

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SANDRA HERNDEN,
an individual,

Case No.:

Plaintiff,

COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF UNDER 42
U.S.C. § 1983 AND DAMAGES 42 U.S.C.
§ 1988.

v.

CHIPPEWA VALLEY SCHOOLS BOARD
OF EDUCATION, a government body,
FRANK BEDNARD, in his official capacity as
President of Chippewa Valley Schools and in
his individual capacity, and ELIZABETH
PYDEN, in her official capacity of Secretary of
Chippewa Valley Schools and in her individual
capacity.

Defendants.

Stephen A. Delie (P80209)
Derk Wilcox (P66177)
Patrick Wright (P54052)
Mackinac Center for Public Policy
Attorneys for Plaintiff
140 West Main Street
Midland, MI 48640
(989) 631-0900 – voice
(989) 631-0964 – fax

VERIFIED COMPLAINT

NOW COMES Plaintiff, Sandra Hernden, by and through her attorneys, the Mackinac
Center Legal Foundation, and for her Complaint alleges and states as follows:

INTRODUCTION AND PARTIES

1. This is a civil action for declaratory, injunctive, equitable, and monetary relief for injuries sustained by Plaintiff Hernden as a result of the acts, conduct, and policies of Chippewa Valley Board of Schools (the “Board”) and its respective members, employees, representatives, and agents.
2. Plaintiff is the mother to a special-needs child who was previously being educated in the Chippewa Valley School system.
3. Defendant Chippewa Valley Board of Schools is a seven-member legislative body elected by residents of the Chippewa Valley school district. The Board is a government entity responsible for developing policies applicable to schools that are members of the school district.
4. Defendant Bednard is a member of the Board, and currently serves as its president. Upon information and belief, Defendant Bednard is a resident of Macomb County, Michigan.
5. Defendant Pyden is a member of the Board, and currently serves as its secretary. Upon information and belief, Defendant Pyden is a resident of Macomb County, Michigan.
6. All individually-named Defendants are sued in their official and personal capacities.
7. The Board has the authority to create, change, and enforce policies of the Chippewa Valley School District.

JURISDICTION AND VENUE

8. The Plaintiff hereby incorporates the preceding paragraph as though fully restated herein.
9. This is a civil rights action under the United States Constitution, particularly the First and Fourteenth Amendments, and the Civil Rights Act of 1871, 42 U.S.C. § 1983.
10. This Court has original jurisdiction over Plaintiff’s claims pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1343.

11. This Court has authority to grant declaratory and other relief under 28 U.S.C. §§ 2201 and 2202; and the authority to grant injunctive relief pursuant to 28 U.S.C. 1343 and FED. R. Civ. P. 65, and costs and attorneys' fees under 42 U.S.C. § 1988.
12. Venue is appropriate under 28 U.S.C. § 1391(b) in the Eastern District of Michigan, Southern Division, as the wrongful actions herein alleged occurred in Macomb County, the Board is a public entity located and exercising its authority in that county, and, upon information and belief, the individual Defendants reside within that county, which is within the Eastern District of Michigan, Southern Division.
13. The acts complained of herein constitute retaliation against Plaintiff's exercise of her free speech rights as protected by the First Amendment as incorporated by the Fourteenth Amendment of the United States Constitution.

GENERAL ALLEGATIONS

14. Plaintiff is a police officer, and the mother to a special-needs student who previously was being educated in Chippewa Valley Schools in Clinton Township, Macomb County, Michigan.
15. During the COVID-19 pandemic, Plaintiff's son's academic performance declined significantly, with his GPA dropping from 3.5 to 1.5.
16. Plaintiff attributed the cause of her son's academic and social decline to the lack of in-person instruction available during the pandemic and, as a result, became a vocal opponent to COVID-19 policies requiring remote learning.
17. To register her objections to these policies, Plaintiff began to contact Defendants via zoom, attend in-person meetings of the school board, and e-mail Defendants.

18. Plaintiff increasingly came to see Defendants' decisions as politically motivated, and challenged both their motives, and their opposition to policies permitting in-person learning. With respect to Defendant Elizabeth Pyden, these challenges eventually became heated, leading to a tense relationship between her and Plaintiff.
19. On December 11, 2020, Defendant Pyden forwarded a series of e-mails between Plaintiff and herself to Plaintiff's then-supervisor, challenging Plaintiff's conduct as unbecoming of a police officer. **Exhibit A, Pyden Complaint.**
20. Plaintiff's supervisor then ordered an investigation to determine whether Plaintiff had violated any departmental rules. *Id.*
21. Plaintiff was not disciplined for departmental rule violations, although an investigation was ordered. *Id.*
22. Plaintiff continued to challenge Board policy via e-mail and in public comments portion of the Board's meetings. In one such e-mail, Plaintiff linked to a news story about a 6th Circuit decision on public comment procedures which held that certain restrictions on public comment violated the First Amendment. She then cautioned the board to take additional care when interrupting her public comments. **Exhibit B, DOJ E-mails.**
23. The subsequent day, Defendant Bednard advised the other members of the Board that he had forwarded Plaintiff's e-mail, and a complaint regarding Plaintiff and Mothers of Liberty¹ to the Department of Justice. *Id.*
24. On October 5, 2021, Defendant Bednard emailed a correspondence that, upon information and belief, appears to have been sent to the DOJ. Defendant Bednard's referral, in part, stated

¹ Upon information and belief, this is intended to be a reference to Moms for Liberty, a 501(c)(4) non-profit organization advocating for parental rights in schools. Neither Mothers of Liberty nor Moms for Liberty is a party to this action.

“Anything that could be done to curb this behavior by these people would be greatly appreciated by our board, administration, and our community.” *Id.*

25. Plaintiff exercised her First Amendment rights by petitioning the government for a redress of her grievances. In return, Defendants filed a complaint with Plaintiff’s then-supervisor and made a referral to the Department of Justice for potential criminal investigation. In so doing, Defendant’s unlawfully retaliated against Plaintiff’s exercise of her First Amendment Rights.

COUNT I

Against all Defendants.

VIOLATION OF PLAINTIFF’S FIRST AMENDMENT RIGHTS BY RETALIATION

26. Plaintiff hereby incorporates the preceding paragraphs as though fully restated herein.

27. On November 3, 2020, Plaintiff e-mailed the Board, expressing her displeasure at the Board and the impact of its policy decisions relating to the COVID-19 pandemic, specifically, its decision to adopt a “hybrid model” of education and the effects it has had on students and families within the Chippewa Valley School District. **Exhibit A.**

28. The Board’s policies relating to education in the Chippewa Valley School District are matters of government policy.

29. Plaintiff’s November 3, 2020 e-mail was protected conduct, as Plaintiff was addressing members of a public body regarding the impacts of governmental policymaking.

30. On December 10, 2020, Plaintiff sent the Board an editorial which, in part, argued that science did not support the closing of schools. *Id.*² Plaintiff’s e-mail contained no additional message.

² The column itself is not relevant to this action, but for the convenience of the parties and this Court, said column is available at the following hyperlink:
https://www.chicagotribune.com/columns/john-kass/ct-coronavirus-schools-kass-20201210-kityu45m2jfh5hyd6vcfreizeu-story.html?fbclid=IwAR0O0RdBXx467U039UVh9jUiD7z6-tpa57QaBpF19iD9ircM3VT69z_UP7A.

31. That same day, Defendant Pyden responded to Plaintiff, agreeing that everyone wanted their children back in school, but that it could only be done when safety could be guaranteed. *Id.*
32. Plaintiff subsequently responded to Defendant Pyden's e-mail later that day. Plaintiff argued that the Defendant Pyden's policy decisions were improperly motivated by a political agenda, that the Board's decisions failed to account for a high COVID-19 survival rate, and that the Board was ignoring the concerns of parents. *Id.*
33. Defendant Pyden responded later that evening by indicating Plaintiff's e-mail was disrespectful, represented a personal attack, and was inappropriate. Defendant Pyden then indicated she would not further engage with Plaintiff until she was able to "discuss this situation without personal attacks and misinformation." *Id.*
34. Plaintiff responded on December 11, 2020 by stating that the Board did not have the respect of the community, challenging the asserting that her prior e-mails constituted a personal attack, and stating the Board and its members were answerable to the community. *Id.*
35. Upon information and belief, Defendant Pyden did not respond to Plaintiff's December 11 correspondence. Instead, Defendant Pyden forwarded the chain of e-mails between herself and Plaintiff to Plaintiff's then-supervisor, along with a message deploring her conduct. *Id.*
36. Defendant Pyden's December 11, 2020 criticism read as follows:

Dear Chief Smith:

I am writing with a concern regarding how one of your officers conducts herself in her own community. As you know, return to school has been a hotly contested issue, however, we must do what is best for the community at large. I have noticed that in fact your city hall has closed indefinitely to assist in stopping the community spread. As an elected official, I do expect criticism. I also expect people to disagree with me. However, I do not expect the level of disrespect, even after being asked to stop, that has been shown by one of your public safety officers, Sandra Hernden. As a public servant, more is expected. I do not believe that you would like anyone expressing this level of anger, disrespect and veiled racism in your community. I have attached the exchange below. There have also been calls into our meeting, although I do believe there may have been some connection issues. I am disappointed that this

type of behavior has been repeatedly rewarded with service awards. While I do not expect you to take any adverse action, I do believe that it is important for you to know how one of your officers is conducting herself within the community and perhaps offer some guidance.

Thank you for your attention to this matter. May you and your family have a blessed holiday season.

Elizabeth Pyden

Id.

37. “A retaliation claim essentially entails three elements: (1) the plaintiff engaged in protected conduct; (2) an adverse action was taken against the plaintiff that would deter a person of ordinary firmness from continuing to engage in that conduct; and (3) there is a causal connection between elements one and two—that is, the adverse action was motivated at least in part by the plaintiff’s protected conduct.” *Thaddeus-X v. Blatter*, 175 F.3d 378, 394 (6th Cir. 1999) (citations omitted).
38. Plaintiff’s opposition to the Board’s COVID-19 policies, and to Defendant Pyden’s support of those policies, was opposition to matters of government policy.
39. Plaintiff’s correspondence with Defendant Pyden and the Board constituted a petition to the government for a redress of grievances.
40. Plaintiff’s correspondence with Defendant Pyden and the Board is speech protected by the First Amendment, as incorporated by the Fourteenth Amendment.
41. Defendant Pyden’s complaint to Plaintiff’s supervisor was an adverse action against Plaintiff, and was calculated to lead to the potential investigation and/or discipline of Plaintiff by her employer.
42. A person of ordinary firmness would be dissuaded from engaging in protected conduct if such conduct were likely to lead to a potential investigation and/or discipline by their employer.

43. Defendant Pyden's actions were causally connected to Plaintiff's protected activity, as Defendant Pyden's complaint explicitly references Plaintiff's protected activity, and, in fact, includes examples of that activity.
44. The fact that Defendant Pyden's complaint was sent the same day as Plaintiff's response to her prior e-mail further suggests a causal connection between Plaintiff's conduct and Defendant Pyden's retaliation.
45. Defendant Pyden's complaint to Plaintiff's then-supervisor unlawfully retaliated against Plaintiff for the exercise of her First Amendment rights.
46. The right to be free from retaliation for the exercise of First Amendment activity is clearly established. *Thaddeus-X v. Blatter*, 175 F.3d 378, 394-398 (6th Cir. 1999).
47. Defendant Pyden's actions were taken under color of state law. Defendant Pyden's e-mail references her status as an elected official, and the complaint itself is based on Plaintiff's conduct in redressing her grievances with Defendant Pyden's policy decisions.
48. Despite Defendant Pyden's actions, Plaintiff did continue to exercise her First Amendment right to oppose the Board's policies.
49. On October 4, 2021, Plaintiff messaged the Board by providing a hyperlink to a 6th Circuit case that had determined another school board had violated a parent's rights through rules regarding public comment.³ **Exhibit B.**
50. The remainder of Plaintiff's e-mail containing the hyperlink reads as follows:
- “Once again, law on parents (sic) side. Maybe a lil (sic) more due care and caution at the next meeting Frank. You know, when you let your hatred you have for me take hold and you interrupt me.
- 1st 2 were free...”

³ The case referenced in the article is *Ison v. Madison Local School District Board of Education*, Case No. 20-4108 (6th Cir., 2021).

Exhibit B.

51. Plaintiff's e-mail was an implied threat of legal action against the Board and/or its individual members for perceived violations of Plaintiff's First Amendment rights during public comments at the Board's public meetings.

52. On October 5, 2021, Defendant Bednard e-mailed the other members of the Board with an e-mail that reads:

"Hello,

FYI. I forwarded this email (below) from Sandra Hernden along with a complaint about her and Mothers of Liberty (sic) to Department of Justice.

Frank B."

Id.

53. On October 5, 2021, Defendant Bednard e-mailed "Ronald, Roberts," with, what upon information and belief, appears to be a message transmitted to the DOJ. Defendant Bednard's e-mail forwarded Plaintiff's October 4, 2021 communication, and included the following message:

Hello DOJ,

I appreciate your looking into these groups of people who bring such threats to anybody that stands in their way. The email I included below is from Sandra Hernden. This woman, Sandra Hernden, comes to every meeting to harass our board, administration, and community who oppose her views. She is over dramatic, and refuses to listen to any direction I may give her about her inappropriate and threatening comments. Last week she compared the tattoos Nazi Germany gave Jewish people to identify them in WW2 to Masking mandate of today (even though mask are not mandated in our district). We understand that Sandra has no children in our schools, is not a resident of our district, and goes around to school board meetings throughout the tri county area to promote her agenda in any way she can including threats and intimidation. She is part of a group called, "Mothers of Liberty" that attend our meetings. This group of people attend every meeting, and because their threats and demeanor are so intimidating, no community members who oppose their message will come to the meeting to speak because they are afraid of what this group would do to them for standing up to them.

Our school district has over 15,000 students. We know that they have not gained any traction as it is the same 10-15 people that show up every meeting to intimidate, threaten, and harass.

Anything that could be done to curb this behavior by these people would be greatly appreciated by our Board, administration, and community.

Id. (errors original).

54. Plaintiff's message to the Board was protected First Amendment conduct. Plaintiff expressed her belief that the Board's application of its rules regarding public comment violated her First Amendment rights, and her message was intended to express her willingness to sue for those violations.
55. Defendant Bednard's referring Plaintiff to the DOJ is an adverse action against Plaintiff.
56. A criminal referral to the Federal Government is likely to deter a person of ordinary firmness from continuing to engage in the protected conduct giving rise to that referral. That is particularly true in this instance, given that Attorney General Merrick Garland had issued a memorandum only the day before, in which he indicated the DOJ's willingness to investigate and prosecute individuals who harassed or intimidated school board members. **Exhibit C, Attorney General Memorandum.**
57. Defendant Bednard's referral of Plaintiff to the DOJ was causally connected to her protected conduct. Defendant Bednard's October 5 e-mails specifically references Plaintiff's e-mail, and in fact includes it as part of his message. **Exhibit B.**
58. In referring Plaintiff to the DOJ, Defendant Bednard unlawfully retaliated against Plaintiff's exercise of her First Amendment rights as incorporated by the 14th Amendment.
59. The right to be free from retaliation for the exercise of First Amendment activity is clearly established. *Thaddeus-X v. Blatter*, 175 F.3d 378, 394-398 (6th Cir. 1999).
60. Defendant Bednard's referral was an official act of the Board taken under color of law. Defendant Bednard's e-mail acknowledging the referral was sent to the Board as a whole, and

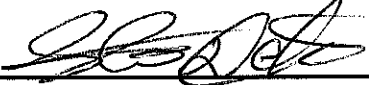
it reflects joint action by each of its members. This e-mail reflects a collective decision of the Board, as well as Defendant Bednard individually.

61. "Governmental officials performing discretionary functions are entitled to qualified immunity when their conduct 'does not violate clearly established statutory or constitutional rights of which a reasonable person would have known.'" *Harlow v. Fitzgerald*, 457 U.S. 800, 818; 102 S.Ct. 2727 (1982).
62. Given that the individual Defendants' actions violated a clearly defined constitutional right, the Defendants are not entitled to qualified immunity and may be held liable in their personal capacity.

RELIEF REQUESTED

Plaintiff, Sandra Hernden, based on the wrongful acts set forth above, requests this Court enter a judgment in her favor against all Defendants, seeks against Defendants all appropriate damages arising out of law, equity, and fact, requests that the Court enjoin Defendants from further retaliation against Plaintiff, award Plaintiff her attorneys' fees, interest, and costs, and award any declaratory, equitable, and/or injunctive relief this Court determines to be just and equitable to remedy Defendants' improper infringement of Plaintiff's First Amendment rights.

Dated: September 29, 2022

/s/ 
Stephen A. Delie (P80209)
Mackinac Center Legal Foundation
140 W. Main St.
Midland, MI 48642
(989) 698-1969
delie@mackinac.org
P80209

DECLARATION UNDER PENALTY OF PERJURY

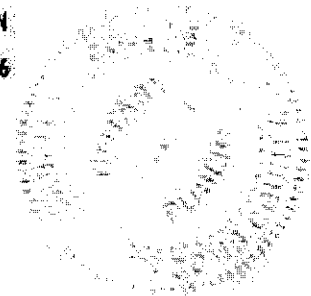
I, Sandra Hernden, a citizen of the United States and a resident of the State of Michigan, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that I have read the forgoing Complaint, and it is true and correct to the best of my knowledge (except as to statements made on information and belief), and that the forgoing statements that pertain to me are based on personal knowledge.

Executed this day of September 28, 2022 at

Sandra Hernden
Sandra Hernden

Subscribed and sworn to before me, this
28th day of SEP, 2022
Isabella A. Collins
Isabella A. Collins
Notary Public, Macomb County, Michigan
My Commission Expires Sept 20, 2026
Acting in Macomb County

ISABELLA A. COLLINS
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF MACOMB
My Commission Expires Sept. 20, 2026
Acting in the County of Macomb



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EASTERN DISTRICT OF MICHIGAN
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SANDRA HERNDEN,
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INDEX OF EXHIBITS

<u>Exhibit</u>	<u>Description</u>
A	Complaint of Beth Pyden to Plaintiff's Supervisor
B	October 5, 2021 Emails of Frank Bednard re DOJ Referral
C	October 4, 2021 Attorney General Memorandum

Exhibit A—Complaint of Beth Pyden to Plaintiff's Supervisor

Re: Face to face return. maybe you should read this.

Vince Smith <vsmith@harperwoods.net>

Mon 12/14/2020 9:00 AM

To: Elizabeth Pyden <elizabethpyden@sbcglobal.net>

Good morning Elizabeth,

I am in receipt of your email. I agree this is a hotly contested issue. We will look into this to determine if there are any department rule violations.

Thank you and stay safe and healthy.

VINCENT J. SMITH

Director

Harper Woods Department of Public Safety

19617 Harper Avenue

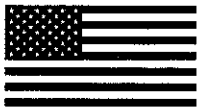
Harper Woods, MI 48225

Phone: 313-343-2530

Fax: 313-343-2514

Cell phone: 586-764-2162

vsmith@harperwoods.net



"We do the right thing not because it is expected of us, but rather because always doing the right thing is part of who we are." -Mark Esper, Secretary of Defense

The information contained in this transmission may contain privileged and confidential information, including protected information protected by federal and state privacy laws. It is intended only for the use of the person(s) named above. If you are not the intended recipient, or you believe you have received this message by error, you are hereby notified that any review, dissemination, distribution, or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender immediately at (313) -343-2530 to inform them that you received this message in error, and permanently destroy all copies of the original message and any attachments.

From: Elizabeth Pyden <elizabethpyden@sbcglobal.net>

Sent: Friday, December 11, 2020 10:35 AM

To: Vince Smith <vsmith@harperwoods.net>

Subject: Fwd: Face to face return. maybe you should read this.

Dear Chief Smith:

I am writing with a concern regarding how one of your officers conducts herself in her own community. As you know, return to school has been a hotly contested issue, however, we must do what is best for the community at large. I have noticed that in fact your city hall has closed indefinitely

Fw: Face to face return. maybe you should read this.

Vince Smith <vsmith@harperwoods.net>

Mon 12/14/2020 9:01 AM

To: Ted Stager <tstager@harperwoods.net>

Chief Stager,

Please review this message. Advise me if you determine there are any department rule violations.

From: Elizabeth Pyden <elizabethpyden@sbcglobal.net>

Sent: Friday, December 11, 2020 10:35 AM

To: Vince Smith <vsmith@harperwoods.net>

Subject: Fwd: Face to face return. maybe you should read this.

Dear Chief Smith:

I am writing with a concern regarding how one of your officers conducts herself in her own community. As you know, return to school has been a hotly contested issue, however, we must do what is best for the community at large. I have noticed that in fact your city hall has closed indefinitely to assist in stopping the community spread. As an elected official, I do expect criticism. I also expect people to disagree with me. However, I do not expect the level of disrespect, even after being asked to stop, that has been shown by one of your public safety officers, Sandra Hernden. As a public servant, more is expected. I do not believe that you would like anyone expressing this level of anger, disrespect and veiled racism in your community. I have attached the exchange below. There have also been calls into our meeting, although I do believe there may have been some connection issues. I am disappointed that this type of behavior has been repeatedly rewarded with service awards. While I do not expect you to take any adverse action, I do believe that it is important for you to know how one of your officers is conducting herself within the community and perhaps offer some guidance.

Thank you for your attention to this matter. May you and your family have a blessed holiday season.

Elizabeth Pyden

Sent from my iPhone

Begin forwarded message:

From: "Pyden, Beth" <BPyden@cvs.k12.mi.us>

Date: December 11, 2020 at 10:27:39 AM EST

To: elizabethpyden@sbcglobal.net

Subject: Fwd: Face to face return. maybe you should read this.

Sent from my iPhone

Begin forwarded message:

Fwd: Face to face return. maybe you should read this.

Elizabeth Pyden <elizabethpyden@sbcglobal.net>

Fri 12/11/2020 10:35 AM

To: Vince Smith <vsmith@harperwoods.net>

Dear Chief Smith:

I am writing with a concern regarding how one of your officers conducts herself in her own community. As you know, return to school has been a hotly contested issue, however, we must do what is best for the community at large. I have noticed that in fact your city hall has closed indefinitely to assist in stopping the community spread. As an elected official, I do expect criticism. I also expect people to disagree with me. However, I do not expect the level of disrespect, even after being asked to stop, that has been shown by one of your public safety officers, Sandra Hernden. As a public servant, more is expected. I do not believe that you would like anyone expressing this level of anger, disrespect and veiled racism in your community. I have attached the exchange below. There have also been calls into our meeting, although I do believe there may have been some connection issues. I am disappointed that this type of behavior has been repeatedly rewarded with service awards. While I do not expect you to take any adverse action, I do believe that it is important for you to know how one of your officers is conducting herself within the community and perhaps offer some guidance.

Thank you for your attention to this matter. May you and your family have a blessed holiday season.

Elizabeth Pyden

Sent from my iPhone

Begin forwarded message:

From: "Pyden, Beth" <BPyden@cvs.k12.mi.us>

Date: December 11, 2020 at 10:27:39 AM EST

To: elizabethpyden@sbcglobal.net

Subject: Fwd: Face to face return. maybe you should read this.

Sent from my iPhone

Begin forwarded message:

From: sandra hernden <herndens883@yahoo.com>

Date: December 11, 2020 at 8:38:24 AM EST

To: "Pyden, Beth" <BPyden@cvs.k12.mi.us>

Subject: Re: Face to face return. maybe you should read this.

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Liz,

Your absolutely correct about respect. In stating so, this board has gained no respect from this community in which it serves by way of its actions.

There is no misinformation in your personal Facebook account, which I am willing to provide to this board should they choose to conduct an investigation. So I fail to see how using your spoken word is a personal attack, especially when it speaks to a matters of public opinion.

Additionally, Should you not receive any salary, you were elected to this board by the community. Thus, you still work for members of the community and you do in fact answer to all of us. Every board member does.

Enjoy this holiday season. Merry Christmas and God bless.

#sayhisname

Sent from my iPhone

On Dec 10, 2020, at 9:20 PM, Pyden, Beth <BPyden@cvs.k12.mi.us> wrote:

First, respect is earned not merely given. When you chosen to address me by the wrong name, that is incredibly disrespectful. It is also incredibly disrespectful to make personal attacks. Additionally, you do not pay my salary as we do not receive a salary for being on the school board. Even if we did receive a salary, it does not give you license to address anyone in such a hostile manner. Clearly, you are upset and I can appreciate that.

However, I am choosing to not further engage until you are able to discuss this situation without personal attacks and misinformation.

Again, I hope you and your family have a blessed holiday season.

Beth

Sent from my iPhone

On Dec 10, 2020, at 8:48 PM, sandra hernden <herndens883@yahoo.com> wrote:

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Liz,

First, please address me as Mrs. Hernden. I do pay your salary by way of tax dollars and several passed school mileages. Being respectful should be paramount when addressing people you respond to.

Liz, you have a law degree. No one in your degree is it certified as a medical degree and from what I remember from your bio, a civil attorney. So I hardly see how you are qualified to make any rational medical decision. However I'm sure you are versed in the Constitution, civil rights, bill of rights. I willing to bet Justice Gisenburg was a women you idolized for her stance on "my body, my choice."

That being said, not one member of this school board has any right to decide the fate of my child, or any child for that matter that attends this district. Again this is about choice! Not your political agenda. My children and every child/parent should have a right to choose. A right this district, this board, and you, fail to afford that opportunity. Every single one of you refuse to listen to medical doctors, including the leading infectious disease doctor, Fauci. If you were truly looking at facts, you would see that Covid 19 has over a 98.999% survival rate. So explain again how deadly this disease is again. And yes, I have lost family, friends, and mentors to this disease, mainly because our governor Gretchen Whitmer, signed their death warrants placing Covid patients in there nursing and rehab facilities.

Additionally, you have no children to speak of, at least based on your Facebook profile, and only a poodle. You have allowed your political views-"unworkable" online schooling program, blaming President Trump and your "white privilege" statements, affect your judgement and allowed it to make your irrational decisions. Surely had I made statements such at these, I would be fired from my job, especially as you are public servant. Once you allow your political beliefs to interfere with your profession as a school administrator, you have failed every single child in which you claim you are acting in the best interest of.

Now I know this board, by way of its actions, have shown absolutely no interest in what parents have said, requesting a choice for how their child learns. To be quite honest, I see everyone of you sit with a smug look on your face acting as if you are royalty addressing the "pheasants," only allowing a select few make a comment that is pre-screened, like having the questions before a test. Must be good to be the queen.

However, if this school board truly cared about every aspect of you children's education, mental, and psychological well-being, you would allow every parent to speak. So what if the meeting takes longer. It's what you're paid to do.

Why don't you take note of how L'anse Creuse is making it work. I'm sure if you asked for their model, they would gladly show you the way. Or are all of you too proud to do that?

In closing, how many more children will have to commit suicide before this school board will wake up? Do you even know his name? Don't worry, I'll wait.

#sayhisname

Sent from my iPhone

On Dec 10, 2020, at 1:01 PM, Pyden, Beth <BPyden@cvs.k12.mi.us> wrote:

Thank you for forwarding us an editorial. I appreciate this man's opinion, just as I have appreciated the opinions on both sides of this issue. One thing we can all agree on is that we want our kids back in school because there is no replacement for face to face to instruction. However, we can only do this when we can guarantee that doing so can be done safely. This is difficult when we are making decisions 15,000+ students and 2000+ employees, each with their own stories, struggles and frustrations. I empathize with how this has touched families and upended lives- both for those who expect face to face and those who expect remote.

Thank you for your involvement and attention. It is always appreciated. I wish you and your family a safe and blessed holiday season.

Beth

Sent from my iPhone

On Dec 10, 2020, at 12:42 PM, sandra hernden <herndens883@yahoo.com> wrote:

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

https://www.chicagotribune.com/columns/john-kass/ct-coronavirus-schools-kass-20201210-kityu45m2jfh5hyd6vcfreizeu-story.html?fbclid=IwAR0OORdBXx467U039UVh9jUiD7z6-tpa57QaBpFI9iD9ircM3VT69z_UP7A

Sent from my iPhone

On Nov 3, 2020, at 7:24 AM, sandra hernden <herndens883@yahoo.com> wrote:

Member of the CVS school board,

Let me start by expressing my sheer and utter disgust with all of you regarding your vote last night about face to face hybrid learning. You have failed every single child in this school district. You have failed because each and every one of you has allowed your political beliefs to interfere with making a decisions that are right for our children as Ms. Pyden so eloquently displayed in her Facebook post attached below.

My children are failing their classes because of the "unworkable."

My children can not receive the help granted to them under their IEP. Once 3.5 GPA students now at a 1.5 GPA. My children's mental health has suffered greatly because of your "Gestapo" tactics. You have taken our choice away! You have turned this school board into a Dictatorship. You have taken away the right to choose how to learn of every parent and child within this district. This is a democracy, although as educators you have forgotten that. Yes. You have failed all the children in this district.

I can no longer afford tutors for my children because now I have to pay for visits for their mental well being. Which of you can I submit these bills to to be paid? Why? Because you have failed my children miserably.

You say Mr. Roberts that you are "guided by numbers." Have you actually researched the impact of other diseases like Tuberculosis and its death rate last year? Tuberculosis killed more people than Covid 19, without respiratory precautions. Mr. Roberts, and members of this board, have you looked at the survival rate of this disease? Over 98% survival rate. No matter what we do, this disease isn't going anywhere. So we are going to hide? Or are we going to adapt and know it's there and live accordingly? As educators, one would think that all of you would look at the entire picture. Obviously not here. You're all guided by your own political beliefs and have tunnel vision because of your political beliefs. Yes. You have failed our children.

I know, I know. We put a "hybrid model in place." This was nothing more than smoke and mirrors to keep parents at bay while in the background, every single one of you knew you this wouldn't happen. You had your own political agenda. Not one of you legitimately cares about our children.

Not a single one of you have had your lives turned upside down because of your "unworkable" plan. Not one of you have had to deal with the melt downs because assignments have been completed several times just to have to do it all over again because of your "unworkable" plan. None of you have had to give up working, your livelihood, seen your child's mental stability decline, or the peace and harmony in your home decline. Not a single one of you! Why? Because you don't have children subjected to your "unworkable" plan.

I find it amazing that the Lanse Cruese School District has been operating on a hybrid face to face model, and is doing quite well. Yet the 2nd largest school district in the country can't get it together to do the same. Absolutely shameful. Why you may ask, because the CVS school board has put their political beliefs and agendas ahead of any child's education and mental well being. Yes, all of you have failed our children.

All of you need to put your political beliefs aside and do what is best not only for the sake of the education of our children but their mental well being. Revisiting the "Face to face" learning and returning to school in January is absolutely not acceptable, nor

should it be an option. Our children need to be back in the classrooms before then. Put your politics aside! You're undoubtedly hurting my children. All children.

As a taxpayer, I pay your salaries. You work for us. We demand that "Face to face" instruction happen without delay! Without your sidebar politics. Your "unworkable" plan has proven it's not working!

Sandra Hernden

<IMG_2449.JPG>

Sent from my iPhone

**Exhibit B—October 5, 2021 Emails of Frank
Bednard re DOJ Referral**

Allen, Shirley

From: Blanchard, Adam
Sent: Wednesday, June 8, 2022 8:40 AM
To: Allen, Shirley
Subject: Fw: Special attention from Frank

From: Bednard, Frank <FBednard@cvs.k12.mi.us>
Sent: Tuesday, October 5, 2021 11:09 AM
To: Board Members <BoardMembers@cvs.k12.mi.us>
Cc: Roberts, Ronald <RRoberts@cvs.k12.mi.us>
Subject: FW: Special attention to Frank

Hello,

FYI. I forwarded this email (below) from Sandra Hernden along with a complaint about her and Mothers of Liberty to Department of Justice.

Frank B.

From: sandra hernden <herndens883@yahoo.com>
Sent: Monday, October 4, 2021 9:44 PM
To: Sibley, Paul <PSibley@cvs.k12.mi.us>; Pyden, Beth <BPyden@cvs.k12.mi.us>; Brosky, Donald <DBrosky@cvs.k12.mi.us>; Aquino, Denise <DAquino@cvs.k12.mi.us>; lcardamone@cvs.k12.mi.us; apatzert@cvs.k12.mi.us; Sobah, George <GSobah@cvs.k12.mi.us>; Roberts, Ronald <RRoberts@cvs.k12.mi.us>; Bednard, Frank <FBednard@cvs.k12.mi.us>; Wojtowicz, Robert <RWojtowicz@cvs.k12.mi.us>
Subject: Special attention to Frank

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

<https://mtsu.edu/first-amendment/post/1985/6th-circuit-says-school-board-s-public-comment-rules-violate-first-amendment?fbclid=IwAR1v2uqOZfYKyVdLi8v3denR3ZibJ4pNmipeYkAfJupj4jt14kmAzZMscqM>

Once again, law on parents side. Maybe a lil more due care and caution at the next meeting Frank. You know, when you let your hatred you have for me take hold and you interrupt me.
1st 2 were free...

Sent from my iPhone

On Oct 3, 2021, at 8:48 AM, sandra hernden <herndens883@yahoo.com> wrote:

It's really interesting what people post in social media isn't it?

Yet you want every parent to believe that when it comes to placing a new board member, these 2 can be fair and impartial?

This is beyond having a personal life Frank, especially when it's know you're a member on the board of education. A total conflict of interest.

Happy reading.
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<image11.jpeg>
<image12.jpeg>

From: Bednard, Frank <FBednard@cvs.k12.mi.us>
Sent: Tuesday, October 5, 2021 10:53 AM
To: Roberts, Ronald
Subject: DOJ Investigations for Threatening/Intimidating behavior at School Board Meetings

Hello DOJ,

I appreciate your looking into these groups of people who bring such threats to anybody that stands in their way. The email I included below is from Sandra Hernden. This woman, Sandra Hernden, comes to every meeting to harass our board, administration, and community who oppose her views. She is over dramatic, and refuses to listen to any direction I may give her about her inappropriate and threatening comments. Last week she compared the tattoos Nazi Germany gave Jewish people to identify them in WW2 to Masking mandate of today (even though mask are not mandated in our district). We understand that Sandra has no children in our schools, is not a resident of our district, and goes around to school board meetings throughout the tri county area to promote her agenda in any way she can including threats and intimidation. She is part of a group called, "Mothers of Liberty" that attend our meetings. This group of people attend every meeting, and because their threats and demeanor are so intimidating, no community members who oppose their message will come to the meeting to speak because they are afraid of what this group would do to them for standing up to them.

Our school district has over 15,000 students. We know that they have not gained any traction as it is the same 10-15 people that show up every meeting to intimidate, threaten, and harass. Anything that could be done to curb this behavior by these people would be greatly appreciated by our board, administration, and our community.

Thank you!

Frank Bednard
President, Chippewa Valley Schools Board of Education
(586)823-3106

From: sandra hernden <herndens883@yahoo.com>
Sent: Monday, October 4, 2021 9:44 PM
To: Sibley, Paul <PSibley@cvs.k12.mi.us>; Pyden, Beth <BPyden@cvs.k12.mi.us>; Brosky, Donald <DBrosky@cvs.k12.mi.us>; Aquino, Denise <DAquino@cvs.k12.mi.us>; lcardamone@cvs.k12.mi.us; apatzert@cvs.k12.mi.us; Sobah, George <GSobah@cvs.k12.mi.us>; Roberts, Ronald <RRoberts@cvs.k12.mi.us>; Bednard, Frank <FBednard@cvs.k12.mi.us>; Wojtowicz, Robert <RWojtowicz@cvs.k12.mi.us>
Subject: Special attention to Frank

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<https://mtsu.edu/first-amendment/post/1985/6th-circuit-says-school-board-s-public-comment-rules-violate-first-amendment?fbclid=IwAR1v2uqOZfYKYVdLi8v3denR3ZibJ4pNmipeYkAfJupj4jt14kmAzZMscqM>

Once again, law on parents side. Maybe a lil more due care and caution at the next meeting Frank. You know, when you let your hatred you have for me take hold and you interrupt me.
1st 2 were free...

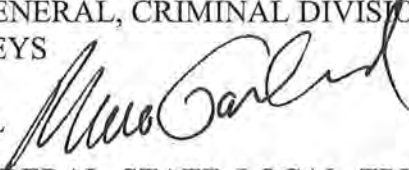
Exhibit C—October 4, 2021 Attorney General Memorandum



Office of the Attorney General
Washington, D. C. 20530

October 4, 2021

MEMORANDUM FOR DIRECTOR, FEDERAL BUREAU OF INVESTIGATION
DIRECTOR, EXECUTIVE OFFICE FOR U.S. ATTORNEYS
ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION
UNITED STATES ATTORNEYS

FROM: THE ATTORNEY GENERAL 
SUBJECT: PARTNERSHIP AMONG FEDERAL, STATE, LOCAL, TRIBAL,
AND TERRITORIAL LAW ENFORCEMENT TO ADDRESS
THREATS AGAINST SCHOOL ADMINISTRATORS, BOARD
MEMBERS, TEACHERS, AND STAFF

In recent months, there has been a disturbing spike in harassment, intimidation, and threats of violence against school administrators, board members, teachers, and staff who participate in the vital work of running our nation's public schools. While spirited debate about policy matters is protected under our Constitution, that protection does not extend to threats of violence or efforts to intimidate individuals based on their views.

Threats against public servants are not only illegal, they run counter to our nation's core values. Those who dedicate their time and energy to ensuring that our children receive a proper education in a safe environment deserve to be able to do their work without fear for their safety.

The Department takes these incidents seriously and is committed to using its authority and resources to discourage these threats, identify them when they occur, and prosecute them when appropriate. In the coming days, the Department will announce a series of measures designed to address the rise in criminal conduct directed toward school personnel.

Coordination and partnership with local law enforcement is critical to implementing these measures for the benefit of our nation's nearly 14,000 public school districts. To this end, I am directing the Federal Bureau of Investigation, working with each United States Attorney, to convene meetings with federal, state, local, Tribal, and territorial leaders in each federal judicial district within 30 days of the issuance of this memorandum. These meetings will facilitate the discussion of strategies for addressing threats against school administrators, board members, teachers, and staff, and will open dedicated lines of communication for threat reporting, assessment, and response.

The Department is steadfast in its commitment to protect all people in the United States from violence, threats of violence, and other forms of intimidation and harassment.