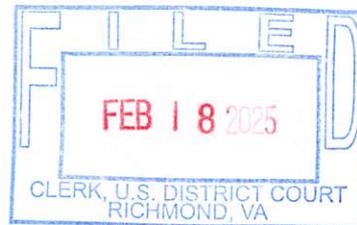


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

POWHATAN SCHOOL BOARD

Plaintiff,



V.

Civil Action No.3:24-cv-874

TODD SKINGER

And

Dr. Kandise N. Lucas, BA, MEd, RBT, FFT, PhD, QMHP-C, QMHP-T

Defendants

**DEFENDANT ADVOCATE DR. LUCAS' RESPONSE TO THE SCHOOL BOARD'S
OPPOSITION TO "MOTION TO RECUSE JUDGE ROBERT PAYNE, DISMISS SLAPP SUIT
AND RESCIND THE PERMANENT FEDERAL COURT BAN"**

I. Introduction

Dr. Kandise Lucas respectfully submits this response in opposition to the arguments set forth by Powhatan County School Board (PCSB) regarding her motion for recusal and dismissal.

PCSB's arguments fail both procedurally and substantively. Contrary to PCSB's assertions:

1. The recusal motion is legally and factually supported by evidence of judicial bias, conflicts of interest, and due process violations.
2. The motion to dismiss is procedurally appropriate and necessary due to the court's lack of subject-matter jurisdiction over the claims at issue, which include the following:

II. IDEA Grants the Right to File Multiple Due Process Complaints

The Individuals with Disabilities Education Act (IDEA) is a civil rights law that guarantees students with disabilities the right to a free appropriate public education (FAPE). To enforce this right, IDEA provides a comprehensive procedural framework, including the right of parents, guardians, and their representatives to file due process complaints for each and every violation of FAPE.

- **20 U.S.C. § 1415(b)(6)(A)** explicitly provides that:

"A parent or a public agency may file a complaint with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE." This means parents and their representatives **can file a separate due process complaint for every individual FAPE violation.**

- **34 C.F.R. § 300.507(a)** further affirms:

"A parent or a public agency may file a due process complaint on any matter relating to the identification, evaluation, or educational placement of a child with a disability, or the provision of FAPE to the child." This regulation **places no limitation** on the number of complaints that can be filed.

- **Schafer v. Weast, 546 U.S. 49 (2005)** held that:

"Parents bear the burden of proving that a school district's actions denied their child FAPE." To meet this burden, parents must be allowed to file as many due process complaints as necessary.

The IDEA does not impose a cap on the number of due process complaints a parent may file. Each independent denial of FAPE constitutes a new legal violation that requires adjudication. Any attempt by a court, school district, or law firm to limit parents' due process rights violates federal law and constitutes a deprivation of rights under color of law (18 U.S.C. § 242).

III. COURTS CANNOT LIMIT PARENTS' ACCESS TO AN ADVOCATE UNDER IDEA

1. The Right to an Advocate is Guaranteed Under IDEA & Federal Law

IDEA recognizes that **parents are not legal experts** and explicitly permits them to have a representative, including a non-attorney advocate, assist them in due process proceedings.

- **20 U.S.C. § 1415(h)(1)** states that:

"Any party to a hearing conducted pursuant to this section shall have the right to be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities." This statute guarantees parents the right to an advocate, regardless of whether they are attorneys.

- **34 C.F.R. § 300.512(a)(1)** further clarifies:

"Any party to a due process hearing has the right to be accompanied and advised by counsel and by individuals with special knowledge or training regarding children with disabilities." This regulation expressly allows non-attorney advocates to represent parents in IDEA proceedings.

- **Winkelman v. Parma City School District, 550 U.S. 516 (2007):**

The Supreme Court recognized that parents have independent, enforceable rights under IDEA, including the right to representation and advocacy in due process hearings. Any court or school district attempt to deny parents access to an advocate or limit their ability to seek representation is a clear violation of IDEA, due process rights, and parental rights under federal law.

For these reasons, PCSB's opposition is meritless, and Dr. Lucas's motion should be granted in full. Plaintiffs' motion should be denied, and summary judgment should be granted in favor of Defendants Lucas and Skinger because the claims against them are procedurally improper, lack

merit under applicable law, and constitute an impermissible attempt to chill constitutionally protected advocacy.

Dr. Kandise Lucas submits this argument to establish that **Sands Anderson and Superintendent Beth Tiegen knowingly and intentionally filed the lawsuits against the Halvorson and Skinger families without the knowledge or authorization of the Powhatan County School Board (PCSB)**. This conduct constitutes multiple **criminal, ethical, and professional violations** that warrant immediate judicial intervention, dismissal of the unauthorized lawsuits, disciplinary sanctions, and criminal referrals.

IV. This Court has the duty to sanction attorneys and officials who engage in fraudulent, unauthorized litigation and must enforce the applicable laws and professional rules to prevent further abuse of the judicial process.

A. Criminal Violations

1. Fraud upon the Court (18 U.S.C. § 1001)

- Sands Anderson attorneys and Superintendent Beth Tiegen made **material false statements** in court filings, representing that they had the school board's authority when they did not.
- Knowingly misrepresenting authority in legal proceedings **constitutes fraud** and carries penalties of fines and imprisonment.

2. Conspiracy Against Rights (18 U.S.C. § 241)

- The unauthorized suits were filed **to retaliate against parents and advocates asserting educational rights** under IDEA and the ADA.
- Any conspiracy to deprive individuals of their rights under federal law is punishable by **finest and imprisonment up to ten years**.

3. Deprivation of Rights Under Color of Law (18 U.S.C. § 242)

- Sands Anderson and Superintendent Tiegen **abused their positions** to bring legal action without school board consent, depriving the Halvorsons and Skingers of their legal protections.
- Courts have held that unauthorized legal action by government officials **constitutes a civil rights violation**(*Ex parte Young*, 209 U.S. 123 (1908)).

B. Ethical Violations

1. Virginia Rules of Professional Conduct (VRPC) – Rule 1.2(a) (Scope of Representation & Authority to Act)

- **Attorneys may only act with client consent.** Filing lawsuits without school board approval violates this fundamental rule.
- **Sanction: Immediate disciplinary action** under VRPC, including suspension or disbarment (*In re Liotti*, 667 A.2d 867 (Md. 1995)).

2. VRPC Rule 3.3 (Candor Toward the Tribunal)

- Attorneys must **not knowingly make false statements of fact or law to the court.**
- By misrepresenting their authority, Sands Anderson attorneys **knowingly misled the court, warranting case dismissal and sanctions.**

Plaintiffs have engaged in yet another elaborate scheme to commit fraud upon this Court, just as they were permitted to do in the *Matthews* and *Halvorsen* cases. Their misuse of the judicial system as a weapon to silence, intimidate, and dehumanize those advocating for children with disabilities demonstrates a systemic abuse of process requiring severe sanctions. This Court must act decisively to restore public confidence and prevent further weaponization of federal proceedings to perpetuate the culture of Special Education Student Trafficking, the epidemic of FAPE Rape, and the infliction of Disability Battle Fatigue (DBF) and Racial Battle

Fatigue (RBF) upon families merely seeking to exercise their rights under the Individuals with Disabilities Education Act (IDEA).

V. The Individuals with Disabilities Education Act (IDEA) grants Halvorsens, Skingers, and Dr. Kandise Lucas unlimited authority to file as many due process complaints as required for each denial of FAPE committed by Powhatan, Chesterfield, and Goochland County Public Schools in collusion with Sands Anderson law firm. These entities have engaged in:

- 1. Unauthorized Practice of Special Education Service Delivery & Case Management**
- 2. Unauthorized Practice of Medicine, Psychology, and Counseling**
- 3. Systemic Obstruction of Medically Necessary Special Education Services**

VI. SCHOOL DISTRICTS & SANDS ANDERSON'S UNAUTHORIZED PRACTICE OF MEDICINE, PSYCHOLOGY, AND EDUCATION MANAGEMENT

- Virginia law prohibits individuals or entities from practicing medicine, psychology, or special education service management without proper licensing.**
- Va. Code § 54.1-2900 makes it unlawful to engage in the practice of medicine without a medical license.**
- Va. Code § 54.1-3606 prohibits individuals from practicing psychology without a license.**

Violations Committed:

- **Sands Anderson (Green, Andriano, Cheuk, Berdichevsky, Maughan) and school administrators illegally overruled medical homebound determinations made by licensed medical and mental health providers.**
- **School districts and Sands Anderson attorneys engaged in unauthorized medical decision-making by denying services despite medical necessity certifications.**

Precedent: *Andrew F. v. Douglas County School Dist., 580 U.S. 386 (2017)* – The IDEA mandates deference to qualified professionals regarding student needs, yet PCPS, CCPS, and GCPS ignored all medical directives.

VII. DEFENDANTS' SYSTEMIC PATTERN OF DEFYING LEGAL ORDERS & MEDICAL DETERMINATIONS

The Powhatan, Chesterfield, and Goochland County school divisions, in collusion with Sands Anderson, have displayed an unbroken pattern of defiance against:

<u>Legal Authority</u>	<u>Defied Directive</u>	<u>Unlawful Conduct</u>
Medical Homebound Certifications	Physicians & Psychologists ordered homebound instruction	Districts ignored medical necessity, committing unauthorized medical practice
VDOE Directives	Ordered compensatory education & corrective action	Districts & Sands Anderson refused to comply
Hearing Officer Schmidt's Orders	Directed provision of services	Defendants engaged in systemic obstruction

**State Superintendent
Jillian Balow Coon**

**Found PCPS in violation
of IDEA**

District continued to deny FAPE

**Assistant
Superintendent Holly
Hollins**

Confirmed IDEA violations

**Defendants refused corrective
action**

**Magistrate Judge
Speight's Orders**

**Ordered school to provide
services**

**Districts defied judicial
authority**

**Judge Robert Payne's
Directive (A.H. Case)**

**Ordered private school
placement**

Defendants refused compliance

Legal Consequences: Pattern and practice of defying multiple legal authorities constitutes institutional bad faith, fraud upon the court, and systemic denial of FAPE. Precedent: *Board of Education v. Rowley*, 458 U.S. 176 (1982) – Failure to comply with FAPE requirements is actionable under IDEA. Each time FAPE is denied, a new cause of action arises under IDEA's procedural and substantive protections.

VIII. IDEA Grants the Right to File Multiple Due Process Complaints

- **20 U.S.C. § 1415(b)(6)(A)** explicitly provides parents and their representatives the right to file a due process complaint **for each individual violation** of FAPE.
- **34 C.F.R. § 300.507(a)** states that a due process complaint may be filed **whenever a parent, guardian, or student believes a school district has denied FAPE.**
- **Schaffer v. Weast, 546 U.S. 49 (2005)** reinforces that parents have the burden to challenge every **individual denial of FAPE** to protect the child's educational rights.

The IDEA does not impose a cap on the number of complaints. Each independent FAPE denial is a new legal violation requiring adjudication. Their actions are part of a larger systemic abuse of the federal judiciary—transforming it into a weapon of terror to silence, intimidate, and dehumanize those advocating for the educational rights of children with disabilities. Defendants Kandise Lucas and Todd Skinger oppose Plaintiffs' motion and seek summary judgment in their favor. Furthermore, the Court must impose severe sanctions against Plaintiffs and their legal counsel to restore public confidence in the judiciary and prevent further abuse of its processes.

IX. LOSING REPEATED DUE PROCESS COMPLAINTS IN A BIASED SYSTEM DOES NOT JUSTIFY LIMITING COMPLAINTS

1. IDEA Guarantees a Fair and Impartial Due Process System

The **Individuals with Disabilities Education Act (IDEA)** was enacted to protect the rights of students with disabilities and their families. A fundamental component of IDEA is the right to **due process**, ensuring parents have a mechanism to challenge school district violations of **Free Appropriate Public Education (FAPE)**.

- **20 U.S.C. § 1415(f)(3)(A)** requires that:
"A due process hearing must be conducted by an impartial hearing officer who is not an employee of the State educational agency or the local educational agency involved in the education or care of the child and who does not have a personal or professional interest that would conflict with his or her objectivity in the hearing." The statute mandates that hearing officers be impartial and free from conflicts of interest.
- **34 C.F.R. § 300.511(c)(1)(i)-(ii)** states that due process hearing officers must:
"Possess the knowledge and ability to conduct hearings and render decisions consistent with appropriate, standard legal practice, and must be impartial and independent from

the agency involved in the dispute." Any hearing officer with a demonstrated pattern of bias violates this regulation.

Thus, when a family repeatedly loses due process complaints in a system that is neither fair nor impartial, this does not indicate that their claims are without merit—rather, it suggests a pattern of systemic bias in the adjudication process. It is the responsibility of the Court to correct systemic injustices, not penalize families for exercising their legal rights.

2. Repeated Due Process Filings Indicate Ongoing Violations, Not Abuse of Process

- **IDEA does not contain a provision that penalizes parents for filing multiple complaints, nor does it allow hearing officers or courts to cap the number of due process complaints filed.**
- **Each denial of FAPE constitutes a separate, distinct legal violation.** Preventing parents from filing multiple complaints based on prior unfavorable rulings would effectively **grant school districts unchecked power to continuously violate IDEA with impunity.**

Case Law Support:

- ***Honig v. Doe*, 484 U.S. 305 (1988):** The Supreme Court ruled that parents and students must have access to due process protections whenever they believe their educational rights under IDEA have been violated.
- ***Winkelman v. Parma City Sch. Dist.*, 550 U.S. 516 (2007):** Reinforced that parents have enforceable rights under IDEA to challenge any and all denials of FAPE.

Families are legally entitled to file repeated due process complaints because **each FAPE violation is an independent cause of action**. A pattern of losses in a biased system does not constitute a legal justification to limit due process rights—rather, it signals the need for judicial intervention to ensure due process is truly impartial.

3. Attempts to Limit Due Process Complaints Violate Federal Civil Rights Laws

Any effort by Powhatan County Public Schools, Chesterfield County Public Schools, Goochland County Public Schools, Sands Anderson, or this Court to limit parents' ability to file due process complaints **constitutes a deprivation of rights under color of law (18 U.S.C. § 242) and a violation of procedural due process under the Fourteenth Amendment**.

- **42 U.S.C. § 1983** provides a cause of action when state actors deprive individuals of their constitutional or statutory rights.
- **Section 504 of the Rehabilitation Act (29 U.S.C. § 794)** and **Title II of the Americans with Disabilities Act (42 U.S.C. § 12132)** prohibit discrimination against individuals with disabilities, including by obstructing access to due process protections.
- **Retaliation for filing multiple due process complaints is explicitly prohibited under 34 C.F.R. § 300.516.**

The federal court **must intervene to prevent the deprivation of procedural due process rights** and ensure that families are not unlawfully restricted from pursuing due process complaints under IDEA.

X. Defendants' Motion to Dismiss Was Properly Filed and Procedurally Valid

Contrary to the Plaintiff's assertions, Defendants' filings do not violate Rule 12(g)(2). That rule prohibits a party from filing multiple pre-answer motions under Rule 12. However, once an answer has been filed, a party may raise additional defenses via a Rule 12(c) motion for judgment on the pleadings or seek dismissal under Rule 56. Defendants' motion, in substance, seeks dismissal based on legal deficiencies and lack of standing, making it procedurally appropriate.

PCSB argues that Dr. Lucas's motion to dismiss is "not permitted" because she has already filed a responsive pleading. This is a misstatement of the law. Under **Federal Rule of Civil Procedure 12(h)(3)**, a court must dismiss a case at **any time** if it determines that it lacks subject-matter jurisdiction.

Dr. Lucas's motion is based on the **unauthorized practice of special education law** by PCSB's attorneys and school board employees that are not properly licensed, as is Dr. Lucas. Federal courts lack jurisdiction over such conduct because it does not arise under federal law and falls outside the scope of legitimate educational disputes under **IDEA (20 U.S.C. § 1400 et seq.)**.

Additionally, the **Supremacy Clause (U.S. Const. Art. VI, Cl. 2)** precludes PCSB from relying on state law provisions that conflict with federal regulations governing special education. PCSB has failed to establish a legitimate federal cause of action, further supporting dismissal.

Furthermore, Plaintiffs' motion to strike lacks merit because it does not identify any improper pleadings or prejudicial filings that warrant such relief under Rule 12(f). Courts disfavor striking pleadings absent a showing of clear impropriety, which Plaintiffs fail to demonstrate.

XI. The SLAPP Defense is Valid and Applicable to This Case

The State Law Argument is a Red Herring. PCSB claims that “the state law provision Lucas relies upon does not apply.” However, PCSB fails to specify which provision it is referencing or why it does not apply. Dr. Lucas's argument is based on both state and federal legal principles prohibiting school board attorneys from usurping the role of special education decision-makers while having a conflicting financial interest.

Under **20 U.S.C. § 1415(b)(1)**, parents and advocates—not school board attorneys—are the proper parties to assert educational interests on behalf of students. PCSB's attorneys and employees have engaged in unauthorized decision-making outside their legal authority, rendering any claims against Dr. Lucas void of subject-matter jurisdiction.

Plaintiffs incorrectly argue that Virginia's anti-SLAPP statute, Va. Code § 8.01-223.2, does not apply. That statute provides broad immunity for individuals engaging in public advocacy on matters of public concern. Defendants' actions—advocating for students with disabilities and filing due process complaints under IDEA—are precisely the type of protected conduct that the statute seeks to safeguard.

Additionally, the federal nature of the underlying claims does not preclude the application of state-law SLAPP protections. Courts have recognized that state anti-SLAPP laws can apply in federal cases when they provide substantive immunity rather than mere procedural protections. See *Gresk v. Demetris*, 96 F.3d 537 (4th Cir. 2019).

XII. The Court Lacks Jurisdiction Over Plaintiffs' Fee Claims

Plaintiffs' claims seeking attorneys' fees under 20 U.S.C. § 1415(i)(3)(B)(i)(II) & (III) are jurisdictionally defective because they do not establish that Defendants' due process complaints were frivolous or improperly filed. Plaintiffs rely on conclusory allegations rather than any judicial determination that Defendants' filings were "unreasonable" or "vexatious." The IDEA fee-shifting provision requires clear evidence of bad faith litigation, which is absent here.

Moreover, Plaintiffs' request for a pre-filing injunction against future due process complaints is an unconstitutional prior restraint on access to administrative and judicial processes. Federal courts have consistently held that IDEA claimants cannot be barred from seeking due process without compelling justification, which Plaintiffs fail to provide. See *Doe v. Arlington County Sch. Bd.*, 517 F.3d 601 (4th Cir. 2008).

XIII. Defendants' Recusal Motion is Legally Justified

PCSB wrongly asserts that Dr. Lucas's motion for recusal is "deficient" and "baseless." However, under 28 U.S.C. § 455(a), a judge **must** recuse themselves "in any proceeding in which their impartiality might reasonably be questioned." This standard does not require proof of actual bias—only a reasonable question as to the judge's impartiality.

Dr. Lucas has provided specific evidence that the presiding judge has demonstrated bias and conflict of interest, including adverse rulings that show a pattern of disregard for her due process rights. Contrary to PCSB's claim, recusal is not limited to direct involvement in previous cases but extends to **any** conduct creating an appearance of bias, as established in *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847 (1988).

Further, **Canon 2 of the Code of Conduct for United States Judges** mandates that a judge "avoid impropriety and the appearance of impropriety in all activities." The standard is **not**

whether the judge subjectively believes they are unbiased but whether a reasonable person would question their impartiality. Given the demonstrated pattern of decisions favoring PCSB despite evidence of wrongdoing, recusal is required.

Plaintiffs misstate the legal standard for recusal under **28 U.S.C. § 455(a) and (b)**. While judicial rulings alone do not establish bias, a pattern of adverse decisions combined with extrajudicial conduct or financial conflicts can meet the recusal threshold. Defendants presented substantial evidence—such as the judge's financial interests and prior adverse rulings disproportionately affecting Black litigants—to demonstrate an appearance of partiality. Courts have recognized that even the perception of bias can warrant recusal to preserve judicial integrity. See *Liljeberg v. Health Servs. Acquisition Corp.*, 486 U.S. 847 (1988).

XIV. Plaintiffs' Actions Constitute Fraud Upon the Court And Plaintiffs' Fraud Upon the Court Warrants Severe Sanctions

Fraud upon the court occurs when a party engages in deceitful conduct that subverts the integrity of judicial proceedings. The Supreme Court has held that such conduct requires severe sanctions, including dismissal and vacatur of fraudulent judgments. See *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944). Courts have found fraud upon the court where parties conspire to present false evidence, conceal critical facts, or engage in systematic deception. See *Aoude v. Mobil Oil Corp.*, 892 F.2d 1115, 1118 (1st Cir. 1989) (fraud upon the court occurs when a party "has set in motion some unconscionable scheme calculated to interfere with the judicial system's ability to impartially adjudicate a matter").

In this case, Plaintiffs have knowingly submitted false claims, misrepresented facts, and pursued meritless legal actions to obstruct Defendants' protected advocacy. This Court has previously allowed similar fraudulent schemes in *Matthews* and *Halvorsen*,

emboldening Plaintiffs to continue weaponizing the judicial system against those exposing systemic violations of the Individuals with Disabilities Education Act (IDEA). Such misconduct demands immediate judicial intervention.

XV. CRIMINAL VIOLATIONS COMMITTED BY SUPERINTENDENT TEIGEN, SCHOOL BOARD MEMBERS, & SANDS ANDERSON ATTORNEYS

The school officials and Sands Anderson attorneys engaged in criminal conduct under federal and state law:

<u>Crime</u>	<u>Statute</u>	<u>Penalty</u>
Felony Child Abuse & Neglect	Va. Code § 18.2-371.1	Up to 5 years imprisonment per violation
Conspiracy Against Rights	18 U.S.C. § 241	Up to 10 years imprisonment
Deprivation of Rights Under Color of Law	18 U.S.C. § 242	Up to life imprisonment if serious harm results
Fraud Upon the Court	Hazel-Atlas Glass Co. v. Hartford-Empire Co., 322 U.S. 238 (1944)	Nullification of all fraudulent court actions & severe sanctions
Tampering with a Witness	18 U.S.C. § 1512	Up to 20 years imprisonment
Obstruction of Justice	18 U.S.C. § 1503	Up to 10 years imprisonment

**RICO Violations
(School-Sands Anderson
Collusion)**

18 U.S.C. §§ 1961-1968

**Forfeiture of assets, treble
damages, and imprisonment**

Immediate Action Required by the Court

1. Issue an injunction barring further IDEA violations.
2. Refer the case to the U.S. Attorney's Office for criminal prosecution.
3. Impose severe monetary sanctions against Defendants for fraud upon the court.

**XVI. IDEA is a Civil Rights Law and Cannot Be Manipulated to Perpetuate Systemic
Oppression**

Congress enacted IDEA as a civil rights law to ensure that children with disabilities receive a Free Appropriate Public Education (FAPE) without discrimination. See *Honig v. Doe*, 484 U.S. 305, 310 (1988). The statute's purpose aligns with other landmark civil rights protections, such as the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act. By denying FAPE to vulnerable students while retaliating against their advocates, Plaintiffs have turned IDEA into a mechanism of oppression rather than protection.

Powhatan County Public Schools (PCPS) has a well-documented history of defying civil rights laws, beginning with *Bell v. Powhatan County School Board*, 321 F.2d 494 (4th Cir. 1963), in which the district resisted desegregation efforts. This legacy of defiance continued in *Halvorsen*, where the school board obstructed access to home-based and private-day placements for students with disabilities, and in the racially-motivated *Lucas* arrest, where the county criminalized advocacy to suppress accountability. The current case represents yet another chapter in this pattern of civil rights violations, demanding immediate corrective action.

**XVII. The Court Has Enabled PCPS, Sands Anderson, and Other FAPE Offenders to
Operate with Impunity**

The Court's inaction in prior cases has emboldened PCPS and their co-conspirators at Sands Anderson to transform the federal judiciary into a Ku Klux Klan-like terroristic weapon against special education families. This systematic abuse perpetuates a cycle of:

- **Special Education Student Trafficking, (SEST)** – The deliberate obstruction of FAPE access, forcing families into costly private placements while public funds are diverted to noncompliant institutions.
- **The Culture of “FAPE Rape”** – The forced subjugation of children with disabilities into unsafe, abusive, and inadequate educational settings, violating their civil rights and human dignity.
- **Disability Battle Fatigue (DBF) and Racial Battle Fatigue (RBF)** – The exhaustion imposed on families—especially Black families—who are forced into endless legal battles to obtain basic educational rights.

By tolerating these injustices with impunity, this Court has actively contributed to the deprivation of civil rights under color of law, in violation of 18 U.S.C. § 242. The federal judiciary must cease being a haven for habitual FAPE offenders and hold PCPS, Sands Anderson, and their enablers accountable.

VXIII. Severe Sanctions Are Required to Restore Judicial Integrity

To deter further fraud upon the court and restore public confidence in the judiciary, this Court must impose severe sanctions under Rule 11, including:

1. **Dismissal of Plaintiffs' Claims with Prejudice** – As a deterrent against future bad-faith litigation.
2. **Monetary Sanctions Against Plaintiffs and Their Counsel** – To compensate Defendants for their legal costs and deter future misconduct.

3. Referral for Criminal and Ethical Investigations – Plaintiffs' fraudulent litigation tactics must be referred to the appropriate disciplinary and criminal authorities.

A court confronted with fraud upon its processes has both the authority and the duty to "set aside any judgment obtained by fraud" and impose severe sanctions to deter future misconduct. *Chambers v. NASCO, Inc.*, 501 U.S. 32, 44 (1991). Courts cannot remain passive while litigants orchestrate fraudulent schemes to undermine civil rights protections.

XIX. IDEA as a Civil Rights Law and Its Systematic Defiance by PCPS

The IDEA is not merely an educational statute; it is a civil rights law ensuring that children with disabilities receive a Free Appropriate Public Education (FAPE) without discrimination. See *Smith v. Robinson*, 468 U.S. 992, 1012 (1984) (noting that IDEA was designed to protect the civil rights of disabled students). However, Powhatan County Public Schools (PCPS) and its legal representatives at Sands Anderson have demonstrated an unbroken history of defying civil rights protections, from *Bell v. Powhatan County School Board* (denying Black students equal educational opportunities) to *Halvorsen* (denying a disabled child access to necessary educational services), to the racially-motivated arrest of Dr. Kandise Lucas for her advocacy, and now, the *Skinger* case.

This persistent resistance to civil rights law amounts to an institutionalized practice of educational apartheid, reinforcing both Disability Battle Fatigue (DBF) and Racial Battle Fatigue (RBF)—terms defining the chronic psychological and emotional toll imposed on families forced to engage in prolonged, adversarial legal battles to secure basic educational rights. **DBF** is the systematic exhaustion imposed upon families of children with disabilities by forcing them into a never-ending cycle of litigation, appeals, and administrative delays. **RBF** refers to the cumulative trauma experienced by Black families who must continuously challenge racist structures that obstruct their children's access to education.

XXI. This Court's Role in Perpetuating FAPE Rape and Educational Apartheid

This Court has thus far failed to hold habitual FAPE offenders accountable, instead granting impunity to the actors facilitating these injustices. The judicial system must no longer serve as a Klu Klux Klan-like terroristic weapon to suppress the voices of families demanding justice. Courts have an affirmative duty to intervene where due process is manipulated to obstruct fundamental rights. See *Batson v. Kentucky*, 476 U.S. 79 (1986) (courts must act when legal processes are used to perpetuate discrimination).

XXII. Any attempt by Powhatan County Public Schools, Chesterfield County Public Schools, Goochland County Public Schools, or Sands Anderson (Matthew Green, Patrick Andriano, Nicole Cheuk, Jessica Berdichevsky, and Laura Maughan) to limit due process complaints or prevent parents from having an advocate constitutes:

1. Deprivation of Rights Under Color of Law (18 U.S.C. § 242)

- Punishable by fines, imprisonment, or both.
- Occurs when an individual acting under **government authority** deprives a person of a right guaranteed by the U.S. Constitution or federal law.

2. Obstruction of Justice (18 U.S.C. § 1503, § 1512)

- Punishable by up to 20 years imprisonment.
- Interfering with the due process complaint process, destroying or withholding evidence (such as over **7,000 concealed medical and mental health records**), or attempting to intimidate parents from filing complaints is a **criminal obstruction of justice**.

3. Civil Rights Violations Under 42 U.S.C. § 1983

- Allows parents to sue school districts, school board members, and attorneys personally for damages.

- Courts have ruled that **violations of IDEA may form the basis of a § 1983 lawsuit** (*Gonzaga Univ. v. Doe*, 536 U.S. 273 (2002)).
 - **The IDEA guarantees unlimited due process complaints for every FAPE violation.**
 - **Courts cannot limit the number of complaints or restrict a parent's right to an advocate.**
 - **Any attempt to do so is a federal civil rights violation and criminal offense under 18 U.S.C. § 242, 18 U.S.C. § 1503, and 42 U.S.C. § 1983.**
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XXIII. REQUIRED COURT ACTION

Based on these violations, the federal court **must take immediate action** to:

- 1. Issue an Order Affirming Parents' Unlimited Right to File Due Process Complaints**
- 2. Enjoin School Districts & Sands Anderson from Retaliation Against Parents & Advocates**
- 3. Mandate Immediate Compliance with Medical Homebound Orders**
- 4. Sanction School Districts & Sands Anderson for Obstructing IDEA Rights**
- 5. Refer Criminal Violations to the U.S. Attorney's Office for Prosecution**

Failure to act would render the federal court complicit in the ongoing weaponization of due process against vulnerable students and families seeking justice under IDEA.

XIV. The Court must provide remedies to John, Kathy, A.H; H. S. and Todd Skinger, and Dr. Kandise Lucas to restore them to wholeness; Including maximum monetary awards where applicable, to deter the Plaintiffs from engaging in such egregious harm

to children in the future. These remedies are based on IDEA violations, ADA violations, Section 504, Civil Rights Act violations (42 U.S.C. § 1983), and fraud upon the court:

Declaratory & Injunctive Relief

1. **Vacatur of Fraudulent Judgments** – The court must **vacate** all rulings tainted by **fraud upon the court** and restore Defendants to their original legal standing. (*Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944)).
2. **Permanent Injunction Against Powhatan County Public Schools & Sands Anderson**
 - **Prohibit retaliation** against Dr. Lucas, Halvorsen, and Skinger.
 - **Mandate immediate compliance** with IDEA and Section 504, ensuring appropriate placement, services, and funding.
 - **Restrict Sands Anderson's participation** in future special education litigation for **systemic fraud**.
3. **Appointment of a Special Master or Independent Monitor**
 - Oversee **FAPE compliance, end systemic retaliation, and review PCPS's special education practices**.

Monetary Damages & Sanctions

A. Compensatory Damages (For IDEA, ADA, and Section 504 Violations)

1. **Compensatory Education for Halvorsen & Skinger**
 - Court-ordered **funding for specialized education, tutoring, and related services**.

- **No statutory cap**—awards can exceed **\$1,000,000** based on precedent (*Doe v. NYC Dep't of Educ.*, 790 F.3d 440 (2d Cir. 2015)).

2. Reimbursement for Educational & Legal Costs

- **Full reimbursement** for out-of-pocket education expenses (e.g., private school, therapy, evaluations).
- **Legal fees awarded under 20 U.S.C. § 1415(i)(3)(B)**—up to **100%** of litigation costs.

B. Compensatory & Emotional Distress Damages (For ADA, Section 504, and Civil Rights Violations)

3. Emotional Distress Damages

- Allowed under **Section 504 and ADA** for intentional discrimination.
- Awards have ranged from **\$500,000 to \$5,000,000** depending on severity (*Duvall v. County of Kitsap*, 260 F.3d 1124 (9th Cir. 2001)).

4. Pain & Suffering for Disability & Racial Discrimination (Lucas, Halvorsen, & Skinger)

- Emotional and mental distress due to PCPS and Sands Anderson's conduct.
- **Potential award: \$500,000 – \$3,000,000 per Plaintiff.**

C. Punitive Damages (For Fraud, Retaliation, and Constitutional Violations)

5. Punitive Damages Against PCPS, Sands Anderson, and Individual Defendants

- Available under **42 U.S.C. § 1983** for intentional deprivation of constitutional rights.
- Awards can **exceed \$10,000,000**, depending on the egregiousness of the conduct (*Smith v. Wade*, 461 U.S. 30 (1983)).

D. Sanctions for Fraud Upon the Court

6. Rule 11 Sanctions Against Plaintiffs & Sands Anderson

- **Monetary fines exceeding \$250,000** per violation.
- **Attorney's fees** for Defendants.

7. Criminal & Civil Contempt Proceedings

- Referral for **prosecution of fraudulent filings**.
- **Potential imprisonment** or fines exceeding **\$1,000,000** under **18 U.S.C. §§ 241, 242**.

Systemic Reforms & Public Accountability

8. Public Apology & Expungement of False Records

- Court order requiring **Powhatan County** and **Sands Anderson** to issue **formal apologies**.
- **Expungement** of false reports, including fraudulent truancy complaints and the **Lucas arrest**.

9. Referral to DOJ for Civil Rights Investigation

- **U.S. Department of Justice** to investigate **PCPS & Sands Anderson** for systemic disability & racial discrimination.

10. Revocation of Sands Anderson's Right to Represent Public Schools

- Federal court order prohibiting Sands Anderson from representing **any school district** in **special education cases**.

Summary of Maximum Potential Awards

Remedy	Estimated Maximum Award
Compensatory Education (Halvorsen & Skinger)	\$1,000,000+
Reimbursement for Educational & Legal Costs	\$500,000+
Emotional Distress & Pain/Suffering	\$3,000,000+ per Plaintiff
Punitive Damages (Civil Rights Violations)	\$10,000,000+
Rule 11 & Fraud Sanctions	\$250,000+ per violation
Criminal/Civil Contempt Penalties	\$1,000,000+
Public Accountability & DOJ Action	Priceless

The federal court has the authority and obligation to:

- Issue **severe sanctions** against Plaintiffs & Sands Anderson.
- **Grant maximum monetary awards** for fraud, discrimination, and retaliation.
- **End the use of the court as a weapon of terror** against special education families.

By taking these steps, the Court can **restore public confidence** and prevent further injustices.

XXIV. Conclusion

For the foregoing reasons, Dr. Lucas respectfully requests that the Court:

1. **Grant her motion for judicial recusal** due to the appearance of bias and conflicts of interest.
2. **Dismiss PCSB's claims** due to lack of subject-matter jurisdiction and the improper involvement of unauthorized actors in special education matters.

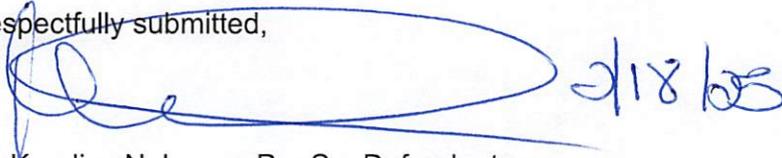
PCSB's opposition fails to refute the legal and factual basis for the requested relief, and their reliance on procedural arguments is misplaced. The Court must uphold fundamental due process rights and prevent further abuse of legal processes by predatory attorneys and unethical school board officials.

Plaintiffs' motion should be denied because their claims are procedurally defective, lack substantive merit, and violate Defendants' rights under state and federal law. Summary judgment should be granted in favor of Defendants because Plaintiffs have failed to establish any valid legal claim against them.

Plaintiffs' motion must be denied, and severe sanctions must be imposed to deter further fraudulent litigation. This Court must affirm that it will not be an instrument of oppression against children with disabilities and their advocates. Failure to act would send a clear message that fraud upon the Court is tolerated, thereby eroding judicial integrity and allowing the continued violation of civil rights with impunity. Plaintiffs' motion should be denied, summary judgment should be granted in favor of Defendants, and severe sanctions should be imposed. This Court must unequivocally declare that it will no longer be used as a tool of oppression against children with disabilities and their advocates. The time for judicial accountability is now.

Grant all relief and remedies identified in this instant motion to restore integrity to this judiciary and justice to those impacted.

Respectfully submitted,



Dr. Kandise N. Lucas, Pro Se, Defendant

10906 Sassafras Drive, N. Prince George, Virginia 23860

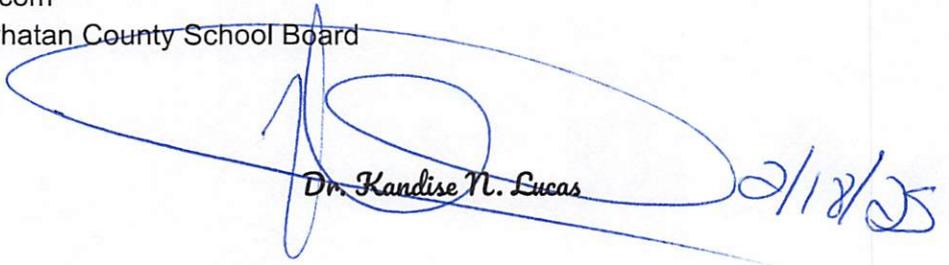
kandiselucas@gmail.com/804-2488-8656

CERTIFICATE OF SERVICE

I hereby certify that I will transmit by email on th 18th day of February, 2025 to:

Defendant Todd Skinger
3256 Sherwood Ridge Way
Powhatan, VA 23139

/s/ Laura Maughan
Matthew D. Green (VSB No. 46913)
Laura Maughan (VSB No. 87798)
Sands Anderson PC
mgreen@sandsanderson.com
lmaughan@sandsanderson.com
"Purported" Counsel for Powhatan County School Board



Dr. Kandise N. Lucas 2/18/25

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Richmond DIVISION

Pachatan
Plaintiff(s),

v.

Civil Action Number: 3:24-cv-874

Todd Sking & Handise Lucas
Defendant(s),

LOCAL RULE 83.1 (N) CERTIFICATION

I declare under penalty of perjury that:

No attorney has prepared or assisted in the preparation of Defendant Lucas Motion Response to School Board Opposition
(Title of Document)

Handise Lucas
Name of Pro Se Party (Print or Type)

Signature of Pro Se Party

Executed on: 2/18/25 (Date)

OR

The following attorney(s) prepared or assisted me in preparation of _____
(Title of Document)

(Name of Attorney)

(Address of Attorney)

(Telephone Number of Attorney)

Prepared, or assisted in the preparation of, this document.

(Name of Pro Se Party (Print or Type)

Signature of Pro Se Party

Executed on: _____ (Date)