


# Judge denies Liberty District's motion to dismiss decades-old sexual abuse negligence case

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Michael McDaniel, Reporter

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A Maricopa County Superior Court judge denied a motion to dismiss a case against Liberty Elementary School District in a civil lawsuit that alleges the district was negligent in supervising and retaining a teacher who sexually abused a student and possibly others in the early 2000s.

Plaintiff Kayleigh Kozak alleges that between 2003 and 2005, when she was approximately 12 and 13 years old and a student, she was sexually abused by Joshua Jacobsen, a teacher and soccer coach.

Kozak did not obtain and analyze the police report until 2024, according to her court complaint. There, she claims to have learned the district knew of other allegations of abuses inflicted by Jacobsen.

"Unbeknownst to Kozak, during its investigation, [Buckeye Police Department] learned of allegations about Jacobsen's conduct made by several children and parents to Liberty Elementary's Principal," writes Judge Dewain Fox, in his statement of facts. "Several parents and children claimed to have reported sexual abuse and inappropriate conduct to Liberty Elementary's Principal and/or the District's Superintendent around 2002 and 2003."

The district moved to dismiss Kozak's civil lawsuit, arguing that Kozak's claim for conduct between 2003 and 2005 is beyond the one-year statute of limitations outlined in state law.

Kozak's attorneys countered by explaining she was unaware of the district's culpability until 2024, thus extending her statute of limitations.


Judge Fox sided with Kozak's rationale in his decision.

"In short, accepting the facts alleged in the Amended Complaint as true, a factfinder could conclude that prior to January 2024, Kozak did not have sufficient information to trigger an investigation into the District's conduct," he wrote. "The Amended Complaint does not show that Kozak was 'unquestionably aware of the necessary facts' against the District.

Being "unquestionably aware" is a tenet of law case precedent outlined in *Cruz v. City of Tucson*. In that case, an appeals court found that the plaintiff knowingly filed an untimely notice of claim and legal complaints.

Kozak is seeking monetary compensation from the district. *Phoenix New Times* noted her request could be up to \$10 million, according to [a notice of claim](#) filed by Kozak.

The case is in advisement, according to the court's online system.

<u>JACOBSEN, JOSHUA JOEL</u> 	50	JACOBSEN, JOSH JACOBSEN, JOSHUA J JACOBSEN, JOSHUA	4832 W VILLA MARIA DR GLENDALE, AZ 85308 N/A <b>RESIDENCE</b>
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## Rachel Mitchell Connection

The suit also condemns Rachel Mitchell, a Republican and a nonparty to the suit, for giving Jacobsen a sweetheart plea deal. Mitchell, at the time, was the county sex [crimes division chief](#) but is now the Maricopa County Attorney.

Jacobsen received nine months in prison and lifetime probation, according to court documents.

*InBuckeye* recently reported that former Buckeye teacher's aide Diana Pirvu was [spared prison April 7, in a similar child molestation plea deal](#) arranged by a deputy county attorney under Mitchell. This is after being Mirandized and admitting to having sex with the 13-year-old victim, according to Pirvu's probable cause statement.

She was given lifetime probation and must register as a sex offender. Pirvu was not found on the national sex offender registry at the time of this report.



Inmate and former Verrado Middle School teacher Brendan Barnett.  
[Arizona Department of Corrections]

Mitchell's staff also worked out a plea deal with a former Verrado teacher who had sleepovers with a 12-year-old student. Brendan Barnett, a former Verrado Middle School teacher, was sentenced to just 4.5 years April 17 for his role in luring a minor to his house for sleepovers, according to court documents.

School officials became tipped off on Barnett when a student advisor noticed a student messaging Barnett through the district's Clever app. The 12-year-old victim [reportedly asked Barnett](#) to ejaculate on her, according to court documents. Barnett admitted to lying to the students' parents, pretending to be a student peer's parent.

Barnett agreed to a [plea deal](#) on multiple counts related to attempting to commit or lure a minor for sex exploitation. He would have faced a possible 35-year sentence related to kidnapping absent a plea deal, according to court documents.