

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

MEGHANN R. MILLER,

Plaintiff,

v.

RANDY R. MCCALLA, in his individual

and official capacity as Guardian ad Litem,

JULIA C. BATTLE, in her individual capacity,

J. STEPHEN HAZEL, PhD,

in his individual capacity,

JOHNSON COUNTY, KANSAS,

Defendants.

Case No.:

DEMAND FOR JURY TRIAL

**VERIFIED COMPLAINT FOR VIOLATION OF CIVIL RIGHTS UNDER 42 U.S.C. §§
1983, 1985, 1986, THE AMERICANS WITH DISABILITIES ACT, STATE LAW
CLAIMS, AND REQUEST FOR DECLARATORY AND INJUNCTIVE RELIEF**

1. Plaintiff Meghann Miller brings this emergency action under 42 U.S.C. §§ 1983, 1985, and 1986, the Americans with Disabilities Act (ADA), 42 U.S.C. § 12132, and Kansas state law against Defendants Randy McCalla, Julia Battle, J. Stephen Hazel, and Johnson County, Kansas , for violations of her constitutional and statutory rights amid an ongoing crisis in Johnson County District Court (Case No. 17CV03002). On January 29, 2024, Defendants' misconduct—culminating in a rushed in-camera hearing before Judge Keven O'Grady based on Defendant Battle's false report—stripped Plaintiff of custody of her five children (ages 17, 14, 12, 11, 11), with no trial scheduled after the April 1, 2025 cancellation due to her indigence, leaving her in immediate peril of irreparable harm absent federal relief.
2. This case targets Defendants for depriving Plaintiff of her First and Fourteenth Amendment rights, ADA protections, and state law rights through coordinated actions with her ex-husband, Craig Miller. It does not seek a child custody decree but remedies for

constitutional and statutory violations arising from Defendants’ misconduct in the state custody case. Acting in concert, Defendants fabricated allegations of sexual misconduct and alcohol abuse—despite Plaintiff’s negative hair follicle and urinalysis tests on January 29, 2024—conducted unauthorized therapy and evaluations, suppressed exculpatory evidence (including DCF findings), denied Plaintiff access to her children’s health records, retaliated against her protected speech, and failed to provide ADA accommodations, resulting in the wrongful termination of her parenting time since January 29, 2024.

3. Plaintiff also asserts state law claims for fraud, misrepresentation, and intentional infliction of emotional distress (IIED), as Defendants’ deceptive and outrageous conduct—including false reports and retaliation—has caused severe emotional and financial harm.
4. This Court’s intervention is urgent to prevent further irreparable harm, as the state court proceedings before Judge O’Grady have been marred by bad faith, harassment, and procedural unfairness, effectively barring Plaintiff from raising her federal constitutional claims. On January 29, 2024, Judge O’Grady granted McCalla’s emergency custody motion without sworn testimony or a fair hearing, relying on a private review of Defendant Battle’s false report (¶15). He denied Plaintiff’s motions to vacate and compel records without hearings (¶20), canceled her April 22–25, 2025 trial due to unpaid GAL fees of \$13,531.25 despite her indigence and prior promises to apportion costs (¶21), denied eCourt access in violation of the Kansas Open Records Act (¶21), imposed filing restrictions targeting her as a pro se litigant (¶21), refused ADA accommodations for her documented PTSD, ADHD, and Litigation Abuse Syndrome without a hearing (¶21), mocked her reliance on Marsy’s Law and VAWA (Declaration ¶78), and ignored Defendants’ misconduct, including McCalla’s suppression of Plaintiff’s negative tests and DCF findings (¶15–16) and Battle’s 69 unauthorized therapy sessions (¶17). These actions have caused over 14 months of separation from Plaintiff’s children since January 29, 2024, with no meaningful state court remedy, justifying federal relief under the bad faith exception to *Younger v. Harris*, 401 U.S. 37 (1971), as articulated in *Huffman v. Pursue*, 420 U.S. 592, 611 (1975).

5. Plaintiff seeks declaratory and injunctive relief, including a Temporary Restraining Order (TRO), to restore her parenting time, compel the release of records, ensure ADA accommodations, halt Defendants' unauthorized actions, and prevent further violations. She also seeks compensatory and punitive damages for the profound emotional distress, physical harm, and financial losses inflicted by Defendants' conduct.

JURISDICTION AND VENUE

6. This Court has jurisdiction under 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 1343(a)(3) (civil rights) for the §§ 1983, 1985, 1986, and ADA claims. Supplemental jurisdiction over the state law claims (Counts V and X) exists under 28 U.S.C. § 1367, as they arise from the same case or controversy.
7. Venue is proper under 28 U.S.C. § 1391(b)(2), as the events giving rise to this claim occurred in Johnson County, Kansas , within this judicial district.

PARTIES

8. Plaintiff Meghann Miller is a resident of Gardner, Johnson County, Kansas , and the mother of five minor children involved in the custody case (Case No. 17CV03002). Plaintiff has disabilities, including PTSD, ADHD, and Litigation Abuse Syndrome, for which Plaintiff requested accommodations in the state court proceedings.
9. Defendant Randy McCalla is the court-appointed Guardian ad Litem (GAL) in the custody case, acting in his individual and official capacity under color of state law. His office is located in Johnson County, Kansas .
10. Defendant Julia Battle is a Licensed Professional Counselor at Mind Craft Counseling, LLC, in Overland Park, Kansas, acting in her individual capacity. Battle was previously appointed as a therapist for Plaintiff's children but continued unauthorized sessions after her role was terminated.
11. Defendant J. Stephen Hazel is a licensed clinical psychologist in Johnson County, Kansas , acting in his individual capacity. Hazel conducted unauthorized psychological evaluations of Plaintiff at McCalla's direction.

12. Defendant Johnson County, Kansas , is a municipal entity responsible for the operation of the Johnson County District Court and its appointed officials, including the Guardian ad Litem program, within which Defendant Randy McCalla operates under color of state law. Its policies, customs, and practices directly contributed to the constitutional violations alleged herein.

FACTUAL ALLEGATIONS

13. This case arises from Defendants’ misconduct in a custody dispute in Johnson County District Court (Case No. 17CV03002), where Plaintiff has been denied her federal constitutional rights through coordinated actions with her ex-husband, Craig Miller, and the state court’s procedural unfairness (Verified Declaration ¶¶1, 7). Plaintiff seeks not to relitigate custody but to remedy violations of her rights caused by Defendants’ actions (Verified Declaration ¶94).
14. Plaintiff possesses extensive documentation of Craig Miller’s criminal and behavioral history, including court findings, police reports, and forensic interviews alleging sexual misconduct toward their daughter, M.M., as well as a 2017 email from Defendant McCalla acknowledging Miller’s prescription drug use (Verified Declaration ¶¶32–33; Exhibits BB, EE, FF, GG, HH, N). McCalla, the court-appointed Guardian ad Litem (GAL), has consistently ignored this evidence, failing to act on Miller’s abusive conduct toward Plaintiff’s five children (ages 17, 14, 12, 11, 11) (Verified Declaration ¶33; Exhibit CC).
15. On January 29, 2024, Defendant McCalla filed an Emergency Motion to Modify Custody based on a false report by Defendant Battle (the ‘Battle Report’), alleging unsubstantiated sexual misconduct, alcohol abuse, and emotional manipulation by Plaintiff (Verified Declaration ¶¶1, 4; Exhibit A). At a rushed in-camera hearing that day, attended by Plaintiff with counsel Christina E. Gondring, the judge reviewed the report privately, read aloud selected ‘graphic’ accusations—denying Plaintiff access to the full document or an opportunity to respond—and granted the motion without sworn testimony or evidence, ordering immediate suspension of Plaintiff’s parenting time with her five children (Verified Declaration ¶¶2–4, 48; Exhibit P). The order, formalized by Judge Keven O’Grady on February 21, 2024, took effect January 29, removing the children from Plaintiff’s custody to Miller’s that day (Exhibit P). Plaintiff passed both a court-ordered

hair follicle test and a urinalysis test on January 29, showing only therapeutic levels of prescribed medication and no alcohol or illicit substances, yet her objections to the report's use and Defendant Hazel's access to it were disregarded (Verified Declaration ¶¶2c–d; Exhibits B, LL, MM).

16. DCF social worker Michelle Merritt interviewed Plaintiff's children and, on June 5, 2024, found no evidence of abuse by Plaintiff, noting their responses seemed "prodded" and expressing concern about Mr. Miller's influence (Verified Declaration ¶¶29; Exhibit C). McCalla, informed of these findings before the January 29, 2024, hearing, suppressed this exculpatory evidence—along with Plaintiff's negative tests—and communicated with DCF supervisors from May to October 2024, delaying closure (Verified Declaration ¶¶29–30; Exhibit R). On January 22, 2025, DCF General Counsel Marc Altenbernt confirmed the allegations were unsubstantiated, citing an "unintentional oversight," but on January 23, 2025, a new DCF report—alleging emotional abuse from Plaintiff's social media—was filed, leading to a retaliatory substantiation on March 18, 2025, without notice or hearing (Verified Declaration ¶¶31, 41; Exhibits E, Y). Plaintiff challenges this in a separate federal lawsuit (Case No. 2:25-cv-02145-KHV-TJJ; Verified Declaration ¶42; Exhibits JJJ, KKK).
17. From 2023 to 2025, Defendant Battle conducted 69 unauthorized therapy sessions with Plaintiff's children, excluding Plaintiff while including Miller and his wife, violating a February 13, 2023, court order requiring joint parental involvement (Verified Declaration ¶¶17, 45–46; Exhibit T). After a July 22, 2024, order appointed Dan Livingston as the sole therapist, Battle continued 23 unauthorized sessions through December 2, 2024, billing \$3,230, including charges to Plaintiff's MasterCard (ending 3978) without consent (Verified Declaration ¶¶48, 51; Exhibit K). Her invoices show coordination with McCalla, including lawyer communications on January 3 and 15, 2024—prior to the false Battle Report used in the January 29 motion—and a \$510 charge on June 11, 2024, tied to McCalla's request for an updated report (Verified Declaration ¶53; Exhibit EEE).
18. Defendant Hazel conducted an unauthorized psychological evaluation of Plaintiff on March 18, 2024, at McCalla's direction via email, falsely implying court approval despite no order (Verified Declaration ¶18; Exhibits G, H). Plaintiff attended under distress

following the January 29 removal, and Hazel deemed the results inconclusive but issued a report—without Plaintiff’s consent or review—used against her in custody proceedings (Verified Declaration ¶¶19–20; Exhibit S-2). Plaintiff filed a Motion to Exclude this evaluation on October 3, 2024, and a BSRB complaint against Hazel, citing due process and ethical violations (Verified Declaration ¶¶21–22; Exhibits O, Z).

19. McCalla retaliated against Plaintiff’s protected speech by pressuring therapists to delay reunification based on her social media activity, filing a motion on June 9, 2024, to enforce prior court orders and restrict her posts—misrepresenting her private online activity as broadly public—and influencing a retaliatory DCF report filed January 23, 2025 (Verified Declaration ¶¶34–35, 41; Exhibit FFF, Y). His wife’s subscription to Plaintiff’s business mailing list on August 8, 2021, suggests ongoing monitoring (Verified Declaration ¶38; Exhibit W).
20. Plaintiff sought relief in state court, filing motions on July 9–10, 2024, to vacate the January 29, 2024, custody order and remove McCalla as GAL, both denied without hearings by August 5, 2024 (Verified Declaration ¶¶13–15; Exhibits ZZ, AAA, BBB). Her requests for records via subpoena, Motion to Compel, HIPAA demands, and a renewed request on February 20, 2025, were refused by McCalla and Battle (Verified Declaration ¶¶24, 32; Exhibits L, M, NN). Reunification therapy with Livingston began only on December 23, 2024—nearly a year after the January 29 removal—despite Plaintiff’s repeated motions to expedite (Verified Declaration ¶¶56–58; Exhibits WW, XX, YY).
21. The state court exacerbated these violations: On April 1, 2025, it canceled Plaintiff’s April 22–25, 2025, trial due to unpaid GAL fees (\$13,531.25), despite her indigence and a prior promise to apportion fees at trial (Verified Declaration ¶¶68, 70; Exhibits LLL, GGG). It denied eCourt access from November 5, 2024, to April 1, 2025, violating the Kansas Open Records Act, and imposed filing restrictions on April 4, 2025, targeting Plaintiff as a pro se litigant (Verified Declaration ¶¶65, 74; Exhibits MMM, III). Plaintiff’s ADA accommodation requests for PTSD, ADHD, and Litigation Abuse Syndrome, filed September 26, 2024, were denied without hearing (Verified Declaration ¶¶32, 72c; Exhibits X, HHH).

22. As of April 7, 2025, Plaintiff has been separated from her five children (ages 17, 14, 12, 11, 11) since January 29, 2024—over 14 months—limited to two \$180 weekly reunification sessions—one with her son (12), one alternating between her twins (11)—with no contact with her older children (17, 14), straining their once-close bond (Verified Declaration ¶90). She has suffered severe emotional distress (PTSD, Litigation Abuse Syndrome), physical harm (staph infections, vision loss), and financial loss (\$16,545.63 in direct costs, plus home sale and terminated child support) due to Defendants’ actions and Johnson County’s policies of economic discrimination and procedural unfairness (Verified Declaration ¶¶75–77, 85, 88, 96; Exhibits GGG, MMM, III).

LEGAL CLAIMS

Count I: Deprivation of Procedural and Substantive Due Process Under 42 U.S.C. § 1983 (Fourteenth Amendment – All Defendants)

1. Plaintiff incorporates all prior paragraphs of the Declaration as though fully stated herein.
2. Defendants Randy McCalla, Julia Battle, and J. Stephen Hazel and Johnson County, Kansas , acting under color of state law, deprived Plaintiff of her procedural and substantive due process rights under the Fourteenth Amendment by removing her children without fair process and abusing their authority in a manner that shocks the conscience.
3. Procedural Due Process Violations:
 - a. McCalla filed an Emergency Motion to Modify Custody on January 29, 2024 (¶1-2, Exhibit A), granted without notice, evidence, or hearing, stripping Plaintiff of her five children (¶2). He suppressed exculpatory DCF findings from June 5, 2024 (¶29-30), and influenced a retaliatory substantiation on March 18, 2025 (¶42).
 - b. Battle issued a false report on January 29, 2024 (¶2, ¶11), and conducted 69 unauthorized sessions (¶46), delaying reunification, including Livingston’s cancellation on December 30, 2024 (¶62).
 - c. Hazel performed an unauthorized evaluation on March 18, 2024 (¶18-20),

misrepresenting Plaintiff as unfit (§20).

4. Substantive Due Process Violations: Defendants' actions—fabricating allegations (§2, §11), suppressing Miller's abuse history (§33), and imposing a pay-to-parent system via GAL fees (§73)—constitute an abuse of power enabled by Johnson County's unchecked GAL policies (§7), shocking the conscience under *County of Sacramento v. Lewis*, 523 U.S. 833, 846 (1998).
5. Legal Basis: This violates procedural due process by denying notice and hearing (*Zinerman v. Burch*, 494 U.S. 113, 125 (1990)) and substantive due process by undermining familial integrity (*Moore v. Guthrie*, 438 F.3d 1036, 1039 (10th Cir. 2006); *West v. Atkins*, 487 U.S. 42, 48 (1988)).
6. Resulting Harm: Plaintiff suffered a 14-month separation from her children (§90), financial loss of \$16,545.63 (§80), ongoing severe emotional distress (§85), reputational harm, and job loss (§87), directly caused by Defendants' misconduct.
7. Plaintiff seeks compensatory damages, declaratory relief, and injunctive relief to halt these ongoing constitutional violations.

COUNT II: Violation of First Amendment – Parental Association and Retaliation

1. Plaintiff incorporates all prior paragraphs of the Declaration as though fully stated herein.
2. Parental Association Violations:
 - a. Defendants caused a 14-month separation (§90) through Battle's false January 29, 2024 report (§2, §11), 69 unauthorized sessions excluding Plaintiff (§46),
 - b. Hazel's unauthorized March 18, 2024 evaluation (§18-20), and
 - c. McCalla's suppression of Craig Miller's abuse history (§33-34), obstructing Plaintiff's fundamental right to parent.
3. Retaliation for Protected Speech:
 - a. McCalla monitored Plaintiff's social media (§35), filed a retaliatory motion on June 9, 2024 (§36, Exhibit FFF), influenced a January 23, 2025 DCF report substantiated March 18, 2025 (§42), and delayed therapy via Livingston's cancellation on December 30, 2024 (§62), punishing Plaintiff's advocacy about family court corruption (§37).
4. Legal Basis: This violates Plaintiff's right to familial association (*Troxel v. Granville*, 530

U.S. 57, 66 (2000)) and free speech, as her advocacy is protected under *Ward v. Anderson*, 494 F.3d 929, 935 (10th Cir. 2007), despite Johnson County’s oversight failure (§7).

5. Resulting Harm: Plaintiff endured 14 months of separation (§90), financial hardship (§80), and ongoing emotional distress (§85), worsened by chilled speech and obstructed reunification.
6. Plaintiff seeks declaratory relief, injunctive relief to restore parenting time, and damages for these violations.

Count III: Conspiracy to Interfere with Civil Rights Under 42 U.S.C. § 1985(3)

Against Defendants Randy McCalla, Julia Battle, and J. Stephen Hazel

1. Plaintiff incorporates all prior paragraphs of the Declaration as though fully stated herein
2. Defendants Randy McCalla, Julia Battle, and J. Stephen Hazel knowingly conspired to deprive Plaintiff of her civil rights—equal protection, procedural due process, and familial association—through coordinated actions in Johnson County District Court (Case No. 17CV03002), manipulating custody proceedings against her.
3. Acts in Furtherance of the Conspiracy:
 - a. Battle submitted a false report on January 29, 2024 (§2), alleging sexual misconduct and emotional manipulation, and conducted 69 unauthorized therapy sessions from 2023-2025 (§46), excluding Plaintiff while including Craig Miller, to bias the court.
 - b. Hazel, directed by McCalla, performed an unauthorized evaluation on March 18, 2024 (§18), omitting Miller’s anger issues (§27a). McCalla suppressed Miller’s abuse history (§33), delayed DCF closure from May-October 2024 (§30), and filed a retaliatory motion on June 9, 2024 (§36), enabled by Johnson County’s unchecked GAL policies (§7).
4. Motivating Animus:
 - a. This conspiracy was driven by gender-based animus, evidenced by McCalla’s pattern of targeting mothers, including Plaintiff and three others in 2023-2024 (§33a), while shielding fathers like Miller despite documented misconduct (§33, Exhibits BB, EE). This satisfies § 1985(3)’s class-based animus requirement

(*Tilton v. Richardson*, 6 F.3d 683, 686 (10th Cir. 1993)).

5. Coordination:

- a. Defendants' shared objective is shown by Battle's billing records and lawyer communications (§56), Hazel's email-directed evaluation at McCalla's direction (§18, Exhibit G), and McCalla's filings (§36, Exhibit FFF), reflecting a deliberate plan (*Dennis v. Sparks*, 449 U.S. 24, 27 (1980)).

6. Resulting Harm: Plaintiff suffered over 14 months of separation from her children (§90), financial loss of \$16,545.63 (§80), severe emotional distress (§85), and reputational harm, directly caused by this conspiracy. Plaintiff seeks declaratory relief, injunctive relief, and compensatory and punitive damages for these violations under § 1985(3).

COUNT IV: Violation of Parental Rights (Fourteenth Amendment)

Against Defendants Randy McCalla, Julia Battle, and J. Stephen Hazel

1. Plaintiff incorporates all prior paragraphs of the Declaration as though fully stated herein.
2. Defendants RANDY MCCALLA, JULIA BATTLE, and J. Stephen HazeL violated Plaintiff's fundamental parental rights under the Fourteenth Amendment through a coordinated campaign of misconduct.
3. Acts of Violation:
 - a. McCalla and Battle fabricated allegations via an Emergency Motion on January 29, 2024 (§1-2), granted without hearing (§13), and suppressed DCF's exonerating findings (§29-30).
 - b. Battle excluded Plaintiff from 69 therapy sessions (§46-47), violating court orders (§17).
 - c. Hazel conducted an unauthorized evaluation on March 18, 2024 (§18), ignoring Miller's anger issues (§27a).
 - d. All Defendants blocked access to records (§24) and Miller's abuse history (§33-34), excluding Plaintiff from parenting decisions (§79).
4. Legal Basis: This deliberate abuse of authority shocks the conscience (*County of Sacramento v. Lewis*, 523 U.S. 833, 846 (1998)) and infringes Plaintiff's right to direct her children's upbringing (*Troxel v. Granville*, 530 U.S. 57, 66 (2000)), worsened by Johnson County's fee policy (§73).

5. Resulting Harm: Plaintiff lost 14 months with her children (§90), suffered financial harm (§80), and endures ongoing emotional distress (§85) due to this deprivation.
6. Plaintiff seeks declaratory and injunctive relief to restore her parental rights and compensatory damages.

COUNT V: Fraud and Misrepresentation (Kansas Law)

Against Defendants Randy McCalla, Julia Battle, and J. Stephen Hazel

1. Plaintiff incorporates all prior paragraphs of the Declaration as though fully stated herein.
2. Defendants Randy McCalla, Julia Battle, and J. Stephen Hazel knowingly made false statements to Johnson County District Court to deceive and manipulate custody proceedings.
3. False Statements:
 - a. Battle falsely claimed in her January 29, 2024 report (§2, §11) that Plaintiff engaged in sexual misconduct and alcohol abuse, unsupported by evidence (§29).
 - b. Hazel misrepresented his March 18, 2024 evaluation as court-authorized (§21), lacking any order (§18).
 - c. McCalla relied on these, suppressed Miller's abuse history (§33, §27a), and delayed DCF findings (§30), enabled by Johnson County's lax oversight (§7).
4. Intent and Reliance: Defendants intended these misrepresentations to mislead the court, which relied on them to remove Plaintiff's children (§2), satisfying Kansas fraud elements (*Hall v. Kan. Farm Bureau*, 274 Kan. 263, 276 (2002)).
5. Resulting Harm: Plaintiff lost 14 months of parenting time (§90), incurred \$16,545.63 in financial damages (§80), and suffers ongoing distress (§85) from this fraud.
6. Plaintiff seeks compensatory damages and injunctive relief to correct these misrepresentations.

COUNT VI: Violation of Due Process – Denial of Health Records (Fourteenth Amendment)

Against Defendants Randy McCalla, Julia Battle, and J. Stephen Hazel

1. Plaintiff incorporates all prior paragraphs of the Declaration as though fully stated herein.
2. Defendants: Randy McCalla and Julia Battle acting under color of state law, violated Plaintiff's Fourteenth Amendment due process rights by denying access to her children's

health records, essential to her parental role and legal defense.

3. Acts of Denial:
 - a. Plaintiff's repeated efforts—subpoenas (§24, Exhibit L), motions (§24, Exhibit M), and HIPAA requests (§24, Exhibit NN)—were blocked by McCalla's refusal to release billing records (§24) and Battle's denial via counsel (§24), despite court orders requiring transparency (§17, Exhibit T).
4. Legal Basis: This obstructs Plaintiff's liberty interest in her children's care (*Troxel v. Granville*, 530 U.S. 57, 66 (2000)) and procedural due process (*West v. Atkins*, 487 U.S. 42, 48 (1988)), exacerbated by Johnson County's failure to enforce access (§68).
5. Resulting Harm: Plaintiff endured a 14-month separation (§90), inability to rebut false claims (§24), and ongoing distress (§85), compounded by denied care participation (§79).
6. Plaintiff seeks declaratory relief, injunctive relief to compel record release, and damages.
7. Since April 2024, Plaintiff has received no medical, educational, or psychological updates about her children. Craig Miller (the children's father) ceased communication at that time, and McCalla and Battle took no action to ensure Plaintiff remained informed—despite their legal duties as GAL and therapist to protect the parent-child relationship and facilitate lawful access to information (Declaration §§28, §75; supplemental affidavit forthcoming).
8. Johnson County's failure to enforce record access (§68) enabled this violation, per requests from April 15, 2024, to April 2025 (§24, §28).
9. These due process violations are not only unconstitutional but also intertwined with the broader pattern of retaliation and obstruction described in Counts II through V, compounding Plaintiff's injury and warranting declaratory and injunctive relief."

COUNT VII: Failure to Prevent Civil Rights Violations (42 U.S.C. § 1986)

Against Defendants Randy McCalla, Julia Battle, and J. Stephen Hazel

1. Plaintiff incorporates all prior paragraphs of the Declaration as though fully stated herein.
2. Defendants Randy McCalla, Julia Battle, and J. Stephen Hazel had knowledge of the § 1985(3) conspiracy (Count III) and failed to prevent it, despite their duty and ability to act.
3. Knowledge and Inaction:

- a. McCalla knew of Miller’s abuse (§§33-34), Hazel’s findings (§27a), and Battle’s false report (§2), yet suppressed them (§30) despite Plaintiff’s complaints (§26).
 - b. Battle knew of McCalla’s bias (§33a) and continued 69 sessions (§46), obstructing records (§24).
 - c. Hazel knew his evaluation was misused (§20-21) but did not intervene, enabled by Johnson County’s lack of oversight (§7).
4. Legal Basis: Their failure to act, despite power to correct the record, violates § 1986 (*Foote v. Spiegel*, 118 F.3d 1416, 1423 (10th Cir. 1997)), linked to the § 1985(3) conspiracy.
5. Resulting Harm: Plaintiff suffered 14 months of separation (§90), financial loss (§80), and ongoing distress (§85) due to this inaction.
6. Plaintiff seeks damages and injunctive relief for these failures.

COUNT VIII: Intentional Infliction of Emotional Distress (Kansas Law)

Against Defendants Randy McCalla, Julia Battle, and J. Stephen Hazel

1. Plaintiff incorporates all prior paragraphs of the Declaration as though fully stated herein.
2. Defendants Randy McCalla, Julia Battle, and J. Stephen Hazel intentionally engaged in extreme and outrageous conduct, causing Plaintiff severe emotional distress.
3. Outrageous Conduct:
 - a. Battle and McCalla fabricated allegations (§2, §11, Exhibit A),
 - b. Hazel conducted an unauthorized evaluation (§18-21), and
 - c. McCalla suppressed Mr. Miller’s issues (§27a, §33) and filed a retaliatory DCF report (§42), prolonged by Johnson County’s fee policy (§73).
4. Legal Basis: This conduct, beyond what a reasonable person should endure, meets Kansas IIED elements—intent, outrageousness, causation, and severe distress (*Roberts v. Saylor*, 230 Kan. 289, 291 (1981)).
5. Resulting Harm: Plaintiff lost her home (§87), suffered ongoing PTSD and Litigation Abuse Syndrome (§85), and endures physical harm (§88) from this misconduct.
6. Plaintiff seeks compensatory and punitive damages and injunctive relief to prevent further harm.

COUNT IX: Defamation (Kansas Law)

Against Defendants Randy McCalla, Julia Battle, and J. Stephen Hazel

1. Plaintiff incorporates all prior paragraphs of the Declaration as though fully stated herein.
2. Defendants Randy McCalla, Julia Battle, and J. Stephen Hazel published false and defamatory statements to damage Plaintiff's reputation and parental rights.
3. Defamatory Statements:
 - a. Battle's January 29, 2024 report (§2, §11, Exhibit A) falsely alleged sexual misconduct and abuse.
 - b. McCalla repeated these in filings (§30, §42), suppressing DCF findings (§29) and Miller's history (§33).
 - c. Hazel's March 18, 2024 evaluation (§18-21) implied unfitness, published to the court and DCF.
4. Publication and Intent: These statements, knowingly false, were shared with the court and third parties (§2, §24), intending harm, meeting Kansas defamation elements (*Hall v. Kan. Farm Bureau*, 274 Kan. 263, 276 (2002)).
5. Resulting Harm: Plaintiff suffered reputational injury, 14-month separation (§90), financial loss (§80), and ongoing distress (§85), constituting defamation per se.
6. Plaintiff seeks compensatory and punitive damages and declaratory relief.

COUNT X: Violation of Equal Protection (Fourteenth Amendment)

Against Defendants Randy McCalla, Julia Battle, and J. Stephen Hazel

1. Plaintiff incorporates all prior paragraphs of the Declaration as though fully stated herein.
2. Defendants Randy McCalla, Julia Battle, and J. Stephen Hazel violated Plaintiff's Fourteenth Amendment equal protection rights by treating her differently based on gender and pro se status, without rational basis.
3. Differential Treatment:
 - a. McCalla ignored Miller's abuse (§33-34, §12-13) while targeting Plaintiff with false allegations (§2, §11) and animus against mothers (§33a).
 - b. Battle excluded Plaintiff from sessions (§46), and
 - c. Hazel downplayed Miller's issues (§27a, §18). Johnson County imposed filing restrictions (§77) and fees (§73) only on Plaintiff.

4. Legal Basis: This gender-based and pro se discrimination lacks legitimate purpose (*City of Cleburne v. Cleburne Living Center*, 473 U.S. 432, 439 (1985)), violating equal protection.
5. Resulting Harm: Plaintiff lost 14 months with her children (§90), incurred financial harm (§80), and suffers ongoing distress (§85) from this bias.
6. Plaintiff seeks declaratory relief, injunctive relief, and damages for these violations.

COUNT XI: Violation of the Americans with Disabilities Act – 42 U.S.C. § 12132 (Title II & Title III)

Against Defendants Randy McCalla (Official Capacity) and J. Stephen Hazel (Individual Capacity)

1. Plaintiff incorporates all prior paragraphs of the Declaration as though fully stated herein.
2. Plaintiff, a qualified individual with disabilities—PTSD, ADHD, and Litigation Abuse Syndrome (§85)—was denied reasonable accommodations by Defendants RANDY MCCALLA and J. Stephen Hazel under Titles II and III of the ADA, impairing her access to judicial proceedings and parental rights.
3. Disability and Notice: Plaintiff’s documented conditions (§85, Exhibits JJ, KK) substantially limit concentration, communication, and participation in legal proceedings, notified to McCalla via her September 26, 2024 request (§69a) and to Hazel via his 2023 court-ordered evaluation (§18), which she read in court but could not copy or note (§27a).
4. Title II Violation by McCalla:
 - a. As GAL, McCalla failed to advocate for accommodations—e.g., recording proceedings or extended time—during the January 7, 2025 pretrial hearing (§67) and after Plaintiff’s September 26, 2024 request (§69a), denied without hearing (§73).
 - b. This deliberate indifference under Title II (*Tennessee v. Lane*, 541 U.S. 509, 533–34 (2004)) excluded Plaintiff from fair participation.
5. Title III Violation by Hazel:
 - a. Hazel, a private psychologist providing court-ordered services in 2023 (§18), knew of Plaintiff’s disabilities from her evaluation (§85) but failed to recommend accommodations or ensure access to his report, which Plaintiff read in court

without notes (§27a).

- b. His subsequent unauthorized March 18, 2024 evaluation (§18-21) misused her conditions to justify restrictions, violating Title III as a public accommodation (*PGA Tour, Inc. v. Martin*, 532 U.S. 661, 676 (2001)).
6. Resulting Harm: Defendants' actions caused 14 months of separation (§90), procedural disadvantage (§68), financial loss (§80), and ongoing distress (§85), worsened by denied access to justice and parental roles.
7. Plaintiff seeks declaratory relief, injunctive relief for ADA compliance in future proceedings, and compensatory damages against McCalla and Hazel.

COUNT XII: Younger Abstention Does Not Apply

Plaintiff incorporates all prior paragraphs of the Declaration as though fully stated herein.

1. This Court should not abstain under *Younger v. Harris*, 401 U.S. 37 (1971), due to bad faith, harassment, and irreparable harm in the state custody case (Case No. 17CV03002).
2. Bad Faith and Harassment:
 - a. Judge O'Grady granted McCalla's Emergency Motion to Modify Custody on January 29, 2024, without an evidentiary hearing, relying on a confidential report Plaintiff could not review or rebut (§14), and denied Plaintiff's motions to vacate and compel without hearings (§15, 28), violating her due process rights.
 - b. McCalla suppressed DCF's unsubstantiated findings (§15), ignored Craig Miller's abuse history (§13), retaliated against Plaintiff's protected speech through a DCF report and motion (§25), and violated ethical duties (§29), with Judge O'Grady failing to address this misconduct despite Plaintiff's motions (§15, 28).
 - c. Battle and Hazel conducted unauthorized therapy and evaluations (§19, 21), with Hazel's evaluation lacking any court order (Exhibit G), and Judge O'Grady failed to exclude these reports despite Plaintiff's motions (§23).
 - d. Judge O'Grady canceled Plaintiff's trial scheduled for April 22-25, 2025, due to unpaid GAL fees, despite Plaintiff's indigence and the court's prior promise to apportion fees at trial (§31a), denied eCourt access in violation of the Kansas Open Records Act (§31b), imposed filing restrictions targeting Plaintiff as a pro se litigant (§31c), refused ADA accommodations without a hearing (§32), and mocked

Plaintiff's use of Marsy's Law and VAWA (Declaration ¶78), effectively barring her from raising her federal claims in state court.

- e. At the January 7, 2025, pretrial hearing, Judge O'Grady barely reviewed Plaintiff's motions, including those on GAL fees and ADA accommodations, did not issue clear rulings, and denied her request for an earlier trial date, despite her 14-month separation from her children (¶31e), further exacerbated by the denial of her ADA request to record proceedings.
 - f. McCalla and Battle obstructed Plaintiff's access to records (¶28), and Judge O'Grady failed to compel production despite Plaintiff's motions (¶28), denying her evidence critical to her defense.
 - g. These actions by Judge O'Grady and Defendants constitute a pattern of bad faith, harassment, and procedural unfairness, justifying federal intervention under *Huffman v. Pursue*, 420 U.S. 592, 611 (1975). The state court's actions have caused irreparable harm, including over 14 months of separation from Plaintiff's children (¶33), exacerbated by the court's refusal to reinstate her trial (¶31a) and failure to accommodate her disabilities (¶32), which impair her ability to participate in proceedings.
3. Plaintiff seeks a TRO today, April 7, 2025, enjoining unauthorized actions, releasing records, and restoring parenting time (¶99), plus further relief.

Count XIII: Violation of Due Process and Equal Protection by Johnson County (42 U.S.C. § 1983)

Against Defendant Johnson County, Kansas

1. Plaintiff incorporates all prior paragraphs of the Declaration as though fully stated herein.
2. Defendant Johnson County, Kansas, through its policies and customs, violated Plaintiff's Fourteenth Amendment rights under § 1983.
3. Policies and Customs:
 - a. The county's unchecked GAL authority (¶7), fee demands of \$13,531.25 despite indigence (¶70, ¶73),
 - b. eCourt denial from November 5, 2024, to April 1, 2025 (¶68), and
 - c. filing restrictions on April 4, 2025 (¶77) targeted Plaintiff as a pro se litigant,

lacking rational basis.

4. Legal Basis: These policies were the moving force behind constitutional violations (*Monell v. Dep't of Soc. Servs.*, 436 U.S. 658, 694 (1978), denying due process and equal protection.
5. Resulting Harm: Plaintiff suffered 14 months of separation (§90), \$16,545.63 in losses (§80), and ongoing distress (§85) from these practices.
6. Plaintiff seeks declaratory relief, injunctive relief, and damages against Johnson County.

DAMAGES AND RELIEF REQUESTED

WHEREFORE, Plaintiff Meghann R. Miller respectfully requests that this Court enter judgment in her favor and grant the following relief:

I. Declaratory Relief – Pursuant to 28 U.S.C. § 2201

1. A declaration that Defendants violated Plaintiff's rights under the First and Fourteenth Amendments, including procedural and substantive due process, equal protection, familial association, and free speech, as detailed in Counts I–IV, X, XIII.
2. A declaration that Defendants McCalla and Hazel violated Plaintiff's rights under the Americans with Disabilities Act, 42 U.S.C. § 12132, Titles II and III, per Count XI.
3. A declaration that:
 - a. McCalla's reliance on Battle's false January 29, 2024 report (§2, Exhibit A),
 - b. His suppression of Craig Miller's abuse history (§33-34, Exhibits BB, EE),
 - c. And his influence on the retaliatory March 18, 2025 DCF substantiation (§42, Exhibit Y) violated Plaintiff's constitutional rights (Counts I, III, V).
 - d. A declaration that McCalla and Battle's refusal to release medical and therapeutic records (§24, Exhibits L, NN) violated Plaintiff's due process rights (Count VI) and statutory rights under K.S.A. § 38-2212.
 - e. A declaration that Johnson County's actions—canceling Plaintiff's April 22-25, 2025 trial over \$13,531.25 in GAL fees (§73, Exhibit GGG), denying eCourt access (§68, Exhibit MMM), imposing filing restrictions (§77, Exhibit III), and rejecting ADA accommodations (§69a, §67)—violated Plaintiff's constitutional rights (Count XIII).

- f. A declaration that the March 18, 2025 DCF substantiation, based solely on Plaintiff's protected social media advocacy (§42, Exhibit Y), violated her First Amendment rights (Count II).
- g. A declaration that McCalla and Battle's misconduct—false statements (§2, §11), omissions (§29-30), and retaliation (§36)—violated Kansas Supreme Court Rule 110A and KRPC Rules 1.4 and 3.3 (§27).

II. Injunctive Relief

1. Plaintiff requests an immediate ex parte Temporary Restraining Order (TRO), followed by preliminary and permanent injunctive relief:
2. Immediate TRO: Issue a TRO today, April 7, 2025, without notice to Defendants, to prevent irreparable harm (§99), including:
 - a. Enjoining Defendants from conducting unauthorized therapy or evaluations, retaliating against Plaintiff's speech, or influencing DCF reports;
 - b. Ordering immediate release of all GAL and therapy records withheld since August 26, 2023 (§24, Exhibit S-2);
 - c. Restoring Plaintiff's parenting time with all five children pending a hearing, given over 14 months of separation (§90);
 - d. Prohibiting use of Hazel's March 18, 2024 evaluation (§18, Exhibit S-2), Battle's January 29, 2024 report (§2, Exhibit A), and the March 18, 2025 DCF substantiation (§42, Exhibit Y) in custody proceedings.
3. Permanent Relief:
 - a. Order the removal of Defendants McCalla and Battle from Case No. 17CV03002 (§65, §46).
 - b. Compel release of all GAL, therapy, and billing records, especially August 26, 2023, to February 27, 2024 (§24, Exhibit S-2).
 - c. Enjoin use of Hazel's unauthorized evaluation (§18, Exhibit S-2), Battle's report (§2, Exhibit A), and the March 18, 2025 DCF substantiation (§42, Exhibit Y) in any proceedings.
 - d. Order reinstatement of Plaintiff's April 22-25, 2025 custody trial with income-based GAL fee apportionment (§73, Exhibit LLL).

- e. Require ADA compliance, including accommodations for PTSD, ADHD, and Litigation Abuse Syndrome (§85, §69a, Exhibit JJ), in all future proceedings.
- f. Restore Plaintiff’s full parental rights—legal, medical, educational, and custodial authority (§79, §90).
- g. Remove Plaintiff from the Kansas Abuse Registry and enjoin use of the March 18, 2025 DCF substantiation (§42, Exhibit Y).

III. Monetary Damages

A. Compensatory Damages: In an amount not less than \$20,000,000, including:

- 1. \$16,545.63 in documented financial losses (§80):
 - a. \$2,100 for psychological evaluations (§80a, Exhibit S-2),
 - b. \$5,580 for reunification therapy with Dan Livingston (§64, Exhibit NNN),
 - c. \$8,365.63 in payments to Julia Battle (§80c, Exhibit K),
 - d. \$500 in GAL fees (§80d).
- 2. Loss of Plaintiff’s home, including forfeited equity and expenses from forced sale to cover legal costs (§82, §87).
- 3. Emotional distress from over 14 months of separation (§90), tearing apart a once-close bond of “snuggling in bed and laughing together” (§95), causing PTSD and Litigation Abuse Syndrome (§85, Exhibits JJ, KK).
- 4. Loss of familial association, denying decision-making and access to her children’s lives (§79, §90).
- 5. Mental anguish and physical harm—vision loss, staph infections, hair loss—from litigation trauma (§88, Exhibit MM).

B. Punitive Damages: In the amount of \$30,000,000, for Defendants’ willful and malicious acts:

- 1. Fabricating abuse allegations (§2, §11, Exhibit A),
- 2. Conducting unauthorized evaluations (§18, Exhibit G),
- 3. Retaliating against Plaintiff’s speech (§36, §42, Exhibit FFF),
- 4. Suppressing exculpatory evidence (§29-30, §33, Exhibit C).

C. Nominal Damages: In the amount of \$1, if the Court finds a constitutional violation without measurable compensatory damages.

IV. Interest

1. Prejudgment interest on all compensatory damages from January 29, 2024 (¶2, Exhibit A), when parenting time was terminated.
2. Post-judgment interest on all monetary awards per 28 U.S.C. § 1961.

V. Other Equitable Relief

An equitable accounting of McCalla's billing practices and financial records from August 26, 2023, to February 27, 2024 (¶24, Exhibit S-2), to uncover withheld evidence.

VI. Attorney's Fees and Costs

An award of reasonable attorney's fees, costs, and expenses under 42 U.S.C. § 1988 (for §§ 1983, 1985, 1986 violations) and 42 U.S.C. § 12205 (for ADA violations), despite Plaintiff's pro se status, as permitted for prevailing parties.

VII. Additional Relief

Such other relief as the Court deems just and proper to fully redress the harms alleged, restoring Plaintiff's family and dignity after 14 months of unjust separation (¶90).

DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff demands a trial by jury on all issues so triable.

VERIFICATION

I, Meghann R. Miller, declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Executed on: April 7, 2025

Meghann R. Miller
15783 S. Gardner Place
Gardner, KS 66030
816-977-8328
meg@standwithmeg.com
Plaintiff, Pro Se