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Attorneys for Plaintiff

G.R., Plaintiff(s), -vs- UNION CITY SCHOOL DISTRICT, UNION CITY BOARD OF EDUCATION, PRINCIPAL ROBERT FAZIO, ASSISTANT PRINCIPAL EDWIN MARINEZ, FRANCISCO LINDO, STEVE HANAK, MARK RYAN, DENNIS MCMULLEN, CRAIG LAPIERRE, GREG CAMPBELL, GEORGE MORALES, & JOHN DOES 1-100, Defendant(s)	SUPERIOR COURT OF NEW JERSEY BERGEN COUNTY / LAW DIVISION <i>CIVIL ACTION</i> DOCKET NO: COMPLAINT
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Plaintiff G.R., currently residing in the State of New Jersey, by way of Complaint against the Defendants says:

GENERAL ALLEGATIONS AS TO THE PARTIES

1. Plaintiff G.R. (herein after "Plaintiff") is a 34-year-old female and former student of Emerson High School (now Union City High School) State of New Jersey.
2. Plaintiff was a minor during the time period when the sexual acts and misconduct alleged herein occurred. Beginning in or around 2008, Plaintiff was sexually groomed, abused, and sexually assaulted by her math teacher, Defendant Francisco Lindo, employee and agent of Defendant Union City School District & Defendant Union City Board of Education. Plaintiff was approximately 16 years old when the sexual abuse began and was a minor throughout the entire sexual abuse period.

3. Plaintiff brings this action pursuant to NJSA 2A:61B-1, the Childhood Sexual Abuse Act as amended, and under common law and the New Jersey Constitution.
4. Defendants Union City School District and Union City Board of Education, at all times mentioned herein were and are business entities of form unknown, having principal places of business in the County of Bergen, State of New Jersey. The Defendants Union City School District and Union City Board of Education purposely conduct substantial educational business activities in the State of New Jersey, and are primary entities owning, operating, and controlling Emerson High School, employing Defendants Francisco Lindo, Robert Fazio, Edwin Martinez, Steve Hanak, Mark Ryan, Dennis McMullen, Craig Lapierre, Greg Campbell, and George Morales, and are responsible for monitoring and controlling their activities and behavior.
5. Defendant Francisco Lindo at all times mentioned herein was and is an adult male individual, who Plaintiff is informed and believes, and on that basis alleges, currently resides in the State of New Jersey. During the period of time in which the childhood sexual grooming and sexual abuse of Plaintiff alleged herein took place, Francisco Lindo was Plaintiff's math teacher at Emerson High School and employed by both Defendants Union City School District and Union City Board of Education. At all times herein Francisco Lindo was an employee, agent, and/or servant of Defendants Union City School District and Union City Board of Education and was under their complete control and/or active supervision.
6. Defendant Principal Robert Fazio at all times mentioned herein was and is an adult male individual, who Plaintiff is informed and believes, and on that basis alleges, currently resides in the State of New Jersey. During the period of time in which the childhood sexual grooming and sexual abuse of Plaintiff alleged herein took place, Robert Fazio

was Plaintiff's Principal at Emerson High School and employed by both Defendants Union City School District and Union City Board of Education. At all times herein Robert Fazio was an employee, agent, and/or servant of Defendants Union City School District and Union City Board of Education and was under their complete control and/or active supervision.

7. Defendant Assistant Principal Edwin Martinez at all times mentioned herein was and is an adult male individual, who Plaintiff is informed and believes, and on that basis alleges, currently resides in the State of New Jersey. During the period of time in which the childhood sexual grooming and sexual abuse of Plaintiff alleged herein took place, Edwin Martinez was Plaintiff's Assistant Principal at Emerson High School and employed by both Defendants Union City School District and Union City Board of Education. At all times herein Edwin Martinez was an employee, agent, and/or servant of Defendants Union City School District and Union City Board of Education and was under their complete control and/or active supervision.
8. Defendant Teacher Steve Hanak at all times mentioned herein was and is an adult male individual, who Plaintiff is informed and believes, and on that basis alleges, currently resides in the State of New Jersey. During the period of time in which the childhood sexual grooming and sexual abuse of Plaintiff alleged herein took place, Steve Hanak was a teacher at Emerson High School and employed by both Defendants Union City School District and Union City Board of Education. At all times herein Steve Hanak was an employee, agent, and/or servant of Defendants Union City School District and Union City Board of Education and was under their complete control and/or active supervision.
9. Defendant Teacher Mark Ryan at all times mentioned herein was and is an adult male individual, who Plaintiff is informed and believes, and on that basis alleges, currently

resides in the State of New Jersey. During the period of time in which the childhood sexual grooming and sexual abuse of Plaintiff alleged herein took place, Mark Ryan was a teacher at Emerson High School and employed by both Defendants Union City School District and Union City Board of Education. At all times herein Mark Ryan was an employee, agent, and/or servant of Defendants Union City School District and Union City Board of Education and was under their complete control and/or active supervision.

10. Defendant Teacher Dennis McMullen at all times mentioned herein was and is an adult male individual, who Plaintiff is informed and believes, and on that basis alleges, currently resides in the State of New Jersey. During the period of time in which the childhood sexual grooming and sexual abuse of Plaintiff alleged herein took place, Dennis McMullen was a teacher at Emerson High School and employed by both Defendants Union City School District and Union City Board of Education. At all times herein Dennis McMullen was an employee, agent, and/or servant of Defendants Union City School District and Union City Board of Education and was under their complete control and/or active supervision.

11. Defendant Teacher Craig Lapierre at all times mentioned herein was and is an adult male individual, who Plaintiff is informed and believes, and on that basis alleges, currently resides in the State of New Jersey. During the period of time in which the childhood sexual grooming and sexual abuse of Plaintiff alleged herein took place, Craig Lapierre was a teacher at Emerson High School and employed by both Defendants Union City School District and Union City Board of Education. At all times herein Craig Lapierre was an employee, agent, and/or servant of Defendants Union City School District and Union City Board of Education and was under their complete control and/or active supervision.

12. Defendant Teacher Greg Campbell at all times mentioned herein was and is an adult male individual, who Plaintiff is informed and believes, and on that basis alleges, currently resides in the State of New Jersey. During the period of time in which the childhood sexual grooming and sexual abuse of Plaintiff alleged herein took place, Greg Campbell was a teacher at Emerson High School and employed by both Defendants Union City School District and Union City Board of Education. At all times herein Greg Campbell was an employee, agent, and/or servant of Defendants Union City School District and Union City Board of Education and was under their complete control and/or active supervision.
13. Defendant Teacher George Morales at all times mentioned herein was and is an adult male individual, who Plaintiff is informed and believes, and on that basis alleges, currently resides in the State of New Jersey. During the period of time in which the childhood sexual grooming and sexual abuse of Plaintiff alleged herein took place, George Morales was a teacher at Emerson High School and employed by both Defendants Union City School District and Union City Board of Education. At all times herein George Morales was an employee, agent, and/or servant of Defendants Union City School District and Union City Board of Education and was under their complete control and/or active supervision.
14. Defendant John Does 1-100, inclusive, and each of them, are sued herein under said fictitious names. Plaintiff is ignorant as to the true names and capacities of John Doe Defendants, whether individual, corporate, associate, or otherwise, and therefore sue said Defendants by fictitious names. When their true names and capacities are ascertained, Plaintiff will request leave of Court to amend this Complaint to state their true names and capacities herein.

15. Plaintiff is informed and believes, and on that basis alleges, that at all times mentioned herein, each Defendant was responsible in some manner or capacity for the occurrences alleged herein, and that Plaintiff's damages, as herein alleged, were proximately caused by all said Defendants. Defendants Emerson High School, Union City School District, Union City Board of Education, and John Does 1-100, are sometimes collectively referred to herein as "Defendants" and/or as "All Defendants;" such collective references refer to all specifically named Defendants.

16. Plaintiff is informed and believes, and on that basis alleges, that at all times mentioned herein, there existed a unity of interest and ownership among Defendants and each of them, such that any individual and separateness between Defendants, and each of them, ceased to exist. Defendants, and each of them, were the successors-in-interest and/or alter-egos of the other Defendants, and each of them, in that they purchased, controlled, dominated, and operated each other without any separate identity, observation of formalities, or other manner of division. To continue maintaining the façade of a separate and individual existence between and among Defendants, and each of them, would serve to perpetrate a fraud and injustice.

17. At all times mentioned herein, Defendant Francisco Lindo was an adult math teacher and employee of Defendants Union City School District and Union City Board of Education, acting as an employee, agent, and/or servant of such and/or was under their complete control and/or supervision. Defendant Francisco Lindo was employed as a math teacher at Emerson High School, Union City School District, and Union City Board of Education, was hired by Emerson High School, Union City School District, and Union City Board of Education to serve as a math teacher to minor high school students at Emerson High School. In doing so, Defendants Union City School District and Union

City Board of Education held Defendant Francisco Lindo out to the public to be of high ethical and moral repute, and to be in good standing with Emerson High School, Union City School District, Union City Board of Education, the State of New Jersey, and the public in general. In this capacity, Defendant Francisco Lindo taught, mentored, and advised students regarding personal issues, academics, and general emotional and psychological issues. Defendants Union City School District and Union City Board of Education held Defendant Francisco Lindo out to the public, Plaintiff, and Plaintiff's family to be a highly qualified math teacher who could and would assist Plaintiff with academics and personal issues the Plaintiff had faced. Inherent in this representation was the understanding that Defendant Francisco Lindo was a person of high ethical and moral standing, selected to provide leadership, guidance, mentoring, teaching, and advising to students including Plaintiff. Plaintiff and her family reasonably assumed that Defendant Francisco Lindo was a person worthy of trust.

18. Plaintiff is informed and believes, and on that basis alleges, that at all times mentioned herein, Defendants and each of them and Defendant Francisco Lindo were the agents, representatives, and/or employees of each and every other Defendant. In doing so, the things herein after alleged, Defendants and each of them, and Defendant Francisco Lindo, were acting within the scope of said alternative personality, capacity, identity, agency, representation, and/or employment, and were within the scope of their authority, whether actual or apparent.

19. Plaintiff is informed and believes, and on that basis alleges, that at all times mentioned herein, Defendants and each of them and Defendant Francisco Lindo were the trustees, partners, servants, joint venturers, shareholders, contractors, and/or employees of each and every other Defendants, and the acts and omissions herein alleged were done by

them, acting individually, through such capacity and within the scope of their authority, whether actual or apparent, and with the permission and consent of each and every other Defendant and that said conduct was thereafter ratified by each and every other Defendant, and that each of them is jointly and severally liable to Plaintiff.

FACTUAL ALLEGATIONS APPLICABLE TO ALL CLAIMS

20. At all times material hereto, Plaintiff was a student at Emerson High School, Union City School District, and Union City Board of Education, and was under their complete control and supervision.
21. At all times hereto, Defendant Francisco Lindo was employed by Defendants Union City School District and Union City Board of Education as a math teacher. In such capacity, Defendant Francisco Lindo was under the direct supervision, employ, agency, and control of Defendants Union City School District, Union City Board of Education, Principal Robert Fazio, and John Does 1-100. His employment duties and responsibilities with the named Defendants included, in part, providing for the mentoring, advisory, educational, and emotional needs and well-being of students at Emerson High School, including Plaintiff.
22. Through his position with Defendants Union City School District and Union City Board of Education, Defendant Francisco Lindo was put into direct contact with Plaintiff, a student at Emerson High School. Defendant Francisco Lindo was assigned to teach, mentor, and advise Plaintiff as part of typical teacher responsibilities. It is under these circumstances that Plaintiff came to be under the direction and control of Defendant Francisco Lindo, who used his position of authority and trust over Plaintiff to sexually groom and abuse her, all while under the supervision and control of the Defendants Union City School District, Union City Board of Education, and Principal Fazio.
23. While in the care, custody, and control of the Defendants Union City School District and Union City Board of Education, Defendant Francisco Lindo did sexually groom, contact, abuse, and molest Plaintiff, who was a minor at the time. Such conduct was done for Defendant Francisco Lindo's sexual gratification, and was performed on Plaintiff without

her free consent, as Plaintiff was a mere minor and thus unable to give valid, legal consent to such sexual acts. These actions upon Plaintiff constituted conduct in violation of New Jersey state laws and Defendant Francisco Lindo was charged with sexual assault and pled guilty to second degree endangering the welfare of a child and was sentenced to five-years in prison.

24. As a student at Emerson High School, where Defendant Francisco Lindo was employed by Defendants Union City School District and Union City Board of Education, Plaintiff was under Defendant Francisco Lindo's direct supervision, care, and control, thus creating a special relationship, fiduciary relationship, and/or special care relationship with Defendants and each of them. Additionally, as a minor child under the custody, care, and control of Defendants, Defendants stood *in loco parentis* with respect to Plaintiff while she was attending school and school-related functions at Emerson High School and the Union City School District. As the responsible parties and/or employers controlling Defendant Francisco Lindo, Defendants were also in a special relationship with Plaintiff and owed special duties to Plaintiff.

25. Plaintiff is informed and believes, and on that basis alleges, that Defendants knew or should have known that Defendant Francisco Lindo had engaged in unlawful sexually related conduct with Plaintiff, and other students, and that during school hours was constantly and repeatedly in the presence of the Defendants' staff and administration, including Defendant Principal Fazio, contacting the Plaintiff and engaging the Plaintiff in sexually motivated conduct and otherwise grooming the Plaintiff for engagement in sexual activity and a sexual relationship all for Defendant Francisco Lindo's personal gratification. Defendants had a duty to disclose this fact to Plaintiff, her family, and others, but willfully, wantonly, negligently, recklessly, and/or intentionally suppressed,

concealed, failed to disclose this information, and/or failed to discover this information despite their knowledge of the same. The duty to disclose information arose by the special, trusting, confidential, fiduciary, and/or *in loco parentis* relationship between Defendants and Plaintiff. The Defendants were also grossly negligent in the performance of their duties including the hiring, training, supervision, and retention of Defendant Lindo. As such, Defendants are vicariously liable for Defendant Lindo's actions pursuant to NJSA 59:2-1.3.

26. Defendant Francisco Lindo stated to Plaintiff that he was going to send her songs she should listen to, further stating he listens to romantic Spanish music, all while under Defendant Union City School District and Union City Board of Education's control. He also frequently asked Plaintiff to assist him during class time, and Plaintiff would help him review paperwork in school frequently. Defendant Lindo also asked Plaintiff to stay after school and she would sit and grade papers with Defendant Lindo in the school. As time progressed, Defendant Lindo would also frequently sit next to Plaintiff in the high school, touch her leg in the high school, and Defendant Lindo had intercourse in a classroom in the Emerson High School with Plaintiff.
27. Eventually, Plaintiff stopped talking to Defendant Lindo, and this caused him to show up and follow Plaintiff throughout the school. Plaintiff worked as a helper at the nurse's office and Defendant Lindo would constantly report there to see Plaintiff. Plaintiff would email Defendant Lindo and tell him to stop bothering her and to stop going to the nurse's office. Plaintiff even told the Nurse's Clerk, Eugenia Vallejo, that she was groomed into having a sexual relationship with Defendant Lindo under Defendant Union City School District and Union City Board of Education/s authority, supervision, and control, and Defendant Lindo was then eventually arrested.

28. It is further alleged that Defendant Lindo informed other staff members that he had a sexual relationship with Plaintiff, and it was common knowledge throughout Emerson High School.
29. It is further alleged that the sexual grooming, harassment and assaults occurred in the presence of the other individually named Defendants and other teachers, students, and staff members, yet nothing was done to stop or prevent the conduct from continuing.
30. In or around the Plaintiff's 11th and 12th grade years in Union City School District, she was subjected to continued grooming, harassment, sexual assault, sexual harassment, from other male teachers as well, not just Defendant Lindo. Defendants Francisco Lindo, Edwin Martinez, Steve Hanak, Mark Ryan, Dennis McMullen, Craig Lapierre, Greg Campbell, and George Morales all engaged in inappropriate and predatory behavior, creating an environment of fear, harassment, and exploitation towards Plaintiff.
31. After it was discovered Plaintiff had a sexual relationship with Defendant Lindo, Defendant Steven Hanak lifted up the Plaintiff's shirt and made sexually charged comments upon Plaintiff's body.
32. Defendant Mark Ryan recorded a video on his video camera between Plaintiff's legs during a school presentation and shared it with other staff members. Defendant Lindo informed Plaintiff of this, indicating it aggravated him as he wanted to exclusively have a sexual relationship with Plaintiff.
33. Defendant Dennis McMullen also stated to Plaintiff that he had erectile dysfunction and she could help him with that issue.
34. It is further alleged that the Defendants Union City School District, Union City Board of Education, Principal Fazio, Vice Principal Martinez, John Doe Superintendent, and others have all supported, maintained, and condoned continuous patterns, practices, and policies

of sexual assault, harassment, and grooming of students by teachers and staff members in the district.

35. Defendant Craig Lapierre also then pursued a sexual relationship with Plaintiff after knowing discovering Plaintiff was sexually groomed, harassed, and assaulted by Defendant Francisco Lindo through the Defendant Union City School District and Union City Board of Education's actions and/or inactions, thus allowing, supervising, and having control over the same.
36. Furthermore, on or around October 12, 2008, Defendant Steve Hanak was aware of Defendant Francisco Lindo's sexual grooming, harassment, and abuse of Plaintiff as Plaintiff informed Defendant Hanak. Defendants Mark Ryan, George Morales, and Greg Campbell then also openly discussed what they would do if they had the chance to have sex with Plaintiff.
37. This further led to Plaintiff having sexual intercourse in a classroom with Defendant Francisco Lindo, a teacher employed by the Union City School District and Union City Board of Education in an Emerson High School classroom during the week of June 22, 2008, while supervised and under control of the Union City School District, Union City Board of Education, Principal Fazio, and Vice Principal Martinez.
38. On or around November 14, 2008, Plaintiff also sent an email alerting Defendant English Teacher Mark Ryan of the sexually explicit instances occurring in the Emerson High School and he failed to take any action as an agent, servant, and/or employee of Defendants Union City School District and/or Union City Board of Education.
39. It is alleged that all individually named Defendants, and a number of other staff members, were aware of Defendant Francisco Lindo's grooming and sexual assault upon Plaintiff and failed to notify the State of New Jersey or any governmental agency or take any

action to rectify and address this situation. Instead, the individually named Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, and Lapierre made further sexual advances towards Plaintiff, groomed Plaintiff, and sexually harassed and assaulted Plaintiff, a minor student at the time, and willfully, recklessly, and grossly negligently allowed the conduct to continue under their supervision.

40. Defendants failed to take reasonable steps and/or implement reasonable safeguards to avoid acts of unlawful sexual grooming and sexual conduct by Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, and Lapierre, including, but not limited to preventing abuse of Plaintiff by Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, and Lapierre, avoiding placement of Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, and Lapierre in a function or environment in which contact with children is an inherent part of that function or environment. Instead, Defendants intentionally ignored and/or concealed the sexual contact, abuse, and grooming behavior towards Plaintiff and others by Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, and Lapierre that had already occurred. Plaintiff is informed and believes, and on that basis alleges, that Defendants, and each of them, were given notice of incidents of inappropriate conduct by Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, and Lapierre, or should have known, including such facts as those set forth in this Complaint.

41. Plaintiff is informed and believes, on that basis alleges, that prior to and during the sexual grooming, contact, and abuse of Plaintiff, Defendants Union City School District and Union City Board of Education knew or should have known that Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, and Lapierre had violated their roles as teachers and faculty members, and used their positions of authority and trust acting on

behalf of Defendants to gain access to children, including Plaintiff, on and off the school facilities and grounds, in which they engaged in sexual grooming, misconduct, contact, and abuse, with such children including Plaintiff.

42. With actual or constructive knowledge that Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, and Lapierre had engaged in sexual misconduct and grooming with Plaintiff, Defendants, and each of them, willfully conspired to and did knowingly fail to take reasonable steps, and failed to implement reasonable safeguards to avoid acts of unlawful sexual conduct and grooming activity in the future by Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, and Lapierre, including but not limited to, preventing or avoiding placement of Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, and Lapierre in a function or environment in which contact with children is an inherent aspect of that function or environment. Plaintiff made known to employees of the Defendants Union City Board of Education and Union City School District, including teachers, nursing staff, Defendant Hanak, Defendant Ryan, and others, that Defendant Lindo was engaging in the sexual grooming and sexually abusive conduct with Plaintiff, but the Defendants failed to take action to prevent or stop Defendant Lindo's conduct and were deliberately indifferent to the same. Instead, Defendants Hanak, Ryan, McMullen, Morales, Campbell, and Lapierre engaged in further sexual harassment, assault, and further sexual misconduct towards Plaintiff, a minor student at the time.

43. Defendant Francisco Lindo was eventually charged and investigated by law enforcement and pled guilty to charges stemming from the aforementioned facts in this Complaint. Plaintiff further alleges that Defendants failed to protect their students, including Plaintiff. Defendants also willfully, negligently, wantonly, and recklessly implemented various

measures designed to, or which effectively, made Defendant Francisco Lindo's conduct harder to detect including, but not limited to:

- a. Permitting Defendant Francisco Lindo to remain in a position of authority and trust after Defendants knew or should have known that Defendant Francisco Lindo was sexually abusing, grooming, and contacting students;
- b. Placing Defendant Francisco Lindo in a separate and secluded environment, including placing him in charge of children, where they are purported to supervise children, which allowed him to sexually interact with and sexually groom and abuse children including Plaintiff;
- c. Allowing Defendant Francisco Lindo to come into contact with minors, including Plaintiff, without adequate supervision, numerous times during the school day;
- d. Failing to inform, or concealing from Plaintiff's parents and law enforcement officials the fact that Plaintiff and others were or may have been sexually groomed and abused after Defendants knew or should have known that Defendant Francisco Lindo may have been sexually abusive towards Plaintiff and other children, thereby enabling Defendant Francisco Lindo to continue to endanger Plaintiff and other children, making Plaintiff less likely to receive medical/mental health care and treatment, thus exacerbating the harm to Plaintiff;
- e. Holding out Defendant Francisco Lindo to Plaintiff, her parents, students, and to the school community as being in good standing and trustworthy;
- f. Failing to take reasonable steps, and to implement reasonable safeguards to avoid acts of unlawful sexual conduct by Defendant Francisco Lindo with student(s), who was a minor;
- g. Failing to put in place a system or procedure to supervise or monitor employees, volunteers, representatives or agents to ensure that they did not sexually contact, groom, or abuse minors in Defendants' care, including Plaintiff; and
- h. Defendants were negligent, careless, reckless, grossly negligent, and/or wanton in the hiring, training, supervision, and retention of Defendant Lindo and liable for his sexual assault and conduct towards Plaintiff under NJSA 59:2-1.3, et seq.

44. By his position within the Defendants' institutions, Defendants and Defendant Francisco Lindo demanded and required that Plaintiff respect Defendant Francisco Lindo in his position of math teacher at Emerson High School through Defendants Union City School District and Union City Board of Education.

45. The incidents of abuse and grooming outlined herein took place while Plaintiff was under the control of Defendant Francisco Lindo, in his capacity and position as a math teacher at Defendants Union City School District and Union City Board of Education, and while acting specifically on behalf of Defendants, including, but not limited to, the following:

- a. Defendant Francisco Lindo was at all times relevant to this Complaint a math teacher at Emerson High School, an institution wholly operated by Union City School District and Union City Board of Education;
- b. While Defendant Francisco Lindo sexually groomed and abused Plaintiff, Defendants were or should have been aware that Defendant Francisco Lindo took an unusual interest and spent an inordinate amount of time with Plaintiff during the school day, purposely engaging Plaintiff in sexual behavior within and on Emerson High School's premises including the grooming of Plaintiff for sexual activity with Defendant Francisco Lindo;
- c. In or around 2008, Defendant Francisco Lindo sexually groomed and abused the Plaintiff, who was a minor at the time. Defendant Francisco Lindo engaged in such activities with Plaintiff while acting in the course and scope of his employment, agency, duties and responsibilities with Defendants, in locations such as the campus of Emerson High School, including having intercourse in a classroom at Emerson High School. Defendant Francisco Lindo's sexual grooming and abusive activity included examples such as:
 - i. Sending naked pictures and other suggestive pictures to Plaintiff;
 - ii. Making sexual advances on Plaintiff in classrooms at Emerson High School, including having intercourse in a classroom;
 - iii. Texting Plaintiff to meet in classrooms at Emerson High School to engage in sexual activity along with conversation numerous times during the day; and
 - iv. Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, and Lapierre further engaged in sexual harassment, assault, and further sexually charged actions directed towards Plaintiff.
- d. As a result of the sexually motivated actions and abuse by Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, and Lapierre, Plaintiff has suffered extensive physical, psychological and emotional damages.
- e. Plaintiff's sexual molestation, grooming, and abuse occurred as a result not only of Defendant Francisco Lindo's actions, but because of the actions and/or inactions of the Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Lapierre, Emerson High School, Union City School District, and Union City

Board of Education, and their employees, administrators and/or agents, in failing to properly hire, train, and supervise and retain Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, and Lapierre and in failing to prevent him from harming Plaintiff, and allowing him to come in contact with Plaintiff numerous times of the school day for the purpose of sexual grooming. These Defendants conduct in this regard was negligent, grossly negligent, willful, wanton, and/or reckless. The Defendants are liable pursuant to NJSA 59:2-1.3, et seq.

- f. At no time did Defendants or any of them take any action to restrict Defendant Francisco Lindo's access and/or interaction with minors, or Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, and Lapierre's actions and/or interactions with minors, including Plaintiff. Defendants' conduct made it a virtual certainty that Plaintiff would be victimized and groomed. Despite having notice or should have known that Plaintiff was being sexually groomed, abused, and contacted by Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, and Lapierre, Defendants failed to protect Plaintiff by preventing the grooming and abuse from continuing.
 - g. Defendants further continued to employ Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, and Lapierre after notice was given as well.
46. As set forth more fully herein above, Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, and Lapierre did sexually groom and abuse Plaintiff, who was a minor at the time. Plaintiff is informed and believes, and on that basis alleges, that such conduct by Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, and Lapierre was based upon Plaintiff's gender and were performed for their sexual gratification. These actions upon Plaintiff were performed by Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, and Lapierre without the free consent of Plaintiff, who was a minor.
47. It is further alleged that Plaintiff had communicated with Defendant Francisco Lindo via phone and text and he would continue to pursue and have sexual intercourse and perform further sexual acts with Plaintiff outside of school hours due to the improper relationship fostered by the Defendants Union City School District and Union City Board of Education.

48. Defendant Francisco Lindo, as a result of the continuous grooming and sexual conversing he engaged in with Plaintiff during school hours, convinced Plaintiff a minor student at the time to meet him outside of school as well and continue to have a sexual relationship with Plaintiff.

49. It is further alleged Defendant Francisco Lindo informed Plaintiff of other student teacher relationships within the Union City High School/School District. The Defendant Union City School District showed a pattern and practice within the District to accept and condone these illegal relationships with minor students and had implemented a culture allowing for the same.

50. In fact, Defendant Assistant Principal Edwin Martinez also made advances towards Plaintiff due to the above referenced actions and/or inactions, and Defendant Martinez became hostile towards Plaintiff when his advances were not met with responses to his liking and upon discovering Defendant Lindo was arrested for sexually abusing the then minor Plaintiff.

51. Furthermore, it was common knowledge throughout Emerson High School that Defendant Lindo had an improper sexually charged relationship with another minor student.

52. Throughout the remainder of Plaintiff's education, she suffered from severe emotional distress and was targeted even through college. Plaintiff became a "walking poster" as everyone pointed at her and said that's the girl, in reference to Defendant Lindo sexually assaulting her.

53. Plaintiff then went to Farleigh Dickinson for college and students from her high school who also went to college there also told everyone how she was sexually abused under Defendants' custody and control through Defendant Lindo, and Plaintiff was forced to

move to Florida and finish her college education as far away as she could possibly be from the Defendants.

54. Plaintiff is informed and believes, and on that basis alleges, that Defendants and each of them should have been aware of Defendant Francisco Lindo's wrongful conduct at or about the time it was occurring, including the sexual grooming he engaged in with plaintiff at Emerson High School and thereafter, but took no action to obstruct, inhibit or stop such continuing conduct, or to help Plaintiff endure the trauma from such conduct. Despite the authority and ability to do so, these Defendants negligently, grossly negligently, willfully, and/or recklessly refused to, and/or did not, act effectively to stop the sexual grooming activity and assaults on the Plaintiff, to inhibit or obstruct such abuse, or to protect Plaintiff from the results of that trauma. Instead, Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez and Lapierre participated in continuing the wrongful conduct in the course of their employment with Defendants Union City School District and Union City Board of Education.

55. During the period of abuse of Plaintiff at the hands of Defendant Francisco Lindo, Defendants Union City School District and Union City Board of Education had the authority and the ability to obstruct or stop Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre's sexual grooming, abuse, and assaults on Plaintiff, but negligently, recklessly, and/or willfully failed to do so, or were grossly negligent in failing to do so, thereby allowing the abuse to occur and to continue unabated. Defendants even took their own sexually depictive videos of Plaintiff without her consent and as a minor student for their own sexual gratification. This failure was a part of Defendants' plan and arrangement to conceal wrongful acts, to avoid and inhibit detection, to block public disclosure, to avoid scandal, to avoid the disclosure of their

tolerance of child sexual grooming and abuse, to preserve a false appearance of propriety, and to avoid investigation and action by public authority including law enforcement.

Plaintiff is informed and believes, and on that basis alleges, that such actions were motivated by a desire to protect the reputation of Defendants and each of them, and to protect the monetary support of Defendants while fostering an environment where such abuse could continue to occur.

56. Subsequent to her sexual abuse at the hands of Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre, Plaintiff began to experience multiple mental, emotional and psychological problems, due to the sexual abuse she suffered at the hands of Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre, including, but not limited to: Plaintiff being angry; Plaintiff experiencing frequent anxiety; Plaintiff experiencing depression; Plaintiff feeling helpless; Plaintiff experiencing sleeplessness; and Plaintiff having significant trust and control issues. Plaintiff's mental and/or emotional issues were and are directly caused by the childhood sexual abuse she suffered at the hands of Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre.

57. As a direct result of the acts of abuse of Plaintiff by Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre and the Defendants' failure to prevent or stop the same, Plaintiff has difficulty in reasonably or meaningfully interacting with others, including those in positions of authority over Plaintiff, including supervisors, and in intimate, confidential, and familial relationships, due to the trauma of childhood sexual abuse inflicted upon her by Defendants. This inability to interact creates conflict with Plaintiff's values of trust and confidence in others, and has caused Plaintiff substantial emotional distress, anxiety, nervousness and fear. As a direct result of

Plaintiff's abuse and contact by Defendant Francisco Lindo, and the other Defendants tolerance and participation of the same, Plaintiff experienced severe issues with her personal life, including issues with trust and difficulties in maintaining meaningful relationships, and difficulty with school. These feelings have caused Plaintiff substantial emotional distress, anxiety, nervousness and fear.

58. As a direct and proximate result of the Defendants' tortuous acts, omissions, wrongful conduct and/or breaches of their duties, whether negligent, willful, wanton, reckless, or grossly negligent, Plaintiff's economic and personal development has or will be adversely affected. Plaintiff was caused to experience severe emotional distress and mental anguish necessitating medical treatment, embarrassment, shock, humiliation, and suffered other damages to her detriment.

59. As is set forth herein, Defendants and each of them have failed to uphold numerous mandatory duties imposed upon them by educational laws, and by written policies and procedures applicable to Defendants, including but not limited to the following:

- i. Duty to use reasonable care to protect students from known or foreseeable dangers;
- ii. Duty to refrain from taking official action;
- iii. Duty to protect students and staff, and provide adequate supervision of students and staff;
- iv. Duty to ensure that any direction given to faculty and students is lawful, and that adults act fairly, responsibly and respectfully towards faculty and students;
- v. Duty to properly train teachers, substitute teachers, youth counselors, mentors, administrators, and staff so that they are aware of their individual responsibility for creating and maintaining a safe environment;
- vi. Duty to supervise faculty and students and enforce rules and regulations prescribed for schools, exercise reasonable control over students as is reasonably necessary to maintain order, protect property, or protect the

health and safety of faculty and students or to maintain proper and appropriate conditions conducive to learning;

- vii. Duty to exercise careful supervision of the moral conditions in the school;
- viii. Duty to hold pupils to a strict account for their conduct on the way to and from school, on the playgrounds or during recess;
- ix. Duty to properly monitor students, prevent or correct harmful situations or call for help when a situation is beyond their control;
- x. Duty to ensure that personnel are actually on hand and supervising students as well as faculty and staff;
- xi. Duty to provide enough supervision to students and staff;
- xii. Duty to supervise diligently;
- xiii. Duty to act promptly and diligently and not ignore or minimize problems;
- xiv. Duty to refrain from violating Plaintiff's right to protection from bodily restraint or harm, from personal insult, from defamation, and from injury to her personal relations;
- xv. Duty to abstain from injuring the person or property of Plaintiff, or infringing upon any of her rights; and
- xvi. Duty to prevent abuse and contact from occurring in public educational facilities.

60. Compulsory education laws create a special relationship between students and

Defendants, and students have a constitutional guarantee to a safe, secure and peaceful school environment. Defendants and each of them failed to acknowledge unsafe conditions, and therefore failed to guarantee safe surroundings in an environment in which Plaintiff was not free to leave, specifically including but not limited to allowing Defendant Francisco Lindo to take and groom children for purposes of sexual activity and allowing Defendant Francisco Lindo to operate in isolated environments, incapable of monitoring from the outside, wherein Defendant Francisco Lindo sexually groomed and

abused Plaintiff. This also applies to the actions and inactions taken by Defendants Hanak, Ryan, McMullen, Morales, Campbell, Martinez, and Lapierre.

61. Defendants and each of them had and have a duty to protect students, including Plaintiff.

Defendants were required, and failed, to provide adequate campus and off-site school event supervision, and failed to be properly vigilant in seeing that supervision was sufficient to ensure the safety of Plaintiff and others.

62. Defendants and each of them lodged or instilled within Defendants Lindo, Hanak, Ryan,

McMullen, Morales, Campbell, Martinez, and Lapierre the color of authority, by which they were able to influence, direct and abuse Plaintiff and others, and to act illegally, unreasonably and without respect for the person and safety of Plaintiff.

63. Defendants and each of them had a duty to and failed to adequately train and supervise all

advisors, teachers, mentors and staff to create a positive, safe, spiritual and educational environment, specifically including training to perceive, report and stop inappropriate conduct by other members of the staff, specifically including Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Martinez, and Lapierre with children.

64. Defendants and each of them had a duty to and failed to enact and enforce rules and

regulations prescribed for schools and execute reasonable control over students necessary to protect the health and safety of the student and maintain proper and appropriate conditions conducive to learning.

65. Defendants and each of them were required to and failed to exercise careful supervision

of the moral conditions in their school and provide supervision before and after school. This duty extended beyond the classroom.

66. In subjecting Plaintiff to the wrongful treatment herein described, Defendant Francisco

Lindo and the other Defendants acted willfully, negligently, grossly negligent, recklessly,

and/or maliciously with the intent to harm Plaintiff, and in conscious disregard of Plaintiff's rights, so as to constitute malice and/or oppression. As such, Plaintiff is therefore entitled to the recovery of punitive damages.

FIRST CAUSE OF ACTION
NEGLIGENCE/ GROSS NEGLIGENCE
(Against All Defendants)

67. Plaintiff re-alleges and incorporates by reference herein each and every allegation contained herein above as though fully set forth and brought in this cause of action.
68. Plaintiff is informed and believes, and on that basis alleges that prior to, during, and after the first incident of Defendant Francisco Lindo's sexual grooming and abuse of Plaintiff, through the present, Defendants, knew or should have reasonably known that Defendant Francisco Lindo had or was capable of sexually, and/or mentally abusing Plaintiff or other victims. Rather than act to protect Plaintiff, a minor student, Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Martinez, and Lapierre continued to make sexual advances towards Plaintiff and acted with negligence in breaching the duty of care owed to Plaintiff, a minor student under Defendants' supervision, authority, and control.
69. Defendants and each of them had special duties to protect the minor Plaintiff and the other students within Emerson High School, Union City School District, and Union City Board of Education, when such students were entrusted to their care by their parents. Plaintiff's care, welfare and/or physical custody was entrusted to Defendants. Defendants voluntarily accepted the entrusted care of Plaintiff. As such, Defendants owed Plaintiff, a minor child, a special duty of care, in addition to a duty of ordinary care, and owed Plaintiff the higher duty of care that adults dealing with children owe to protect them from harm. The duty to protect and warn arose from the special, trusting, confidential, and/or fiduciary relationship between Defendants and Plaintiff. Plaintiff felt great trust,

faith and confidence in Defendants, and in Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre as her teachers and staff members within the Union City School District.

70. Plaintiff is informed and believes, and on that basis alleges, that Defendants breached their duties of care to the minor Plaintiff by allowing Defendant Francisco Lindo to come into contact with the minor Plaintiff and other students continuously, along with Defendants Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre, without supervision; by failing to adequately hire, supervise and/or retain Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre who they permitted and enabled to have access to Plaintiff continuously; by failing to investigate or otherwise confirm or deny such facts about Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre; by failing to tell or concealing from Plaintiff, her parents, guardians and law enforcement officials that Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre were or may have been sexually grooming and abusing minors; by failing to tell or concealing from Plaintiff's parents, guardians or law enforcement officials that Plaintiff was or may have been sexually abused after Defendants knew or should have known that Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre may have made sexual advances, groomed, and abused Plaintiff or others, thereby enabling Plaintiff to continue to be endangered and sexually groomed and abused, and/or creating the circumstance where Plaintiff was less likely to receive medical/mental health care or treatment, thus exacerbating the harm done to Plaintiff; and/or by holding out Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre to Plaintiff and to her parents as being in good standing and trustworthy. Defendants cloaked within the facade

of normalcy, Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre's conduct, contact, and actions with Plaintiff and/or disguised the nature of the sexual advances and abuse and contact.

71. Defendants, and each of them, breached their duty to Plaintiff by, *inter alia*, failing to investigate or otherwise confirm or deny such facts, failing to reveal such facts to Plaintiff, the community of the school, students, minors, and law enforcement agencies, and/or by holding out Defendant in positions of trust and authority within Emerson High School, Union City School District, and Union City Board of Education, and holding out, and continuing to hold out Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre to Plaintiff, the public, the community of the school, students, minors, and law enforcement agencies as being in good standing and trustworthy.
72. Defendants, and each of them, breached their duty to Plaintiff by, *inter alia*, failing to adequately monitor and supervise Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre and/or stopping Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre from committing wrongful sexual acts with minors including Plaintiff. This belief is founded on the fact that Plaintiff believes that the Defendant Principal Fazio, counselors, and/or other faculty members at the Emerson High School had suspected the abuse and/or grooming that was occurring at the time and failed to investigate into the matter further allowing it to continue. Based on these facts, Defendants knew and/or should have known of Defendants Fazio, Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre incapacity to supervise and to stop employees like Defendants Lindo, Hanak, Ryan, McMullen,

Morales, Campbell, Marinez, and Lapierre from committing wrongful sexual acts with minors.

73. Childcare custodians, such as the Defendants, are under a duty to report known or suspected acts of sexual contact or abuse of minors to child protective services, and/or not to impede the filing of any such report.
74. Plaintiff is informed and believes, and on that basis alleges, that Defendants knew or should have known that Defendant Francisco Lindo, their agent, teacher, advisor, mentor and the other individually named Defendants Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre, were causing harm to Plaintiff, and other injuries to minors, including Plaintiff, giving rise to a duty to report such conduct.
75. Plaintiff is informed and believes, and on that basis alleges, that Defendants also knew, or should have known in the exercise of reasonable diligence, that an undue risk to minors, including Plaintiff, existed because Defendants did not comply with New Jersey's mandatory reporting requirements.
76. By failing to report the continuing contact and abuse, which Defendants and each of them knew or should have known, that by ignoring the fulfillment of the mandated compliance with the reporting requirements provided under New Jersey state law, Defendants created the risk and danger contemplated by the law and as a result, unreasonably and wrongfully exposed Plaintiff and other minors to sexual grooming and abuse by Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre.
77. Had Defendants adequately reported the abuse, grooming, and contact of Plaintiff as required by NJ State laws, further harm to Plaintiff may have been avoided.
78. As a direct and proximate result of Defendants' Union City School District, Union City Board of Education and Defendant Fazio's negligence and gross negligence in hiring,

training, and supervising Defendants Fazio, Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre, and failure to follow the mandatory reporting requirements, Defendants wrongfully denied Plaintiff the intervention of child protection services. Such public agencies would have changed the then-existing arrangements and conditions that provided the access and opportunities for the report of abuse, grooming, and contact of Plaintiff by Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre.

79. The physical, mental, and emotional damages and injuries resulting from the sexual abuse and grooming of Plaintiff by Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre were the type of occurrence and injuries that NJ State Child Abuse & Neglect laws were designed to prevent.
80. As a result, Defendants' failure to comply with the mandatory reporting requirements of NJ State law also constituted a *per se* breach of Defendants' duties to Plaintiff.
81. 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 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliations, and loss of enjoyment of life; has suffered and continues to suffer and was prevented and will continue to be prevented from performing daily activities and obtaining the full enjoyment of life; will 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, Plaintiffs demand judgment against the Defendants jointly, severally and in the alternative for compensatory damages, punitive damages, interest,

costs of suit, attorneys' fees, enhanced attorneys' fees and such other relief as the Court deems just and proper.

SECOND CAUSE OF ACTION
NEGLIGENT SUPERVISION
(Against Defendants Union City School District, Union City Board of Education, & Principal Fazio)

82. Plaintiff re-alleges and incorporates by reference herein each and every allegation contained herein above as though fully set forth and brought in this cause of action.
83. As an educational institution for minors, where all of the students are entrusted to the counselors, advisors, mentors, coaches, faculty members, administrators and teachers, Defendants expressly and implicitly represented that these individuals, including Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre, were not a sexual threat to children and others who would fall under Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre's influence, control, direction, and guidance.
84. The Defendants and each of them were under a duty to use reasonable care in the hiring, training and supervision of its employees including Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre.
85. The Defendants Union City School District, Union City Board of Education, and Principal Fazio's conduct in hiring, training, and supervision of Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre was careless, negligent, grossly negligent, and/or reckless, and the Defendants, and each of them, were grossly negligent in a breach of the fiduciary duty the Defendants owed to the Plaintiff, a minor student, in their care, custody, and control.
86. As a direct and proximate cause of the negligence, gross negligence, and/or reckless conduct of the Defendants aforementioned, Defendants Lindo, Hanak, Ryan, McMullen,

Morales, Campbell, Marinez, and Lapierre remained unsupervised and were permitted to sexually groom the Plaintiff, a minor, and Defendant Lindo entrapped Plaintiff unwillingly in a sexual relationship. Defendants' failure to have policies, procedures, monitoring, supervision, and/or training in place enabled the Defendant Lindo to continue to groom and foster an illegal sexual relationship with the minor Plaintiff, proximately causing her severe physical and emotional harm, loss of her quality of life, the need for continuous psychological counseling, embarrassment, shock, and humiliation.

87. Defendants were negligent and/or grossly negligent in failing to supervise Defendant Francisco Lindo in his position of trust and authority as a math teacher and/or other authority figure, where he was able to commit wrongful acts against the Plaintiff.

Defendants failed to provide reasonable supervision of Defendant Francisco Lindo.

88. Defendants further failed to take reasonable measures to prevent sexual grooming, harassment, and abuse of minors, including Plaintiff, from Defendants Lindo Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre

89. Plaintiff is informed and believes, and on that basis alleges, that at no time during the periods of time alleged did Defendants have in place a system or procedure to reasonably investigate, supervise and/or monitor teachers, including Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre, to prevent pre-sexual grooming and abuse of children, nor did they implement a system or procedure to oversee or monitor conduct toward minors, students and others in Defendants' care.

90. Defendants and each of them were or should have been aware and understood how vulnerable children were to sexual grooming and abuse by counselors, advisors, mentors, coaches, teachers and other persons of authority within Defendants.

91. Defendants' conduct was a breach of their duties to Plaintiff and negligent/grossly negligent or reckless conduct, given the Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre's special relationship with Plaintiff as fiduciaries and in loco parentis.
92. Under the NJ State law, Defendants, by and through their employees and agents, were childcare custodians in loco parentis and were under a statutory duty to monitor and report known or suspected incidents of sexual grooming and abuse of minors to a child protective agency, pursuant to NJ State law, and/or not to impede the filing of any such report.
93. Plaintiff is informed and believes, and on that basis alleges, that Defendants knew or should have known that their agent and teachers Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre and/or staff of Defendants, had sexually groomed, abused, or caused harm, and other injuries to minors, including Plaintiff, giving rise to a duty to report such conduct under NJ State laws.
94. Plaintiff is informed and believes, and on that basis alleges, that Defendants knew, or should have known in the exercise of reasonable diligence, that an undue risk to minors, including Plaintiff, existed because Defendants did not comply with New Jersey's mandatory reporting requirements.
95. The Defendants and each of them were under a duty to use reasonable care in the hiring, training, and supervision of its employees including the Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre. Defendants were careless, negligent, grossly negligent, or reckless in breaching the fiduciary duty owed to the Plaintiff, a minor student, in their care, custody, and supervision.

96. As a direct and proximate cause of the Defendants' actions set forth above, the Defendant Lindo remained unsupervised and was permitted to sexually groom the Plaintiff, a minor, and to entrap her unwillingly in a sexual relationship. The Defendants' failure to have policies and procedures in place to monitor and/or supervise, teaching staff and its employees enabled Defendant Lindo to foster, grow, and elicit a sexual relationship with the minor Plaintiff, proximately causing her severe emotional distress, physical injury, loss of quality of life, and the need for continuous medical treatment and such other damages all to her detriment.

WHEREFORE, Plaintiffs demand judgment against the Defendants jointly, severally and in the alternative for compensatory damages, punitive damages, interest, costs of suit, attorneys' fees, enhanced attorneys' fees and such other relief as the Court deems just and proper.

THIRD CAUSE OF ACTION
NEGLIGENT HIRING/RETENTION
(Against Defendants Union City School District, Union City Board of Education, & Principal Fazio)

97. Plaintiff re-alleges and incorporates by reference herein each and every allegation contained herein above as though fully set forth and brought in this cause of action.

98. By virtue of Plaintiff's special relationship *in loco parentis* with Defendants and each of them, and Defendants' relation to Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre, Defendants owed Plaintiff a duty to not hire and/or retain Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre, given their dangerous and exploitive propensities, which Defendants knew or reasonably should have known had they engaged in a meaningful and adequate investigation of their backgrounds prior to hiring them.

99. As an educational institution and operator of a school, where all of the students are minors entrusted to the schools and its employees and agents, Defendants expressly and implicitly represented that the counselors, advisors, mentors, coaches, teachers and others, including Defendant Francisco Lindo and Defendants Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre were not a sexual threat to children and others who would fall under Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre's influence, control, direction, and guidance.
100. Plaintiff is informed and believes, and on that basis alleges, that at no time during the periods of time alleged did Defendants have in place a system or procedure to reasonably investigate, supervise and/or monitor teachers, including Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre, to prevent pre-sexual grooming and/or sexual abuse of children, nor did they implement a system or procedure to oversee or monitor conduct toward minors, students and others in Defendants' care.
101. Defendants and each of them were or should have been aware and understood how vulnerable children were to sexual grooming, and abuse by teachers and other persons of authority within the control of Defendants.
102. Plaintiff is informed, and believes, and on that basis alleges, that the Defendants were put on notice, and should have known that Defendant Francisco Lindo had previously engaged in dangerous and inappropriate conduct, and that it was, or should have been foreseeable that he was engaging, or would engage in illicit sexual activities with Plaintiff, and others, under the cloak of his authority, confidence, and trust, bestowed upon him through Defendants.

103. Plaintiff is informed, and also believes, and on that basis alleges, that the Defendants were put on notice, and should have known that Defendants Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre had previously engaged in dangerous and inappropriate conduct, and that it was, or should have been foreseeable that they were engaging, or would engage in illicit sexual activities with Plaintiff, and others, under their cloak of their authority, confidence, and trust, bestowed upon them through.

104. Defendants were placed on actual and/or constructive notice that Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre had engaged in dangerous and inappropriate conduct during their employment with Defendants. Plaintiff is informed, and thereon alleges, that other third parties, minors, students, teachers, law enforcement officials and/or parents informed Defendants of inappropriate conduct committed by Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre.

105. Even though Defendants knew or should have known of these activities by Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre, Plaintiff is informed that Defendants failed to use reasonable care in investigating Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre and did nothing to investigate, supervise or monitor Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre to ensure the safety of the minor students.

106. Defendants' conduct was a breach of their duty to Plaintiff.

107. Under the NJ State laws, Defendants, by and through their employees and agents, were childcare custodians and were under a duty to report known or suspected incidents of sexual abuse of minors to a child protective agency.
108. Plaintiff is informed and believes, and on that basis alleges, that Defendants knew or should have known that their agents, teachers and staff within Defendants Union City School District had sexually groomed, abused, or caused harm, and other injuries to minors, including Plaintiff, giving rise to a duty to report such conduct under New Jersey state law, including Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre.
109. Plaintiff is informed and believes, and on that basis alleges, that Defendants knew, or should have known in the exercise of reasonable diligence, that an undue risk to minors, including Plaintiff, existed because Defendants did not comply with New Jersey's mandatory reporting requirements.
110. By failing to report the continuing contact, grooming, and abuse, which Defendants and each of them knew or should have known, and by ignoring the fulfillment of the mandated compliance with the reporting requirements provided under NJ State laws, Defendants created the risk and danger contemplated by NJ State laws, and as a result, unreasonably and wrongfully exposed Plaintiff and other minors to sexual grooming and abuse.
111. The Defendants and each of them were regularly and recklessly indifferent to reports of sexual grooming and sexual abuse by teachers including Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre.

112. It is further alleged that the Defendants Union City School District and Union City Board of Education's administration took no action or response to reports of sexual grooming, contact, or abuse made by students, teachers, or parents.
113. The Defendants, including the Board of Education, Principal Fazio, and Superintendent, were aware that teachers including Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre regularly flirted with students, including the Plaintiff, enticing them into sexual relationships including illegal acts of sex with students and took no action to prevent the same through training, awareness, or instructions to the teaching staff, employees, and/or students.
114. It is further alleged that the Defendants were negligent, grossly negligent, and/or reckless in failing to train its teachers, staff, employees, and/or students to identify and/or report inappropriate teacher/student relationships or contact.
115. As a direct and proximate result of the Defendants' conduct, Defendant Lindo was permitted to inappropriately and continuously control the Plaintiff and sexually groom Plaintiff to enable him to perform sexual acts with the Plaintiff, causing her severe emotional distress, physical injury, loss of quality of life, and the need for continuous medical treatment and such other damages all to her detriment.

WHEREFORE, Plaintiffs demand judgment against the Defendants jointly, severally and in the alternative for compensatory damages, punitive damages, interest, costs of suit, attorneys' fees, enhanced attorneys' fees and such other relief as the Court deems just and proper.

FOURTH CAUSE OF ACTION
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(Against ALL DEFENDANTS)

116. Plaintiff re-alleges and incorporates by reference herein each and every allegation contained herein above as though fully set forth and brought in this cause of action.

117. Defendants' conduct toward Plaintiff, as described herein, was outrageous and extreme and such as not to be tolerated in a civilized community.

118. A reasonable person would not expect or tolerate the sexual grooming, and abuse of Plaintiff by Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre. Plaintiff had great trust, faith and confidence in Defendant Francisco Lindo and in Defendants Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre which, by virtue of Defendants' wrongful conduct, turned to fear.

119. Defendants' conduct toward Plaintiff, as described herein, was outrageous and extreme, and such as not to be tolerated in a civilized community.

120. A reasonable person would not expect or tolerate Defendants putting Defendant Francisco Lindo in a position of authority at Emerson High School, Union City School District and the Union City Board of Education, which enabled Defendant Francisco Lindo to have access to minor students so that he could commit wrongful sexual acts, including the conduct described herein, with minors, including Plaintiff. Plaintiff had great trust, faith and confidence in Defendants, which, by virtue of Defendants' wrongful conduct, turned to fear.

121. A reasonable person would not expect or tolerate Defendants to be incapable of supervising and/or stopping employees of Defendants, including Defendant Francisco Lindo, from committing wrongful sexual acts with minors, including Plaintiff, or to supervise Defendant Francisco Lindo. Plaintiff had great trust, faith and confidence in Defendants, which, by virtue of Defendants' wrongful conduct, turned to fear.

122. Rather than report and/or address the illegal and despicable conduct of Defendant Lindo, Defendants Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre sexually harassed and partook in sexually charged conduct directed towards Plaintiff, a minor student.

123. Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre's conduct described herein was intentional and malicious and done for the purpose of causing or with the substantial certainty that Plaintiff would suffer humiliation, mental anguish, and severe emotional and physical distress, causing Plaintiff to seek medical treatment for the same.

124. 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 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliations, and loss of enjoyment of life; has suffered and continues to suffer and was prevented and will continue to be prevented from performing daily activities and obtaining the full enjoyment of life; will 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, Plaintiffs demand judgment against the Defendants jointly, severally and in the alternative for compensatory damages, punitive damages, interest, costs of suit, attorneys' fees, enhanced attorneys' fees and such other relief as the Court deems just and proper.

FIFTH CAUSE OF ACTION
ASSAULT

(Against DEFENDANT FRANCISCO LINDO)

125. Plaintiff re-alleges and incorporates by reference herein each and every allegation contained herein above as though fully set forth and brought in this cause of action.
126. Defendant Francisco Lindo, in doing the things herein alleged all while Defendant Francisco Lindo was acting in the course and scope of his agency/employment with Defendants, put Plaintiff in imminent apprehension of such contact or was intended to put Plaintiff in imminent apprehension of such contact.
127. In doing the things herein alleged, Plaintiff was put in imminent apprehension of a harmful or offensive contact by Defendant Francisco Lindo, and actually believed Defendant Francisco Lindo had the ability to make harmful or offensive contact with Plaintiff's person.
128. Plaintiff did not consent to Defendant Francisco Lindo's intended harmful or offensive contact with Plaintiff's person, or intent to put Plaintiff in imminent apprehension of such contact. Additionally, because Plaintiff was a minor during the time herein alleged, she lacked the ability to consent to sexual contact with any person, especially with a substitute teacher at the school she attended.
129. 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 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliations, and loss of enjoyment of life; has suffered and continues to suffer and was prevented and will continue to be prevented from performing daily activities and obtaining the full enjoyment of life; will 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.

130. Plaintiff is informed and based thereon alleges that the conduct of Defendant Francisco Lindo was oppressive, malicious and despicable in that it was intentional and done in conscious disregard for the rights and safety of others, and was carried out with a conscious disregard of Plaintiff's right to be free from such tortious behavior, such as to constitute oppression, fraud or malice pursuant to NJ State law, entitling Plaintiff to punitive damages against this Defendant in an amount appropriate to punish and set an example of him.

WHEREFORE, Plaintiffs demand judgment against the Defendants jointly, severally and in the alternative for compensatory damages, punitive damages, interest, costs of suit, attorneys' fees, enhanced attorneys' fees and such other relief as the Court deems just and proper.

SIXTH CAUSE OF ACTION
CONSTITUTIONAL VIOLATION NJ CIVIL RIGHTS ACT CLAIM
(Against ALL DEFENDANTS)

131. Plaintiff repeats the allegations as set forth above in the previous counts of this complaint as if fully set forth herein at length.

132. The minor Plaintiff as student in a public-school setting has a liberty interest in bodily integrity including the right to be free from the invasion of her personal security through sexual abuse, and the right to be free from intimidation and bullying by other students.

133. The Defendants and each of them were at all times mentioned herein, public employees and acting under color of state law in their positions with the Defendant Union City Board of Education and Union City School District.

134. The Defendants Union City Board of Education, Union City School District, Principal Fazio, and John Doe Administrators 1-10 were regularly and recklessly

indifferent to reports of sexual abuse, sexual grooming, contact, intimidation, and bullying by teachers and members of the school staff, including Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre and other students.

135. Defendants the took no action or response to reports of sexual abuse or grooming made by students, parents, or teachers alike.

136. The Defendants Principal Fazio, and John Doe Administrators 1-10 were on notice of actual and/or constructive notice of incidents of sexual grooming, teacher's flirtation with students, sexual touching, and sexual relationships with students, and the bullying of the Plaintiff from other students arising from this incident, and took no action to prevent the same through remedial action, training of staff, students, or otherwise, and were deliberately indifferent to its occurrence within the school system fostering and enforcing a belief in the teachers, administrators, and students that such constitutionally prohibitive conduct was acceptable and permissible within the Emerson High School environment.

137. The Defendants and each of them were negligent, reckless, grossly negligent, and/or deliberately indifferent, in failing to train its teaching staff and other employees, as well as the students identified in the report, in appropriate teacher-student relationships including sexual relationships, flirtation, sexual grooming, and bullying. The Defendants were reckless, grossly negligent, and/or deliberately indifferent in failing to train their staff and students to recognize and report signs of sexual grooming in a student-teacher relationship.

138. It is further alleged that Plaintiff had a New Jersey Constitutional right to a thorough and efficient system of education. The Defendants had a duty and obligation to provide Plaintiff with the same, including adequate security services, necessary to

provide Plaintiff and other students with a thorough and efficient education under Article 8 Section IV of the New Jersey Constitution.

139. The Defendants Union City Board of Education and Union City School District had a policy, custom, or practice of failing to promptly and effectively investigate incidents of intimidation and/or bullying, and sexual abuse and grooming, and assault by the students and staff within the school system, and were deliberately indifferent to complaints of the same, such as Plaintiff's complaints, which proximately caused harm to the Plaintiff. It is further alleged that these Defendants had a longstanding policy, custom, and practice of allowing and condoning sexual abuse and sexual relationships between students and teachers.

140. As a result of the gross negligence, reckless conduct, and deliberate indifference of the Defendants aforementioned, Defendant Lindo was permitted to continuously and openly sexually groom the Plaintiff for an illicit sexual relationship and subject her to sexual abuse, and as such to violate her substantive due process rights under the New Jersey Constitution in relation to her right to privacy, right to bodily integrity, and right to be free from sexual abuse through invasion of her personal security protected as a liberty interest under the New Jersey Constitution.

141. As a direct and proximate result of the violation of Plaintiff's New Jersey Constitutional rights, Plaintiff was caused to be sexually abused, suffered extreme emotional distress and mental anguish, caused to undergo medical treatment, and suffered other damages all to her detriment.

WHEREFORE, Plaintiffs demand judgment against the Defendants jointly, severally and in the alternative for compensatory damages, punitive damages, interest,

costs of suit, attorneys' fees, enhanced attorneys' fees and such other relief as the Court deems just and proper.

SEVENTH CAUSE OF ACTION
NEGLIGENT SUPERVISION
(Against DEFENDANT FRANCISCO LINDO)

142. Plaintiff repeats the allegations as set forth above in the previous counts of this complaint as if fully set forth herein at length.

143. Defendant Lindo invited Plaintiff to his home where he resided at the time in New Jersey.

144. Defendant Lindo then proceeded to have sexual contact and/or intercourse with the Plaintiff as Defendant Lindo would pick the Plaintiff up in his vehicle after school from different location and bring her back to his house to engage in sexual activities.

145. Upon information and belief, Defendant Francisco Lindo was negligent and grossly negligent in inviting the Plaintiff to his home and enticing the Plaintiff, then a minor, at his home to remain there after legal curfew for minors in Union City, NJ, solely for sexual gratification.

146. Upon information and belief, Defendant Lindo was further negligent in his supervision of the Plaintiff, in enticing the Plaintiff to go to his house, plan the sexual assault, and ultimately commit a sexual assault, rape, and battery upon the Plaintiff while on the property in which he resided.

WHEREFORE, Plaintiff prays for a jury trial and for judgment against Defendants, and each of them as follows: damages, punitive damages, attorney fees, costs of suit, and such other relief as the Court deems just and proper.

EIGHTH CAUSE OF ACTION
NEW JERSEY LAW AGAINST DISCRIMINATION
(Against Defendants Union City School District, Union City Board of Education, & Principal Fazio)

147. Plaintiff repeats the allegations as set forth above in the previous counts of this complaint as if fully set forth herein at length.

148. This Complaint herein arises under New Jersey's Law Against Discrimination's prohibition against permitting discrimination and harassment against individuals, including the then minor student Plaintiff alleged herein, based upon gender and sexual harassment in the school setting, alleging that the then minor Plaintiff herein was harassed by fellow students and teachers, including Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre on the basis of her gender and sexual assault that occurred as a result of her gender, and that the school officials of the Defendants were placed on notice of the same, and that the school officials having willfully been indifferent to the same, permitted the harassment to continue causing the then minor Plaintiff to suffer significant damages throughout this period, having the effect of denying the then minor plaintiff of the schools accommodations, advantages, facilities and privileges.

149. The Defendant, Union City School District is a municipal entity amendable to suit under this theory of law and in this Court and is charged with the responsibility of maintaining a harassment-free school environment, and to prevent further harassment, by either teachers or students, once having been notified and advised of the same and required to take proper remedial action to stop and or prevent the same from occurring in the future.

150. It is alleged that in the 2008 and 2009 school years, Plaintiff reported and/or Defendants were aware of or should have been aware of harassment prohibited under New Jersey's Law Against Discrimination based on the Plaintiff's gender and sexual assault and/or sexual harassment and/or harassment that occurred under the Defendant's

supervision in the form of bullying by both students and teachers through the Defendants Principal Fazio and John Does 1-100. Specifically, the Plaintiff alleges that certain students continually harassed and bullied Plaintiff and otherwise socially ostracized the Plaintiff and prohibited her from being able to feel safe while attending school. This further continued into her college years, forcing Plaintiff to move across the country to Florida.

151. The acts of harassment and bullying by these fellow students against the Plaintiff had induced severe depression and anxiety and caused Plaintiff to seek counseling. Plaintiff still has negative feelings when she is in Union City, NJ because of such.

152. All Defendants had been put on notice multiple times of the continued harassment and bullying that took place under their direction and control by the Plaintiff, her parents, and others, but no remedial measures were taken to rectify the aforementioned issues, nor was any investigation into these numerous incidents of harassment, intimidation, and bullying undertaken despite being mandated by statute.

153. The Defendants were negligent, grossly negligent, reckless and/or deliberately indifferent in responding to the Plaintiff's complaints, and requests for investigation and remedial action against the student perpetrators and the Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre.

154. The harassment against the minor Plaintiff was perpetuated against her over the course of time throughout the school day and by fellow students and teachers including Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre through cyberbullying, text messaging, and in person both mentally and physically, and by Defendant Lindo's physical touching of the then minor Plaintiff, and grooming her,

which eventually resulted in sexual intercourse through rape with the then minor Plaintiff, including intercourse in a classroom at Emerson High School.

155. The harassment was severe and ongoing considering the Plaintiff's age and was pervasive inasmuch as it was frequently undertaken in the school or around school grounds numerous times during the course of a week commencing throughout the school years of 2008-2009

156. The harassment, intimidation, and bullying suffered by the Plaintiff at the hands of her fellow students and teachers including Defendants Lindo, Hanak, Ryan, McMullen, Morales, Campbell, Marinez, and Lapierre, was as a result and because of her gender and being sexually assaulted by Defendant Lindo who was under the Defendant's control and supervision and was motivated by the same. The harassment, intimidation, and bullying were also sexually based and involved the referencing and touching of intimate body parts, inappropriate touching, and sexual references, all creating a hostile school environment for the Plaintiff.

157. Despite the numerous complaints and notice of such, no action was taken to prevent and/or cause the aforementioned harassment and intimidation of the Plaintiff to cease.

158. For the reasons set forth above, the Defendants are responsible for failing to properly educate regarding deterring and developing a policy against and responding to gender discrimination and/or sexual harassment in their school system.

159. The Defendants are also responsible for the reasons set forth above for the continued harassment of the Plaintiff, following notification of the same and for active participation by the School Officials combined with the utter and complete failure to properly, reasonably and legitimately respond to said harassment and/or prevent the same

constituting willful indifference in the face of egregious conduct by the students and by the school professionals, meriting an award of punitive damages.

160. Plaintiff further alleges that the Defendants failed to take prompt, adequate, effective remedial action to correct the same. The Defendants actions and failure to act constitute violations of the New Jersey Law Against Discrimination as it relates to gender and sexual harassment.

WHEREFORE, Plaintiffs demand judgment against the Defendants jointly, severally and in the alternative for compensatory damages, punitive damages, interest, costs of suit, attorneys' fees, enhanced attorneys' fees and such other relief as the Court deems just and proper.

FOR ALL CAUSES OF ACTION

1. For past, present, and future general damages in an amount to be determined at trial;
2. For past, present and future special damages, including but not limited to past, present and future lost earnings, economic damages and others, in an amount to be determined at trial;
3. Any appropriate punitive or exemplary damages against Defendants;
4. Any appropriate statutory damages;
5. For costs of suit;
6. For interest as allowed by law;
7. For attorney's fees and costs as applicable;
8. For such other and further relief as the court may deem proper.
9. The plaintiff further alleges that insufficient amount of time has passed within which to determine the identity of any other individuals or business entities who may be responsible, in whole or in part, for the causation of the aforesaid accident. For

purposes of the within Complaint, said individuals and business entities have been nominated as John/Jane Does 1-100. The plaintiffs, pursuant to the Rules of the Court for the State of New Jersey, reserve the right to amend the within Complaint relative to additional defendants, when and if the identity of said individuals or business entities become known.

DEMAND PURSUANT TO RULE 4:17-1(b)(iii)

Pursuant to Rule 4:17-1(b)(ii), the Plaintiffs hereby demand Answers to Uniform C Interrogatories in lieu of service of the interrogatories themselves.

JURY DEMAND

Plaintiffs hereby demand trial by a jury on all issues herein.

DESIGNATION OF TRIAL COUNSEL

David R. Castellani, Esquire, is hereby designated as trial counsel in this matter.

CERTIFICATION UNDER RULE 4:5-1

I, David R. Castellani, Esquire, by certifying, pursuant to New Jersey Court Rule 4:5-1, that to the best of my knowledge, the claims raised herein are not the subject of any other action pending in any Court of the subject of any arbitration proceeding, and no such other action or arbitration is contemplated.

I certify that the foregoing statements made by me are true and accurate to the best of my knowledge. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment for perjury.

Date: March 11, 2026

Castellani Law Firm, LLC
/s/ David R. Castellani
 David R. Castellani, Esquire
 Attorneys for Plaintiff