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STUDENT A

Plaintiff,

v.

TOMS RIVER REGIONAL SCHOOL
 DISTRICT, MICHAEL ROMANO,
 HEATHER DEGRANDIS,
 CHRISTOPHER MADIGAN, KEVIN
 RALYMAN, and EDWARD KELLER

Defendants.

:
 : SUPERIOR COURT OF NEW JERSEY
 : OCEAN COUNTY
 : LAW DIVISION
 :
 : NO.
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 : **CIVIL ACTION COMPLAINT**
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COMPLAINT

Plaintiff, identified herein as Student A in order to protect her identity as a minor, by and through her attorney Evan M. Padilla, Esq., as and for her Complaint alleges the following:

PARTIES

1. Plaintiff was sexually assaulted, groomed, harassed, and exposed to a sexually harassing environment while a fourteen (14) year old freshman at Toms River North High School. Her identity and address are not disclosed herein due to her desire to prevent further trauma, stigma, and mental, emotional, and physical harm by maintaining the confidentiality of that information pursuant to the Child Sexual Abuse Act.
2. Defendant Toms River Regional School District (“Toms River”) was at all relevant times, and presently is, an instrumentality of the State of New Jersey, with its principal location at 1144 Hooper Avenue, Toms River, New Jersey. Toms River is an educational institution as defined by Title IX of the Education Amendments of 1972, 20 U.S.C. 1681-1688 (“Title IX”) and receives federal financial

assistance. At all relevant times, and both before and since then, Toms River owned, operated, maintained, supervised, and controlled the premises.

3. Defendant Mr. Michael Romano (“Romano”) is an adult individual residing in the State of New Jersey. At all relevant times, Romano worked for Toms River Regional School District as a Teacher of Social Studies at Toms River High School North. Romano was thereby imbued with state authority and subject to Toms River Regional School District’s control. As a public-school teacher, Romano was responsible for monitoring and maintaining the health, safety, and welfare of students attending Toms River. Furthermore, Romano was responsible for knowing, following, and obeying state law, New Jersey Department of Education regulations, and the Memorandum of Agreement between Education and Law Enforcement Officials regarding the immediate reporting of suspected cases of child abuse, including sexual abuse.
4. Defendant Heather DeGrandis (“DeGrandis”) is an adult individual residing in the State of New Jersey. At all relevant times, DeGrandis worked for Toms River Regional School District as a Teacher at Toms River High School North. Grandis was thereby imbued with state authority and subject to Toms River Regional School District’s control. As a public-school teacher, DeGrandis was responsible for monitoring and maintaining the health, safety, and welfare of students attending Toms River. Furthermore, DeGrandis was responsible for knowing, following, and obeying state law, New Jersey Department of Education regulations, and the Memorandum of Agreement between Education and Law Enforcement Officials regarding the immediate reporting of suspected cases of child abuse, including sexual abuse.
5. Defendant Christopher Madigan (“Madigan”) residing at is an adult individual residing in the State of New Jersey. At all relevant times, Madigan worked for Toms River Regional School District as a Teacher at Toms River High School North. Madigan was thereby imbued with state authority and subject to Toms River Regional School District’s control. As a public-school teacher, Madigan was responsible for monitoring and maintaining the health, safety, and welfare of students attending Toms River. Furthermore, Madigan was responsible for knowing, following, and obeying state law, New

Jersey Department of Education regulations, and the Memorandum of Agreement between Education and Law Enforcement Officials regarding the immediate reporting of suspected cases of child abuse, including sexual abuse.

6. Defendant Kevin Ralyman (“Ralyman”) is an adult individual residing in the State of New Jersey. At all relevant times, Ralyman worked for Toms River Regional School District as a Teacher at Toms River High School North. Ralyman was thereby imbued with state authority and subject to Toms River Regional School District’s control. As a public-school teacher, Ralyman was responsible for monitoring and maintaining the health, safety, and welfare of students attending Toms River. Furthermore, Ralyman was responsible for knowing, following, and obeying state law, New Jersey Department of Education regulations, and the Memorandum of Agreement between Education and Law Enforcement Officials regarding the immediate reporting of suspected cases of child abuse, including sexual abuse.
7. Defendant Edward Keller (“Keller”) residing at is an adult individual residing in the State of New Jersey. At all relevant times, Keller worked for Toms River Regional School District as a Teacher at Toms River High School North. Keller was thereby imbued with state authority and subject to Toms River Regional School District’s control. As a public-school teacher, Keller was responsible for monitoring and maintaining the health, safety, and welfare of students attending Toms River. Furthermore, Keller was responsible for knowing, following, and obeying state law, New Jersey Department of Education regulations, and the Memorandum of Agreement between Education and Law Enforcement Officials regarding the immediate reporting of suspected cases of child abuse, including sexual abuse.

INTRODUCTION

8. Plaintiff brings this action to address Defendants’ willful, knowing, intentional, reckless, systematic, and negligent violations of Plaintiff’s rights under the laws of the United States of American and the State of New Jersey.

9. During the 2019-2020 school year, Plaintiff suffered from severe and permanent harm due to repeated and systemic sexual assault, harassment, and a sexually hostile environment at the hands of defendant Romano while a high school freshman and fourteen (14) years old.
10. Defendants owed Plaintiff a duty to afford Plaintiff her constitutional right to be free from state-sponsored invasion of her bodily integrity, to be free from state-created dangers, and to enjoy the benefit of equal protection of the laws. Defendants further owed Plaintiff a duty to provide a safe environment that was conducive to learning and that afforded her equal educational opportunity regardless of sex.
11. Defendants knew and/or had a reasonable apprehension that Romano was engaging in repeated, systematic, sexually hostile, and sexually inappropriate behavior towards Plaintiff. Further, Defendants knew that defendant Romano had a history of substance abuse, similar behavior towards prior students, and was mentally unstable yet continued to allow him access to vulnerable, teenage, female students such as Plaintiff.
12. Defendants and Toms River conspired with one another to surreptitiously request that Romano retire rather than participate into any investigation into this matter.
13. Defendants and Toms River further conspired, despite having actual knowledge of Romano's repeated and systematic exposure of Plaintiff to a sexually abusive, sexually discriminatory, harassing, and unequal environment, to not report Romano's behavior to the New Jersey Department of Child Protection and Permanency in order to avoid an investigation.
14. No named Defendant has ever reported the incident to the New Jersey Department of Child Protection and Permanency, despite all being mandatory reporters under the applicable law and possessing actual, documentary knowledge of the abusive, discriminatory, and sexually aggressive behavior of Romano.
15. Defendant Edward W. Keller was a person who had the authority and responsibility to address discrimination and harassment (sexual or otherwise) and to institute corrective measures, and who had actual knowledge of harassment and discrimination in the school's programs. Despite having this actual knowledge, defendant failed to adequately respond to stop the harassment and discrimination against Plaintiff.

16. Defendant Christopher Madigan was a person who had the authority and responsibility to address discrimination and harassment (sexual or otherwise) and to institute corrective measures, and who had actual knowledge of harassment and discrimination in the school's programs. Despite having this actual knowledge, defendant failed to adequately respond to stop the harassment and discrimination against Plaintiff.
17. Defendant Kevin Raylman was a person who had the authority and responsibility to address discrimination and harassment (sexual or otherwise) and to institute corrective measures, and who had actual knowledge of harassment and discrimination in the school's programs. Despite having this actual knowledge, defendant failed to adequately respond to stop the harassment and discrimination against Plaintiff.
18. Defendant Heather DeGrandis was a person who had the authority and responsibility to address discrimination and harassment (sexual or otherwise) and to institute corrective measures, and who had actual knowledge of harassment and discrimination in the school's programs. Despite having this actual knowledge, defendant failed to adequately respond to stop the harassment and discrimination against Plaintiff.
19. Defendants' specific failures, as described below, created a climate and culture in which teachers believed they could act with impunity to sexually assault, sexually harass, and/or create a sexually hostile environment towards female students. Defendants further failed to properly discipline, suspend, investigate, reassign, or otherwise mitigate the obvious and glaring issue of Romano's substance abuse problem, and the effect that this had on his continued sexual harassment of students such as Plaintiff. These failures resulted from a policy, custom, or practice to place the welfare of teachers, the administration, and the school district above the welfare of students.
20. Defendants' specific failures created and permitted *quid pro quo* sexual harassment and a severe, pervasive, and persistent sexually hostile educational environment in violation of state and federal law.

FACTS COMMON TO ALL COUNTS

21. Plaintiff attended Toms River North High School as a freshman in the 2019-2020 school year. Defendants stood *in loco parentis* to Plaintiff during her time at the school.
22. During the 2019-2020 school year, Defendant Romano was Plaintiff's history teacher.
23. Prior to Plaintiff's arrival at Toms River North High School as a freshman, Defendants were aware both actually and constructively of Romano's propensity to groom, sexually harass, sexually batter, and sexually harass young girls that he directly taught in his classroom.
24. Romano's behavior had been nakedly apparent to school employees and administrators for years, who routinely turned a blind eye to his obvious sexually inappropriate behavior, contributing to the hostile environment for all students.
25. Immediately upon Plaintiff's arrival in Romano's classroom, Romano identified her as a potential victim, singling her out for his grooming activities.
26. Romano directed Plaintiff to sit in the front of the class, directly across from his desk.
27. Romano began his grooming behaviors by constantly commenting on Plaintiff's appearance and dress in a sexual nature, indicating his pernicious interest.
28. Romano would continue this behavior on a daily basis and in broad view of Plaintiff's classmates.
29. Romano would frequently grope and touch Plaintiff in a sexual manner, including but not limited to touching her legs, thighs, and hair.
30. During what was supposed to be class time, Romano would veer off of the subject matter into sexualized discussions, often leering directly at Plaintiff while engaging in these inappropriate rants.
31. Upwards of four (4) times per class period Romano would "excuse himself to the restroom", leaving the class unattended.
32. This behavior continued from the beginning of school year unabated, despite clear and obvious warning signs to faculty and staff. It was not until a threat was presented to a member of the faculty that any intervention took place, despite the months of sexual harassment, touching, and abuse suffered by Plaintiff.

33. Several students had come forward to faculty and staff, including but not limited to science teacher Jennifer Huey, to alert them of the disturbing behavior that Romano was displaying towards Plaintiff and other students.
34. On January 13, 2020, Romano began speaking about a fellow teacher in a disturbing fashion, indicating he had fantasies of killing her.
35. A school resource officer and also an active member of the Toms River Police Department was alerted, and an investigation was undertaken.
36. Statements from several students, including Plaintiff, were taken.
37. It was determined that Romano had been drinking during school hours, while teaching children, and likely on school property while he made the aforementioned remarks.
38. On information and belief, Romano had been acting in such a manner, including but not limited to drinking on the job, for a long period of time prior to his behavior being brought to the attention of police.
39. In her statement, Plaintiff detailed the grooming behavior and abuse she endured for months at the hands of Romano.
40. Defendants retained a private investigator to obtain this statement, and the statement of other children in Romano's class.
41. In the private investigator's interviews, classmates of the Plaintiff provided statements confirming the ongoing abusive and uncomfortable acts committed by Romano.
42. In a series supplemental interviews with a licensed education psychologist, the Plaintiff stated that she now fears for her safety while in public, as Romano has indicated he like to run close to her home.
43. In that same series of interviews, the Plaintiff also stated her fears of returning back to an in-person school environment, fearing Romano will still be a present employee.
44. As a clear and direct result of this pattern of sexual harassment, touching, and abuse, The Plaintiff now suffers from a variety of debilitating conditions, including but not limited to Generalized Anxiety

Disorder, exacerbated and severe panic attacks on a regular basis, derealization, academic/education problems, emotional distress,

45. The aforesaid actions and breaches of duty by defendants were a substantial factor in causing and were the proximate cause of Plaintiff suffering, severe mental and physical injuries, which have caused pain and suffering from these of the injuries and will continue to cause pain and suffering in the future. This pain and suffering have materially and permanently compromised Plaintiffs physical and mental health and adversely affected her education and long-term earning capacity. Additionally, this pain and suffering and resulting disabilities have caused, and will cause in the future, Plaintiff to incur medical expenses and other economic and non-economic losses, in an amount to be proven at trial.
46. Because defendants acted intentionally, knowingly, and with deliberate indifference to the foreseeable consequences of their actions and breaches of duty. Plaintiff is entitled punitive damages against all defendants in an amount necessary to deter future similar by these defendants or any other school district or official.

COUNT I – TITLE IX – SEXUAL HARASSMENT – AGAINST DEFENDANT TOMS RIVER

42. The Plaintiff repeats the allegations above as if fully set forth herein.
43. Defendant Toms River is an educational institution as defined by Title IX and receives federal financial assistance.
44. Romano's relationship with Plaintiff coupled with efforts of Toms River administrators to tolerate, condone, and turn a blind eye to such conduct created a culture of sexual exploitation at Toms River and constituted a *quid pro quo sexual harassment* a severe, pervasive, and persistent sexually hostile educational environment in violation of Title IX.
45. Defendant Toms River acted with deliberate indifference in response to the notice of Romano's relationship with Plaintiff by:
 - a.) failing to have adequate policy in place for addressing sexual harassment in the form of sexual relationships between teacher and student;

- b.) failing to adhere to the inadequate policy that did exist for addressing sexual harassment in the form of sexual relationships between teacher and student;
- c.) failing to discipline Romano for inappropriate conduct and contact with Plaintiff;
- d.) affirmatively condoning and encouraging inappropriate conduct and contact between teachers and students, thereby facilitating and tolerating the illicit sexual relationship between Romano and Plaintiff;
- e.) failing to adhere to the terms of the 2019 Revised Memorandum of Agreement between Education and Law Enforcement Officials;
- f.) failing to report this illicit sexual relationship to New Jersey DYFS, despite having reasonable cause to do so;
- g.) failing to establish clear guidelines and written procedures for reporting this illicit sexual relationship between Romano and the Plaintiff to New Jersey DYFS when reasonable cause to do so exists;
- h.) failing to communicate to The Plaintiff and their parents the name, office address, and telephone number of the "responsible employee" designated to carry out compliance measures under Title IX as required by 34 C.F.R. § 106.8(a);
- i.) failing to publish to The Plaintiff and their parents the "grievance procedures providing for prompt and equitable resolution of student and employee complaints alleging" Title IX violations as required by 34 C.F.R. §106.8(b);
- j.) tolerating, facilitating, condoning, and enabling the illicit sexual relationship between student and teacher, thereby creating a culture that permitted and encouraged teachers' sexually predatory behavior, quid pro quo sexual harassment, and a severely and pervasively sexually hostile environment.

46. As a result of these repeated and egregious acts and failures to act, Romano's sexually exploitative relationship with the Plaintiff continued unabated, and Plaintiff suffered extensive physical, psychiatric, and emotional harm entitling them to compensatory damages incidental damages, pain and suffering and other non-economic damages, punitive damages, attorneys' fees, costs, and any other just and equitable relief that the Court deems proper.

WHEREFORE, Plaintiff demands judgment against defendant Toms River together with interest, punitive damages, attorneys' fees, and costs of suit.

COUNT II – 42. U.S.C. § 1983 – VIOLATION OF CIVIL RIGHTS – AGAINST DEFENDANT ROMANO IN HIS INDIVIDUAL CAPACITY

47. The Plaintiff repeats the allegation above as if fully set forth herein.
48. Defendant Romano is a "person" with the meaning of 42 U.S.C. § 1983.
49. At all times relevant to this action, Defendant Michael Romano acted "under color of state law" within the meaning of 42 U.S.C. § 1983 by virtue of his employment as a schoolteacher at Toms River.
50. Defendant Romano's Illicit relationship with Plaintiff violated her rights to due process and equal protection of the laws as guaranteed by the United States Constitution.
51. Defendant Romano abused his position of public trust as a schoolteacher to sexually exploit young female students, such as Plaintiff.
52. Defendant Romano so abused his position when he engaged in physically intimate activity with Plaintiff repeatedly over a period of months.
53. Defendant Romano's exploitative behavior in violation of the public trust and the duties of his office are so egregious and outrageous, that it may fairly be said to shock the contemporary conscience.
54. Defendant Romano's sexual exploitation of Plaintiff violated her right to bodily integrity, under the Due Process Clause of the Fourteenth Amendment to the United States Constitution, which encompasses a student's right to be free from sexual assaults his or her teachers.
55. Defendant Romano's sexual exploitation of Plaintiff also constitutes a state-created danger that further violated her constitutional right to due process:
 - a.) The harm Romano caused, the sexual harassment of Plaintiff, was foreseeable and fairly direct;
 - b.) Romano, clothed with the authority of his position as a schoolteacher, abused the public trust and the duties of his office in such an egregious, outrageous manner that he acted with a degree of culpability that shocks the conscience;
 - c.) Plaintiff's status as a public-school student at Toms River meant that a relationship between the state and the plaintiff existed such that Plaintiff was a foreseeable victim of Romano's acts, or a member of a discrete class of persons subjected to the potential harm brought about by Romano's actions, as opposed to a member of the public in general; and Romano affirmatively used his authority in a way that created a danger to Plaintiff or that rendered Plaintiff more vulnerable to danger than had Romano not acted at all when he repeatedly sexually harassed her.

56. Defendant Romano's sexual exploitation of Plaintiff also violated her right to equal protection of the laws.
57. Defendant Romano targeted his young female students, such as Plaintiff, for sexual exploitation and for his own gratification.
58. Defendant Romano did not target his similarly situated young male students.
59. Defendant Romano's decision to violate Plaintiff's constitutional rights was therefore based upon her gender and violates the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.
60. As a result of these repeated and egregious acts and failures to act, Romano's sexually exploitative relationship with Plaintiff continued unabated, and Plaintiff suffered extensive physical, psychiatric, and emotional harm entitling her to compensatory damages, incidental damages, pain and suffering, and other non-economic damages, punitive damages, attorneys' fees, costs, and any other just and equitable that the Court deems proper.

WHEREFORE, Plaintiff demand judgement against defendant Romano together with interest, punitive damages, attorneys' fees, and costs of suit.

**COUNT III – 42 U.S.C § 1983 – VIOLATION OF CIVIL RIGHTS – AGAINST
DEFENDANTS RALYMAN, DEGRANDIS, MADIGAN & KELLER IN THEIR
INDIVIDUAL CAPACITIES**

61. The Plaintiff repeats the allegations above as if fully set forth herein.
62. Defendants Ralyman, DeGrandis, Madigan, & Keller are each a "person" within the meaning of 42 U.S.C. § 1983
63. At all times relevant to this action, Defendants Ralyman, DeGrandis, Madigan, & Keller acted "under color of state law" within the meaning of 42 U.S.C. § 1983 by virtue of their employment as schoolteachers and/or administrators at Toms River.

64. The various decisions of Defendants Ralyman, DeGrandis, Madigan, & Keller to tolerate, facilitate, or turn a blind eye to Romano's illicit relationship with Plaintiff violated her rights to due process and equal protection of the laws as guaranteed by the United States Constitution.
65. The various decisions of Defendants Ralyman, DeGrandis, Madigan, & Keller to tolerate, facilitate, or turn a blind eye to Romano's illicit relationship with Plaintiff violated her rights to due process and equal protection of the laws as guaranteed by the United States Constitution.
66. Defendants Ralyman, DeGrandis, Madigan, & Keller abused their positions of public trust and responsibility insofar as they tolerated, facilitated, and ignored Romano's illicit relationship with Plaintiff by;
- a.) violating their duties to report the relationship when they became aware of it;
 - b.) failing to take any steps to ensure that any meaningful investigation into the illicit sexual relationship took place;
 - c.) deliberately abdicating any and all responsibility to supervise Romano and prevent their wrongful conduct during the course of the "investigation";
 - d.) failing to supervise subordinates in any way to ensure that subordinates acted responsibly in addressing the possibility relationships between students and teachers;
 - e.) failing to respond or act in any way despite knowing that all allegations had been leveled against this teacher at Toms River clearly evidencing a pattern of misconduct and inappropriate behavior;
67. This conduct of Defendants Ralyman, DeGrandis, Madigan, & Keller is so egregious, so outrageous, that it may fairly be said to shock the contemporary conscience.
68. This conduct also affirmatively enabled and facilitated Romano's sexual exploitation of Plaintiff and accordingly isolated her right to bodily integrity, under the Due Process Clause of the Fourteenth amendment to the United States Constitution, which encompasses a student's right to be free from sexual assaults by his or her teachers.
69. Because this conduct affirmatively enabled and facilitated Romano's sexual exploitation of Plaintiff, it also constitutes a state-created danger that further violated her constitutional right to due process:

- a.) The harm Defendants Ralyman, DeGrandis, Madigan, & Keller caused by facilitating the sexual relationship between Romano and Plaintiff, the sexual assault of Plaintiff, was foreseeable and fairly direct;
- b.) Defendants Ralyman, DeGrandis, Madigan, & Keller clothed with the authority of their positions as schoolteachers and/or administrators, abused the public trust and the duties of their offices in such an egregious, outrageous manner that they each acted with a degree of culpability that shocks the conscience;
- c.) Plaintiff's status as a public school student at Toms River meant that a relationship between Romano and the Plaintiff existed such that Plaintiff was a foreseeable victim of the acts of Romano or a member of a discrete class of persons subjected to the potential harm brought about by the acts of Ralyman, DeGrandis, Madigan, & Keller, as opposed to a member of the public in general; and
- d.) By taking affirmative steps to enable, facilitate, condone, and to turn a blind eye to Romano's sexual exploitation of Plaintiff, Romano, Ralyman, DeGrandis, Madigan, & Keller affirmatively used their authority in a way that created a danger to Plaintiff or that rendered Plaintiff more vulnerable to danger than had Ralyman, DeGrandis, Madigan, & Keller not acted at all.

- 70. Because this conduct affirmatively facilitated and enabled Romano's sexual harassment of Plaintiff, this conduct also violated Plaintiff's right to equal protection of the laws.
- 71. Defendant Romano targeted his young female students, such as Plaintiff, for sexual exploitation, for his own gratification.
- 72. Defendant Romano did not target his similarly situated young male students.
- 73. Defendants Ralyman, DeGrandis, Madigan, & Keller tolerated; facilitated, enabled, and condoned the sexual exploitation of Plaintiff because she was a young woman.
- 74. Defendants Ralyman, DeGrandis, Madigan, & Keller did not similarly enable, facilitate, or ignore the sexual exploitation of young male students.
- 75. The various decisions of Defendants Ralyman, DeGrandis, Madigan, & Keller to facilitate, enable, tolerate, condone, and turn a blind eye to defendant Romano's illicit sexual relationship with Plaintiff were therefore based with Plaintiff's gender and violated her rights guaranteed by the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

76. As a result of these repeated and egregious acts and failures to act, Romano's sexually exploitative relationship with Plaintiff continued unabated, and Plaintiff suffered extensive physical, psychiatric, and emotional harm entitling her to compensatory damages, incidental damages, pain and suffering and other non-economic damages, punitive damages, attorneys' fees, costs, and any other just and equitable relief that the Court deems proper.

WHEREFORE, plaintiff demands judgment against Defendants Ralyman, DeGrandis, Madigan, & Keller, jointly and severally, together with interest, punitive damages, attorneys' fees, and costs of suit.

**COUNT IV - 42 U.S.C. § 1983 – VIOLATION OF CIVIL RIGHTS – AGAINST DEFENDANTS
TOMS RIVER AND DEFENDANTS ROMANO, RALYMAN, DEGRANDIS, MADIGAN, &
KELLER IN THEIR OFFICIAL CAPACITIES**

77. The Plaintiff repeats the allegations above as if fully set forth herein.

78. Defendant Toms River is liable for the constitutional violations of its employees as alleged in Count II and Count III because such violations were caused by (1) the inadequate policies promulgated by Toms River respecting sexual harassment and child sexual abuse, (2) a pervasive custom and practice having the force of law of ignoring those inadequate policies that did exist respecting sexual harassment and child sexual abuse, and (3) a failure to train and supervise its employees respecting sexual harassment and child sexual abuse.

79. Toms River Policy No. 3281, relating to "inappropriate staff conduct," (the "Staff Conduct Policy") is inadequate and violates federal and New Jersey law insofar as it purports to grant a principal or the superintendent the discretion to determine whether it is "appropriate" to report suspected child sexual abuse to New Jersey DYFS and/or law enforcement when reasonable cause to suspect child sexual abuse exists.

80. Federal law, New Jersey law, and the 2019 Revised Memorandum of Agreement between Education and Law Enforcement Officials permit school personnel and administrators.

81. The Staff Conduct Policy's misinformation about the discretion of school personnel and administrators contributed to and/or caused school personnel and administrators contributed to and/or caused school

personnel and administrators not to report illicit sexual relationship between Romano and Plaintiff upon having reasonable cause to do so. Accordingly, execution of the Staff Conduct Policy inflicted the constitutional injury upon Plaintiff.

82. Toms River Policy No. 5751, relating to "sexual harassment of pupils," (the "Sexual Harassment Policy") is inadequate and violates federal and New Jersey law insofar as it purports to permit the "Affirmative Action Officer" investigating a sexual harassment allegation to consider evidence that a sexual relationship between a student and a teacher is "consensual." Sexual Harassment Policy § B.2.k.(1)-(3).
83. Federal law, New Jersey law, and the 2011 Revised Memorandum of Agreement between Education and Law Enforcement Officials do not permit school personnel and administrators to consider the "consensual" nature of a relationship between a student teacher in determining whether sexual harassment has occurred in the context of suspected sexual relationship between a teacher and a student.
84. The Sexual Harassment Policy's misinformation about the relevance of consent investigating claims of sexual harassment contributed to and/or caused school personnel and administrators not to report the illicit sexual relationships between Romano and Plaintiff upon having reasonable cause to do so. Accordingly, execution of the Sexual Harassment Policy inflicted the constitutional injury upon Plaintiff.
85. In addition to the inadequacy of the staff Conduct Policy and the Sexual Harassment Policy, a custom and practice existed at Triton of tolerating violations of the Staff Conduct Policy and the Sexual Harassment Policy.
86. Notwithstanding the Staff Conduct Policy's prohibition, students, and teachers frequently engaged in inappropriate social relationships outside the normal teacher/student relationship without the teachers facing discipline.
87. Notwithstanding that the Policy requires that an "Affirmative Action Officer" investigate allegations of sexual harassment, and notwithstanding that defendant Toms River's "Affirmative Action Officer" at all relevant times, she did not act in that capacity.

88. Notwithstanding that the Staff Conduct Policy and Sexual Harassment Policy also imposed obligations on Ralyman, DeGrandis, Madigan, & Keller to report the illicit sexual relationships that Romano was having with Plaintiff.
89. The custom and practice of deliberately not enforcing these prohibitions in the Staff Conduct Policy and the Sexual Harassment Policy were so widespread as to have the force of law.
90. The custom and practice deliberately not enforcing these prohibitions created a climate where inappropriate relationships between teachers and students were tolerated, enabled, and even encouraged, and Mr. Romano could conduct such relationships without fear of investigation or disciplines.
91. The custom and practice of deliberately not enforcing these prohibitions contributed and/or caused Romano to have the ability to prey upon and sexually exploit Plaintiff. Accordingly, execution of this custom and practice inflicted the constitutional injury upon Plaintiff.
92. The custom and practice of deliberately not enforcing these prohibitions contributed to and/or caused defendants Ralyman, DeGrandis, Madigan, & Keller to enable, facilitate, tolerate, condone, and turn a blind eye to Romano's illicit sexual relationship with Plaintiff. Accordingly, execution of this custom and practice inflicted the constitutional injury upon Plaintiff.
93. In addition to the inadequacy of the Staff Conduct Policy and the Sexual Harassment Policy and the pervasive custom and practice of not enforcing their provisions Toms River failed to train its employees with respect to responding to allegations of sexual harassment and child sexual abuse.
94. Moreover, it is clear, based on the total failure of any of the individual defendants to adhere to their responsibilities under the Staff Conduct Policy and Sexual Harassment Policy, that Toms River personnel and administrators were wholly ignorant of the obligations that the Staff Conduct Policy and Sexual Harassment Policy placed upon them.
95. It is obvious that duties of high school teachers and administrators include refraining from inappropriate contact and relationships with students, providing an educational Environment free from sexually

predatory employees and sexual harassment, and investigating any inappropriate sexual contact, sexually predatory behavior, or sexual harassment with promptness, thoroughness, and impartiality.

96. It is obvious that high school teachers and administrators require training about, among other matters, refraining from inappropriate contact and relationships with students, providing an educational environment free from sexually predatory employees and sexual harassment, and investigating any inappropriate contact, sexually predatory behavior, or sexual harassment with promptness, thoroughness, and impartiality.

97. It is obvious that, without such training, illicit sexual relationships and other conduct violating students' constitutional rights are highly likely to result, as it did here with regard to Romano's illicit sexual relationship with Plaintiff.

98. In light of the wholesale ignorance of the individual defendants about their obligations under the Staff Conduct Policy and the Sexual Harassment Policy, Toms River clearly engaged in inadequate training as to these matters.

99. In light of the duties assigned to its officers and employees, the need for more or different training was so obvious, and the inadequacy so likely to result in the violation of constitutional rights, that the policymakers & Toms River can reasonably be said to have been deliberately indifferent to the for further training.

100. As a result of these repeated and egregious acts and failures to act, Romano's sexually exploitative relationship with Plaintiff continued unabated, and Plaintiff suffered extensive physician psychiatric, and emotional harm entitling her to compensatory damages, incidental damages, pain and suffering and other non-economic damages, punitive damages, attorneys' fees, costs, and any other just and equitable relief that the Court deems proper.

WHEREFORE, Plaintiff demands judgment against defendants Toms River, Romano, Ralyman, DeGrandis, Madigan, & Keller jointly and severally, together with interest, punitive damages, attorneys' fees, and costs of suit.

COUNT V – NEW JERSEY CHILD SEX ABUSE ACT– AGAINST DEFENDANT ROMANO

101. The Plaintiff repeats the allegations above as if fully set forth herein.
102. Defendant Romano engaged in sexual contact with Plaintiff on several occasions, during which the Plaintiff was under the age of 18.
103. On one occasion, The Plaintiff wore ripped jeans into Defendant Romano’s classroom.
104. After noticing, Defendant Romano then proceeded to tell the Plaintiff “You are holey today” while forcing his fingers into one of the holes in the jeans, specifically on her right thigh.
105. Defendant Romano therefore engaged in an act of sexual contact between a child under the age of 18 years and an adult, in violation of N.J. Stat. Ann. §2A:61B-1.
106. As a result of these repeated and egregious acts and failures to act. Plaintiff suffered extensive physical, psychiatric, and emotional harm entitling her to compensatory damages, incidental damages, pain and suffering and other non-economic damages, punitive damages, attorneys' fees, costs, and any other just and equitable relief that the Court deems proper.

WHEREFORE Plaintiff demands judgment against defendant Romano, together with interest, punitive damages, attorneys' fees, and costs of suit.

COUNT VI – BATTERY – AGAINST DEFENDANT ROMANO

107. The Plaintiff repeats the allegations above set forth herein.
108. Defendant Romano engaged in sexual contact with Plaintiff a number of times while Plaintiff was under the age of 18.
109. Romano, as the Plaintiff’s teacher, was in a position of authority over Plaintiff at the time.
110. Therefore, Plaintiff could not legally consent to defendant Romano's sexual advances
111. Any purported or apparent consent that Plaintiff did give to Romano's sexual advances were invalid and of no legal effect because Romano procured it by coercion, intimidation, and fraud.
112. Defendant Romano’s sexual advances with Plaintiff therefore constitutes a nonconsensual touching.

113. As a result of these repeated and egregious acts and failures to act, Plaintiff suffered extensive physical, psychiatric, and emotional harm entitling her to compensatory damages, incidental damages, pain and suffering and other non-economic damages, punitive damages, attorneys' fees, costs, and any other just and equitable relief that the Court deems proper.

WHEREFORE, Plaintiff demands judgment against defendant Romano, together with interest, punitive damages, attorneys' fees, and costs of suit.

**COUNT VII – NEW JERSEY SEXUAL ABUSE ACT – AGAINST DEFENDANTS TOMS
RIVER, RALYMAN, DEGRANDIS, MADIGAN, & KELLER**

114. The Plaintiff repeats the allegations above as if fully set forth herein.

115. Defendant Romano engaged-in sexual contact with Plaintiff on several occasions, during which time Plaintiff was under the age of 18.

116. Defendant Roman therefore engaged in an act of sexual contact between a child under the age of 18 years and an adult, in violation of N.J. Stat. Ann. §2A:61B-1

117. Defendants Toms River, Ralyman, DeGrandis, Madigan, & Keller were guardians or other persons standing in *loco parentis* with respect to Plaintiff.

118. As extensively alleged above, Defendants Toms River, Ralyman, DeGrandis, Madigan, & Keller knew or should have known that Romano was engaged in an illicit sexual relationship with Plaintiff.

119. As extensively alleged above, Defendants Toms River, Ralyman, DeGrandis, Madigan, & Keller nonetheless took no meaningful action to prevent, and instead facilitated, enabled, tolerated, condoned, and covered up Romano's illicit sexual relationship with Plaintiff.

120. Defendants Toms River, Ralyman, DeGrandis, Madigan, & Keller therefore knowingly permitted or acquiesced in sexual abuse by Romano, in violation of N.J. Stat. Ann. § 2A:61B-1.

121. As a result of these repeated and egregious acts and failures to act, Romano's sexually exploitative relationship with Plaintiff continued unabated, and Plaintiff suffered extensive physical, psychiatric, and intentional harm entitling her to compensatory damages, incidental

damages, pain and suffering and other non-economic damages, punitive damages, attorneys' fees, costs, attorneys' fees other just and equitable relief that the Court deems proper.

WHEREFORE, Plaintiff demands judgment against defendants Toms River, Ralyman, DeGrandis, Madigan, & Keller, jointly and severally, together, with interest, punitive damages, attorneys' fees, and costs of suit.

COUNT VIII – NEGLIGENCE, NEGLIGENT HIRING, NEGLIGENT SUPERVISION AND TRAINING, AND NEGLIGENT RETENTION – AGAINST DEFENDANT TOMS RIVER

122. The Plaintiff repeats the allegations above as if fully set forth herein.
123. Defendant Toms River had a common law duty to exercise reasonable care for the health and safety of the children entry to its care as part of its role as a school district acting in *loco parentis*. This duty extended to Plaintiff.
124. As extensively alleged above, Toms River breached this duty of care to Plaintiff by taking inadequate steps to prevent its teachers from forming illicit sexual relationships with students, failing to investigate such illicit relationships and other inappropriate conduct when they came to light, failing to report or discipline teachers who engaged in such illicit relationships, and otherwise permitting a sexually hostile environment to exist and persist at Toms River.
125. Toms River's extensive breaches of its duty of care, alleged above, also mean that Toms River, having a legal duty for the care of Plaintiff, caused the Plaintiff harm that would make the Plaintiff an abused or neglected child, by permitting or allowing Romano to perform indecent, immoral and unlawful acts in the presence of the Plaintiff that may tend to debauch or endanger the morals of Plaintiff in violation of N.J. Stat. Ann, § 2C;24-4 and N.J. Stat. Ann. § 9:6-1. The violation of these statutes constitutes additional evidence of Toms River's negligence.
126. Toms River's duty of reasonable care also extended to taking reasonable prudent steps to ensure that it exercised reasonable care in the hiring, supervision and training, and retention of its employees.
127. Toms River personnel knew or had reason to know that Romano's illicit sexual relationship with Plaintiff at least as early as January 2019.

128. Prior to January 2019, Romano had been known to have a history of alcohol consumption while on the job.
129. Based on its actual or constructive knowledge of Romano's misconduct, Toms River could have foreseen that Romano would begin and maintain sexually exploitative relationships with his students, particularly the Plaintiff.
130. Toms River therefore knew or had reason to know of the particular unfitness, incompetence, or dangerous attributes of Romano and could reasonably have foreseen that each quality created a risk of harm to Plaintiff.
131. As a direct and proximate result of Toms River's negligent hiring and retention of Romano notwithstanding its knowledge of his inappropriate relationships with students and specifically his sexual relationship with Plaintiff, Romano was able to maintain his exploitative and predatory relationship with Plaintiff because of the daily access to Plaintiff that his continued employment granted him.
132. With this daily access, Romano could continue sexually exploiting Plaintiff.
133. Accordingly, through the negligence of Toms River in hiring and retaining Romano, Romano's incompetence, unfitness, or dangerous characteristics proximately caused the injury to Plaintiff.
134. Toms River also negligently supervised Romano, knowing what it did about his inappropriate history.
135. Toms River personnel knew or had reason to know of Roman's illicit sexual relationship with Plaintiff at least as early as January 2020.
136. Prior to January 2020, Toms River personnel knew or had reason to know that repeatedly and intentionally violated the Staff Conduct Policy by his history of alcohol consumption
137. Based on its actual or constructive knowledge of Romano's misconduct. Toms River could have foreseen that Romano would begin and maintain sexually exploitative relationships with his students, specifically Plaintiff.

138. Toms River therefore had a duty to supervise Romano to ensure that such relationships did not begin or continue.
139. Toms River engaged in no such supervision and/or engaged in wholly inadequate supervision.
140. Unsupervised, Romano began to and continued sexually exploiting Plaintiff.
141. Accordingly, Toms River's failure to supervise Romano enabled him to begin and continue sexually exploiting Plaintiff.
142. Romano's sexual exploitation of Plaintiff resulted in significant mental, physical, and emotional harm to Plaintiff.
143. As a result of these repeated and egregious acts and failures to supervise, Romano's sexually exploitative relationship with Plaintiff continued unabated, and Plaintiff suffered extensive physical, psychiatric, and emotional harm entitling her compensatory damages, incidental damages, pain and suffering and other non-economic damages, punitive damages, attorneys' fees, costs, and any other just and equitable relief that the Court deems proper.

WHEREFORE, Plaintiff demands judgement against defendant Toms River, together with interest, punitive damages, attorneys' fees, and costs of suit.

**COUNT IX – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS – AGAINST
DEFENDANT ROMANO**

144. The Plaintiff repeats the allegations above as if fully set forth herein.
145. As extensively alleged above, Defendant Romano acted intentionally and recklessly by engaging in sexual exploitation of the Plaintiff.
146. As extensively alleged above, this intentional and reckless conduct was outrageous and well outside the boundaries of reasonable conduct in our society.
147. As a direct and proximate result of the outrageous conduct of Romano, sexual exploitation of The Plaintiff continued, and further caused Plaintiff to suffer severe emotional distress.

148. As a result of these repeated and egregious acts and failures to act, Romano's sexually exploitative relationship with Plaintiff continued unabated, and Plaintiff suffered extensive physical, psychiatric, and emotional harm entitling her to compensatory damages, incidental damages, pain and suffering and other non-economic damages, punitive damages, attorneys' fees, costs, and any other just and equitable relief that the Court deems proper. WHEREFORE, Plaintiff demands judgment against Defendant Romano, together with interest, punitive damages, attorneys' fees, and costs of suit.

**COUNT X – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS- AGAINST
DEFENDANT TOMS RIVER AND DEFENDANTS ROMANO RALYMAN, DEGRANDIS,
MADIGAN, & KELLER**

149. The Plaintiff repeats the allegations above as if fully set forth herein.

150. Defendant Toms River had a common law duty to exercise reasonable care for the health and safety of the children entrusted to their care as part of its role as a school district acting in *loco parentis*.

151. Defendants Ralyman, DeGrandis, Madigan, & Keller each had a common law duty to exercise reasonable care for the health and safety of the children entrusted to their care as part of their positions as schoolteachers and administrators.

152. As extensively alleged above, Toms River, Ralyman, DeGrandis, Madigan, & Keller each breached their common law duties to Plaintiff.

153. As a consequence of these breaches, Romano was able to continue sexually exploiting Plaintiff.

154. As a direct and proximate result of the conduct of Toms River, Ralyman, DeGrandis, Madigan, & Keller, Romano's sexual exploitation of Plaintiff continued, and Plaintiff suffered severe emotional distress.

155. As a result of these repeated and egregious acts and failures to act, Romano's sexually exploitative relationship with Plaintiff continued unabated, and Plaintiff suffered extensive physical, psychiatric, and emotional entitling her to compensatory damages, incidental damages,

pain and suffering and other non-economic damages, punitive damages, attorneys' fees, costs, and any other and equitable relief that the Court deems proper.

WHEREFORE, Plaintiff demands judgment against defendants Toms River, Ralyman, DeGrandis, Madigan, & Keller, jointly and severally-together with interest, punitive damages, attorneys' fees, and costs of suit.

Respectfully Submitted,

ZAJAC & ARIAS, LLC



BY: EVAN M. PADILLA, ESQUIRE
Attorney for Plaintiff

DATED: May 28, 2021

JURY DEMAND

Plaintiff hereby demands a trial by jury as to all issues in this matter.

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, Evan M. Padilla, Esquire is designated as trial counsel on behalf of Plaintiff in this action.

DEMAND FOR COMPLIANCE WITH RULES 1:5-1(a) AND 4:17-4(c)

Undersigned counsel hereby demands, pursuant to Rules 1:5-1(a) and 4:17-4(c), that each party serving pleadings, interrogatories, or responses thereto, shall serve copies of all such pleadings, interrogatories, or responses thereto on undersigned counsel.

DEMAND FOR INTERROGATORIES

Demand is hereby made of Defendants for certified answers to Interrogatories Form C within the time period prescribed by the New Jersey Rules of Court.

RULE 4:5- 1 CERTIFICATION

I, Evan M. Padilla, Esquire, certify, to the best of my knowledge, that the matter in controversy in this action is not the subject of any other action pending in any other court of this State. I further certify that the matter in controversy in this action is not the subject of a pending arbitration proceeding this State, nor is any other action or arbitration proceeding contemplated. I certify that there is no other party who should be joined in this action at this time.

Respectfully Submitted,

ZAJAC & ARIAS, LLC



BY: EVAN M. PADILLA, ESQUIRE
Attorney for Plaintiff

DATED: May 28, 2021