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STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
CIVIL ACTION NO.:

DOUG TURPIN AND NICOLE
TURPIN,

Plaintiffs,

v.

CHARLOTTE LATIN SCHOOLS, INC.;
CHARLES D. BALDECCHI; TODD
BALLABAN; DENNY S. O'LEARY;
MICHAEL D. FRENO; R. MITCHELL
WICKHAM; COURTNEY HYDER; IRM
R. BELLAVIA; PHIL C. COLACO;
JOHN D. COMLY; MARY KATHERINE
DUBOSE; ADAORA A. ERUCHALU;
DEBBIE S. FRAIL; DON S. GATELY;
ISRAEL K. GORELICK; JOY M.
KENEFICK; KARIM LOKAS; JOHN T.
MCCOY; KRISTIN M. MIDDENDORF;
A. COY MONK IV; UMA N. O'BRIEN;
DAVID A. SHUFORD; MICHELLE A.
THORNHILL; FLETCHER H.
GREGORY III; TARA LEBDA; and
PAIGE FORD,

Defendants.

COMPLAINT

FILED
2022 APR 25 A 9:03
MECKLENBURG CO. C.S.C.
BY _____

NOW COME Plaintiffs DOUG TURPIN and NICOLE TURPIN, through the undersigned counsel, who submit this Complaint alleging claims against Defendants and states as follows:

INTRODUCTION

1. Mr. and Mrs. Turpin are the parents of two young children, O.T. and L.T., who attended Charlotte Latin School ("Latin") every year until they were summarily expelled on September 10, 2021 by Defendant Charles D. Baldecchi, the Head of School.

2. In an example of what has come to be known in American society as “cancel culture,” Baldecchi expelled Mr. and Mrs. Turpin’s children in retaliation for Mr. and Mrs. Turpin’s exercise of their contractually-protected right to respectfully communicate with Latin about their children’s education, including Latin’s recent change in curriculum and culture and its focus on a political agenda.

3. Baldecchi’s expulsion of the children from Latin violated Mr. and Mrs. Turpin’s Enrollment Agreements. Moreover, Baldecchi and Todd Ballaban, the Head of Middle School, engaged in fraud and deception by luring Mr. and Mrs. Turpin into a meeting under false pretenses for the purpose of provoking them into saying or doing something inappropriate for Baldecchi to justify expulsion of their children and/or to accuse them of having violated the Parent-School Partnership in the past. When Baldecchi and Ballaban failed to provoke Mr. Turpin, who attended the meeting on behalf of his family, Baldecchi expelled the children. Baldecchi defamed Mr. and Mrs. Turpin at the meeting, and Latin’s Board of Trustees (“Board”) thereafter sent an email to all Latin parents, faculty, and staff that also defamed them.

4. Baldecchi’s expulsion of Mr. and Mrs. Turpin’s children – and the fraudulent, deceptive, and defamatory manner in which he and Ballaban went about doing so – is revealing. While Latin tells parents it is committed to a set of Core Values, including the principle of Honor Above All, in actuality, Latin rejects the development of personal honor when it attempts to silence parents who raise sincere concerns about Latin’s curriculum and culture and its focus on a political agenda. It was not always this way. Under the former Head of School, Latin was committed to providing a traditional education and remaining apolitical. Latin used to respect its parents’ diverse perspectives and viewpoints. Today, Latin’s parents live in a culture of fear.

5. As a result of Defendants’ improper actions, Mr. and Mrs. Turpin assert claims

against Charlotte Latin Schools, Inc.; Baldecchi; and Ballaban for violations of the North Carolina Unfair and Deceptive Trade Practices Act (Count One) and fraud (Count Two). Moreover, Mr. and Mrs. Turpin assert a claim for negligent misrepresentation against Charlotte Latin Schools, Inc. and Ballaban (Count Three). Mr. and Mrs. Turpin also assert a claim for negligent infliction of emotional distress against Charlotte Latin Schools, Inc. and Baldecchi (Count Four) and negligent supervision and retention against Charlotte Latin Schools, Inc. (Count Five). In addition, Mr. and Mrs. Turpin assert two claims for defamation – one against Charlotte Latin Schools, Inc. and Baldecchi (Count Six) and one against Charlotte Latin Schools, Inc. and each member of the Board (“Board Defendants”) (Count Seven). Finally, Mr. and Mrs. Turpin assert claims against Charlotte Latin Schools, Inc. for breach of contract (Count Eight) and breach of the implied covenant of good faith and fair dealing (Count Nine).

PARTIES

6. Plaintiffs Doug Turpin and Nicole Turpin are the parents of two young children who attended Charlotte Latin School in Charlotte, North Carolina. Mr. and Mrs. Turpin were at all times relevant to this Complaint residents of Union County, North Carolina.

7. Defendant Charlotte Latin Schools, Inc. is a nonprofit corporation incorporated under the laws of North Carolina with its registered office in Charlotte, North Carolina. Charlotte Latin Schools, Inc. operates Charlotte Latin School, which is an accredited, independent, coeducational, non-sectarian, college-preparatory day school serving more than 1,500 students in transitional kindergarten through the twelfth grade in Charlotte, North Carolina.

8. Defendant Charles D. Baldecchi was the Head of School and Ex-Officio member of the Board at Latin at all times relevant to this Complaint. As Head of School, Baldecchi was the most senior administrator at Latin.

9. Defendant Todd Ballaban was the Head of Middle School at Latin at all times relevant to this Complaint.

10. Defendant Denny S. O’Leary was the Chair and a member of the Board at Latin at all times relevant to this Complaint.

11. Defendant Michael D. Freno was the Vice Chair and a member of the Board at Latin at all times relevant to this Complaint.

12. Defendant R. Mitchell Wickham was the Treasurer and a member of the Board at Latin at all times relevant to this Complaint.

13. Defendant Courtney Hyder was the Secretary and a member of the Board at Latin at all times relevant to this Complaint.

14. Defendant Irm R. Bellavia was a member of the Board at Latin at all times relevant to this Complaint.

15. Defendant Phil C. Colaco was a member of the Board at Latin at all times relevant to this Complaint.

16. Defendant John D. Comly was a member of the Board at Latin at all times relevant to this Complaint.

17. Defendant Mary Katherine Dubose was a member of the Board at Latin at all times relevant to this Complaint.

18. Defendant Adaora A. Eruchalu was a member of the Board at Latin at all times relevant to this Complaint.

19. Defendant Debbie S. Frail was a member of the Board at Latin at all times relevant to this Complaint.

20. Defendant Don S. Gately was a member of the Board at Latin at all times relevant

to this Complaint.

21. Defendant Israel K. Gorelick was a member of the Board at Latin at all times relevant to this Complaint.

22. Defendant Joy M. Kenefick was a member of the Board at Latin at all times relevant to this Complaint.

23. Defendant Karim Lokas was a member of the Board at Latin at all times relevant to this Complaint.

24. Defendant John T. McCoy was a member of the Board at Latin at all times relevant to this Complaint.

25. Defendant Kristin M. Middendorf was a member of the Board at Latin at all times relevant to this Complaint.

26. Defendant A. Coy Monk IV was a member of the Board at Latin at all times relevant to this Complaint.

27. Defendant Uma N. O'Brien was a member of the Board at Latin at all times relevant to this Complaint.

28. Defendant David A. Shuford was a member of the Board at Latin at all times relevant to this Complaint.

29. Defendant Michelle A. Thornhill was a member of the Board at Latin at all times relevant to this Complaint.

30. Defendant Fletcher H. Gregory III was Associate Head of School, Chief Financial Officer, and Ex-Officio member of the Board at Latin at all times relevant to this Complaint.

31. Tara Lebda was the 2021-22 Parents' Council President and Ex-Officio member of the Board at Latin at all times relevant to this Complaint.

32. Paige Ford was the 2021-22 Alumni Governing Board President and Ex-Officio member of the Board at Latin at all times relevant to this Complaint.

JURISDICTION AND VENUE

33. Defendant Charlotte Latin Schools, Inc. is located in Mecklenburg County, North Carolina, which is where it operates Charlotte Latin School. The events complained of herein occurred in Mecklenburg County, North Carolina, and the amount in controversy exceeds \$25,000. All parties are subject to the jurisdiction of the courts of North Carolina pursuant to G.S. § 1-75.4, and Mecklenburg County is the proper venue pursuant to G.S. § 1-82.

FACTUAL BACKGROUND

Enrollment Agreements

34. On or about February 5, 2021, Mr. and Mrs. Turpin made two \$2,500 enrollment deposits and entered into two enrollment agreements with Charlotte Latin Schools, Inc., one for each of their two children, O.T. and L.T., to attend Latin during the 2021-22 school year (“Enrollment Agreements”).

35. The Enrollment Agreements obligated Latin to educate Mr. and Mrs. Turpin’s children during the 2021-22 school year and to comply with the Parent-School Partnership and all of Latin’s policies, rules, and regulations within the Family Handbook and elsewhere in exchange for Mr. and Mrs. Turpin’s payment of the tuition and all required fees for the 2021-22 school year, complying with the Parent-School Partnership, and Mr. and Mrs. Turpin and their children complying with all of Latin’s policies, rules, and regulations within the Family Handbook and elsewhere.

36. The Enrollment Agreements provided that Mr. and Mrs. Turpin “understand the

mission, values, and expectations of the School as outlined in the *Charlotte Latin School Parent-School Partnership* and agree to accept all policies, rules, and regulations of Charlotte Latin Schools, Inc., including those as stated and as referred to above.” Elsewhere, the Enrollment Agreements provided that Mr. and Mrs. Turpin “agree to uphold the Parent-School Partnership.”

Parent-School Partnership

37. A document with the heading “Parent-School Partnership” was attached to the Enrollment Agreements. Under the heading, the document states the following: “We look to everyone in the Latin community to uphold our Honor Code. This document outlines the expectations of the Parent-School Partnership.” The document includes the following requirements, among others, for both Latin and Latin parents to follow:

- Understanding that an effective partnership is characterized by clearly defined responsibilities, mutual respect, open communication, support of the Mission of the School, adherence to the Honor Code and a commitment to the Core Values.
- Communicating with each other in a timely manner. . . . Parent communications include registering comments and concerns by communicating directly with the School and sharing any religious, cultural, medical or personal information the School may need to best serve their children.
- Modeling behavior based on the Honor Code and Core Values. The School will clearly define and communicate standards of behavior for all members of the Latin community. Parent behavioral expectations are covered in this document....Parents and CLS staff will model civility, integrity and good sportsmanship at School and all School-sponsored functions.* . . . Both sides acknowledge that all members of our community are ambassadors of Charlotte Latin School, and understand that as ambassadors “words matter.”
- *If the School learns of behavior that does not seem to uphold our shared commitment to Honor Above All and the Honor Code, the administration will reach out for a conversation to determine an appropriate response to the behavior which may include reconciliation, resolution and/or reasonable consequences for the behavior.

- Using direct person-to-person communications and treating one another with mutual respect, courtesy and dignity. Parents will address comments/concerns directly to the appropriate person at the School. The School will seek to answer/address comments and concerns through direct conversation with Parents. When a question/concern arises for a parent, these are the steps to follow: 1. Reach out to the appropriate teacher/advisor to schedule a conversation to address the issue/concern. 2. The teacher/advisor and parent will work together to answer questions, reconcile and resolve differences. 3. If no reconciliation or resolution is reached, involve the appropriate administrator.
- Upholding and enforcing School rules and policies. The School will uphold and enforce rules and policies detailed in the Family Handbook in a fair, appropriate and equitable manner. Parents will support the School’s rules and policies. . . .

Family Handbook 2021-22

38. The Family Handbook 2021-22 (“Family Handbook”) was provided to Latin parents, including Mr. and Mrs. Turpin, at the beginning of the 2021-22 school year. It contains Latin’s Mission, Honor Code, and Core Values, which are mentioned in the Enrollment Agreements, among other rules and policies.

39. The Mission of Latin is described in the Family Handbook as the following: “Our mission is to encourage individual development and civility in our students by inspiring them to learn, by encouraging them to serve others, and by offering them many growth-promoting opportunities.”

40. The Family Handbook contains several “Beliefs,” including but not limited to the following:

- Everyone can learn and is encouraged to learn.
- Everyone in this school community will be provided with as many opportunities for learning as the school can provide.
- The school will continue to review and update its programs in all areas.

- Honor is one of the most fundamental values and upholding the Honor Code is a valued tradition.
- Parents are an active and important part of the life of the school.
- Each student has unique talents and capabilities.
- Each student has something to give to the community.
- Teachers will interact with students in a way to develop healthy relationships in a professional manner.
- The leadership of the school shall be carried out through an atmosphere of encouraging and strengthening all of the above.

41. The Honor Code is not specifically described in the Family Handbook, but, under the heading “The Honor System,” the Family Handbook describes what is likely considered by Latin to be its Honor Code. It provides the following:

Charlotte Latin is a school where families of diverse backgrounds, races, religions, and nationalities share common values, practice mutual respect, and reach for academic excellence. The foundation of the Charlotte Latin culture is built on an honor code that embraces the motto “Honor Above All.” The Honor Code, which is designed to equip students with sound ethical decision-making skills, is an essential part of character education at Charlotte Latin.

42. The Honor System also includes The Honor Pledge:

As a member of the Charlotte Latin School community, I am responsible for upholding and promoting honesty, trust, respect, fairness, and justice in all venues of school life. To maintain personal integrity, I will not cheat, lie, steal, or plagiarize. I will do my best to raise awareness of the importance of honor for the purpose of making Latin a better place to learn and work. I understand the Charlotte Latin School Honor Code and will uphold my HONOR ABOVE ALL.

43. In addition, The Honor System defines the terms “cheating,” “lying,” “stealing,” and “plagiarism.”

44. The Core Values section of the Family Handbook describes six core values of Latin:

“Honor Above All”

Charlotte Latin embraces the development of personal honor as a lifelong pursuit in the building of character, and we require adherence to the Honor Code from all members of the school community. We honor one another and our personal gifts and accomplishments.

Leadership

Charlotte Latin encourages the development of leadership as a lifelong characteristic of our students and adheres to the concept of service to others (servant leadership) as the ideal model that best meets the needs of our school community, our nation, and the world.

Commitment to Excellence

The quest for excellence that has characterized Charlotte Latin since its founding extends to all aspects of school life and is viewed as the effort to do one's best and to seek to improve continually. This quest embodies the boundless spirit that characterizes our school community, and it is grounded in our commitment to create an exceptional environment for teaching and learning.

Personal Responsibility

Each person at Charlotte Latin is accountable for their actions. We all share responsibility for the welfare of the greater school community.

Respect for Oneself and Others

Respect is the foundation of the Charlotte Latin School community. We celebrate differences that include diverse people, cultures, and perspectives.

Moral Courage

Charlotte Latin leads by example and our members are willing to do what is right and true through the courage of their convictions in spite of possible consequences or the opinions of others. Morally courageous people are willing to admit their mistakes, to address injustice, and to uphold the principle of "Honor Above All."

45. Under the heading "Commitment to an Inclusive Community," the Family Handbook includes the following Diversity and Inclusion Statement: "As a community of learners, Charlotte Latin School is committed to creating a welcoming and supportive environment that accepts and honors all people. We respect individual differences, including, but not limited to, ethnicity, gender identity, national origin, race, religion, sexual orientation, and socio-economic status."

46. Under the Diversity and Inclusion Statement, the Family Handbook includes a

provision under the heading “Commitment”:

The school’s commitment to fostering an inclusive community is grounded in civility, which is reflected in its Mission and Core Values. Thus, all members of the Charlotte Latin School community are expected to demonstrate respect for themselves and others, to show empathy and kindness, to take responsibility for their actions, and when necessary, to exemplify the moral courage to preserve the safety and well-being of others.

47. With respect to student misconduct, the Family Handbook prohibits retaliation against anyone who complains in good faith about bullying, harassment, or discrimination: “Charlotte Latin School prohibits retaliatory behavior against anyone who complains in good faith or participates in the complaint and/or investigation process pursuant to this policy, regardless of the outcome of the investigation.”

48. Under the heading “Campus,” the Family Handbook includes the following provisions, among others, on the subject of “Conduct, Courtesy, and Decorum”: “Faculty and students should always treat one another with respect and courtesy in thought, language, and deed. . . . Students always look to their parents and teachers to be good role models of appropriate behavior. . . . Members of the CLS community deal courteously with one another.”

49. Under the heading “CLS Family Expectations,” the Family Handbook contains virtually the same Parent-School Partnership provisions that are found in the Parent-School Partnership document attached to the Enrollment Agreements.

50. Under the heading “Middle School: Academic Policies and Procedures,” the Family Handbook includes provisions on course changes, including these provisions, among others:

Once the new academic year begins, a course change or withdrawal can be made only if it is determined by the school to be in the student’s best interest and to not be detrimental to other students or to the school as a whole. Any course changes will be made according to the procedures outlined below. Any student who must pursue a change in course selection will first speak with the Assistant Head of

Middle School. A change in schedule requires written permission from the parent. Course changes/withdrawals must be made prior to Labor Day. The Head of Middle School may approve these changes if they are feasible in the master schedule and if they do not over- or under-enroll a class section.

Latin's Adoption of a Political Agenda

51. On or about June 2020, in the wake of nationwide protests and riots that were fueled by the Black Lives Matter movement following the death of George Floyd, Defendant Denny S. O'Leary, Chair of the Board, and Thad M. Sharrett, former Chair of the Board, sent a letter to all Latin parents, faculty, and staff that showed the first sign that Latin was moving toward a curriculum, culture, and focus associated with a political agenda. In the letter, O'Leary and Sharrett made a commitment to end Latin's own purported systemic racism and to affirm Latin's identity as an "anti-racist academic institution." Notably, O'Leary and Sharrett made a point to state "Black Lives Matter" in the letter, which, in 2020, had become a mantra commonly associated with a political agenda. The letter emphasized "equity," which is a word that had become known to be used in political discourse to mean the advocacy for equal results among the races, as opposed to equal opportunities through nondiscrimination and color-blind policies: "The principles of diversity, equity and inclusion are foundational for the Board and will lead our thinking in the development of our next strategic plan, the preparation for which is happening now."

52. On or about June 2020, Latin began to distribute a video series to parents, faculty, staff, and alumni called "Conversations About Race." The video series consisted of four discussions between Baldecchi and Sonja Taylor, the then-newly promoted Assistant Head of School for K-12 Curriculum and Instruction, Equity, and Strategic Initiatives. In one video called "The Founding of Charlotte Latin School," Taylor stated that Latin's enrollment in its early years "was positively affected by white families who felt strongly that they did not want to

have their students in school with African-American people” -- commonly referred to as “white flight.” Taylor further stated, “I do believe that the school benefited greatly from white families who really did not want or could not understand or could not view African-American people as their equal and that they would be in the same schooling environment moving forward, and so we have Charlotte Latin.”

53. Taylor did not cite to *The Charlotte Observer* article regarding Latin’s founding; did not interview any of the living founding families, former Board members, or the former Head of School; and did not reference any of Latin’s 50-year anniversary materials, such as *Latin Translations*, none of which and none of whom support her view of Latin’s founding.

54. In response to the video series, members of Latin’s Founding Board of Trustees group contacted O’Leary and Baldecchi to complain that, in the video called “The Founding of Charlotte Latin School,” Taylor falsely stated that Latin was founded based largely on white parents’ removal of their children from the public school system for the purpose of avoiding the requirement to have them educated in the same school as African-American students. On August 10, 2020, Baldecchi responded to the group, “After much consideration, we decided not to make edits. We did not see editing the video in the best interest of the school for a variety of reasons, many of which we shared with you at our meeting on Wednesday, July 29.”

55. On or about July 4, 2020, Baldecchi sent to Latin parents, faculty, and staff an open letter titled “My Reflections on the Fourth of July and My Journey Through Life as We Live History.” Baldecchi wrote that he had received emails from Latin alumni, parents, and students about injustices experienced by students of color and about the shame felt by white students. He stated that “[t]hose emails also call for change and action.”

56. In the letter, Baldecchi boasted about being the Head Waiter during his senior

year at Episcopal High School in Alexandria, Virginia (across the Potomac River from Washington, D.C.), which, upon information and belief, was during the mid-1980s. He said that the waiters took a “staged” picture together each year for the yearbook in which the smallest freshman was placed in the center. He recalled that the smallest freshman during his senior year, who happened to be African American, posed for the picture on a platter with an apple in his mouth. Notably, Baldecchi stated that the picture was not racially motivated. It was just an annual gag. However, he nevertheless called it a “humiliating pose” and an “abhorrent scene” that brings to mind “racist cartoons from a different era.” He said, “in today’s lens, it is horrific.” Characterizing his senior-year, yearbook-picture experience as a “teachable moment” and saying he must “own the consequences,” Baldecchi explained that he felt the need to tell Taylor about the non-racially motivated picture and “to examine and reflect on what went wrong.”

57. During the 2020-21 school year, Latin parents, including Mr. and Mrs. Turpin, began communicating with each other about these communications from Latin and other changes they were suddenly noticing in Latin’s curriculum or culture that were indicative of the adoption of a political agenda. For example, students were reading books and poems about homosexuality and transgenderism that were pornographic and/or not age appropriate, and students were being asked for their preferred pronouns, all of which are actions associated with a political agenda.

58. Over time, these concerned parents, including Mr. and Mrs. Turpin, began to meet at each other’s homes, to share stories about what they were seeing at Latin, and to discuss what, if anything, they should do about it. Ultimately, the group of parents, including Mr. and Mrs. Turpin, decided to request the opportunity to meet with the Board in order to foster a positive, collaborative working relationship with Latin in hopes of beginning a dialogue about the need for

better transparency with parents regarding curriculum and the need for consistency with Latin's Mission and Core Values, as well as Latin's promise of a traditional and apolitical education.

Presentation to the Executive Committee of the Board

59. In or about July 2021, Defendant Michael D. Freno, Vice Chair of the Board, invited the group of concerned parents, which included Mr. and Mrs. Turpin, to give a presentation to the Executive Committee of the Board. Freno told one of the parents that the presentation should be very detailed and describe precisely about what the parent group was concerned regarding Latin's curriculum and culture. The Board limited the number of parents who could attend the presentation from the parent group to ten people.

60. In or about July 2021, two Latin parents met with O'Leary. At that meeting, the parents told O'Leary that they and the other parents involved with preparing the presentation to the Board were concerned that Latin would retaliate against them. O'Leary told the parents that they could tell the other parents that no parent who raises concerns about Latin's curriculum and culture will be subjected to retaliation and that any parent who participates in the presentation would be even more protected from being subjected to retaliation. O'Leary explained that an adverse action against a parent who participates in the presentation would too obviously be an act of retaliation by Latin for the parent's exercise of the contractual right to communicate concerns to Latin. The parents shared O'Leary's assurance of non-retaliation with the other parents preparing the presentation to the Board, including Mr. and Mrs. Turpin. Mr. and Mrs. Turpin relied upon O'Leary's assurance in deciding to participate in the presentation.

61. On August 24, 2021, ten members of the parent group (which, by that time, had begun to call itself Refocus Latin), including Mr. Turpin, gave a PowerPoint presentation to the Executive Committee of the Board, as well as to Baldecchi and Defendant Fletcher H. Gregory

III. During the presentation, Board Defendants Freno and Comly provided Mr. Turpin and other Latin parents with an assurance that Latin would not retaliate against any of the parents for raising concerns about Latin’s curriculum and culture. Likewise, O’Leary provided an assurance to all of the parents that Latin would not retaliate against any of the parents for raising concerns about Latin’s curriculum and culture. The presentation described specific and serious concerns that Latin had changed its curriculum and culture to comport with views associated with a political agenda.

62. The Latin parents, including Mr. Turpin, gave the presentation in a professional and civil manner in the spirit of a positive, collaborative working relationship as is consistent with Latin’s Mission.

63. At the conclusion of the presentation, O’Leary thanked the parents for their presentation. However, she told the parents that neither the Board nor Latin’s administrators would continue to have a dialogue with the group of parents about the items raised in the presentation. O’Leary stated that the Board would not be providing a response to the presentation or have any further meetings with the group about Latin’s curriculum and culture. Instead, O’Leary suggested that individual parents take any concerns that they may have in the future to Latin’s administrators.

64. The next day, on August 25, 2021, O’Leary sent an email to again thank all ten of the parents who presented to the Board, copying all of the members of the Executive Committee, Baldecchi, and Gregory:

a. “I just wanted to say thank you again for last night. As was shared at the conclusion of our meeting, your passion for Latin shown through in your preparation and presentation and we appreciate you bringing your concerns to the table. Please know – above all

– that we are all fully committed to ensuring Latin stays true to its Mission and upholds its Core Values.”

b. “On a more personal level, as both an alumna and parent, I woke up this morning as optimistic as ever about our beloved school. The power of that which binds us – notably our commitment to the enduring and foundational principals of Latin, as expressed in our Mission and Core Values and, as Melinda powerfully noted, our shared mission to serve our children – will fuel the continued success of Latin through a dynamic and ever-changing world.”

65. On August 29, 2021, Mr. Turpin responded to O’Leary’s email, copying all of the same people who were included in O’Leary’s email, as well as Mrs. Turpin. In his response, Mr. Turpin thanked the Executive Committee of the Board for its time, singling out O’Leary and Freno for praise in organizing the opportunity for the presentation.

66. Mr. Turpin also expressed disappointment that neither the Board nor Latin’s administrators would continue to have a dialogue with the group of parents by providing a response to the presentation or by having any further meetings with the group about Latin’s curriculum and culture and its focus on a political agenda. He noted that, in the absence of an opportunity to discuss the issues as a group, Latin’s administrators would likely receive numerous individual inquiries about those same issues.

67. Upon information and belief, in the days that followed the August 24, 2021 presentation, parents who participated in the preparation of the presentation and who had access to the PowerPoint document shared the document via email with other Latin parents who were concerned about Latin’s curriculum and culture and its focus on a political agenda.

68. Upon information and belief, the PowerPoint document was not uploaded by

anyone in Refocus Latin to any social media or other digital platform from which it could be instantly shared to a larger audience and “go viral.” Mr. and Mrs. Turpin did not upload the document to any social media or other digital platform from which it could be instantly shared to a larger audience and “go viral.”

Baldecchi’s Video Calls with All Latin Faculty and Staff

69. In video calls that Baldecchi had on September 1-2, 2021 with all Latin faculty and staff, which would include Defendant Gregory, Baldecchi stated that he knew that people in the Latin community had obtained a copy of the PowerPoint presentation that was presented to the Board, and – in a stark and sudden departure from O’Leary’s thankfulness, appreciation, and praise of the Latin parents who made the presentation – Baldecchi maliciously described the presentation as “just awful” and “very hurtful.” He stated that “[o]ne reads it and cringes.” Calling the parents’ concerns about Latin’s curriculum and culture a “lost cause,” Baldecchi claimed that the parents who gave the presentation, which included Mr. Turpin, met with the Board in “bad faith.” He additionally told the faculty and staff that the parents’ presentation was “an attack on our community with the intention of ripping its fabric apart,” and that “we cannot allow this to happen.” Baldecchi said that he, personally, is “not going to allow this to happen, but I can’t mend it without your help.” He said, “we have to come together, trust each other and support each other.”

70. Baldecchi also told the faculty and staff that he had the complete support of the Board in what he was telling the faculty and staff about the presentation and about the Latin parents who gave the presentation. He stated that, after he spent an entire day with the Board just two weeks earlier at a strategic planning retreat, “I have never felt more supported by a board” and “I don’t see any daylight between us.”

71. Baldecchi cautioned faculty and staff not to speak with any Latin parents about the parents' concerns with the curriculum and culture and Latin's focus on a political agenda, instructing faculty and staff to instead "point them to me, please." A few days later, on September 7, 2021, Mr. and Mrs. Turpin expressed a concern about what was being taught in their son's sixth-grade Humanities classroom, as well as other issues that appeared to indicate their son's teacher was retaliating against their son for Mr. and Mrs. Turpin's involvement in the presentation. Under the circumstances, Mr. and Mrs. Turpin directed their concerns to Defendant Todd Ballaban, the Head of Middle School. Ballaban, in turn, brought Baldecchi into the matter, and Baldecchi expelled Mr. and Mrs. Turpin's children from Latin three days later.

Baldecchi's Expulsion of Mr. and Mrs. Turpin's Children

72. On September 7, 2021, Mr. Turpin sent an email to Ballaban, in which Mr. Turpin expressed a concern on behalf of Mr. and Mrs. Turpin to Ballaban regarding the sixth-grade curriculum – specifically, political indoctrination in their son's Humanities classroom – as well as a concern that the teacher of that class, Monica Bullock, suddenly no longer allowed their son to pull his mask down to drink water or to go to the bathroom. Mr. and Mrs. Turpin requested that their son be moved into another teacher's Humanities classroom. Mr. and Mrs. Turpin also requested an opportunity to discuss the situation with Ballaban before he addressed it with the teacher. Mr. and Mrs. Turpin communicated their concerns in a professional and civil manner in the spirit of a positive, collaborative working relationship as is consistent with Latin's Mission.

73. On September 8, 2021 at 9:39 am, Ballaban responded via email to Mr. Turpin's email and stated that he would investigate Mr. and Mrs. Turpin's "serious claims" with the teacher and get back to Mr. and Mrs. Turpin in "a day or two." Ballaban further promised no retaliation by the teacher and that "there will be no blowback":

Thank you for the email. You make some serious claims that I need to investigate with the teacher, which is only fair so she can provide context. Our teachers do not retaliate and there will be no blowback, I assure you. Please give me a day or two to look into it and I will get back to you shortly.

74. On September 8, 2021 at 9:48 am, Mr. Turpin responded via email to Ballaban's email and reiterated his desire to speak with Ballaban before Ballaban spoke to the teacher. Mr. Turpin's email was communicated in a professional and civil manner in the spirit of a positive, collaborative working relationship as is consistent with Latin's Mission.

75. On September 8, 2021 at 10:47 am, which was only about one hour after Ballaban had emailed Mr. Turpin that Ballaban needed "a day or two" to investigate the matter, Ballaban responded via email to Mr. Turpin's email and astonishingly stated that he had "look[ed] into the matter in depth." Ballaban also stated that he and Baldecchi wanted to meet with Mr. and Mrs. Turpin about the concerns set forth in Mr. Turpin's September 7, 2021 email. Ballaban did not state that any other matters would be discussed at the meeting: "I have had a chance to review your email and look into the matter in depth. Chuck Baldecchi and I would like to meet with you and Nicole in person about it. I have copied Chuck and his assistant Michelle Godfrey, who can assist in finding us some time."

76. On September 8, 2021 at 2:46 pm, Mr. Turpin responded via email to Ballaban's email, noting that Ballaban had looked into the matter without first speaking with Mr. Turpin at Mr. Turpin's request so that he could provide Ballaban with additional information and context. Nevertheless, Mr. Turpin agreed to meet with Ballaban and Baldecchi on September 10, 2021 to discuss Mr. and Mrs. Turpin's concerns set forth in Mr. Turpin's September 7, 2021 email. Mr. Turpin's email was communicated in a professional and civil manner in the spirit of a positive, collaborative working relationship as is consistent with Latin's Mission.

77. On September 10, 2021, Mr. Turpin met with Baldecchi and Ballaban at Latin.

Ballaban explained that he had spoken with Bullock, the Humanities teacher in question, and that Bullock denied everything that Mr. Turpin stated was being taught by Bullock in terms of political indoctrination. With Baldecchi by his side, Ballaban stated that he believed Bullock, which was consistent with Baldecchi's prior directive to all faculty and staff on September 1-2, 2021 that, in the face of concerns about Latin's culture, curriculum, and focus on a political agenda, "we have to come together, trust each other and support each other."

78. Ballaban did not address with Mr. Turpin that Bullock suddenly no longer allowed Mr. and Mrs. Turpin's son to pull his mask down to drink water or to go to the bathroom.

79. Mr. Turpin communicated with Ballaban with respect, courtesy, and dignity throughout Ballaban's response to Mr. and Mrs. Turpin's concerns regarding their son's education in the spirit of a positive, collaborative working relationship as is consistent with Latin's Mission. Mr. Turpin used a professional and civil tone of voice and volume, and his words were also professional and civil. Moreover, Mr. Turpin's body language and facial expressions were professional and civil.

80. While Ballaban and Mr. Turpin were speaking about Ballaban's discussion with Bullock, Baldecchi took out copies of Mr. and Mrs. Turpin's Enrollment Agreements that he had been concealing during the meeting, and he summarily expelled Mr. and Mrs. Turpin's children from Latin. Mr. and Mrs. Turpin's children were required to leave Latin that day and were prohibited by Baldecchi from returning.

Baldecchi's Defamatory Statement

81. In the course of expelling Mr. and Mrs. Turpin's children, Baldecchi said to Mr.

Turpin, “it was said in the [PowerPoint] document,” which Baldecchi knew Mr. Turpin presented with other Latin parents to the Board on August 24, 2021, and to which Baldecchi knew Mrs. Turpin contributed her involvement and support, that “the school accepts students and hires faculty because of their color” and those students and faculty of color “are also not up to the merit of the school.” In actuality, the PowerPoint document did not include that claim, and no parent who attended the presentation, including Mr. Turpin, made that claim.

82. Upon information and belief, Baldecchi repeated that statement to one or more of the other Board Defendants between September 10, 2021 and September 14, 2021.

Board Defendants’ Defamatory Statement

83. Four days later, on September 14, 2021, Baldecchi and each of the other Board Defendants stunningly endorsed Baldecchi’s statement in an email showing the sender as “The Board of Trustees, Charlotte Latin School” with a subject line that read “A Message from the Board of Trustees” sent to all Latin families, faculty, and staff.

84. In the email, the Board Defendants essentially repeated Baldecchi’s defamatory statement that the parents who had presented to the Board, which included Mr. Turpin, had claimed in the PowerPoint document or otherwise “that diverse students and faculty have not earned their positions and honors at Latin and that diversity comes at the expense of excellence.” Again, in actuality, the PowerPoint document did not include that claim, and no parent who attended the presentation, including Mr. Turpin, made that claim.

85. The email was signed at the bottom in typewritten format by “The Charlotte Latin Board of Trustees,” and it listed by name every individual member of the Board, including Ex-Officio members, as signatories to the email.

Latin’s Ratification of Baldecchi’s Expulsions of Mr. and Mrs. Turpin’s Children

86. From on or about September 2021 through on or about April 2022, Mr. and Mrs. Turpin repeatedly attempted to obtain an opportunity to be heard by the Board regarding, and to obtain a reversal of, Baldecchi's improper expulsion of Mr. and Mrs. Turpin's children. However, O'Leary, as Board Chair, refused to provide Mr. and Mrs. Turpin that opportunity and, instead, expressly endorsed and backed the decision of Baldecchi to expel Mr. and Mrs. Turpin's children.

**COUNT ONE - VIOLATION OF THE NORTH CAROLINA
UNFAIR AND DECEPTIVE TRADE PRACTICES ACT, G.S. § 75-1.1**

(AGAINST CHARLOTTE LATIN SCHOOLS, INC., BALDECCHI, AND BALLABAN)

87. Mr. and Mrs. Turpin repeat and re-allege and incorporate by reference the allegations set forth in Paragraphs 1 through 86, inclusive, as though fully set forth herein.

88. Baldecchi and Ballaban engaged in unfair or deceptive acts or practices in or affecting commerce and proximately caused injury to Mr. and Mrs. Turpin in connection with Ballaban's false representations on September 8, 2021 and Baldecchi's concealment of material facts September 8-10, 2021 that Latin would not retaliate against Mr. and Mrs. Turpin's children for expressing their concerns and that a proposed September 10, 2021 in-person meeting at Latin between Mr. and Mrs. Turpin, Baldecchi, and Ballaban would solely be an opportunity for Baldecchi and Ballaban – consistent with the Parent-School Partnership – to answer and/or address Mr. and Mrs. Turpin's concerns, as those concerns were set forth in Mr. Turpin's September 7, 2021 email to Ballaban.

89. Instead, the September 10, 2021 meeting was designed by Baldecchi and Ballaban to provoke Mr. and Mrs. Turpin into saying or doing something that would violate the Parent-School Partnership and, thus, justify Baldecchi expelling their children and/or to falsely accuse them of having violated the Parent-School Partnership in the past. The false representations and

concealment of material facts was also immoral, unethical, oppressive, unscrupulous, or substantially injurious to Mr. and Mrs. Turpin.

90. In addition, Baldecchi engaged in unfair or deceptive acts or practices in or affecting commerce and proximately caused injury to Mr. and Mrs. Turpin in connection with the circumstances of Baldecchi's immoral, unethical, oppressive, and unscrupulous act of providing a false, pretextual, and improper reason on September 10, 2021 for expelling Mr. and Mrs. Turpin's children from Latin that was also substantially injurious to Mr. and Mrs. Turpin.

91. Furthermore, Latin engaged in unfair or deceptive acts or practices in or affecting commerce and proximately caused injury to Mr. and Mrs. Turpin in connection with Latin's immoral, unethical, oppressive, and unscrupulous acts of providing repeated, express assurances from Board members that there would be no retaliation against Mr. and Mrs. Turpin for their participation in the presentation to the Board on August 24, 2021. Those acts had the tendency to deceive, and did deceive, Mr. and Mrs. Turpin into preparing the PowerPoint document and presenting to the Board.

92. Ballaban's false representations and Baldecchi's concealment of material facts, as well as Baldecchi's false, pretextual, and improper reason for expelling Mr. and Mrs. Turpin's children from Latin on September 10, 2021, were done within the course and scope of their employment with Latin, and Latin ratified the conduct afterwards. As such, Charlotte Latin Schools, Inc. is vicariously liable for their conduct as well as directly liable.

Latin, Baldecchi, and Ballaban Engaged in Deceptive or Unfair Acts or Practices

93. On September 7, 2021, Mr. Turpin sent an email to Ballaban, on which Mrs. Turpin was copied, regarding Mr. and Mrs. Turpin's concern regarding the sixth-grade curriculum – specifically, political indoctrination in their son's Humanities classroom – as well

as a concern that the teacher of that class, Monica Bullock, suddenly no longer allowed their son to pull his mask down to drink water or allowed him to go to the bathroom. Mr. and Mrs. Turpin requested that their son be moved into another teacher's Humanities classroom.

94. On September 8, 2021, when Ballaban sent Mr. and Mrs. Turpin an email in response to Mr. Turpin, he represented to Mr. and Mrs. Turpin that there would be no retaliation by Latin against Mr. and Mrs. Turpin's children for expressing their concerns.

95. On September 8, 2021, in a subsequent email copying Baldecchi, Ballaban stated that he and Baldecchi proposed to meet with Mr. and Mrs. Turpin to answer and/or address Mr. and Mrs. Turpin's concerns set forth in Mr. Turpin's September 7, 2021 email. However, Baldecchi and Ballaban were creating a pretext to provoke Mr. and Mrs. Turpin into saying or doing something inappropriate at the meeting that Baldecchi could then claim to constitute a violation of the Parent-School Partnership provisions of the Enrollment Agreements and, thus, justify expulsion of their two children and/or to falsely accuse them of having violated the Parent-School Partnership in the past.

96. Ballaban made false representations in his September 8, 2021 emails that Latin would not retaliate – when he stated, “there will be no blowback, I assure you” – against Mr. and Mrs. Turpin's children for expressing their concerns and that the meeting was solely to discuss the issues in Mr. Turpin's September 7, 2021 email.

97. Baldecchi, as Head of School, owed a duty to Mr. and Mrs. Turpin to reply to the email, or to otherwise disclose, that Latin would retaliate against Mr. and Mrs. Turpin's children for expressing their concerns and that the real purpose for the meeting, or an additional purpose for the meeting, was to provoke Mr. and Mrs. Turpin into violating the Parent-School

Partnership and/or to accuse them of having violated the Parent-School Partnership in the past. Baldecchi concealed that material fact.

98. In retaliation for Mr. and Mrs. Turpin's exercise of their contractually-protected right to respectfully communicate with Latin about their children's education, including Latin's recent change in curriculum and culture and its focus on a political agenda, Baldecchi and Ballaban took actions that had the tendency to deceive, and which did deceive, Mr. and Mrs. Turpin into attending the meeting under the false pretense that the meeting was solely scheduled for Baldecchi and Ballaban to discuss and respond to Mr. and Mrs. Turpin's concerns set forth in Mr. Turpin's September 7, 2021 email to Ballaban about their son's education and his teacher. After all, pursuant to the Parent-School Partnership, Latin must "seek to answer/address comments and concerns through direct conversation with Parents."

99. In actuality, Baldecchi and Ballaban scheduled the meeting in order to lure Mr. and Mrs. Turpin into a meeting that had the objective of intentionally agitating Mr. and Mrs. Turpin to the point that Baldecchi could justify expelling their two children and/or to falsely accuse them of having violated the Parent-School Partnership in the past. Baldecchi sought to "cancel" Mr. and Mrs. Turpin by expelling their children from Latin and ridding himself of parents who exercise their contractually-protected right to respectfully communicate with Latin about their concerns with the school. Baldecchi's actions were particularly deceptive, immoral, unethical, oppressive, and unscrupulous because he knew that the Chair and Vice Chair of the Board had additionally promised Mr. and Mrs. Turpin that Latin would not retaliate against Mr. and Mrs. Turpin's children.

100. In reliance upon Ballaban's false representations and Baldecchi's concealment of

material facts, Mr. Turpin attended the September 10, 2021 meeting on behalf of his family. Mr. Turpin communicated with Ballaban with respect, courtesy, and dignity throughout Ballaban's response to Mr. and Mrs. Turpin's concerns regarding their son's education, in the spirit of a positive, collaborative working relationship as is consistent with Latin's Mission. Mr. Turpin used a professional and civil tone of voice and volume, and his words were also professional and civil. Moreover, Mr. Turpin's body language and facial expressions were professional and civil.

101. While Ballaban and Mr. Turpin were speaking about Ballaban's discussion with Bullock, Baldecchi took out copies of Mr. and Mrs. Turpin's Enrollment Agreements that he had been concealing during the meeting, and he summarily expelled Mr. and Mrs. Turpin's children from Latin. Mr. and Mrs. Turpin's children were required to leave Latin that day and were prohibited by Baldecchi from returning.

102. Baldecchi stated that he expelled Mr. and Mrs. Turpin's children because he disliked the manner in which Mr. Turpin had communicated to Latin about Mr. and Mrs. Turpin's concerns about their children's education, including Latin's recent change in curriculum and culture and its focus on a political agenda. Being that respectfully communicating with Latin is contractually-protected activity under the Parent-School Partnership, Baldecchi's stated reason for the expulsions was false, pretextual, and improper. In actuality, Baldecchi's expulsions were in retaliation for Mr. and Mrs. Turpin's exercise of their contractually-protected right to respectfully communicate with Latin about their children's education, including Latin's recent change in curriculum and culture and its focus on a political agenda.

103. Baldecchi and Ballaban's actions of luring Mr. and Mrs. Turpin into a meeting under false pretenses and expelling Mr. and Mrs. Turpin's children for a false, pretextual, and improper reason were done with fraud, malice, and willful or wanton conduct toward Mr. and

Mrs. Turpin, and thus involve additional and substantial aggravating circumstances, as evidenced by (1) Baldecchi's hateful language on September 1-2, 2021 describing to faculty and staff his sense of personal ill will toward the Latin parents, including Mr. and Mrs. Turpin, who presented and/or prepared the August 24, 2021 presentation to the Board; (2) Baldecchi expelled Mr. and Mrs. Turpin's children in connection with fraud committed by Ballaban and Baldecchi, in that Ballaban made false representations to, and Baldecchi failed to disclose to, Mr. and Mrs. Turpin that there would be retaliation by Latin against Mr. and Mrs. Turpin's children for expressing their concerns and the true or additional purpose of the September 10, 2021 meeting was to provoke them and/or expel their children; (3) Baldecchi's expulsion of Mr. and Mrs. Turpin's children removed the children from the only school they had ever attended and removed them from their friends in the midst of a pandemic that he knew challenged children's mental health; (4) Baldecchi expelled Mr. and Mrs. Turpin's children without prior notice, without an opportunity to be heard, and without any other procedural protections; and (5) Baldecchi's defamatory statement during the meeting that "it was said in the [PowerPoint] document," which Mr. Turpin presented with other Latin parents to the Board on August 24, 2021, and to which Mrs. Turpin contributed her involvement and support, that "the school accepts students and hires faculty because of their color" and those students and faculty of color "are also not up to the merit of the school."

104. Latin engaged in unfair or deceptive acts or practices by providing repeated, express assurances from Board members that there would be no retaliation against Mr. and Mrs. Turpin for their participation in the presentation to the Board on August 24, 2021. O'Leary made such a promise in July 2021, and O'Leary, Freno, and Comly made such a promise at the presentation on August 24, 2021. However, on September 10, 2021, Baldecchi expelled Mr. and

Mrs. Turpin's children from Latin in retaliation for Mr. and Mrs. Turpin's participation in the presentation to the Board and for otherwise communicating to Latin their concerns with Latin's recent change in curriculum and culture and its focus on a political agenda.

Latin, Baldecchi, and Ballaban's Acts or Practices Were in or Affecting Commerce and Proximately Caused Injury to Mr. and Mrs. Turpin

105. Baldecchi and Ballaban's acts or practices of making false representations and concealing material facts, and Baldecchi's false, pretextual, and improper reason for expelling Mr. and Mrs. Turpin's children, were in or affecting commerce because Latin engages in business activity and the exchange of commercial services, namely, the education of more than 1,500 students in transitional kindergarten through twelfth grade in exchange for the payment of tuition and fees. For the same reason, Latin's unfair or deceptive acts or practices were in or affecting commerce.

106. Baldecchi and Ballaban's acts or practices proximately caused injury to Mr. and Mrs. Turpin because, in reliance upon Ballaban's false representations that there would be no retaliation by Latin against Mr. and Mrs. Turpin's children for expressing their concerns and that the September 10, 2021 meeting would solely be about Mr. and Mrs. Turpin's concerns regarding their son's education and treatment by his teacher, and in reliance upon Baldecchi's concealment of the material fact that Latin would retaliate against Mr. and Mrs. Turpin's children for expressing their concerns and that the real purpose for the meeting, or an additional purpose for the meeting, was to provoke Mr. and Mrs. Turpin into violating the Parent-School Partnership and/or to falsely accuse them of having violated the Parent-School Partnership in the past, Mr. Turpin attended the meeting and was understandably and reasonably unprepared to address, and was not provided prior notice or information to be able to address, Baldecchi's false allegation that Mr. Turpin's prior communications constitute a violation of the Parent-School

Partnership justifying the expulsion of Mr. and Mrs. Turpin's children, and the children were expelled at the meeting.

107. Baldecchi's acts or practices on September 10, 2021 proximately caused injury to Mr. and Mrs. Turpin because Baldecchi's false, pretextual, and improper reason for expelling Mr. and Mrs. Turpin's children resulted in their expulsion that day.

108. If Baldecchi and Ballaban had not acted with deception and unfairness by making false representations, concealing a material fact, and using a false, pretextual, and improper reason for expelling Mr. and Mrs. Turpin's children, then Mr. Turpin would not have attended the September 10, 2021 meeting, and Mr. and Mrs. Turpin would have requested notice of the expulsions, an opportunity to review the information that Baldecchi sought to use to justify the expulsions, an opportunity to be heard, and other procedural protections.

109. Mr. and Mrs. Turpin's children would not have been expelled if Baldecchi and Ballaban had not acted with deception and unfairness by making a false representation, concealing a material fact, and using a false, pretextual, and improper reason for expelling Mr. and Mrs. Turpin's children.

110. Baldecchi and Ballaban's acts or practices proximately caused Mr. and Mrs. Turpin to lose the money paid to Latin for their children to attend during the 2021-22 school year, to incur consequential damages in changing the children's schools, to suffer emotional distress, and to incur other injuries.

111. Latin's acts or practices of providing repeated, express assurances from Board members that there would be no retaliation against Mr. and Mrs. Turpin for their participation in the presentation to the Board on August 24, 2021 proximately caused injury to Mr. and Mrs. Turpin because they relied upon those assurances in participating in the presentation. However,

on September 10, 2021, Baldecchi expelled Mr. and Mrs. Turpin's children from Latin in retaliation for Mr. and Mrs. Turpin's participation in the presentation to the Board and for otherwise communicating to Latin their concerns with Latin's recent change in curriculum and culture and its focus on a political agenda.

112. Latin's acts or practices proximately caused Mr. and Mrs. Turpin to lose the money paid to Latin for their children to attend during the 2021-22 school year, to incur consequential damages in changing the children's schools, to suffer emotional distress, and to incur other injuries.

COUNT TWO - FRAUD

(AGAINST CHARLOTTE LATIN SCHOOLS, INC., BALDECCHI, AND BALLABAN)

113. Mr. and Mrs. Turpin repeat and re-allege and incorporate by reference the allegations set forth in Paragraphs 1 through 112, inclusive, as though fully set forth herein.

114. Baldecchi and Ballaban engaged in fraud in connection with Ballaban's false representations on September 8, 2021 and Baldecchi's concealment of material facts September 8-10, 2021 that Latin would not retaliate against Mr. and Mrs. Turpin's children for expressing their concerns and that a proposed September 10, 2021 in-person meeting at Latin between Mr. and Mrs. Turpin, Baldecchi, and Ballaban would solely be an opportunity for Baldecchi and Ballaban – consistent with the Parent-School Partnership – to answer and/or address Mr. and Mrs. Turpin's concerns, as those concerns were set forth in Mr. Turpin's September 7, 2021 email to Ballaban.

115. Instead, the September 10, 2021 meeting was designed by Baldecchi and Ballaban

to provoke Mr. and Mrs. Turpin into saying or doing something that would violate the Parent-School Partnership and, thus, justify Baldecchi expelling their children and/or to falsely accuse them of having violated the Parent-School Partnership in the past.

116. Ballaban's false representations on September 8, 2021 and Baldecchi's concealment of material facts September 8-10, 2021 were done within the course and scope of their employment with Latin, and Latin ratified the conduct afterwards. As such, Charlotte Latin Schools, Inc. is vicariously liable for their conduct.

Baldecchi and Ballaban's Acts Were Reasonably Calculated to Deceive, Made with Intent to Deceive, and Did in Fact Deceive Mr. and Mrs. Turpin

117. On September 7, 2021, Mr. Turpin sent an email to Ballaban, on which Mrs. Turpin was copied, regarding Mr. and Mrs. Turpin's concern regarding the sixth-grade curriculum – specifically, political indoctrination in their son's Humanities classroom – as well as a concern that the teacher of that class, Monica Bullock, suddenly no longer allowed their son to pull his mask down to drink water or allowed him to go to the bathroom. Mr. and Mrs. Turpin requested that their son be moved into another teacher's Humanities classroom.

118. On September 8, 2021, when Ballaban sent Mr. and Mrs. Turpin an email in response to Mr. Turpin, he represented to Mr. and Mrs. Turpin that there would be no retaliation by Latin against Mr. and Mrs. Turpin's children for expressing their concerns.

119. On September 8, 2021, in a subsequent email copying Baldecchi, Ballaban stated that he and Baldecchi proposed to meet with Mr. and Mrs. Turpin to answer and/or address Mr. and Mrs. Turpin's concerns set forth in Mr. Turpin's September 7, 2021 email. However, Baldecchi and Ballaban were creating a pretext to provoke Mr. and Mrs. Turpin into saying or doing something inappropriate at the meeting that Baldecchi could then claim to constitute a violation of the Parent-School Partnership provisions of the Enrollment Agreements and, thus,

justify expulsion of their two children and/or to falsely accuse them of having violated the Parent-School Partnership in the past.

120. Ballaban made false representations in his September 8, 2021 emails that Latin would not retaliate – when he stated, “there will be no blowback, I assure you” – against Mr. and Mrs. Turpin’s children for expressing their concerns and that the meeting was solely to discuss the issues in Mr. Turpin’s September 7, 2021 email.

121. Baldecchi, as Head of School, owed a duty to Mr. and Mrs. Turpin to reply to the emails, or to otherwise disclose, that Latin would retaliate against Mr. and Mrs. Turpin’s children for expressing their concerns and that the real purpose for the meeting, or an additional purpose for the meeting, was to provoke Mr. and Mrs. Turpin into violating the Parent-School Partnership and/or to accuse them of having violated the Parent-School Partnership in the past. Baldecchi concealed that material fact.

122. In retaliation for Mr. and Mrs. Turpin’s exercise of their contractually-protected right to respectfully communicate with Latin about their children’s education, including Latin’s recent change in curriculum and culture and its focus on a political agenda, Baldecchi and Ballaban took actions that had the tendency to deceive, and which did deceive, Mr. and Mrs. Turpin into attending the meeting under the false pretense that the meeting was solely scheduled for Baldecchi and Ballaban to discuss and respond to Mr. and Mrs. Turpin’s concerns set forth in Mr. Turpin’s September 7, 2021 email to Ballaban about their son’s education and his teacher. After all, pursuant to the Parent-School Partnership, Latin must “seek to answer/address comments and concerns through direct conversation with Parents.”

123. In actuality, Baldecchi and Ballaban scheduled the meeting in order to lure Mr.

and Mrs. Turpin into a meeting that had the objective of intentionally agitating Mr. and Mrs. Turpin to the point that Baldecchi could justify expelling their two children and/or to falsely accuse them of having violated the Parent-School Partnership in the past. Baldecchi sought to “cancel” Mr. and Mrs. Turpin by expelling their children from Latin and ridding himself of parents who exercise their contractually-protected right to respectfully communicate with Latin about their concerns with the school. Baldecchi’s actions of concealment were particularly deceptive because he knew that the Chair and Vice Chair of the Board had additionally promised Mr. and Mrs. Turpin that Latin would not retaliate against Mr. and Mrs. Turpin’s children.

124. In reliance upon Ballaban’s false representations and Baldecchi’s concealment of material facts, Mr. Turpin attended the September 10, 2021 meeting on behalf of his family. Mr. Turpin communicated with Ballaban with respect, courtesy, and dignity throughout Ballaban’s response to Mr. and Mrs. Turpin’s concerns regarding their son’s education, in the spirit of a positive, collaborative working relationship as is consistent with Latin’s Mission. Mr. Turpin used a professional and civil tone of voice and volume, and his words were also professional and civil. Moreover, Mr. Turpin’s body language and facial expressions were professional and civil.

125. While Ballaban and Mr. Turpin were speaking about Ballaban’s discussion with Bullock, Baldecchi took out copies of Mr. and Mrs. Turpin’s Enrollment Agreements that he had been concealing during the meeting, and he summarily expelled Mr. and Mrs. Turpin’s children from Latin. Mr. and Mrs. Turpin’s children were required to leave Latin that day and were prohibited by Baldecchi from returning.

126. Baldecchi stated that he expelled Mr. and Mrs. Turpin’s children because he disliked the manner in which Mr. Turpin had communicated to Latin about Mr. and Mrs. Turpin’s concerns about their children’s education, including Latin’s recent change in curriculum

and culture and its focus on a political agenda. Being that respectfully communicating with Latin is contractually-protected activity under the Parent-School Partnership, Baldecchi's stated reason for the expulsions was false, pretextual, and improper. In actuality, Baldecchi's expulsions were in retaliation for Mr. and Mrs. Turpin's exercise of their contractually-protected right to respectfully communicate with Latin about their children's education, including Latin's recent change in curriculum and culture and its focus on a political agenda.

127. Baldecchi and Ballaban's actions of luring Mr. and Mrs. Turpin into a meeting under false pretenses and expelling Mr. and Mrs. Turpin's children for a false, pretextual, and improper reason were done with fraud, malice, and willful or wanton conduct toward Mr. and Mrs. Turpin, as evidenced by (1) Baldecchi's hateful language on September 1-2, 2021 describing to faculty and staff his sense of personal ill will toward the Latin parents, including Mr. and Mrs. Turpin, who presented and/or prepared the August 24, 2021 presentation to the Board; (2) Baldecchi expelled Mr. and Mrs. Turpin's children in connection with fraud committed by Ballaban and Baldecchi, in that Ballaban made false representations to, and Baldecchi failed to disclose to, Mr. and Mrs. Turpin that there would be retaliation by Latin against Mr. and Mrs. Turpin's children for expressing their concerns and the true or additional purpose of the September 10, 2021 meeting was to provoke them and/or expel their children; (3) Baldecchi's expulsion of Mr. and Mrs. Turpin's children removed the children from the only school they had ever attended and removed them from their friends in the midst of a pandemic that he knew challenged children's mental health; (4) Baldecchi expelled Mr. and Mrs. Turpin's children without prior notice, without an opportunity to be heard, and without any other procedural protections; and (5) Baldecchi's defamatory statement during the meeting that "it was said in the [PowerPoint] document," which Mr. Turpin presented with other Latin parents to the

Board on August 24, 2021, and to which Mrs. Turpin contributed her involvement and support, that “the school accepts students and hires faculty because of their color” and those students and faculty of color “are also not up to the merit of the school.”

Baldecchi and Ballaban’s Acts Resulted in Damage to Mr. and Mrs. Turpin

128. Baldecchi and Ballaban’s acts or practices of making false representations and concealing material facts resulted in damage to Mr. and Mrs. Turpin because, in reliance upon Ballaban’s false representations that there would be no retaliation by Latin against Mr. and Mrs. Turpin’s children for expressing their concerns and that the September 10, 2021 meeting would solely be about Mr. and Mrs. Turpin’s concerns regarding their son’s education and treatment by his teacher, and in reliance upon Baldecchi’s concealment of the material fact that Latin would retaliate against Mr. and Mrs. Turpin’s children for expressing their concerns and that the real purpose for the meeting, or an additional purpose for the meeting, was to provoke Mr. and Mrs. Turpin into violating the Parent-School Partnership and/or to accuse them of having violated the Parent-School Partnership in the past, Mr. Turpin attended the meeting and was understandably and reasonably unprepared to address, and was not provided prior notice or information to be able to address, Baldecchi’s false allegation that Mr. Turpin’s prior communications constitute a violation of the Parent-School Partnership justifying the expulsion of Mr. and Mrs. Turpin’s children, and the children were expelled at the meeting.

129. If Baldecchi and Ballaban had not taken actions that were reasonably calculated to deceive, made with intent to deceive, and which did deceive Mr. and Mrs. Turpin, then Mr. Turpin would not have attended the September 10, 2021 meeting, and Mr. and Mrs. Turpin would have requested notice of the expulsions, an opportunity to review the information that

Baldecchi sought to use to justify the expulsions, an opportunity to be heard, and other procedural protections.

130. Mr. and Mrs. Turpin's children would have not been expelled if Baldecchi and Ballaban had not taken actions that were reasonably calculated to deceive, made with intent to deceive, and which did deceive Mr. and Mrs. Turpin.

131. Baldecchi and Ballaban's acts or practices of making false representations and concealing material facts September 8-10, 2021 resulted in damages to Mr. and Mrs. Turpin in lost money paid to Latin for their children to attend during the 2021-22 school year, consequential damages in changing the children's schools, emotional distress, and other damages.

COUNT THREE – NEGLIGENT MISREPRESENTATION

(AGAINST CHARLOTTE LATIN SCHOOLS, INC. AND BALLABAN)

132. Mr. and Mrs. Turpin repeat and re-allege and incorporate by reference the allegations set forth in Paragraphs 1 through 131, inclusive, as though fully set forth herein.

133. Mr. and Mrs. Turpin justifiably relied to their detriment on Ballaban's September 8, 2021 emails to them that were prepared without reasonable care or competence by Ballaban who, as Head of Middle School, owed Mr. and Mrs. Turpin, who were parents of students in the Middle School, a duty of care to truthfully disclose that Latin would retaliate against Mr. and Mrs. Turpin's children for expressing their concerns and that the actual purpose, or an additional purpose, of the proposed September 10, 2021 meeting was to provoke Mr. and Mrs. Turpin into violating the Parent-School Partnership and/or to falsely accuse them of having violated the Parent-School Partnership in the past.

134. Ballaban supplied false information on September 8, 2021 to Mr. and Mrs. Turpin

in connection with their dealings with Latin under the Enrollment Agreements, which incorporate the Parent-School Partnership and Family Handbook, by misrepresenting that Latin would not retaliate against Mr. and Mrs. Turpin's children for expressing their concerns and that the September 10, 2021 in-person meeting at Latin would be solely about Mr. and Mrs. Turpin's concerns as set forth in Mr. Turpin's September 7, 2021 email to Ballaban.

135. Mr. and Mrs. Turpin could not have learned the true or additional purpose of the September 10, 2021 meeting by the exercise of reasonable diligence because they were unaware of anyone else who knew the true or additional purpose of the September 10, 2021 meeting and had no reason to disbelieve the reason for the meeting provided by Ballaban, which was not corrected or clarified by Baldecchi who was copied on Ballaban's email. Ballaban and Baldecchi had superior knowledge of the true or additional purpose of the meeting.

136. Ballaban's false representations on September 8, 2021 were done within the course and scope of his employment with Latin, and Latin ratified the conduct afterwards. As such, Charlotte Latin Schools, Inc. is vicariously liable for the conduct.

**Ballaban Prepared Information Without Reasonable Care or
Competence for Mr. and Mrs. Turpin, to Whom Ballaban Owed a Duty of Care**

137. On September 7, 2021, Mr. Turpin sent an email to Ballaban, on which Mrs. Turpin was copied, regarding Mr. and Mrs. Turpin's concern regarding the sixth-grade curriculum – specifically, political indoctrination in their son's Humanities classroom – as well as a concern that the teacher of that class, Monica Bullock, suddenly no longer allowed their son to pull his mask down to drink water or allowed him to go to the bathroom. Mr. and Mrs. Turpin requested that their son be moved into another teacher's Humanities classroom.

138. On September 8, 2021, when Ballaban sent Mr. and Mrs. Turpin an email in

response to Mr. Turpin, he represented to Mr. and Mrs. Turpin that there would be no retaliation by Latin against Mr. and Mrs. Turpin's children for expressing their concerns.

139. On September 8, 2021, in a subsequent email copying Baldecchi, Ballaban stated that he and Baldecchi proposed to meet with Mr. and Mrs. Turpin to answer and/or address Mr. and Mrs. Turpin's concerns set forth in Mr. Turpin's September 7, 2021 email. However, Baldecchi and Ballaban were creating a pretext to provoke Mr. and Mrs. Turpin into saying or doing something inappropriate at the meeting that Baldecchi could then claim to constitute a violation of the Parent-School Partnership provisions of the Enrollment Agreements and, thus, justify expulsion of their two children and/or to falsely accuse them of having violated the Parent-School Partnership in the past.

140. Ballaban made false representations in his September 8, 2021 emails that Latin would not retaliate – when he stated, “there will be no blowback, I assure you” – against Mr. and Mrs. Turpin's children for expressing their concerns and that the meeting was solely to discuss the issues in Mr. Turpin's September 7, 2021 email.

141. In actuality, Baldecchi and Ballaban scheduled the meeting in order to lure Mr. and Mrs. Turpin into a meeting that had the objective of intentionally agitating Mr. and Mrs. Turpin to the point that Baldecchi could justify expelling their two children and/or to accuse them of having violated the Parent-School Partnership in the past. Baldecchi sought to “cancel” Mr. and Mrs. Turpin by expelling their children from Latin and ridding himself of parents who exercise their contractually-protected right to respectfully communicate with Latin about their concerns with the school.

142. In reliance upon Ballaban's false representations, Mr. Turpin attended the

September 10, 2021 meeting on behalf of his family. Mr. Turpin communicated with Ballaban with respect, courtesy, and dignity throughout Ballaban's response to Mr. and Mrs. Turpin's concerns regarding their son's education, in the spirit of a positive, collaborative working relationship as is consistent with Latin's Mission. Mr. Turpin used a professional and civil tone of voice and volume, and his words were also professional and civil. Moreover, Mr. Turpin's body language and facial expressions were professional and civil.

143. While Ballaban and Mr. Turpin were speaking about Ballaban's discussion with Bullock, Baldecchi took out copies of Mr. and Mrs. Turpin's Enrollment Agreements that he had been concealing during the meeting, and he summarily expelled Mr. and Mrs. Turpin's children from Latin. Mr. and Mrs. Turpin's children were required to leave Latin that day and were prohibited by Baldecchi from returning.

144. Baldecchi stated that he expelled Mr. and Mrs. Turpin's children because he disliked the manner in which Mr. Turpin had communicated to Latin about Mr. and Mrs. Turpin's concerns about their children's education, including Latin's recent change in curriculum and culture and its focus on a political agenda. Being that respectfully communicating with Latin is contractually-protected activity under the Parent-School Partnership, Baldecchi's stated reason for the expulsions was false, pretextual, and improper. In actuality, Baldecchi's expulsions were in retaliation for Mr. and Mrs. Turpin's exercise of their contractually-protected right to respectfully communicate with Latin about their children's education, including Latin's recent change in curriculum and culture and its focus on a political agenda.

145. As Head of Middle School, Ballaban owed a duty to Mr. and Mrs. Turpin, whose children were in the Middle School, to truthfully disclose that Latin would retaliate against Mr. and Mrs. Turpin's children for expressing their concerns and that the actual purpose, or an

additional purpose, of the proposed September 10, 2021 meeting was to provoke Mr. and Mrs. Turpin into violating the Parent-School Partnership and/or to accuse them of having violated the Parent-School Partnership in the past.

146. In retaliation for Mr. and Mrs. Turpin's exercise of their contractually-protected right to respectfully communicate with Latin about their children's education, including Latin's recent change in curriculum and culture and its focus on a political agenda, Ballaban did not prepare his September 8, 2021 emails with care or competence. Ballaban's emails were intended to deceive Mr. and Mrs. Turpin into attending the September 10, 2021 meeting under the false pretense that the meeting was solely scheduled for Baldecchi and Ballaban to discuss and respond to Mr. and Mrs. Turpin's concerns set forth in Mr. Turpin's September 7, 2021 email to Ballaban about their son's education and his teacher. After all, pursuant to the Parent-School Partnership, Latin must "seek to answer/address comments and concerns through direct conversation with Parents."

147. Ballaban's false representations made to lure Mr. and Mrs. Turpin into attending a meeting under false pretenses for Baldecchi to expel Mr. and Mrs. Turpin's children for a false, pretextual, and improper reason were done with fraud, malice, and willful or wanton conduct toward Mr. and Mrs. Turpin, as evidenced by (1) Ballaban's acquiescence to Baldecchi's hateful language on September 1-2, 2021 describing to faculty and staff his sense of personal ill will toward the Latin parents, including Mr. and Mrs. Turpin, who presented and/or prepared the August 24, 2021 presentation to the Board; (2) Ballaban's acquiescence to Baldecchi's expulsion of Mr. and Mrs. Turpin's children in connection with fraud, in that Ballaban made a false representation to, and he acquiesced to Baldecchi's failure to disclose to, Mr. and Mrs. Turpin that there would be retaliation by Latin against Mr. and Mrs. Turpin's children for expressing

their concerns and that the true or additional purpose of the September 10, 2021 meeting was to provoke them and/or expel their children; (3) Ballaban’s acquiescence to Baldecchi’s expulsion of Mr. and Mrs. Turpin’s children that removed the children from the only school they had ever attended and removed them from their friends in the midst of a pandemic that he knew challenged children’s mental health; (4) Ballaban’s acquiescence to Baldecchi’s expulsion of Mr. and Mrs. Turpin’s children without prior notice, without an opportunity to be heard, and without any other procedural protections; and (5) Ballaban’s acquiescence to Baldecchi’s defamatory statement during the meeting that “it was said in the [PowerPoint] document,” which Mr. Turpin presented with other Latin parents to the Board on August 24, 2021, and to which Mrs. Turpin contributed her involvement and support, that “the school accepts students and hires faculty because of their color” and those students and faculty of color “are also not up to the merit of the school.”

**Mr. and Mrs. Turpin Justifiably Relied to
Their Detriment on Ballaban’s False Representation**

148. In justifiable reliance upon Ballaban’s false representations that there would be no retaliation by Latin for express their concerns and that the September 10, 2021 meeting would solely be about Mr. and Mrs. Turpin’s concerns regarding their son’s education and treatment by his teacher and not about an effort to provoke Mr. and Mrs. Turpin into violating the Parent-School Partnership and/or to accuse them of having violated the Parent-School Partnership in the past, Mr. Turpin attended the meeting and was understandably and reasonably unprepared to address, and was not provided prior notice or information to be able to address, Baldecchi’s false, pretextual, and improper allegation that Mr. Turpin’s communications with Latin and with Latin parents about Mr. and Mrs. Turpin’s concerns about their children’s education, including Latin’s recent change in curriculum and culture and its focus on a political agenda, constitute a

violation of the Parent-School Partnership justifying the expulsion of Mr. and Mrs. Turpin's children, and the children were expelled at the meeting.

149. If Ballaban had not made false representations, then Mr. Turpin would not have attended the September 10, 2021 meeting, and Mr. and Mrs. Turpin would have requested notice of the expulsions, an opportunity to review the information that Baldecchi sought to use to justify the expulsions, an opportunity to be heard, and other procedural protections.

150. Mr. and Mrs. Turpin's children would have not been expelled if Ballaban had not taken actions that were reasonably calculated to deceive, made with intent to deceive, and which did deceive Mr. and Mrs. Turpin.

151. Ballaban's false representations on September 8, 2021 resulted in damages to Mr. and Mrs. Turpin in lost money paid to Latin for their children to attend during the 2021-22 school year, consequential damages in changing the children's schools, emotional distress, and other damages.

COUNT FOUR – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

(AGAINST CHARLOTTE LATIN SCHOOLS, INC. AND BALDECCHI)

152. Mr. and Mrs. Turpin repeat and re-allege and incorporate by reference the allegations set forth in Paragraphs 1 through 151, inclusive, as though fully set forth herein.

153. Baldecchi failed to follow a duty to use ordinary care to protect Mrs. Turpin from injury or damage because Baldecchi did not take that degree of care which a reasonable and prudent person would have used under the same or similar circumstances to protect Mrs. Turpin from injury or damage.

154. Mrs. Turpin suffered severe emotional distress in that she suffered "major

depressive disorder with anxious distress, severe,” which is a severe and disabling emotional or mental condition that is generally recognized and diagnosed by professionals trained to do so.

155. Baldecchi’s failure to follow a duty to use ordinary care to protect Mrs. Turpin from injury or damage was a proximate cause of Mrs. Turpin’s severe emotional distress. To the extent that Mrs. Turpin’s severe emotional distress was due to her concern for her two children who Baldecchi expelled, such severe emotional distress was a reasonably foreseeable result of, and was in fact caused by, Baldecchi’s failure to follow a duty to use ordinary care to protect Mrs. Turpin from injury or damage.

156. Baldecchi’s failure to follow a duty to use ordinary care to protect Mrs. Turpin from injury or damage was done within the course and scope of his employment with Latin, and Latin ratified the conduct afterwards. As such, Charlotte Latin Schools, Inc. is vicariously liable for the conduct.

**Baldecchi Failed to Follow a Duty to Use
Ordinary Care to Protect Mr. and Mrs. Turpin from Injury or Damage**

157. Baldecchi owed Mrs. Turpin a duty to use ordinary care to protect Mrs. Turpin from injury or damage, including injury or damage due to Mrs. Turpin’s concern for her two children who attended Latin.

158. As Head of School, Baldecchi’s duty to use ordinary care included, but was not limited to, the duty to adhere to the Enrollment Agreements, which incorporate the Parent-School Partnership and the Family Handbook.

159. From September 8, 2021 through September 10, 2021, Baldecchi, as Head of School, owed a duty to Mr. and Mrs. Turpin to reply to Ballaban’s emails, or to otherwise disclose, that Latin would retaliate against Mr. and Mrs. Turpin’s children for expressing their concerns and that the real purpose for the September 10, 2021 meeting, or an additional purpose

for the meeting, was to provoke Mr. and Mrs. Turpin into violating the Parent-School Partnership and/or to accuse them of having violated the Parent-School Partnership in the past. Baldecchi concealed that material fact.

160. On September 10, 2021, during an in-person meeting with Mr. Turpin and Ballaban at Latin, Baldecchi failed to follow his duty to adhere to the Enrollment Agreements, which incorporate the Parent-School Partnership and the Family Handbook, by, among other ways, denying Mr. and Mrs. Turpin's children an education at Latin going forward during the 2021-22 school year; by expelling Mr. and Mrs. Turpin's children for the exercise of Mr. and Mrs. Turpin's contractually-protected right to respectfully communicate with Latin about their concerns with the school; and by expelling Mr. and Mrs. Turpin's children for false, pretextual, and improper reasons without first affording Mr. and Mrs. Turpin prior notice, an opportunity to be heard, and other procedural protections.

161. Baldecchi's failures to follow his duties were done with fraud, malice, and willful or wanton conduct toward Mr. and Mrs. Turpin, as evidenced by (1) Baldecchi's hateful language on September 1-2, 2021 describing to faculty and staff his sense of personal ill will toward the Latin parents, including Mr. and Mrs. Turpin, who presented and/or prepared the August 24, 2021 presentation to the Board; (2) Baldecchi expelled Mr. and Mrs. Turpin's children in connection with fraud, in that he failed to disclose to Mr. and Mrs. Turpin that there would be retaliation by Latin against Mr. and Mrs. Turpin's children for expressing their concerns and that the true or additional purpose of the September 10, 2021 meeting was to provoke them and/or expel their children; (3) Baldecchi's expulsion of Mr. and Mrs. Turpin's children removed the children from the only school they had ever attended and removed them from their friends in the midst of a pandemic that he knew challenged children's mental health;

(4) Baldecchi expelled Mr. and Mrs. Turpin's children without prior notice, without an opportunity to be heard, and without any other procedural protections; and (5) Baldecchi's defamatory statement during the meeting that "it was said in the [PowerPoint] document," which Mr. Turpin presented with other Latin parents to the Board on August 24, 2021, and to which Mrs. Turpin contributed her involvement and support, that "the school accepts students and hires faculty because of their color" and those students and faculty of color "are also not up to the merit of the school."

Mrs. Turpin Suffered Severe Emotional Distress as a Proximate Cause of Baldecchi's Failure to Follow a Duty to Use Ordinary Care

162. Mrs. Turpin suffered severe emotional distress in that she suffered "major depressive disorder with anxious distress, severe," which is a severe and disabling emotional or mental condition that is generally recognized and diagnosed by professionals trained to do so.

163. Baldecchi's failure, on September 10, 2021, to adhere to the Enrollment Agreements, which incorporate the Parent-School Partnership and the Family Handbook, by, among other ways, denying Mr. and Mrs. Turpin's children an education at Latin during the 2021-22 school year; by expelling Mr. and Mrs. Turpin's children for the exercise of their contractually-protected right to respectfully communicate with Latin about their concerns with the school; and by expelling Mr. and Mrs. Turpin's children for false, pretextual, and improper reasons without first affording Mr. and Mrs. Turpin prior notice, an opportunity to be heard, and other procedural protections was a proximate cause of Mrs. Turpin's severe emotional distress.

164. To the extent that Mrs. Turpin's severe emotional distress was due to her concern for her two children who Baldecchi expelled, such severe emotional distress was a reasonably foreseeable result of, and was in fact caused by, Baldecchi's failure to follow his duty to use ordinary care to protect Mrs. Turpin from injury or damage because, as the mother of the

children, Mrs. Turpin has a very special and close relationship with them. For Mrs. Turpin, the impact of the expulsion on her children foreseeably went beyond what occurred at the meeting on September 10, 2021 because the expulsions left her children without the only school they have ever attended, without their teachers and friends, and without their extracurricular school activities.

COUNT FIVE – NEGLIGENT SUPERVISION AND RETENTION

(AGAINST CHARLOTTE LATIN SCHOOLS, INC.)

165. Mr. and Mrs. Turpin repeat and re-allege and incorporate by reference the allegations set forth in Paragraphs 1 through 164, and Paragraphs 174 through 188, inclusive, as though fully set forth herein.

166. As Baldecchi's employer, Latin owed Mr. and Mrs. Turpin a duty to supervise Baldecchi and to ensure that Baldecchi was competent and fit to serve as Head of School, and Latin breached that duty and caused damages to Mr. and Mrs. Turpin. Baldecchi committed a tortious act resulting in injury to Mr. and Mrs. Turpin, and, prior to the act, Latin knew or had reason to know of Baldecchi's incompetency or inherent unfitness from which incompetency may be inferred.

167. Between September 8, 2021 and September 10, 2021, Baldecchi committed tortious acts constituting a violation of the North Carolina Unfair and Deceptive Trade Practices Act (Count One), fraud (Count Two), and negligent infliction of emotional distress (Count Four). In addition, on September 10, 2021, and, upon information and belief, between September 10, 2021 and September 14, 2021, Baldecchi committed tortious acts constituting slander *per quod* (Count Six).

168. Prior to Baldecchi's tortious acts, Latin knew or had reason to know of

Baldecchi's incompetency or inherent unfitness from which incompetency may be inferred because, on September 1, 2021, and then again on September 2, 2021, Baldecchi had video calls with all Latin faculty and staff, which, upon information and belief, included Defendant Gregory, who is also on the Board, during which Baldecchi used hateful language in expressing his personal ill will toward Latin parents who presented and/or prepared the August 24, 2021 presentation to the Board, which Baldecchi knew included Mr. and Mrs. Turpin. Baldecchi's words portended that he would take retaliatory action against Latin parents who had presented and/or prepared the August 24, 2021 presentation to the Board, and, on September 10, 2021, he did, in fact, retaliate against Mr. and Mrs. Turpin by expelling their children.

169. During the video calls, Baldecchi stated that he knew that people in the Latin community had obtained a copy of the PowerPoint presentation that was presented to the Board, and – in a stark and sudden departure from O'Leary's thankfulness, appreciation, and praise of the Latin parents who made the presentation – Baldecchi maliciously described the presentation as “just awful” and “very hurtful.” He stated that “[o]ne reads it and cringes.” Calling the parents' concerns about Latin's curriculum and culture a “lost cause,” Baldecchi claimed that the parents who gave the presentation, which included Mr. Turpin, met with the Board in “bad faith.” He additionally told the faculty and staff that the parents' presentation was “an attack on our community with the intention of ripping its fabric apart,” and that “we cannot allow this to happen.” Baldecchi said that he, personally, is “not going to allow this to happen, but I can't mend it without your help.” He said, “we have to come together, trust each other and support each other.”

170. Baldecchi also told the faculty and staff that he had the complete support of the

Board in what he was telling the faculty and staff about the presentation and about the Latin parents who gave the presentation. He stated that, after he spent an entire day with the Board just two weeks earlier at a strategic planning retreat, “I have never felt more supported by a board” and “I don't see any daylight between us.”

171. Latin either had actual notice of Baldecchi’s malicious statements about Latin parents, including Mr. and Mrs. Turpin, by virtue of Gregory’s attendance on the video calls and/or by virtue of the attendance of other Board Defendants and/or by virtue of any Board Defendants being told what Baldecchi said about Latin parents on the video calls, or Latin had constructive notice because Gregory or O’Leary, as Board Chair, or any of the other 21 Board Defendants could have known about the video calls if they had used ordinary care in oversight and supervision to determine whether and how Baldecchi addressed the issue of the PowerPoint presentation. This is especially so considering that, according to Baldecchi, he had the complete support of the Board in what he was telling the faculty and staff about the presentation and about the Latin parents who gave the presentation.

172. Latin’s failures to follow its duties were done with fraud, malice, and willful or wanton conduct toward Mr. and Mrs. Turpin, as evidenced by (1) Baldecchi’s hateful language on September 1-2, 2021 describing to faculty and staff his sense of personal ill will toward the Latin parents, including Mr. and Mrs. Turpin, who presented and/or prepared the August 24, 2021 presentation to the Board; (2) Baldecchi expelled Mr. and Mrs. Turpin’s children in connection with fraud, in that he failed to disclose to Mr. and Mrs. Turpin that there would be retaliation by Latin against Mr. and Mrs. Turpin’s children for expressing their concerns and that the true or additional purpose of the September 10, 2021 meeting was to provoke them and/or expel their children; (3) Baldecchi’s expulsion of Mr. and Mrs. Turpin’s

children removed the children from the only school they had ever attended and removed them from their friends in the midst of a pandemic that he knew challenged children's mental health; (4) Baldecchi expelled Mr. and Mrs. Turpin's children without prior notice, without an opportunity to be heard, and without any other procedural protections; and (5) Baldecchi's defamatory statement during the meeting that "it was said in the [PowerPoint] document," which Mr. Turpin presented with other Latin parents to the Board on August 24, 2021, and to which Mrs. Turpin contributed her involvement and support, that "the school accepts students and hires faculty because of their color" and those students and faculty of color "are also not up to the merit of the school."

173. Latin's failure to supervise Baldecchi and its decision to retain Baldecchi following his malicious statements about Latin parents on September 1-2, 2021 caused damages to Mr. and Mrs. Turpin in lost money paid to Latin for their children to attend during the 2021-22 school year, consequential damages in changing the children's schools, emotional distress, and other damages.

COUNT SIX – SLANDER PER QUOD

(AGAINST CHARLOTTE LATIN SCHOOLS, INC. AND BALDECCHI)

174. Mr. and Mrs. Turpin repeat and re-allege and incorporate by reference the allegations set forth in Paragraphs 1 through 173, inclusive, as though fully set forth herein.

175. On September 10, 2021, and, upon information and belief, between September 10, 2021 and September 14, 2021, Baldecchi uttered a statement of which the harmful character does not appear on its face as a matter of general acceptance, but rather becomes clear only in consequence of extrinsic, explanatory facts showing its injurious effect, and the statement was published or communicated to and understood by a third person.

176. On September 10, 2021, during the in-person meeting at Latin between Mr. Turpin, Baldecchi, and Ballaban, Baldecchi said to Mr. Turpin, “it was said in the [PowerPoint] document,” which Baldecchi knew Mr. Turpin presented with other Latin parents to the Board on August 24, 2021, and to which Baldecchi knew Mrs. Turpin contributed her involvement and support, that “the school accepts students and hires faculty because of their color” and those students and faculty of color “are also not up to the merit of the school” (“Baldecchi’s Defamatory Statement”).

177. Baldecchi’s Defamatory Statement was false, and Baldecchi knew it was false when he uttered the statement because he had a copy of the PowerPoint document in his possession since on or about the time it was presented to the Board and to him on August 24, 2021, which was over two weeks prior to his utterance.

178. On its face, Baldecchi’s Defamatory Statement was a statement that Mr. Turpin had, on August 24, 2021, with nine other Latin parents, presented a PowerPoint document to the Board that stated Latin admits students of color and hires faculty of color because of their color, and students and faculty of color at Latin do not meet Latin’s standards. In context, Baldecchi’s Defamatory Statement is much more than an incorrect characterization of a PowerPoint slide.

179. In context, Baldecchi’s Defamatory Statement was a known false statement that Mr. and Mrs. Turpin had, by virtue of preparing and/or presenting the PowerPoint document to the Board on August 24, 2021, themselves stated or they otherwise believe that Latin admits students and hires faculty based on a racial, color, and/or national origin preference that prefers student and faculty applicants who are minorities – in terms of their race, color, or national origin – to white student and faculty applicants.

180. In context, Baldecchi’s Defamatory Statement was a known false statement that

Mr. and Mrs. Turpin had, by virtue of preparing and/or presenting the PowerPoint document to the Board on August 24, 2021, themselves stated or they otherwise believe that Latin takes actions in violation of federal law, which prohibits intentional discrimination in entering into private contracts, including contracts for admissions and employment at independent schools, on the basis of race, color, or national origin.

181. In context, Baldecchi's Defamatory Statement was a known false statement that Mr. and Mrs. Turpin had, by virtue of preparing and/or presenting the PowerPoint document to the Board on August 24, 2021, themselves stated or they otherwise believe that the students and faculty at Latin who are minorities – in terms of their race, color, or national origin – are necessarily unqualified to attend Latin or to work at Latin.

182. The harmful character of Baldecchi's Defamatory Statement becomes clear with extrinsic, explanatory facts showing its injurious effect, such as through the context of Baldecchi's hateful language on September 1-2, 2021 describing to faculty and staff his sense of personal ill will toward the Latin parents, including Mr. and Mrs. Turpin, who presented and/or prepared the August 24, 2021 presentation to the Board.

183. Baldecchi's Defamatory Statement was uttered with fraud, malice, and willful or wanton conduct toward Mr. and Mrs. Turpin, as evidenced by (1) Baldecchi's hateful language on September 1-2, 2021 describing to faculty and staff his sense of personal ill will toward the Latin parents, including Mr. and Mrs. Turpin, who presented and/or prepared the August 24, 2021 presentation to the Board; (2) Baldecchi expelled Mr. and Mrs. Turpin's children in connection with fraud, in that he failed to disclose to Mr. and Mrs. Turpin that there would be retaliation by Latin against Mr. and Mrs. Turpin's children for expressing their concerns and that the true or additional purpose of the September 10, 2021 meeting was to provoke them and/or

expel their children; (3) Baldecchi's expulsion of Mr. and Mrs. Turpin's children removed the children from the only school they had ever attended and removed them from their friends in the midst of a pandemic that he knew challenged children's mental health; and (4) Baldecchi expelled Mr. and Mrs. Turpin's children without prior notice, without an opportunity to be heard, and without any other procedural protections.

184. Baldecchi's Defamatory Statement tended to disgrace and degrade Mr. and Mrs. Turpin and/or hold them up to public hatred, contempt, ridicule, or cause them to be shunned and/or avoided.

185. Baldecchi's Defamatory Statement was uttered on September 10, 2021 in the physical presence of Ballaban, a third party.

186. Upon information and belief, Baldecchi's Defamatory Statement was uttered between September 10, 2021 and September 14, 2021 to one or more of the other Board Defendants, who are third parties.

187. Baldecchi's Defamatory Statement caused special damages, including but not limited to the pecuniary loss of funds that Mr. and Mrs. Turpin incurred to hire a public relations professional and media specialists to attempt to rehabilitate Mr. and Mrs. Turpin's reputation and standing at Latin and in the greater Charlotte community.

188. Baldecchi's Defamatory Statement was uttered within the course and scope of his employment with Latin, and Latin ratified the conduct afterwards. As such, Charlotte Latin Schools, Inc. is vicariously liable for the conduct.

COUNT SEVEN – LIBEL *PER QUOD*

(AGAINST CHARLOTTE LATIN SCHOOLS, INC. AND ALL BOARD DEFENDANTS)

189. Mr. and Mrs. Turpin repeat and re-allege and incorporate by reference the

allegations set forth in Paragraphs 1 through 188, inclusive, as though fully set forth herein.

190. On September 14, 2021, the Board Defendants published a statement in an email of which the harmful character does not appear on its face as a matter of general acceptance, but rather becomes clear only in consequence of extrinsic, explanatory facts showing its injurious effect, and the statement was published or communicated to and understood by a third person.

191. On September 14, 2021, within an email showing the sender as “The Board of Trustees, Charlotte Latin School” with a subject line that read “A Message from the Board of Trustees” sent to all Latin families, faculty, and staff, the Board Defendants published the following statement: “Furthermore, the Board categorically rejects the assertion that diverse students and faculty have not earned their positions and honors at Latin and that diversity comes at the expense of excellence.” (“Board Defendants’ Defamatory Statement”). The email was signed at the bottom in typewritten format by “The Charlotte Latin Board of Trustees,” and it listed by name every individual member of the Board, including Ex-Officio members, as signatories to the email.

192. Board Defendants’ Defamatory Statement was false, and the Board Defendants knew it was false when they published the statement because, upon information and belief, they each had a copy of the PowerPoint document in their possession since on or about the time it was presented to the Board on August 24, 2021, which was three weeks prior to their publication. Upon information and belief, each Board Defendant knew that Mr. and Mrs. Turpin were involved with the preparation and/or presentation of the PowerPoint document.

193. On its face, Board Defendants’ Defamatory Statement was a statement that the

Board disagrees with an assertion that students and faculty of color have not earned their admissions, employment positions, and/or recognitions at Latin, and that the Board disagrees that racial diversity comes at the expense of excellence.

194. In context, as evidenced by the two paragraphs that immediately preceded Board Defendants' Defamatory Statement, the statement was not an affirmation of nondiscrimination but, instead, a false description of the presentation to the Board on August 24, 2021:

Several weeks ago, the Executive Committee of the Board met with and listened to a presentation by a group of parents and former parents concerned that Latin has drifted from its founding principles. Given the widespread dissemination of their presentation both within and outside the Latin community, we believe it necessary and appropriate for the Board to address any resulting misunderstandings about the direction of Charlotte Latin School.

We want to be very clear: the Mission and Core Values of Charlotte Latin School remain unchanged. These time-tested, foundational principles — through which we are united in a shared and unwavering commitment — shape our identity as Hawks.

195. In context, Board Defendants' Defamatory Statement was a known false statement that Mr. and Mrs. Turpin had, by virtue of preparing and/or presenting the PowerPoint document to the Board on August 24, 2021, themselves stated or they otherwise believe that Latin admits students and hires and promotes faculty based on a racial, color, and/or national origin preference that prefers student and faculty applicants who are minorities – in terms of their race, color, or national origin – to white student and faculty applicants.

196. In context, Board Defendants' Defamatory Statement was a known false statement that Mr. and Mrs. Turpin had, by virtue of preparing and/or presenting the PowerPoint document to the Board on August 24, 2021, themselves stated or they otherwise believe that Latin takes actions in violation of federal law, which prohibits intentional discrimination in

entering into private contracts, including contracts for admissions and employment at independent schools, on the basis of race, color, or national origin.

197. In context, Board Defendants' Defamatory Statement was a known false statement that Mr. and Mrs. Turpin had, by virtue of preparing and/or presenting the PowerPoint document to the Board on August 24, 2021, themselves stated or they otherwise believe that the students and faculty at Latin who are minorities – in terms of their race, color, or national origin – are necessarily unqualified to attend Latin or to work at Latin.

198. The harmful character of Board Defendants' Defamatory Statement becomes clear with extrinsic, explanatory facts showing its injurious effect, such as through the context of the two paragraphs preceding the statement in the Board's email; through the context of Baldecchi's hateful language on September 1-2, 2021 describing to faculty and staff his sense of personal ill will toward the Latin parents, including Mr. and Mrs. Turpin, who presented and/or prepared the August 24, 2021 presentation to the Board; and through Baldecchi's Defamatory Statement on September 10, 2021.

199. Board Defendants' Defamatory Statement was published with fraud, malice, and willful or wanton conduct toward Mr. and Mrs. Turpin, as evidenced by (1) Baldecchi's hateful language on September 1-2, 2021 describing to faculty and staff his sense of personal ill will toward the Latin parents, including Mr. and Mrs. Turpin, who presented and/or prepared the August 24, 2021 presentation to the Board; (2) Baldecchi expelled Mr. and Mrs. Turpin's children in connection with fraud, in that he failed to disclose to Mr. and Mrs. Turpin that there would be retaliation by Latin against Mr. and Mrs. Turpin's children for expressing their concerns and that the true or additional purpose of the September 10, 2021 meeting was to provoke them and/or expel their children; (3) Baldecchi's expulsion of Mr. and Mrs. Turpin's

children removed the children from the only school they had ever attended and removed them from their friends in the midst of a pandemic that he knew challenged children's mental health; (4) Baldecchi expelled Mr. and Mrs. Turpin's children without prior notice, without an opportunity to be heard, and without any other procedural protections; and (5) Baldecchi's Defamatory Statement on September 10, 2021.

200. Board Defendants' Defamatory Statement tended to disgrace and degrade Mr. and Mrs. Turpin and/or hold them up to public hatred, contempt, ridicule, or cause them to be shunned and/or avoided.

201. Board Defendants' Defamatory Statement was published on September 14, 2021 to all Latin families, faculty, and staff, who are third parties.

202. Board Defendants' Defamatory Statement caused special damages, including but not limited to the pecuniary loss of funds that Mr. and Mrs. Turpin incurred to hire a public relations professional and media specialists to attempt to rehabilitate Mr. and Mrs. Turpin's reputation and standing at Latin and in the greater Charlotte community.

203. Board Defendants' Defamatory Statement was uttered by Baldecchi and Gregory within the course and scope of their employment with Latin, and Latin ratified the conduct afterwards. As such, Charlotte Latin Schools, Inc. is vicariously liable for their conduct.

COUNT EIGHT – BREACH OF CONTRACT

(AGAINST CHARLOTTE LATIN SCHOOLS, INC.)

204. Mr. and Mrs. Turpin repeat and re-allege and incorporate by reference the allegations set forth in Paragraphs 1 through 203, inclusive, as though fully set forth herein.

205. On or about February 5, 2021, Mr. and Mrs. Turpin entered into two Enrollment

Agreements with Charlotte Latin Schools, Inc., one for each of their two children, O.T. and L.T., to attend Latin during the 2021-22 school year.

206. The Enrollment Agreements were valid contracts.

207. The Enrollment Agreements included the Parent-School Partnership and incorporated by reference all of Latin's policies, rules, and regulations within the Family Handbook and elsewhere.

208. The Enrollment Agreements obligated Latin to educate Mr. and Mrs. Turpin's children during the 2021-22 school year and to comply with the Parent-School Partnership and all of Latin's policies, rules, and regulations within the Family Handbook and elsewhere in exchange for Mr. and Mrs. Turpin paying the tuition and all required fees for the 2021-22 school year, complying with the Parent-School Partnership, and Mr. and Mrs. Turpin and their children complying with all of Latin's policies, rules, and regulations within the Family Handbook and elsewhere.

209. Mr. and Mrs. Turpin paid the tuition and all required fees for their children to attend Latin during the 2021-22 school year, complied with the Parent-School Partnership, and Mr. and Mrs. Turpin and their children complied with all of Latin's policies, rules, and regulations within the Family Handbook and elsewhere.

210. On September 10, 2021, Charlotte Latin Schools, Inc. breached the Enrollment Agreements in at least three material ways:

a. Baldecchi expelled Mr. and Mrs. Turpin's children and Latin ceased providing the children any educational services effective on that date due to no wrongdoing by the children or by Mr. and Mrs. Turpin, in violation of Latin's binding promise to educate the children during the 2021-22 school year.

b. Baldecchi expelled Mr. and Mrs. Turpin’s children without prior notice, without an opportunity to be heard, and without any other procedural protections, in violation of Latin’s binding promise to “uphold and enforce rules and policies detailed in the Family Handbook in a fair, appropriate and equitable manner.”

c. Baldecchi expelled Mr. and Mrs. Turpin’s children in retaliation for Mr. and Mrs. Turpin’s respectful, courteous, and dignified communications with Latin about issues concerning Latin and their children, in violation of Latin’s binding promise to provide Mr. and Mrs. Turpin the opportunity (i) to have “direct person-to-person communications,” in which Mr. and Mrs. Turpin and Latin “treat[] one another with mutual respect, courtesy and dignity”; (ii) to “address comments/concerns directly to the appropriate person at the School” and “[t]he School will seek to answer/address comments and concerns through direct conversation with Parents”; and (iii) to “involve the appropriate administrator,” if necessary, “when a question/concern arises for a parent.”

211. Charlotte Latin Schools, Inc.’s breach of the Enrollment Agreements was material because it prevented Mr. and Mrs. Turpin’s children from being educated at Latin for the 2021-22 school year.

212. As a result of Charlotte Latin Schools, Inc.’s breach of the Enrollment Agreements, Mr. and Mrs. Turpin incurred compensatory damages, including but not limited to actual damages equating to the loss of their payment of tuition and fees for the 2021-22 school year and consequential damages incurred as a result of being compelled, without prior notice, to change their children’s schools a few weeks into the new 2021-22 school year.

**COUNT NINE – BREACH OF IMPLIED
COVENANT OF GOOD FAITH AND FAIR DEALING**

(AGAINST CHARLOTTE LATIN SCHOOLS, INC.)

213. Mr. and Mrs. Turpin repeat and re-allege and incorporate by reference the allegations set forth in Paragraphs 1 through 212, inclusive, as though fully set forth herein.

214. On or about February 5, 2021, Mr. and Mrs. Turpin entered into two Enrollment Agreements with Charlotte Latin Schools, Inc., one for each of their two children, O.T. and L.T., to attend Latin during the 2021-22 school year.

215. The Enrollment Agreements were valid contracts.

216. The Enrollment Agreements included the Parent-School Partnership and incorporated by reference all of Latin's policies, rules, and regulations within the Family Handbook and elsewhere.

217. The Enrollment Agreements obligated Latin to educate Mr. and Mrs. Turpin's children during the 2021-22 school year and to comply with the Parent-School Partnership and all of Latin's policies, rules, and regulations within the Family Handbook and elsewhere in exchange for Mr. and Mrs. Turpin paying the tuition and all required fees for the 2021-22 school year, complying with the Parent-School Partnership, and Mr. and Mrs. Turpin and their children complying with all of Latin's policies, rules, and regulations within the Family Handbook and elsewhere.

218. Mr. and Mrs. Turpin paid the tuition and all required fees for their children to attend Latin during the 2021-22 school year, complied with the Parent-School Partnership, and Mr. and Mrs. Turpin and their children complied with all of Latin's policies, rules, and regulations within the Family Handbook and elsewhere.

219. On September 10, 2021, Charlotte Latin Schools, Inc. breached an implied promise to act reasonably and not arbitrarily or irrationally in exercising discretion relating to its performance of the Enrollment Agreements in at least three material ways:

a. Baldecchi expelled Mr. and Mrs. Turpin's children, and, thus, Latin ceased providing the children any educational services effective on that date, for no wrongdoing by the children or by Mr. and Mrs. Turpin, in violation of Latin's binding promise to educate the children during the 2021-22 school year.

b. Baldecchi expelled Mr. and Mrs. Turpin's children without prior notice, without an opportunity to be heard, and without any other procedural protections, in violation of Latin's binding promise to "uphold and enforce rules and policies detailed in the Family Handbook in a fair, appropriate and equitable manner."

c. Baldecchi expelled Mr. and Mrs. Turpin's children in retaliation for Mr. and Mrs. Turpin's respectful, courteous, and dignified communications with Latin about issues concerning Latin and their children, in violation of Latin's binding promise to provide Mr. and Mrs. Turpin the opportunity (i) to have "direct person-to-person communications," in which Mr. and Mrs. Turpin and Latin "treat[] one another with mutual respect, courtesy and dignity"; (ii) to "address comments/concerns directly to the appropriate person at the School" and "[t]he School will seek to answer/address comments and concerns through direct conversation with Parents"; and (iii) to "involve the appropriate administrator," if necessary, "when a question/concern arises for a parent."

220. Charlotte Latin Schools, Inc.'s breach of an implied promise to act reasonably and not arbitrarily or irrationally in exercising discretion relating to its performance of the Enrollment Agreements was material because it prevented Mr. and Mrs. Turpin's children from being educated at Latin for the 2021-22 school year.

221. As a result of Charlotte Latin Schools, Inc.'s breach of an implied promise to act

reasonably and not arbitrarily or irrationally in exercising discretion relating to its performance of the Enrollment Agreements, Mr. and Mrs. Turpin incurred compensatory damages, including but not limited to actual damages equating to the loss of their payment of tuition and fees for the 2021-22 school year and consequential damages incurred as a result of being compelled, without prior notice, to change their children's schools a few weeks into the new 2021-22 school year.

PRAYER FOR RELIEF

WHEREFORE, Mr. and Mrs. Turpin request a bench trial and respectfully request judgment against Defendants as follows:

1. Compensatory damages, including but not limited to nominal damages, special damages, and consequential damages, trebled as to Count One, in an amount to be proven at trial;
2. Punitive damages, in an amount to be proven at trial;
3. Injunctive relief compelling Charlotte Latin Schools, Inc. to expunge Mr. and Mrs. Turpin's children's records at Latin of the wrongful expulsions;
4. Costs of this action, including attorneys' fees; and
5. Such other relief that this Court deems just and proper.

Respectfully submitted,

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