

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEAST DIVISION

STACY KELLAR

PLAINTIFF

vs.

Case No. \_\_\_\_\_

BOB WILLS, AKA BOBBY RAY WILLS, AKA W. B. WILLS,  
BETTY SUE WILLS, SAM GERHARDT, DEBORAH GERHARDT  
DBA "MOUNTAIN PARK BOARDING ACADEMY,"

DEFENDANTS

**PLAINTIFF'S COMPLAINT  
(JURY TRIAL DEMANDED)**

Comes now Plaintiff and for her complaint states:

**JURISDICTION AND VENUE**

1. Plaintiff brings suit for the state law claims of battery, false imprisonment, negligent medical or psychiatric treatment, and denial of necessary medical or psychiatric treatment.
2. Plaintiff is a citizen and resident of the State of Arkansas.
3. None of the Defendants are citizens or residents of the State of Arkansas. No defendant is a citizen of the same state as Plaintiff. All Defendants are citizens and residents of the state of Missouri.
4. Plaintiff claims diversity jurisdiction, pursuant to 28 U.S.C. § 1332.
5. Plaintiff claims an amount in excess of that required for diversity jurisdiction.
6. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) (2).

## **BACKGROUND INFORMATION**

7. Plaintiff, Stacy Kellar, was enrolled and attended Mountain Park Boarding Academy on two separate occasions.
8. Plaintiff was first sent to Mountain Park Boarding Academy on or about December 26, 1993, and stayed until approximately December 26, 1994.
9. Plaintiff's mother removed her from Mountain Park Boarding academy after that year.
10. Plaintiff was sent back again and spent 11 more months at Mountain Park, from August 1995 until June 1996.
11. Before Plaintiff's first enrollment at Mountain Park, Plaintiff had been living with her mother. Plaintiff's parents were divorced at the time.
12. Plaintiff's mother was afraid that Plaintiff was going to run away after recording some of Plaintiff's phone conversations which indicated clinical depression in Plaintiff.
13. Just prior to Plaintiff's first enrollment at Mountain Park, Plaintiff was receiving inpatient treatment in the psychiatric unit at Children's Hospital in Little Rock.
14. Against medical advice and Plaintiff's wishes, Plaintiff's father had her removed from Children's Hospital, and sent her to Mountain Park Boarding Academy.

### **COUNT I – DEPRIVATION OF NECESSARY MEDICAL OR PSYCHIATRIC CARE, AND NEGLIGENT TREATMENT OF PHYSICAL ILLNESSES AND CLINICALLY SIGNIFICANT MENTAL, EMOTIONAL, OR PSYCHIATRIC CONDITIONS**

15. Plaintiff incorporates all other parts of the complaint to the extent legally and ethically appropriate.

16. At the time of Plaintiff's first enrollment at Mountain Park Boarding Academy Plaintiff was taking anti-depressant drugs that had been prescribed for her.
17. Upon arrival at Mountain Park Boarding Academy Plaintiff was denied those prescriptions.
18. The owners and staff of Mountain Park Boarding Academy were well aware that Plaintiff needed professional psychiatric goods and services.
19. Defendants undertook to substitute the professional judgment of the doctors caring for Plaintiff with their own unproven theories for the treatment of clinically significant mental and emotional conditions.
20. Plaintiff was provided no psychiatric or other professional mental services by any licensed or trained person during either stay at Mountain Park Boarding Academy.
21. The second time that Plaintiff was taken to Mountain Park Boarding Academy, her father, who is a doctor with access to prescription drugs, told plaintiff that she needed to take certain drugs in his possession for protection against a possible illness. Plaintiff took the drugs and later woke up in the car on the way to Mountain Park Boarding Academy. When she sat up in the car, her father threatened to give her a shot to sedate her if she did not lay down again.
22. Bob Wills, the de facto leader of Mountain Park Boarding Academy, has long denounced psychiatry and mental health services. The official policy of Mountain Park Boarding Academy is to take any child entrusted to them off any and all anti-depressant, mood altering, or other drugs designed to stabilize or control the patient's mental state.
23. During Plaintiff's first enrollment period, Mountain Park Boarding Academy, acting on their own authority, took Plaintiff off of her prescription anti-depressants without consulting her previous

treatment specialists at Children's Hospital.

24. At the time of Plaintiff's first enrollment, she was 13 years old, was approximately 5' 7" tall and weighed about 105 pounds.

25. Along with Plaintiff's depression and suicidal tendencies, Plaintiff also had an eating disorder.

26. Plaintiff got more depressed after Mountain Park's abrupt cessation of her anti-depressant medication and would not eat.

27. On Plaintiff's second day at Mountain Park, she refused to eat so the staff shoved food into her mouth and held her nose until she swallowed. When Plaintiff refused to eat Pop Tarts that morning for breakfast, Betty Wills ordered two other girls to shove the food into her mouth.

28. Staff Members, Kim Watson and Mary Lansdown were Plaintiff's worst tormentors. They enforced whatever Betty Wills wanted enforced.

29. Plaintiff was denied reasonable opportunities to interact with other students. When she first arrived, she was allowed to speak only to her "orientation guide" Mountain Park Boarding Academy's euphemism for a personal security guard. This guard was responsible to keep her under control and within arms reach at all times.

30. Plaintiff repeatedly asked for medical assistance and was denied. She could not even get Tylenol.

31. The staff and students of Mountain Park Boarding Academy routinely belittled Plaintiff. They constantly called her names, with the knowledge and consent or even encouragement of the staff of Mountain Park Boarding Academy.

32. When Plaintiff was at Mountain Park Boarding Academy, the bathrooms had no stalls

separating the toilets and Plaintiff was inhibited from urinating due to no privacy and girls being on all of the toilets.

33. The total lack of privacy made Plaintiff have a dread of going to the bathroom. There was always someone in the bathroom - there was never any privacy: Plaintiff always had somebody watching her while she was trying to use the bathroom.

34. Often Plaintiff could not relieve herself due to tension. That has never happened at any other time except at Mountain Park Boarding Academy.

35. The orientation guides would yank Plaintiff off the toilet when she wasn't done urinating or defecating. That happened perhaps 50 times or more.

36. When Plaintiff told Sonya, her own orientation guide, about the other orientation guides pulling her off of the toilet, Plaintiff was told not to talk back to any of the orientation guides for any reason or Plaintiff would be punished.

37. Plaintiff urinated in her clothes, but did not empty her bladder entirely in this manner. Plaintiff told her orientation guide and asked permission to go to the bathroom and change clothes. Instead of assistance, Plaintiff was subjected to ridicule.

38. Students who went to the bathroom too much, according to the judgment of the staff and orientation guides, were forced to wear toilet paper around their necks. Plaintiff did not want to have to endure that humiliation, so she suffered on many occasions by not going to the bathroom when she really needed to relieve her self of bodily wastes.

39. Mountain Park Boarding Academy demanded and received money, believed to be \$500, for her medical account, but she received no substantial benefit from this money.

40. Within 3 or 4 months into her first stay, Plaintiff had a urinary tract infection due to inadequate hydration and urination.
41. Plaintiff never had a urinary tract infection until she went to Mountain Park Boarding Academy.
42. Plaintiff had lower back pain, it hurt to urinate.
43. Plaintiff asked staff member Kim Watson for medication for the pain associated with the urinary tract infection, although she did not know to call it by that name. Kim told Plaintiff “to be tough.” Plaintiff asked again and told Kim that she was hurting really bad and needed something for the pain. Kim refused to give her anything to help the infection or to alleviate the pain.
44. Plaintiff later learned that her symptoms were consistent with a urinary tract infection.
45. The urinary tract infection caused her to urinate in her clothes and to suffer ridicule as a result.
46. Plaintiff’s urinary tract infection finally went away on its own, but Plaintiff had the infection for 3 or 4 weeks before it finally went away.
47. Plaintiff rarely got to go outdoors and was very pale.
48. On the occasions that Plaintiff was allowed to go outdoors, she and the other girls had to do exercises. Plaintiff often had to perform these exercises with a full bladder, causing great discomfort.
49. Mountain Park Boarding Academy inflicted punishment arbitrarily and capriciously. When exercising in unison, punishment was not individualized. If just one person messed up, the entire group was punished. Even if they had completed 99 out of 100 exercises and just one person messed up, the whole group had to start again.
50. Defendants were frequently negligent or grossly negligent in providing medical care, as shown by the following examples, as well as the examples already stated.

51. Plaintiff often asked for over the counter medicine, clearly needed and medically appropriate, and was denied same. She often was denied even such items as Tylenol.
52. Plaintiff did not get sick a lot before she went to Mountain Park Boarding Academy.
53. While Plaintiff was at Mountain Park, Plaintiff had several bad colds or bouts of strep throat. Defendants never let anyone stay in bed to rest, to the knowledge of Plaintiff. Plaintiff was forced to rise early and complete the entire day's routine even when she was very sick.
54. Defendants were grossly negligent in refusing to separate sick students from the general population. Often when one student got sick most of the other students would catch the same illness from the first student to get sick.
55. Plaintiff had to write lines for coughing too loud on several occasions when she was sick and she got in trouble for coughing or sneezing during prayer or the song before meal, which was a "blessing of the food" type song. Plaintiff usually had to write around 500 lines whenever she got in trouble for coughing too loud or sneezing at what the staff considered to be inappropriate times, even though Plaintiff had no control over these things because of illness, and even though the illness was usually the result of the negligence or gross negligence of Defendants.
56. If a student did not get done writing their lines on time, they doubled, and if a student still didn't get done, they got swats. Students were usually required to write at least 500 lines.
57. Defendants were paranoid about the possibility of escape, and fanatical in the lengths to which they would go to eliminate any chance of escape. Defendants would allow students to suffer almost anything rather than give a student any slight chance of escape.
58. Students were stripped naked and deloused when they first got to Mountain Park Boarding

Academy. Whenever one student was found to have lice, everybody had to delouse. Plaintiff got lice while she was at Mountain Park Boarding Academy. Plaintiff never had lice before going there and never had lice after leaving there.

59. Defendants knew or should have known of abuse of Plaintiff in her family home, which rendered Plaintiff mentally and emotionally vulnerable, at the time of her admittance to Mountain Park Boarding Academy. Rather than providing services to allow Plaintiff to adjust and live a normal life, Defendants treated Plaintiff in such a way that she has been left emotionally shattered, and such that her emotional injury continues to the present.

60. Plaintiff never self mutilated or attempted suicide until after her second Mountain Park Boarding Academy experience.

61. Plaintiff attempted suicide at age 17, by overdosing on Nortryptaline, and she was on a respirator for a week. Plaintiff took the overdose because she thought she was going to be taken back to Mountain Park Boarding Academy, and was more terrified of the cruelties dealt out at Mountain Park Boarding Academy than she was of death.

62. As a result of the acts and omissions of the Defendants, Plaintiff has suffered severe psychiatric and mental injury. As a result of the acts and omissions of the Defendants, Plaintiff has required a great deal of psychiatric care since leaving Mountain Park Boarding Academy, and is to the present day so emotionally and mentally damaged that she has not been able to hold steady employment for any length of time, has not been able to obtain the education commensurate with her level of intelligence, and has not been able to relate to friends, co-workers, and others in the normal manner of a person who has not suffered the trauma Plaintiff suffered at the hands of the Defendants. The acts and omissions of the

Defendants have caused a great deterioration of the quality of life of the Plaintiff.

**COUNT II ---- BATTERY, FALSE IMPRISONMENT, INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

63. Plaintiff incorporates all other parts of the complaint to the extent legally and ethically appropriate.

64. Defendants and all of them have falsely imprisoned Plaintiff.

65. Defendants and all of them confined Plaintiff, without legal justification, from approximately December 26, 1993 until December 26, 1994, and from August 1995 until June 1996.

66. Defendants committed numerous batteries upon the Plaintiff, by paddling her, yanking her off the toilet without just cause or excuse, and by instructing their personnel to strike Plaintiff without just cause or excuse.

67. Debbie Gerhardt and Betty Wills, repeatedly told Plaintiff that she was a “nobody.” They regularly told Plaintiff that her parents didn’t want her.

68. The staff, including Debbie Gerhardt and Betty Wills, beat Plaintiff for various reasons, most of which would not constitute any legal justification for beating a young girl. For example, she was beaten for crying because she missed home, being suicidal, not saying, “yes ma’am” or “no ma’am,” not following the rules her first day when she didn’t know the rules, not completing lines on time, and not memorizing Bible scriptures in time.

69. During Plaintiff’s first enrollment, Sonya (spelling uncertain) was her “orientation guide”. Sonya told Plaintiff who she could and could not talk to, and when she could or could not talk. Sonya weighed approximately 135 pounds.

70. Mountain Park Boarding Academy forbids students to keep a journal of any kind.
71. Plaintiff was not aware of this particular prohibition, and was keeping a journal. Plaintiff had written in her journal about speaking to a new student and that Mrs. Wills had threatened to beat her.
72. When Defendants discovered that Plaintiff was keeping a journal, Plaintiff was beaten.
73. Plaintiff got ten swats and cried. There was more than just a paddling involved: Mrs. Wills led Plaintiff by pulling her hair and two girls held her - Sonya and another orientation guide.
74. Plaintiff was sometimes beaten in violation of Defendants' own student handbook.
75. Another punishment inflicted on students was, "writing lines." Plaintiff never refused to write lines because she heard other girls taken to the office and being beaten for refusing to do so. She heard some cry, some scream, but some made no sounds that Plaintiff could hear while they were being beaten.
76. Mountain Park intentionally inflicted emotional distress on the Plaintiff by the standing threats of beatings and arbitrary punishments, and by constant degradation and humiliation.
77. Plaintiff was beaten about 40 or 50 times during each stay at Mountain Park.
78. Defendants did everything they could think of to keep a student from leaving the facility. They locked all of the doors from the inside and outside in a manner requiring the use of a key to exit or enter; there were no fire exits and no fire drills, so a fire would have killed all of the girls.
79. There were high fences with barbed or razor wire to prevent any escape. The office had a door, but it was locked and had a staff member standing guard to prevent escapes. Defendants rewarded students who told on others who might have plans to escape.
80. Plaintiff requests and demands a jury trial.

WHEREFORE, Plaintiff prays for compensatory damages in her own right in the amount of \$2,000,000; for punitive damages in the sum of \$2,000,000, to punish defendants and to deter such conduct in the future; for costs and attorney's fees; and for all other and further relief as may be appropriate, whether or not specifically prayed.

By: \_\_\_\_\_  
Oscar Stilley, Attorney at Law  
Central Mall Plaza Suite 520  
5111 Rogers Avenue  
Fort Smith, AR 72903-2041  
Attorney for Plaintiff  
479 996-4109  
479 996-3409 Fax  
[oscar@ostilley.com](mailto:oscar@ostilley.com) email

**VERIFICATION**

The Plaintiff, Stacy Kellar, under oath or affirmation, states that the facts stated in the above Complaint are true according to the Plaintiff's best knowledge and belief.

\_\_\_\_\_  
Plaintiff Kellar, Affiant

\_\_\_\_\_  
Date

STATE OF ARKANSAS

COUNTY OF PULASKI

Subscribed to under penalty of perjury before me this February 18, 2003.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
My commission expires: