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JOHN DOE (a fictitious name)	:	SUPERIOR COURT OF NEW JERSEY
C/O Laffey, Bucci & Kent	:	ESSEX COUNTY
371 Hoes Ln #200	:	
Piscataway, New Jersey 08854	:	
	:	
	:	
Plaintiff,	:	DOCKET NO.
	:	
	:	CIVIL ACTION COMPLAINT
v.	:	
	:	
TOMS RIVER REGIONAL SCHOOL	:	
DISTRICT	:	JURY TRIAL DEMANDED
1144 Hooper Ave #304	:	
Toms River, NJ 08753	:	
	:	
	:	
and	:	
	:	
ABC CORPORATIONS, ONE	:	
THROUGH TEN	:	
(said Names Being Fictitious)	:	
	:	
and	:	
	:	
KEVIN DOE, ONE	:	
THROUGH TEN	:	
(said Names Being Fictitious)	:	
	:	
Defendants.	:	

COMPLAINT-- CIVIL ACTION

Plaintiff, John Doe, by and through undersigned counsel, Laffey, Bucci & Kent, hereby states as follows in support of his complaint against above captioned Defendants as follows:

THE PARTIES

1. Plaintiff, John Doe, is an adult male whose name and address is not contained in this Complaint so as to protect his privacy and identity as he incurred injuries and damages of a sensitive nature as a result of the intentional and negligent acts and failures of Defendant, Toms River Regional School District, outlined below. At all relevant times herein, Plaintiff was a minor. Information which would or could identify John Doe is not contained herein. Plaintiff may be contacted through his counsel as outlined herein.

2. Defendant, Toms River Regional School District (hereinafter "Toms River") is a school district organized pursuant to N.J.S.A. Title 18 and N.J. Admin. Code § 6A, and maintains an office at 1144 Hooper Ave #304, Toms River, NJ 08753. Toms River operates Toms River Intermediate East School and Toms River High School East from which John Doe was a student and where Shawn Lee was employed.

3. Upon information and belief, Shawn Lee was an employee, servant, or agent of Defendant Toms River prior to 2005 through 2013 where he worked as an eighth-grade teacher and a coach for the wrestling and tennis teams and acting within the scope of his aforementioned legal relationship with Toms River. Accordingly, Toms River is liable vicariously and derivatively for the acts of Shawn Lee under theories of respondeat superior master-servant, agency, and/or right of control.

4. Defendants ABC, Inc. 1-10 are fictitious entities, which employed, supervised, controlled and/or oversaw Toms River Regional School District and Shawn Lee, and/or which otherwise owed a legal duty to Plaintiff to prevent the incidents of sexual abuse of children at Toms River Regional District suffered by numerous minors at Toms River Regional School District, including, but not limited to, John Doe, as is more fully alleged herein.

5. Defendants Kevin Does 1-10 are fictitious persons who employed, supervised, controlled and/or oversaw Defendant Toms River, and Shawn Lee and/or which otherwise owed a legal duty to Plaintiff to prevent the incidents of sexual abuse of children at Toms River Regional School District, including the sexual abuse of John Doe, as are more fully alleged herein.

6. At all relevant times hereto, Defendant Toms River was acting by and through its duly authorized actual and/or apparent agents, servants, and employees, in particular, their principals, vice principals, school board, teachers, staff, supervisors, and/or team coaches and/or activity coordinators, acting within the course and scope of their actual and/or apparent agency and/or employment.

7. Defendant, Toms River, is liable for the injuries and damages suffered by Plaintiff.

8. Defendant Toms River herein is directly and vicariously liable to Plaintiff for injuries sustained as a result of negligence, gross negligence, outrageous conduct, and reckless misconduct, as described further herein, of persons or entities whose conduct was under their control, or right to control which conduct directly and proximately caused all Plaintiff's injuries.

JURISDICTION AND VENUE

9. This matter is being brought within the statute of limitations pursuant to N.J.S.A. 2A:14-2a and pursuant to the laws of the State of New Jersey, namely the New Jersey Torts Claims Act.

10. Venue is proper in Essex County pursuant to N.J. Ct. R. 4:3-2(a) and (b). Essex County is the proper venue because the causes of action against the Defendant arose in Essex County as described more fully above and below.

OPERATIVE FACTS

11. This lawsuit is about an educational institution that had special responsibilities and obligations to protect the most innocent thing among us—children and students—from sexual abuse and the complete and abject failures of that same educational institution to fulfill those responsibilities and obligations. Defendant Toms River failed in its most basic legal and moral duties to guard against a predator sexually abusing not just one, but numerous minors. Toms River failed in a myriad of ways including, but not limited to not properly vetting their staff, including the predator Shawn Lee; not properly training and/or supervising their staff; negligently retaining staff they knew or should have known were sexually abusing multiple students; failing to recognize clear and obvious signs of grooming behaviors by staff; failing to investigate concerning and/or criminal behavior; and failing to have in place any legitimate measures to protect against a teacher sexually abusing students, the very thing that happened to Plaintiff in this suit and *many others*. Defendant decided to “look the other way” and as a result exposed thousands of vulnerable students to a predator, a predator that struck more times than can be counted.

12. Defendant Toms River has a history of allowing sexual abuse against minor students in its care committed by its teachers. Aside from the sexual abuse of at least four young boys (and likely many more) by Lee, in 2002, a minor freshman high school student was sexually abused for years by Toms River teacher Shawn Lee both on and off Toms River school property.

13. Shawn Lee, who, at the time of this filing, has been criminally charged with multiple felonies related to his sexual abuse of his male students, was at all relevant times, acting

in the course and scope of his employment as a teacher, staff member and athletic coach at Toms River, when he openly seduced, coerced, groomed and manipulated Plaintiff. Lee engaged in a carefully orchestrated yet easily discernable plot to control and manipulate his victims so that he could engage in illicit and illegal sexual activity with them, specifically with Plaintiff. The Defendant's continued failure to act allowed Lee to continue his manipulation, grooming and abuse of Plaintiff, resulting in severe and permanent injuries to Plaintiff.

14. Shawn Lee was hired by Defendant Toms River in prior to 2005. During his tenure at Toms River Intermediate East, Plaintiff was his student. Lee was an eighth-grade teacher, wrestling coach, and tennis coach.

15. Plaintiff attended Toms River High School East from 2005 until he left the school in 2007 prior to graduation. Plaintiff was on Lee's wrestling high school team and had Lee as an eighth-grade social studies teacher when Plaintiff attended Toms River Intermediate East School. While Lee sexually abused Plaintiff during his tenure at Toms River, Plaintiff was by no means his only victim. In fact, Lee has been accused of sexual abuse by several other students that attended Toms River at the same time as Plaintiff.

16. While employed at Toms River, Shawn Lee had a reputation for acting inappropriate with male students. During his tenure at Toms River on the faculty, Shawn Lee sexually abused Plaintiff and many more young boys. At all relevant times, Lee was supervising Plaintiff in his role as a teacher and/or wrestling and tennis coach.

17. Lee's misconduct and sexual abuse was known to the administration of Defendant Toms River. There were numerous times where Lee was directly observed to be inappropriately interacting with students and, in particular, male students. Lee repeatedly ate lunch alone with students in his classroom, showed students pornography in his classroom, removed male students

from class, and spent time with male students outside of class in order to spend an inordinate and inappropriate amount of time with them. Lee was frequently observed to be alone in classrooms with male students, including after school and at other times when there would be no reason for him to be alone with a male student.

18. At all relevant times Lee was a servant or agent of Defendant Toms River. Accordingly, Toms River is liable vicariously and derivatively for the acts of Lee under theories of respondeat superior master-servant, agency, and/or right of control.

19. Defendant Toms River, through its agents knew or should have known in the exercise of reasonable care and supervision that Lee was engaging in the abuse of his students, specifically Plaintiff, and intervened to either prevent the abuse, prevent his access to children, or terminate him from the faculty.

20. After Defendant Toms River learned of a criminal investigation into Shawn Lee related to his sexual misconduct conduct with minors students within Toms River schools, he was given the option of resigning instead of being fired. Even knowing that the investigation involved sexual abuse against children, Defendant Toms River also kept Lee listed on its website as a Social Studies teacher, without taking steps to alert potential employers or victims of the danger Lee posed.

21. In addition to being investigated for sexual abuse against minor students, Lee was charged with a municipal offense for supplying alcohol to minors. Specifically, Lee bought vodka and beer for a 16-year-old and 17-year old in Seaside Heights when he worked as a parking attendant in the Summer of 2012. Lee plead guilty to the offense in August of 2013 and was ordered to pay a \$250 fine.

22. While furnishing alcohol to minors is not only completely unacceptable and inappropriate for a teacher to do and a fireable offense on its own, it is also a further evidence of Lee's predatory behavior as a grooming technique. Toms River knew or should have known that Lee was a risk to minor students without question based on both the criminal investigation into sexual assault against minors as well as the furnishing alcohol to minors. Still, Defendant Toms River did not fire Shawn Lee, but let him quietly resign.

23. Despite concerns, suspicions and reports over Lee's conduct with minor students, Defendant Toms River never investigated Lee or reported him to any authorities. Instead, Toms River let Lee loose to continue working with, and sexually abusing, minors in school settings.

24. At all times relevant hereto, Defendant Toms River was acting by and through its employees, servants, and agents, in the operation of Toms River and the hiring, admitting, assigning, retaining, and supervising of teachers, coaches, staff, and faculty members. Accordingly, the Defendant is liable vicariously and derivatively for the negligent acts and omissions of these employees, servants, and agents while engaged in the operation of Toms River and the hiring, admitting, assigning, retaining, and supervising of teachers, coaches and faculty members, including Lee, under theories of respondeat superior, master-servant, agency, and/or right of control.

JOHN DOE

25. John Doe knew Shawn Lee as Doe's Eighth grade teacher at Toms River Intermediate East School. Lee was also Doe's wrestling coach. Lee used this access to groom and isolate Doe from other adults using his position of power and trust. Lee later became Doe's tennis coach while Lee was in high school.

26. The grooming first began with Doe when another minor student (and ultimately victim of Lee's predatory behavior) invited Doe to join him, Lee and two other students to have lunch alone in Lee's classroom during school hours. These lunches quickly turned into a daily routine when Lee invited them back daily. Doe was in Eighth grade at the time.

27. During these "lunches" Lee brought out a television and had the four young minor boys watch gay pornography. Additionally, Lee would initiate sexual conversations with the minors, including talking about each of the boys' "dick size."

28. Faculty members, administration and students alike all saw Lee continue to have daily lunches with minor boys and did nothing to stop what was inappropriate conduct with his students.

29. Additionally, after sports practice, Lee would have the same boys stay at school under the guise of having them "clean up" to continue to have isolated access to them. Often times, Lee would drive the minor boys home and give them cash. Each of the boys received "straight A's" from Lee despite doing nothing to earn that.

30. Faculty, staff and administration saw the same boys be required to stay late after practice alone with Lee, yet did nothing to stop it, allowing Lee to sexually abuse the minor boys, including Doe.

31. Over the next several years, Lee's sexual misconduct continued and escalated with the minor boys, including Doe. When Doe was 15 years old, Lee masturbated Doe when Doe was just fifteen years old in Lee's car on school property.

32. When Plaintiff was sixteen years old, Lee sexually assaulted Plaintiff by performing oral sex on him while inside Lee's vehicle, parked on the school grounds of Toms

River High School East. On another occasion, Lee drove to Doe's house and performed oral sex on Doe near Doe's residence.

33. Lee had sexual contact with Doe, including performing oral sex on Doe as minor, on several occasions while Doe was a minor student of Defendant Tom Rivers over a period expanding over more than a year.

34. Even after Doe left Toms River Lee met with him and sexually abused him while Doe resided in Nutley, NJ. This sexual abuse occurred when Lee travelled to Nutley, Essex County, NJ. Lee sexually abused Doe in his car in a local park.

35. For years after the abuse, Doe was too ashamed to tell anyone about the abuse he experienced from Lee.

36. Plaintiff first reported the sexual abuse in 2013 and a criminal investigation began. At that time, no charges were filed against Lee.

37. In 2019, Police contacted Doe asking him to give another statement about the Lee, stating the police "had been trying to get him for years." Law enforcement recognized Lee was a predator "for years."

38. During the investigation in 2019, Plaintiff texted Lee in attempt to get a confession about the abuse. During this text exchange, Lee stated that he had "hit the jackpot" years ago, referencing the sexual abuse of his students, specifically Plaintiff.

39. Shawn Lee further admitted to Plaintiff that he sexually abused him on the school premises by stating that, on a separate occasion, he also touched, fondled, and/or masturbated Plaintiff on school grounds when Plaintiff was fifteen years old.

40. On October 4, 2019, Shawn Lee was arrested and charged with Sexual Assault in violation of N.J.S.A. 2C:14-2c(3)(b). Lee admitted to sexually abusing Plaintiff and as well as other students.

41. As a direct and proximate result of the sexual abuse by Shawn Lee, Plaintiff suffered physical and emotional injuries, as more fully set forth in this Complaint. As a result of the abuse by Lee, Plaintiff was severely mentally, psychologically, and emotionally damaged.

42. Throughout his life since the abuse, Plaintiff has struggled with symptoms of PTSD and has been diagnosed with anxiety. Plaintiff had to quit his job because he was having mental breakdowns at work. Plaintiff has sought counseling due to his struggles with anxiety as a result of the sexual abuse by Lee. Plaintiff required anxiety medication as well.

43. Due to the trauma inflicted upon Doe as a result of the sexual abuse by Lee, Plaintiff was incarcerated for two years and tried to commit suicide.

44. Furthermore, in July of 2019, Doe had a breakdown behind a dumpster at work. To preserve his mental health, Plaintiff was forced to leave his high paying job.

45. All of the above physical, psychological, and emotional injuries were proximately caused by negligence, carelessness, recklessness, and other tortious and outrageous acts or omissions of Defendant Toms River as set forth in this Complaint.

COUNT I - VICARIOUS LIABILITY

John Doe v. Defendant Toms River Regional School District, Kevin Doe, One through Ten and ABC Corporations, One through Ten

46. Plaintiff incorporates herein by reference the preceding paragraphs of this Complaint the same as if fully set forth herein

47. Lee engaged in unpermitted, harmful, and offensive sexual conduct and contact upon the person of Plaintiff in violation of New Jersey State law. Said conduct was undertaken

while Lee was an employee and agent of Defendant, while in the course and scope of employment with Defendants and/or was ratified by Defendants.

48. Prior to or during the abuse alleged above, Defendants knew, had reason to know, or was otherwise on notice of the unlawful conduct of Lee. Defendant failed to take reasonable steps and failed to implement reasonable safeguards to avoid acts of unlawful sexual conduct in the future by Lee, including but not limited to, preventing or avoiding placement of Lee in functions or environments in which contact with children was an inherent part of those functions or environments. Furthermore, at no time during the periods of time alleged did Defendants have in place a system or procedure to supervise and/or monitor employees, volunteers, representatives, or agents to ensure they did not molest or abuse minors in the care of the Defendants.

49. Defendants' knowing acquiescence and silence with respect to the known, or reasonably knowable, activities of Lee constituted a course of conduct through which acts of sexual perversion and the violation of childhood innocence were condoned, approved and effectively authorized.

50. Through its failure to timely reprimand and take action against the acts referenced herein, and for all of the other reasons set forth in this Complaint including, without limitation, its failure to take the steps necessary to prevent the occurrence of such reprehensible acts, Defendant ratified said actions and, accordingly, is vicariously liable for the actions of Lee.

51. As a result of the above described conduct, Plaintiff has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestation of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and

earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, Plaintiff, demands judgment against Defendant Toms River Regional School District, Kevin Doe One through Ten, and ABC Corporations, One through Ten, for damages, interest, cost of suit, punitive damages and such other remedies as this Honorable Court deems equitable, just, and proper, in an amount in excess of the local arbitration rules, exclusive of prejudgment interest, costs and damages for pre-judgment delay, and such other legal and equitable relief as the Court deems appropriate.

COUNT II- NEGLIGENCE

John Doe v. Defendant Toms River Regional School District, Kevin Doe, One through Ten and ABC Corporations, One through Ten

52. Plaintiffs incorporate herein by reference the preceding paragraphs of this Complaint the same as if fully set forth hereinafter.

53. At all relevant times, Defendants owed a duty to maintain a safe, educational, athletic, and school environment for the students at Toms River Intermediate East School, specifically, Plaintiff.

54. At all relevant times, Defendants had a duty to protect and safeguard Plaintiff from hurt, harm, and danger while he was under their supervision.

55. At all relevant times, Defendants had a duty to ensure that its employees were not sexually abusing its minor students.

56. At all relevant times, Defendants had a duty to provide for Plaintiff's basic human needs, including the safety of his person and his educational environment.

57. At all relevant times, Defendants knew or should have known that its agent, employee, servant and/or staff member Shawn Lee was sexually abusing Plaintiff and/or a risk to sexually abusing Plaintiff.

58. Defendants knew, had reason to know, or was otherwise on notice of the unlawful conduct of Shawn Lee and failed to protect the safety of the children in their school, including Plaintiff. Defendants failed to take reasonable steps and failed to implement reasonable safeguards to prevent acts of unlawful sexual abuse and to prevent or avoid placement of Plaintiff in functions or environments in which he would be endangered and abused

59. Furthermore, at no time during the periods of time alleged did Defendants have in place a system or procedure to supervise and/or monitor Shawn Lee to ensure that children, including Plaintiff, were not abused.

60. Moreover, as set forth above, the incidents of abuse in Defendants' schools were neither isolated nor unusual. For years, Defendants failed to reprimand, punish, report, or otherwise sanction Shawn Lee who they knew or had reason to know was a danger to children in the school. Defendants' knowing acquiescence and silence with respect to the known, or reasonably knowable, activities of Lee constituted a course of conduct through which acts of sexual violence and mental torment and the violation of the sanctity of children were condoned, approved, and effectively authorized.

61. Through its failure to timely reprimand and sanction the acts referenced above, and for all of the other reasons set forth herein including, without limitation, its failure to take the steps necessary to prevent the occurrence of such reprehensible acts, Defendants ratified said actions and accordingly is vicariously liable for the actions of their employees, including Lee.

62. At all relevant times, Defendants failed to adequately and properly:

- a. employ processes that screen out and/or prevent the hiring of predators such as Lee;
- b. supervise their agents, employees, servants, staff members, and/or students including Lee, Plaintiff, and other individuals that knew or should have known Lee was sexually abused Plaintiff;
- c. train their agents, employees, servants, staff members, and/or students including Lee, and other individuals that knew or should have known Lee was sexually abusing Plaintiff;
- d. employ policies that screen out and/or prevent the retention of predators such as Lee;
- e. investigate Lee's background and/or information they knew or should have known during the course of his employment, including that he was a predator sexually abusing male students.

63. The negligent, reckless, intentional, outrageous, deliberately and recklessly indifferent, and lawful acts and omissions of Defendants as set forth above and herein, consisted of inter alia:

- a. permitting Shawn Lee to sexually abuse a minor student;
- b. permitting Shawn Lee to engage in illegal sexual conduct with a student on Defendant's premises before, during, and after school hours;
- c. permitting Shawn Lee to groom Plaintiff, including engaging in sexual conversations and/or inappropriate touching and/or sexual activity during school hours;
- d. permitting and/or allowing an environment in which Shawn Lee violated or engaged in conduct that would constitute violations of New Jersey criminal statutes NJ ST 2C:24-4 and NJ ST C:14-2, prohibiting endangering the welfare of a child and sexual assault, constituting negligence *per se*;

e. failing to properly and adequately supervise and discipline its employees to prevent the sexual abuse that occurred to Plaintiff;

f. failing to adopt, enforce, and/or follow adequate policies and procedures for the protection and reasonable supervision of children who attend Defendants' school, including Plaintiff, and in the alternative, failing to implement and comply with such procedures which had been adopted;

g. failing to implement, enforce, and/or follow adequate protective and supervisory measures for the protection of students at Defendants' schools, including Plaintiff;

h. creating an environment that facilitated sexual abuse by employees, including Shawn Lee;

i. failing to adopt, implement, and/or enforce policies and procedures to protect minors against harmful influence and contact by its teachers, including Shawn Lee;

j. failing to warn Plaintiff of the risk of harm posed by Shawn Lee after Defendants knew or should have known of such risk;

k. failing to provide Plaintiff with any assistance in coping with the injuries sustained;

l. ratifying Lee's conduct;

m. failing to warn or otherwise make reasonably safe the property which Defendants possessed and/or controlled, leading to the harm of Plaintiff;

n. failing to adopt, implement, and/or enforce policies and procedures for the reporting to law enforcement, Office of Children and Youth, the New Jersey Department of Education, authorities within Defendant's school, and/or other authorities of harmful acts to children;

o. failing to report Shawn Lee's harmful acts to authorities within Defendants' school and/or other authorities;

p. failing to implement adequate and proper policies and/or by-laws regarding sexual abuse and/or harassment by staff and/or violating its own policies and/or by-laws regarding sexual abuse and/or harassment by staff;

q. failing to implement the adequate and proper policies and/or by-laws regarding use of computers and cell phones and communication by staff to students and/or violating its own policies and/or by-laws regarding use of computers and communication by staff to students;

r. violating the requirements of New Jersey Child Protective Welfare Laws listed under NJ ST 9:6-8 and mandatory reporting laws under N.J.S.A. 18A:36, constituting negligence *per se*;

s. ignoring, concealing, or otherwise mitigating the seriousness of the known danger that Shawn Lee posed;

t. failing to prevent the sexual abuse that was committed by Shawn Lee;

u. allowing Shawn Lee to remain on school staff after knowing that he sexually abused a minor student;

v. failing to properly supervise and/or discipline its employees including Shawn Lee;

w. failing to adequately and properly train their employees regarding the sexual abuse of students by teachers and/or employees and the red flags and/or warning signs of grooming and sexual abuse; and

x. negligently managing and/or operating Defendants' schools.

64. As a proximate and direct result of Defendants' negligence and/or reckless conduct described herein, Plaintiff was harmed as a result and has sustained physical and emotional injuries, embarrassment, mental anguish, pain and suffering, and loss of enjoyment of life and life's pleasures.

65. Defendants knew or should have known about the severe risk of their failure to take any appropriate precautions outlined above and acted with a reckless disregard for such risk for which Plaintiff is entitled to and hereby seeks punitive damages pursuant to the requirements of New Jersey law.

66. Defendant Toms River's and other Defendants' actions and failures as described herein are outrageous and were done recklessly with a conscious disregard of the risk of harm to Plaintiff for which Plaintiff is entitled and hereby seeks punitive damages.

WHEREFORE, Plaintiff demands judgment against Defendant Toms River, Kevin Doe, One through Ten and ABC Corporations, One through Ten for damages, interest, cost of suit, punitive damages, and such other remedies this Honorable Court deems equitable, just, and proper, in an amount in excess of the local arbitration rules, exclusive of prejudgment interest, costs, and damages for prejudgment delay, and such other legal and equitable relief as the Court deems appropriate.

COUNT III - NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

Plaintiff v. Defendant Toms River Regional School District, Kevin Doe, One through Ten and ABC Corporations, One through Ten

67. Plaintiff incorporates herein by reference the preceding paragraphs of this Complaint the same as if fully set forth hereinafter.

68. Defendant Toms River, by and through their contact with Plaintiff, as described above, negligently and/or recklessly committed multiple acts of extreme and outrageous conduct which caused severe emotional, psychological, and psychiatric injuries, distress, and harm to Plaintiff, which also manifested in physical injuries to Plaintiff as set forth above in an extreme, outrageous and harmful manner.

WHEREFORE, Plaintiff demands judgment against Defendant Toms River for damages, interest, cost of suit, punitive damages, and such other remedies this Honorable Court deems equitable, just, and proper, in an amount in excess of the local arbitration rules, exclusive of prejudgment interest, costs, and damages for prejudgment delay, and such other legal and equitable relief as the Court deems appropriate.

COUNT IV - INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

Plaintiff v. Defendant Toms River Regional School District, Kevin Doe, One through Ten and ABC Corporations, One through Ten

69. Plaintiff incorporates herein by reference the preceding paragraphs of this Complaint the same as if fully set forth hereinafter.

70. Defendants by and through their contact with Plaintiff, as described above intentionally committed multiple acts of extreme and outrageous conduct which caused severe emotional, psychological, and psychiatric injuries, distress and harm to Plaintiff, which also manifested in physical injuries to Plaintiff as set forth above, in an extreme, outrageous and harmful manner.

WHEREFORE, Plaintiff demands judgment against Defendant Toms River, Kevin Doe One through Ten, and ABC Corporations, One through Ten, for damages, interest, cost of suit, punitive damages, and such other remedies this Honorable Court deems equitable, just, and proper, in an amount in excess of the local arbitration rules, exclusive of prejudgment interest, costs, and damages for prejudgment delay, and such other legal and equitable relief as the Court deems appropriate.

COUNT IV – NEGLIGENCE FAILURE TO RESCUE

Plaintiff v. Defendant Toms River Regional School District, Kevin Doe, One through Ten and ABC Corporations, One through Ten

71. Plaintiff incorporates herein by reference the preceding paragraphs of this Complaint the same as if fully set forth hereinafter.

72. The negligence and recklessness of Defendants Toms River, Kevin Doe One through Ten, and ABC Corporations, One through Ten, in directly and proximately causing the injuries and damages to Plaintiff described herein, include:

- a. failing to take reasonable steps to rescue Plaintiff after placing him in a position of harm;
- b. failing to exercise reasonable and necessary steps to prevent further harm after rendering Plaintiff in danger of further harm;
- c. failing to take reasonable and necessary steps to give aid or assistance to Plaintiff after rendering him in danger of further harm;
- d. failing to take reasonable steps to obtain aid or assistance for Plaintiff after rendering him in danger of further harm;
- e. failing to take reasonable and necessary steps to prevent the delay in the appropriate care of Plaintiff; and
- f. violation of the duties set forth in Restatement (Second) of Torts, Sections 314A and 322, as adopted in New Jersey.

73. As a proximate and direct result of Defendants' breaches described in the preceding paragraph, Plaintiff sustained psychological and physical harms and injuries as described above.

74. The aforementioned incidents resulted from the negligence, recklessness and/or intentional acts of Defendants and was due in no manner whatsoever to any act or failure to act on part of Plaintiff.

WHEREFORE, Plaintiff demands judgment against Defendant Toms River for damages, interest, cost of suit, punitive damages, and such other remedies this Honorable Court deems equitable, just, and proper, in an amount in excess of the local arbitration rules, exclusive of prejudgment interest, costs, and damages for prejudgment delay, and such other legal and equitable relief as the Court deems appropriate.

COUNT V - FAILURE TO WARN

Plaintiff v. Defendant Toms River Regional School District, Kevin Doe, One through Ten and ABC Corporations, One through Ten

75. Plaintiff incorporates herein by reference the preceding paragraphs of this Complaint the same as if fully set forth hereinafter.

76. At all times material hereto, Defendants owed a duty to Plaintiff and the public to warn about Lee when they knew or should have known, that Lee posed a risk to all persons and, in particular, male students.

77. Defendants breached their duty to warn that Lee posed a risk of harm. Defendant failed to exercise the reasonable care, skill, and diligence of an ordinarily prudent school district in warning students and the public of the risks posed by Lee.

78. No negligence on the part of Plaintiff contributed to the happening on the occurrences.

79. Plaintiff's injuries and damages as recited herein, occurred directly and were proximately caused by Defendants' breach of duty to warn as described herein.

80. As a direct and proximate result of Defendants' failure to warn the public and Plaintiff, Plaintiff suffered serious injury, has required medical care and attention, has suffered mental anguish, severe pain and agony as a result of the happening of the occurrence; and were otherwise injured and damages, for which claim is made.

WHEREFORE, Plaintiff demands judgment against Defendant Toms River, Kevin Doe, One through Ten and ABC Corporations, One through Ten, for damages, interest, cost of suit, punitive damages, and such other remedies this Honorable Court deems equitable, just, and proper, in an amount in excess of the local arbitration rules, exclusive of prejudgment interest, costs, and damages for prejudgment delay, and such other legal and equitable relief as the Court deems appropriate.

COUNT VI - NEGLIGENCE *PER SE*

Plaintiff v. Defendant Toms River Regional School District, Kevin Doe, One through Ten and ABC Corporations, One through Ten

81. Plaintiff incorporates herein by reference the preceding paragraphs of this Complaint the same as if fully set forth hereinafter.

82. Defendants knew, had knowledge, or had reasonable suspicion of harmful acts being committed by Shawn Lee on Plaintiff and/or other students/individuals and negligently, recklessly, and/or intentionally violated statutory duty to report such abuse as required by N.J.S.A. 18A:36.

83. Defendants' violations constitute negligence *per se* under New Jersey law.

84. Defendants' negligent conduct, reckless, and/or intentional failure to report such harmful acts allowed Shawn Lee to continually sexually abuse Plaintiff, causing continuing harm to Plaintiff and the injuries and damages described above.

85. Such failure on part of Defendants were reckless, intentional, knowing, grossly negligent, deliberately and recklessly indifferent, outrageous, malicious and/or reckless and conscious disregard for the safety of Plaintiff.

86. Defendants' failures to report pursuant to their legal obligation under N.J.S.A. 18A:36, proximately caused the harm to Plaintiff and the injuries and damages described above.

WHEREFORE, Plaintiff demands judgment against Defendant Toms River, Kevin Doe, One through Ten, and ABC Corporations, One through Ten, for damages, interest, cost of suit, punitive damages, and such other remedies this Honorable Court deems equitable, just, and proper, in an amount in excess of the local arbitration rules, exclusive of prejudgment interest, costs, and damages for prejudgment delay, and such other legal and equitable relief as the Court deems appropriate.

COUNT VII -VIOLATION OF THE CHILD SEXUAL ABUSE ACT, N.J.S.A. 2A:61B-1
Plaintiff v. Toms River Regional School District, Kevin Doe, One through Ten and ABC
Corporations, One through Ten

87. Plaintiff incorporates herein by reference all the allegations contained in the above paragraphs and throughout this entire complaint as if same were fully stated herein at length.

88. Defendants, by its operation of Toms River Intermediate East School and Toms River High

School East, are considered “A parent, resource family parent, guardian or other person standing *in loco parentis* within the household” within the meaning of N.J.S.A. 2A:61B-1.

89. Defendants, by and through its actions described more fully above, by way of constructive or actual knowledge knowingly permitted or acquiesced to the sexual abuse committed by Shawn Lee upon John Doe within the meaning of the N.J.S.A. 2A:61B-1.

90. Plaintiff, John Doe, seeks all damages available under N.J.S.A. 2A:61B-1(h) against

Defendants, including, but not limited to, compensatory damages, punitive damages, costs of suit, reasonable attorney’s fees, and such other relief as this Honorable Court deems equitable, just and proper.

WHEREFORE, Plaintiff, demands judgment against Defendant Toms River Regional School District, Kevin Doe One through Ten, and ABC Corporations, One through Ten, for damages, interest, cost of suit, punitive damages and such other remedies as this Honorable Court deems equitable, just, and proper, in an amount in excess of the local arbitration rules, exclusive of prejudgment interest, costs and damages for pre-judgment delay, and such other legal and equitable relief as the Court deems appropriate.

COUNT VIII - LAW AGAINST DISCRIMINATION, VIOLATION OF N.J.S.A. 10:5-1 ET. SEQ. SEXUALLY HOSTILE EDUCATIONAL ENVIRONMENT AND DISCRIMINATION

Plaintiff v. Toms River Regional School District, Kevin Doe, One through Ten and ABC Corporations, One through Ten

91. Plaintiff incorporates herein by reference all the allegations contained in the above paragraphs and throughout this entire Complaint as if same were fully stated herein at length.

92. Despite Defendant Tom River's actual and/or constructive knowledge of sexually inappropriate and harassing conduct, Defendant failed to reasonably protect Plaintiff against harassing conduct on the basis of his sex, and permitted a hostile educational environment.

93. Defendant violated New Jersey's Law Against Discrimination, contained within N.J.S.A.

10:5-1 et seq. and such failures created a hostile educational environment for minor Plaintiff John Doe and discriminated against Plaintiff based upon his sex.

94. Defendant knew or should have known of the harassment and failed to take effective remedial measures to stop it.

95. As a direct and proximate result of the breaches and failures outlined herein by

Defendant, minor Plaintiff John Doe was caused to suffer bodily injury, emotional distress/injury, injuries which are likely to be permanent in nature and denial of the full education he was entitled to receive.

96. In the alternative, Defendants ABC Inc. 1-10 (fictitious entities), and/or Defendants Kevin

Doe 1-10 (fictitious names and/or fictitious entities) are liable for damages caused to minor Plaintiff John Doe for the reasons outlined throughout this Complaint and within this Count and such violation caused Plaintiffs' damages.

WHEREFORE, Plaintiff John Doe, demand judgment against Defendants Toms River Regional School District, ABC, Inc. 1-10 (fictitious entities), and Kevin Does 1-10 (fictitious persons), jointly and severally with all other defendants and individually and collectively for damages, interest, cost of suit, punitive damages and such other remedies as this Honorable Court deems equitable, just and proper.

LAFFEY, BUCCI & KENT, LLP

BY:



BRIAN D. KENT, ESQUIRE
M. STEWART RYAN, ESQUIRE
Attorneys for Plaintiff

VERIFICATION

JOHN DOE, hereby states that he/she is the Plaintiff in the within
action and verifies that the statements made in the foregoing CIVIL ACTION COMPLAINT are
true and correct to the best of his/her knowledge, information and belief. The undersigned
understands that the statements made therein are subject to N.J. Court Rule 4:5-1.

JOHN DOE

Date: 08/02/2021