Clearing Corp.*, 604 F.3d 712, 721-22 (2d Cir. 2010)
- *Kaytar v. Electric Boat Corp.*, 609 F.3d 537, 552 (2d Cir. 2010)
- *Yarde v. Good Samaritan Hospital*, 360 F. Supp. 2d 552, 562 (S.D.N.Y. 2005)
- *Davis-Garett v. Urban Outfitters, Inc.*, 921 F.3d 30, 43 (2d Cir. 2019)
- *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503, 506, 513 (1969)
- *Doninger v. Niehoff*, 527 F.3d 41, 50 (2d Cir. 2008)
- *Mahanoy Area School District v. B.L.*, 594 U.S. 180, 188 (2021)

- Clark v. Community for Creative Non-Violence, 468 U.S. 288, 294 (1984)
- Colombo v. O'Connell, 310 F.3d 115, 117 (2d Cir. 2002) (per curiam)
- Laird v. Tatum, 408 U.S. 1, 10, 13-14 (1972)
- Gill v. Pidlypchak, 389 F.3d 379, 380 (2d Cir. 2004)
- Davis v. Goord, 320 F.3d 346, 353 (2d Cir. 2003)
- Kelly v. New York State Office of Mental Health, 200 F. Supp. 3d 378, 404-05 (E.D.N.Y. 2016)
- Houston v. Schriro, 2013 WL 4457375, at *10 (S.D.N.Y. Aug. 20, 2013)
- Zelnik v. Fashion Institute of Technology, 464 F.3d 217, 228 (2d Cir. 2006)
- Windsor v. United States, 699 F.3d 169, 185 (2d Cir. 2012)
- LaTrieste Restaurant & Cabaret Inc. v. Village of Port Chester, 40 F.3d 587, 590 (2d Cir. 1994)
- LeClair v. Saunders, 627 F.2d 606, 609-10 (2d Cir. 1980)
- Gant ex rel. Gant v. Wallingford Board of Education, 195 F.3d 134, 140 & n.5 (2d Cir. 1999)
- DiStiso v. Cook, 691 F.3d 226, 240-41 (2d Cir. 2012)
- Wright v. Smith, 21 F.3d 496, 501 (2d Cir. 1994)
- Saulpaugh v. Monroe Community Hospital, 4 F.3d 134, 143-44 (2d Cir. 1993)
- Bruneau ex rel. Schofield v. South Kortright Central School District, 163 F.3d 749, 758 (2d Cir. 1998)
- Pratt v. Indian River Central School District, 803 F. Supp. 2d 135, 153 & n.12 (N.D.N.Y. 2011)
- Monell v. Department of Social Services, 436 U.S. 658, 694 (1978)
- Nagle v. Marron, 663 F.3d 100, 116 (2d Cir. 2011)
- Connick v. Thompson, 563 U.S. 51, 61-62 (2011)
- Sorluccho v. New York City Police Department, 971 F.2d 864, 870-71 (2d Cir. 1992)
- Jones v. Town of East Haven, 691 F.3d 72, 81 (2d Cir. 2012)
- Ricciuti v. New York City Transit Authority, 941 F.2d 119, 123 (2d Cir. 1991)