

Role of bullying in teen suicide disputed

AS THE MOVIE *BULLY* hits theaters, parents sue Murray County school system and seek to seal court filings

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THE VOICE OF a heartbroken father from Murray County, accompanied by scratchy video images of a son who hung himself at age 17, occupy the opening minutes of *Bully*, a new documentary about the anguish of bullied children.

Tyler Long—a Murray County teenager who hung himself in his bedroom closet on Oct. 17, 2009—was constantly picked on in school until “enough was enough,” his father David Long recalled in the film’s opening montage, which premiered in Atlanta on Monday and opens today in theaters nationwide.

The teenager, according to the movie and his parents, was bullied to death.

Three months after Tyler’s suicide, the Longs sued the Murray County school district, accusing the school district and Tyler’s high school principal of violating their son’s civil rights. School administrators and faculty had failed to protect their son from “a brutal and systemic pattern of bullying” that made him the object of ridicule and the target of emotional abuse and repeated physical assaults, according to the suit.

School faculty and administrators had “the duty” to protect Tyler. Instead, the suit claims, school administrators and faculty made little or no effort to limit the alleged abuses.

It’s not that simple, according to the Murray County school district.

Faced with the parents’ civil claims for unspecified compensatory and punitive damages, school district lawyers have entered into the court record Tyler’s psychiatric records that reflect multiple mental health issues and suggest he was unhappy with his life outside of school.

Defense pleadings also include Tyler’s suicide note, which referred to his personal anguish over his relationship with his parents, whom he said made him feel “worthless and pathetic.”

“Everyone grieves the loss of a young man under circumstances involving suicide,” said Matthew Moffett, an attorney representing the school system. “It’s tragic and heart-wrenching. But the bottom line is this school system has been sued and accused of things that have no basis in fact. And

they are entitled to stand up and defend themselves with the truth and with the supporting evidence. And it’s not fair that they should be gagged or muzzled when their accusers have decided to go to the media and to Hollywood to advance their contentions.”

Moffett, an attorney with the Atlanta firm Gray, Rust, St. Amand, Moffett & Brieske, is co-counsel for the school district and Murray County High School Principal Gina Linder, along with Martha Pearson and Phillip Hartley of the Gainesville firm Harben, Hartley & Hawkins.

Attorneys for the Longs say the school district’s defense has gone too far. The Longs’ lawyers have responded by asking U.S. District Judge Harold Murphy in the Northern District of Georgia to seal hundreds of pages of pleadings the school district’s attorneys have filed.

Winston Briggs, who is representing the Longs with Decatur attorney Jonathan Zimring, said the school district’s move to make public much of Tyler’s medical and psychiatric history had little purpose “other than to inflame the public.”

The parents “never realized there would be a lot of personal information that would be injected in the pleadings in the case,” Briggs said. “I just don’t see how they [the school district’s pleadings] have any purpose other than to try the case in the public.”

In a pleading that has been removed from the public record, the school district claims that Tyler had “several serious mental health conditions”—including Asperger’s syndrome, a social anxiety disorder related to autism that hampers an individual’s ability to engage successfully in social interactions—that may have contributed to his death.

The suicide note that Tyler left behind made no mention of bullying, the school district’s motion said.

In the weeks leading up to Tyler’s death, the teenager had broken up with his girlfriend, wrecked his car, and been threatened with the loss of his driving privileges by his mother, Tina Long, according to the motion. Tyler’s mother also had, without talking it over with her son, pulled him out of advanced placement and honors classes where he knew his classmates and where his teachers said he was making good grades, according to the motion. She



PATRICK MCMULLAN CO./NEWSCOM

David and Tina Long have said in TV appearances on *Ellen* and *Good Morning America* that bullying led to their son’s death.

wanted to make sure he maintained his eligibility for the state’s college tuition (HOPE) scholarship, the motion said.

“There is a great disparity between their public narrative and the actual facts privately known to them,” the school district motion said.

On the day that *Bully* made its national premiere, the couple’s lawyers filed a motion to seal defense pleadings.

Murphy has made no public ruling on the motion, but hundreds of pages of pleadings are no longer in the court record.

Sam Johnston, Murphy’s courtroom deputy, told the *Daily Report* this week that the documents “have been restricted by the direction of the court” until the judge can make a ruling. “They are still in



ALISON CHURCH

Matt Moffett says the school has a right to oppose claims that it didn't protect the student from bullying.

the public record," he said. "They simply are not visible right now." The *Daily Report* viewed and copied the documents before they were removed from the court record.

The documents are significant because they detail the school district's defense, which challenges the Longs' legal claims concerning Tyler's death that also are at the heart of the documentary's narrative.

The Longs' complaint and their interviews in *Bully* enumerate a list of alleged abuses Tyler suffered at the hands of his schoolmates. Tyler's classmates spit in his food, knocked books out of his hands, stole things from him, called him offensive names, threw things at him, shoved him repeatedly, punched him and slammed him into lockers, the suit alleges.

"This was done throughout high school on a 'daily basis,'" one pleading asserts, citing one student who said there was "never a day Tyler was not being hit or called names."

Tyler's mother reported the abuse in numerous emails to school administrators, according to the Longs' pleadings, but "nothing was done about the abuse."

The school district's attorneys have countered in court filings that whenever Tyler's mother—over the course of his three years of high school—complained that her son had been bullied, school administrators took specific actions to end the abuse and protect Tyler. But from January 2009, when Tyler was a sophomore, until his death 10 months later during his junior year, "Neither Tyler nor his parents made a single report that [Murray County High School] students had mistreated him," the district's now-sealed motion for summa-

ry judgment states. "Nor did any student or teacher report that Tyler was the victim of mistreatment."

The district's motion cited several emails that Tina Long had exchanged with high school administrators in 2009 that praised the faculty's interactions with her son.

The suicide note that Tyler wrote before he died made no reference to being bullied, according to the motion. It said: "I don't want to live any longer with this burden I have. I don't have a supporting family or friends for that matter. You think I am worthless and pathetic. All I wanted was acceptance and kindness, but no I didn't get love. ... I hate myself because I don't make everyone happy."

The school district's motion said Tyler had seen a clinical psychologist three weeks before his death, but neither Tyler nor his parents mentioned that Tyler had been bullied or mistreated by his classmates.

The school district motion also suggests that the Longs had at least one warning that Tyler might be contemplating suicide. His father had found him "messing with belts" in his room three weeks before the teen hanged himself and, alarmed, had asked his son if he was considering suicide, according to the district's motion. Tyler denied that he was considering a suicide attempt, the motion stated.

"No one doubts the pain the Longs felt upon finding their son dead and reading his heart-breaking note," the school district's motion said. But, it continued, "While casting blame on others may be an understandable response to such grief, the facts in this case do not support the Longs' harsh and unfounded accusations."

The school district's lawyers have objected to the Longs' attempt to seal documents, claiming that the family sought to seal them because they want "to restrict public and press access to the pleadings in this case while they continue their public assault on the humanity and integrity of the defendants." As the premiere of *Bully* neared, the Longs made national television appearances on *Ellen* and *Good Morning America*.

"What prompted this much belated concern?" defense counsel asked in their objection to the Longs' effort to seal the records. "No doubt ... it was the release of the film on March 30, 2012—the day the motion was filed."

The Longs, the school district's pleading claims, "now object to the public having access to this information because they (and the filmmaker) have never publicly disclosed it. They have systematically withheld the information that the school district believes is central to an understanding of their side of this very sad case.

"As long as [the Longs] could appear publicly and speak without challenge, they were anxious to make accusations and discuss the facts in this case," the brief continued. But now, they argued,

the Longs and their attorneys "do not want anyone, anywhere to question them about the facts in this case that raise questions about their motives and their truthfulness."

Attorneys for the Longs counter that the school system's pleadings at issue in the request to seal contain "dozens of unsupported accusations," many of which "are completely irrelevant" to the case.

Briggs, the Longs' lawyer, also criticized the school district's publication of Tyler's suicide note, calling it "inappropriate."



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—Summary judgment motion by Murray County schools

"I just think it's hard on the Longs to have it out there," he said.

Briggs also attacked the school district for engaging in what he called "a media smear campaign," claiming that district lawyers and administrators "baited people to go review the [court] record, and read the record for the quote, unquote truth. They invited people to look at these facts they put in the record. They have engaged in their own media campaign in my mind."

Briggs said his clients' promotion of the movie is separate from their court case.

"Their son was bullied, and they believe it caused him to commit suicide," Briggs said. "There is no question that my clients have filed a lawsuit. There is no question that they contend bullying went on. They are out there promoting an anti-bullying campaign. They are not arguing the case in public." ®