

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Case No. 1:23-cv-01971

LOGAN RUTHS,

Plaintiff,

v.

WOODLAND PARK SCHOOL DISTRICT RE-2;  
WOODLAND PARK BOARD OF EDUCATION; and  
SUPERINTENDENT KEN WITT, in his individual and official  
capacities,

Defendants.

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**COMPLAINT AND JURY DEMAND**

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Plaintiff Logan Ruths (“Mr. Ruths”), by and through counsel, alleges as follows:

1. Plaintiff Logan Ruths is a long-time resident of Woodland Park, Colorado, and has been a vocal critic of some of the policies and practices of Defendants the Woodland Park School District Re-2, Woodland Park Board of Education, and Woodland Park Superintendent Ken Witt.

2. While attending a public meeting of the Woodland Park Board of Education on June 14, 2023, Mr. Ruths made a brief joke during a pause in the public comment session as a speaker handed out papers to the Board. The joke expressed Mr. Ruths’ disagreement with the speaker’s statements, which Mr. Ruths perceived to contain harmful anti-LGBTQ+ rhetoric.

3. The next day, Brad Miller, the School District’s attorney, whom people in the community have referred to as the “sixth School Board member” because of his apparent

influence on the Board and his role in decision making, emailed Mr. Ruths a letter stating that Mr. Ruths was banished from all Woodland Park School District property and events for an entire year. The letter stated that a violation of its terms could subject Mr. Ruths to criminal prosecution.

4. The banishment order is an unreasonable restriction and an unlawful prior restraint on Mr. Ruths' rights to freedom of expression. It is also a thinly veiled retaliation against Mr. Ruths because of his criticism of the School District, Mr. Witt, and Mr. Miller on matters of public concern.

5. Mr. Ruths respectfully seeks to lift the banishment order and hold Defendants accountable for their unconstitutional actions so that he may resume the exercise of his rights and forestall any chilling effect on the free expression of other concerned members of the Woodland Park community.

### **PARTIES**

6. Mr. Ruths is a resident of Woodland Park, Colorado. He grew up attending Woodland Park public schools. From 2021 until March 2023, he also worked for the Woodland Park School District in information technology and records.

7. Defendant Woodland Park School District ("WPSD" or the "District") is a school district organized under Art. IX, §§ 2 and 15 of the Colorado Constitution and Title 22, Article 32 of the Colorado Revised Statutes.

8. Defendant Woodland Park Board of Education (the "Board") consists of five elected directors and is the political subdivision of the State of Colorado that governs WPSD public schools. WPSD policy dictates that decisions about Board policies, Board matters, or on

behalf of the Board that receive majority Board approval represent the Board's "one voice."

Regular Board meetings are open to the public and include time for public comment.

9. Defendant Ken Witt is the Superintendent of WPSD. He resides and is domiciled in the State of Colorado. At all times relevant to this Complaint, Defendant Witt was acting under color of state law and in his capacity as Superintendent of WPSD. As Superintendent, Defendant Witt is authorized, so long as consistent with Board policy, to establish all further policies, make all decisions, take all actions, establish all practices, and develop all activities on behalf of WPSD. Upon information and belief, Mr. Witt was a substantial factor in the unlawful actions alleged herein. Mr. Witt is sued in his official and individual capacities.

### **JURISDICTION AND VENUE**

10. This Court has jurisdiction over Mr. Ruths' federal claims pursuant to 28 U.S.C. §§ 1331 and 1343. His federal claims arise under the laws of the United States, including the Constitution of the United States and 42 U.S.C. § 1983.

11. This Court has supplemental jurisdiction over Plaintiff's closely related state law claims pursuant to 28 U.S.C. § 1367.

12. This Court may exercise jurisdiction over Plaintiff's request for declaratory relief pursuant to 28 U.S.C. § 2201.

13. Venue is proper in the District of Colorado pursuant to 28 U.S.C. § 1391(b). Mr. Ruths and all Defendants reside in the District of Colorado, and the actions and threatened actions all occurred within the District of Colorado.

**FACTUAL ALLEGATIONS**

A. Mr. Ruths' Criticisms of Defendants Over Matters of Public Concern

14. Mr. Ruths grew up in Woodland Park, attended the Woodland Park public schools, graduated from Woodland Park High School in 2015, and worked for WPSD—most recently, as its Network Administrator and Official Records Custodian.

15. In his role as Official Records Custodian, Mr. Ruths was responsible for processing and responding to requests to the District under the Colorado Open Records Act (CORA). Mr. Ruths served in this role from February 2022 until March 2023, during which time he processed and responded to an estimated 390 CORA requests.

16. Mr. Ruths is an Eagle Scout, pledged to the values of honesty, integrity, and accountability.

17. During his tenure as Official Records Custodian, Mr. Ruths grew concerned about District decisions to withhold or redact materials he thought were subject to disclosure under CORA.

18. Over the course of his employment with the District, Mr. Ruths interacted with Superintendent Witt and Mr. Miller, the District's attorney, from time to time.

19. Mr. Ruths raised his concerns about District CORA practices with Mr. Witt and Mr. Miller on multiple occasions.

20. On information and belief, members of the Board and Mr. Witt and Mr. Miller were unhappy that Mr. Ruths believed and voiced that the District was not complying with its CORA obligations.

21. The District terminated Mr. Ruths' employment on March 10, 2023.

22. Both before and since his employment with the District ended, Mr. Ruths has been actively engaged in District matters as a concerned alumnus, community member, and taxpaying resident of Woodland Park.

23. Mr. Ruths has attended public School Board meetings to engage with the District's policies and practices alongside other community members.

24. Mr. Ruths spoke with multiple news outlets before June 2023 about his concerns regarding Defendants' CORA practices and the Board's goals and tactics.

25. Mr. Ruths was named or identified in multiple news articles shining a critical spotlight on Defendants, including publications in statewide and nationwide circulation: Tyler Kingkade, *Trump Was Great at This': How Conservatives Transformed a Colorado School District*, NBC News (May 9, 2023, 6:00 AM), <https://www.nbcnews.com/news/us-news/woodland-park-colorado-school-board-conservatives-rcna83311>; Jenny Brundin, *Gag Orders on Teachers, Cutting Mental Health Support, Operating in the Dark — What's Happening in Woodland Park?*, CPR News (Apr. 20, 2023), <https://www.cpr.org/2023/04/20/woodland-park-school-board/>.

26. On information and belief, Defendants knew that Mr. Ruths was openly vocalizing his criticisms of the District, including to journalists.

B. June 14, 2023 School Board Meeting

27. On June 14, 2023, as was his usual practice, Mr. Ruths attended the regular monthly meeting of the Woodland Park School Board. He was especially interested in the scheduled budget discussion.

28. During public comment at the meeting, a speaker expressed his concerns about members of the community trying to undo the policies of the new Board and re-introducing “gender confusion” and “anti-capitalist education” back into the District.

29. The speaker finished his comment and began distributing some papers to the Board members. During this pause, some attendees applauded and cheered. After the applause subsided, and while the speaker was still distributing his materials, Mr. Ruths cracked a joke from his seat, stating in an even voice, “Where else do you do comedy at? I’d love to come see your show sometime.” The comment can be seen on WPSD’s live-streamed video of the Board meeting at <https://www.youtube.com/watch?v=K1fFRYEiGgI>, at timestamp 16:11. Mr. Ruths is seated in the front row, wearing a baseball cap.

30. Mr. Ruths’ comment lasted all of three seconds.

31. Before Mr. Ruths could finish his comment, the Board president, David Rusterholtz, banged his gavel three times. Holding his hand up to Mr. Ruths, Mr. Rusterholtz reprimanded him, “Hey, no more interruptions.”

32. Mr. Ruths responded that he did not realize that he was interrupting something.

33. Around the same time, Superintendent Witt ushered over the security guard and, pointing to Mr. Ruths, said, “He’s disrupting the meeting.”

34. To this, Mr. Ruths asked, “I’m disrupting? Excuse me?”

35. Perceiving that Superintendent Witt was directing the security guard to escort him out, Mr. Ruths objected, “Oh, no, I’m going to stay and listen, actually. Because this is about the budget.”

36. Mr. Rusterholtz responded, “Go and talk to [the security guard] first and then he’ll decide whether you can come back in.”

37. Again, Mr. Ruths stated, “I’m gonna sit and listen.”

38. Mr. Rusterholtz then threatened Mr. Ruths, “Then we’re going to have to call the police and have you removed.”

39. Believing he had done nothing wrong, Mr. Ruths told him to “go ahead and call the police. I’m gonna sit here and listen.”

40. The security guard then sat down in the open seat next to Mr. Ruths. The two spoke to each other quietly. Mr. Ruths noted to the guard, “You’re disrupting the meeting more than I am now.”

41. While Mr. Ruths and the guard were talking, the next speaker stepped up to the podium. She began her comment but was cut off by Mr. Rusterholtz, who said, “I don’t want you to be interrupted, so let’s just wait just a moment,” pointing to Mr. Ruths.

42. Mr. Ruths understood from the guard’s comments that he would face the threat of arrest if he didn’t leave the meeting.

43. Disturbed by the suggestion, Mr. Ruths responded incredulously, “You’re not going to arrest me; I’m here for a public meeting.” He stated his understanding that as a taxpayer, he was legally allowed to be present for the budget discussion.

44. Mr. Rusterholtz then asked Mr. Ruths to step outside with the guard “so that the meeting doesn’t have to continue to be interrupted,” and Mr. Ruths responded, “I’m not interrupting right now; you guys are the ones interrupting.”

45. Someone else in attendance called out, “He’s a taxpayer.” Mr. Ruths echoed, “I am a taxpayer.”

46. Another Board member, David Illingworth, then suggested to Mr. Rusterholtz that he adjourn the meeting. Mr. Rusterholtz called a recess and, addressing Mr. Ruths, said, “I’m gonna call the police right now.”

47. As several Board members got up from their seats, one of them, Mick Bates, told Mr. Ruths that for the budget process, “There are no comments from you. You’re here to observe.” He told Mr. Ruths he needed to “be quiet and listen.”

48. The remaining Board members got up from their seats.

49. Moments later, the video stream of the meeting cuts to a slide with the name of the District and the words, “We’ll be right back.”

50. During the recess, Mr. Ruths was visibly and openly speaking with a local journalist about his ongoing concerns related to the Board.

51. Also during the recess, attorney Brad Miller had Nate Owen, the president of the teachers’ union, tell Mr. Ruths that if he agreed not to interrupt anymore, Mr. Miller would have the Board resume the meeting. Mr. Ruths told Owen he would “behave himself.”

52. Mr. Ruths left the room with a friend. After talking to his friend, Mr. Ruths decided to stay at the meeting.

53. As Mr. Ruths walked back toward the meeting, he passed Mr. Rusterholtz, Mr. Illingworth, Mr. Miller, and the security guard in the lobby. Mr. Rusterholtz told Mr. Ruths they wouldn’t resume the meeting if he was there.



54. When Mr. Ruths asked why, Mr. Rusterholtz said he had been disruptive multiple times. Mr. Ruths asked when else he had been disruptive, and Mr. Rusterholtz was unable to identify any prior occasion. Mr. Rusterholtz responded, “It doesn’t matter,” and told Mr. Ruths to focus on the “incident” that had occurred during public comment. He threatened Mr. Ruths, warning that he could face multiple criminal charges if he didn’t leave.

55. Mr. Ruths was intimidated and scared. He asked his friend to get his coat and water bottle from the meeting room and left the building. When Mr. Ruths got to his car, he could barely get the keys in the ignition because he was shaking.

C. June 15, 2023 Banishment Letter

56. On June 15, 2023, the day after the Board meeting, Mr. Ruths received an email with an attached letter from attorney Brad Miller. The letter was written on the letterhead of Mr. Miller’s firm. A true and correct copy of the transmittal email and letter from Mr. Miller are attached as Exhibit 1.

57. Superintendent Witt and Aaron Salt (the District’s chief operations officer) were copied on the email.

58. The letter describes itself as a “Notice pursuant to C.R.S. 18-9-109, and Claire Davis Safety Act, C.R.S. 24-10-106.3.” The letter claims to be a “no trespass order” banning Mr. Ruths from any WPSD property or events until July 1, 2024—more than a year later. The letter states that it is “effective immediately.”

59. One intent and effect of the order is to prohibit Mr. Ruths from attending or participating in any Woodland Park School Board meeting during the covered period.

60. The letter also precludes Mr. Ruths from entering school property for any reason—including to watch any school sporting events or school plays, to visit old teachers or friends, or to volunteer at any school events.

61. Upon information and belief, the letter is deliberately vague, failing to state that Mr. Miller is acting on the orders of the District and providing no information regarding what, if any, process resulted in the decision and alleged order.

62. The letter further states that the “Woodland Park School District will take any violation of this order as an intentional effort to disrupt the educational environment and will take necessary actions, including but not limited to reporting the violation of Colorado criminal code pursuant to C.R.S. 18-9-109.” To ensure that its message of intimidation is clear, the letter declares: “To be clear, violation of this notice could subject you to criminal prosecution.”

63. The letter alleges, without any supporting evidence or explanation, that “on multiple occasions [Mr. Ruths has] acted in a manner that was verbally aggressive and, sometimes, physically aggressive towards board members and staff members.” This statement is false.

64. Mr. Ruths has never been physically or verbally aggressive towards Board members or staff members.

65. C.R.S. § 18-9-109(2) states that “No person shall, on the premises of any educational institution or at or in any building or other facility being used by any educational institution, willfully impede the staff or faculty of such institution in the lawful performance of their duties or willfully impede a student of the institution in the lawful pursuit of his educational activities through the use of restraint, abduction, coercion, or intimidation or when force and

violence are present or threatened.” Mr. Ruths has never violated this provision or any other subsection of C.R.S. § 18-9-109.

66. The letter claims that Mr. Ruths’ joke during the June 14, 2023, Board meeting was “determined to be in serious violation of law.”

67. But the letter provides no explanation of who made this “determination,” how Mr. Ruths’ joke during a pause in a Board meeting could be in “serious violation of law,” or even what law was “seriously” violated.

68. The letter also claims that on “at least two prior occasions,” Mr. Ruths “vocally disrupted” Board meetings. The letter provides no description or detail of these purported prior occasions, but it does assert that these prior unnamed occasions “technically w[ere] in violation of law.” Here again, the letter does not explain what law was “technically” violated or how.

69. The letter then goes on to mischaracterize Mr. Ruths’ behavior during the June 14, 2023 Board meeting. Among other things, it states that Mr. Ruths “raised [his] voice to comment directly to the board of education,” even though the video demonstrates that Mr. Ruths never raised his voice and that he only commented to the Board to respond when addressed.

70. The letter claims that Mr. Ruths declined to stop “the interruption” when asked by the Board president, even though Mr. Ruths never did so.

71. Mr. Ruths did not interrupt any Board business; he did not interrupt any speaker, and he did not even interrupt the attendees’ applause. He made a joke that lasted 3 seconds during a pause when no one else was speaking. His comment lasted less time than the applause that preceded it.

72. It was the Board members and Superintendent Witt who interrupted the meeting by escalating the interaction with Mr. Ruths, calling over the security guard, and continuing to question, reprimand, and threaten Mr. Ruths even after he stated his intention was simply to “sit and listen.”

73. The letter claims that “the Board was forced to enter into recess.” This is not true either. Mr. Ruths indicated he simply wanted to sit and listen to the Board meeting. In fact, the next speaker was ready to address the Board when Board members insisted that Mr. Ruths leave even though he was not interrupting anything.

74. The letter then alleges that there was “clear evidence of [Mr. Ruths’] willful intent to disrupt the meeting,” even though there was nothing of the sort.

75. The letter concludes that Mr. Ruths’ cracking a joke at the June 14, 2023 meeting “creates a reasonable apprehension that you [Mr. Ruths] intend to not cooperate with Woodland Park School District’s safety protocols.” The letter supplies no evidence to support this assertion, and there is none.

76. The letter also asserts that Mr. Ruths’ joke “represents a willful choice to interfere with the safety and educational environment for the students/staff at Woodland Park School District.” Again, the letter supplies no evidence to support this assertion, and there is none. Mr. Ruths has never interfered with the safety and educational environment of the students or staff of the District.

77. Mr. Ruths had no intention to disrupt the meeting, be uncooperative with safety protocols, or interfere with the safety and educational environment for WPSD students or staff.

78. The letter states, without explanation or elaboration, that Mr. Ruths' behavior "appears to have violated" two statutes. This is false. The letter supplies no evidence to support this assertion, and there is none.

79. The letter also falsely, and without evidence, suggests that Mr. Ruths' behavior showed "disregard toward student safety." Mr. Ruths' behavior did not show a disregard for student safety in the least. On the contrary, Mr. Ruths' joke was a reaction to what he perceived to be the public commenter's harmful anti-LGBTQ+ rhetoric.

80. On these pretextual and unsupported bases, the letter imposes on Mr. Ruths an immediate "no trespass order" for an entire year, revoking his "privilege" to "enter or attend any District property or hosted event, without prior written permission from the superintendent [Defendant Witt]."

81. The letter sets out no criteria, guidelines, or other guardrails to limit Defendant Witt's discretion over Mr. Ruths' access to WPSD property and events.

82. The letter invites Mr. Ruths to contact Mr. Miller with any questions regarding "the implementation" of the decision.

83. The banishment order invokes and is clothed with the authority of the School District and state law. Regardless of how it was delivered, it represented and was intended to communicate the official decision of the School District.

84. There have been many other people who have spoken "out of order" at Woodland Park School Board meetings. On information and belief, the School District has not sent them a banishment order, let alone a one-year banishment.

85. The School Board regularly permits attendees to react audibly to public comment speakers' remarks in a positive manner through applause and cheer.

86. Board members regularly engage in back-and-forth with attendees in times during School Board meetings not specifically designated for public comment.

87. On information and belief, the Defendants' decision to issue a banishment order against Mr. Ruths was in retaliation for his constitutionally protected expression.

88. Other community members with views critical of Defendants' policies and practices witnessed the June 14, 2023, meeting and have learned of Mr. Ruths' one-year banishment from District property and events.

89. Upon information and belief, community members with views critical of Defendants' policies and practices are afraid of facing similar retaliation.

90. The next regular School Board meeting is set for August 9, 2023, at 6:00 PM.

91. Mr. Ruths would like to attend the August 9, 2023 meeting, but has a credible fear of further retribution from Defendants as promised in the banishment letter.

### **CLAIMS FOR RELIEF**

#### **FIRST CLAIM FOR RELIEF**

##### **42 U.S.C. § 1983; Violation of First and Fourteenth Amendments to U.S. Constitution**

92. Mr. Ruths hereby incorporates all other paragraphs of this Complaint as if fully set forth herein.

93. The First Amendment prohibits the government from "abridging the freedom of speech," the "right of the people peaceably to assemble," and the right "to petition the government for a redress of grievances." U.S. Const. amend I.

94. The banishment order prohibits Mr. Ruths from engaging in protected expression, subject to the unfettered, unreviewed discretion of the superintendent.

95. The banishment order is a prior restraint on Mr. Ruths' freedom of expression that is not narrowly tailored to further a significant government interest.

96. A school board meeting is a designated or limited open forum where restrictions on speech must at least be reasonable and viewpoint-neutral. The banishment order is neither reasonable nor viewpoint-neutral.

97. The one-year categorical ban on Mr. Ruths' attendance and participation at School Board meetings, let alone his exclusion from all WPSD property and events, does not satisfy the threshold requirement of reasonableness.

98. Mr. Ruths' brief comment was not disruptive to the business of the School Board, nor could it justify a one-year prospective ban from all future School Board meetings. He waited until the speaker concluded his comments, spoke briefly during a pause when that speaker was handing out materials, stayed seated the whole time, and did not even raise his voice.

99. The Miller letter's purported justifications regarding "safety" are unsupported and pretextual. The banishment order is and was intended to be an instrument for stifling Mr. Ruths' freedom of speech, his right of assembly, and his right to petition the government.

100. The statutes that the letter relies on provide no authority for the District to impose a one-year ban from district property, let alone for cracking a joke, and without any process or notice.

101. Even if the unsupported assertions of the letter were true, they would not justify categorically excluding Mr. Ruths from WPSD property and events for more than a year.

102. On information and belief, there are numerous examples where Defendants have declined to issue banishment orders to speakers who spoke outside the public comment period of Board meetings without permission from the Board.

103. Rather than a reasonable regulation of the School Board forum, Defendants' one-year banishment order is an adverse action taken to single out Mr. Ruths based on his viewpoints and speech on matters of public concern.

104. Mr. Ruths was engaged in constitutionally protected activity. Mr. Ruths is known to be a vocal critic of the Board, regularly partakes in School Board meetings to monitor the Board's actions, is associated with several pieces of the Board's negative media coverage, and was openly speaking to a reporter in attendance at the June 14, 2023 Board meeting.

105. Defendants intended to silence Mr. Ruths because he has spoken out against the School District's policies, including their efforts not to comply fully with their CORA obligations.

106. Defendants' actions, including threats of criminal prosecution in the letter, would chill a person of ordinary firmness from continuing to engage in protected activities, particularly given the Board's demonstrated willingness to call on law enforcement to aid in its intimidation tactics.

107. Defendants' actions were substantially motivated as a response to Mr. Ruths' exercise of constitutionally protected conduct. The School Board tolerated or even encouraged other individuals speaking out of turn at Board meetings. The School District relied on invented, pretextual, and unsupported safety concerns in the banishment order.



108. On information and belief, Mr. Witt knows of and authorized the one-year banishment order. Mr. Witt is the decisionmaker with authority over Mr. Ruths' ability to enter upon WPSD property or attend WPSD-hosted events. Mr. Witt is a cause of the violation of Mr. Ruths' constitutional rights.

109. On information and belief, the Board voted to authorize or otherwise agreed to the unconstitutional banishment order.

110. The unconstitutional banishment order represents the decision of WPSD.

111. The banishment order relies on the coercive power of WPSD and the state.

112. The unconstitutional banishment order was issued as part of a custom, policy, and practice of WPSD.

113. As a direct and proximate cause of Defendants' actions, Mr. Ruths' constitutional rights were violated, entitling him to relief.

114. Mr. Ruths is entitled to a preliminary and permanent injunction overturning the banishment order and allowing him to come upon WPSD property and attend School Board meetings and other WPSD events like all other members of the public; an award of reasonable attorney's fees and costs; and such additional relief as the Court deems just.

115. If Mr. Ruths is precluded by the banishment order from attending School Board meetings or other school events, he is entitled to monetary and punitive damages.

**SECOND CLAIM FOR RELIEF**  
**Violation of Colo. Const. art. II §§ 10, 24**

116. Mr. Ruths hereby incorporates all other paragraphs of this Complaint as if fully set forth herein.

117. Article II, section 10 of the Colorado Constitution protects the freedom of speech. It guarantees that “every person shall be free to speak, write or publish whatever he will on any subject, being responsible for all abuse of that liberty.”

118. The free speech rights protected by article II, section 10 of the Colorado Constitution are more expansive than those protected by the First Amendment to the United States Constitution.

119. Article II, section 24 of the Colorado Constitution protects “the right to assemble for the common good, and to apply to those invested with the powers of government for redress of grievances by petition or remonstrance.” It also protects the freedom to associate for the purpose of advancing views or ideas.

120. The rights protected by article II, sections 10 and 24 are subject to reasonable limitation, but may not be lightly or unduly suppressed. Any system of prior restraint of expression in particular is subject to heavy presumption against its constitutional validity.

121. The banishment order is an undue suppression of Mr. Ruths’ rights protected by article II, sections 10 and 24 of the Colorado Constitution and an unlawful prior restraint on his free expression.

122. On information and belief, Mr. Witt knows of and authorized the one-year banishment order. The letter designates Mr. Witt as the decisionmaker with authority over Mr. Ruths’ permission to enter upon WPSD property or attend WPSD-hosted events.

123. WPSD provides the mantle of authority that achieves the harm imposed by the banishment order. The banishment order may fairly be treated as an act and decision of WPSD itself.

124. The banishment order relies on the coercive power of WPSD and the state.

125. WPSD approved of, and public monies subsidized, the restriction of Mr. Ruths' freedom of expression.

126. Mr. Ruths is entitled to a preliminary and permanent injunction overturning the banishment order and allowing him to attend School Board meetings and come upon District property or attend District-hosted events in the same manner as all other members of the community; and such additional relief as the Court deems just.

127. If Mr. Ruths is precluded by the banishment order from attending School Board meetings or other school events, he is entitled to monetary and punitive damages.

**PRAYER FOR RELIEF**

WHEREFORE, Mr. Ruths respectfully requests the following relief:

a. A preliminary and permanent injunction overturning the banishment order and expressly ordering the Defendants to allow Mr. Ruths to attend School Board meetings and come upon District property or attend District-hosted events in the same manner as all other members of the community;

b. To the extent Mr. Ruths is excluded from any Woodland Park Board of Education meetings or other school event, monetary and punitive damages pursuant to 42 U.S.C. § 1983;

c. An award of costs and attorney's fees pursuant to 42 U.S.C. § 1988 and other authority; and

d. Such additional relief as the Court deems just.

Mr. Ruths hereby demands a trial by jury for any claims so triable.

Dated: August 3, 2023.

Respectfully submitted,

*s/ Craig R. May*

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Craig R. May  
Colleen M. Koch  
Michaela H. Redlingshafer  
Wheeler Trigg O'Donnell LLP  
370 Seventeenth Street, Suite 4500  
Denver, CO 80202  
Telephone: 303.244.1800  
Facsimile: 303.244.1879  
Email: may@wtotrial.com  
koch@wtotrial.com  
redlingshafer@wtotrial.com

*In cooperation with American Civil Liberties  
Union Foundation of Colorado*

and

Timothy R. MacDonald  
Sara Neel  
Annie Kurtz  
American Civil Liberties Union Foundation of  
Colorado  
303 E. 17th Ave, Suite 350  
Denver, CO 80203  
Telephone: 720.402.3151  
Email: tmacdonald@aclu-co.org  
sneel@aclu-co.org  
akurtz@aclu-co.org

*Attorneys for Plaintiff Logan Ruths*

Complaint and Jury Demand

**Exhibit 1**

**Transmittal Email and Letter from Miller to Ruths re  
Trespass  
(June 15, 2023)**

**From:** [Brad Miller](#)  
**To:** [loganruths@gmail.com](mailto:loganruths@gmail.com)  
**Cc:** [Ken Witt](#); [Aaron Salt](#)  
**Subject:** No trespass letter  
**Date:** Thursday, June 15, 2023 5:21:50 PM  
**Attachments:** [Logan Ruths trespass letterWPSD.docx](#)

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Logan,

Please see the attached notice

Brad Miller  
719-338-4189



**Via electronic mail to:** [loganruths@gmail.com](mailto:loganruths@gmail.com)

June 15, 2023

Logan Ruths  
1209 Lucky Lady Drive  
Woodland Park, CO 80863

Re: Notice pursuant to C.R.S. 18-9-109, and Claire Davis Safety Act. C.R.S. 24-10-106.3

Dear Mr. Ruths,

In accordance with Colorado law, I am writing to inform you of the following effective immediately:

On multiple occasions you have acted in a manner that was verbally aggressive and, sometimes, physically aggressive towards board members and staff members. Most recently, your choice to verbally disrupt the Board meeting of June 14, 2023 was determined to be in serious violation of law. On at least two prior occasions, you vocally disrupted Board meetings, which technically was in violation of law. More to the point, on the evening of June 14, you raised your voice to comment directly to the Board of Education. This was determined to be out of order and the Board president informed you of this and requested that you cease. You verbally declined to stop the interruption. Accordingly, the Board was forced to enter into recess. During the recess, at least four individuals attempted to request that you stop the behavior or leave the room. The WPEA president, Nate Owens, asked you to promise not to further interrupt the meeting and you told him that you would try, but you would not promise not to interrupt again. This is clear evidence of your willful intent to disrupt the meeting.

This violation creates a reasonable apprehension that you intend to not cooperate with Woodland Park School District's safety protocols. Your behavior appears to have violated the statutory provisions cited above. Therefore, your privilege to come onto any Woodland Park School District property is hereby revoked. This no trespass order is effective starting effectively immediately and will remain in effect until July 1, 2024. Woodland Park School District will take any violation of this order as an intentional effort to disrupt the educational environment and will take necessary actions, including, but not limited to reporting the violation of Colorado criminal code pursuant to C.R.S. 18-9-109. To be clear, violation of this notice could subject you to criminal prosecution.

Your interference represents a willful choice to interfere with the safety and educational environment for the students/staff at Woodland Park School District. Accordingly, your privilege to enter or attend any District property or hosted event, without prior written permission from the superintendent is revoked.

In today's educational environment, every disruption of the educational environment and disregard toward student safety must be addressed seriously. This is not permissible under the statutes cited

above. Therefore, the privileges that are sometimes accorded to trusted adults to engage students and staff at school will not be able to be entrusted to you.

Feel free to contact me with questions about the implementation of this decision.

Very truly yours,



Brad Miller



JS 44 (Rev. 10/20) District of Colorado

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Ruths, Logan

(b) County of Residence of First Listed Plaintiff Teller (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) (see attachment)

DEFENDANTS

Woodland Park School District, Woodland Park Board of Education, and Witt, Ken

County of Residence of First Listed Defendant Teller (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Personal Injury, Property Damage, Labor, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 42 U.S.C. § 1983. Brief description of cause: Deprivation of civil rights in violation of the First and Fourteenth Amendments to the U.S. Constitution and the Colorado Constitution.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ Injunctive relief. CHECK YES only if demanded in complaint: JURY DEMAND: [X] Yes [ ] No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 08/03/2023 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING #P JUDGE MAG. JUDGE

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

**Attachment to Civil Cover Sheet – Section I(c) Attorneys for Plaintiff**

Craig R. May  
Colleen M. Koch  
Michaela H. Redlingshafer  
Wheeler Trigg O'Donnell LLP  
370 Seventeenth Street, Suite 4500  
Denver, CO 80202  
Telephone: 303.244.1800

and

Timothy R. MacDonald  
Sara Neel  
Annie Kurtz  
American Civil Liberties Union Foundation of Colorado  
303 E. 17th Ave, Suite 350  
Denver, CO 80203  
Telephone: 720.402.3151