

# **HANDOUT #4**

**Complaint: Title IX, 1983, Child Sexual Abuse Act & Law Against Discrimination  
Complaint Against a Public School (NJ)**

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M.M.# 1 and M.M. #2

M.M. #1  
and  
M.M. #2

Plaintiffs,

v.

BLACK HORSE PIKE REGIONAL  
SCHOOL DISTRICT,  
CATHERINE DEPAUL,  
JERNEE KOLLOCK,  
NICOLE LAURI,  
JEFFREY LOGANDRO,  
NICHOLAS MARTINELLI  
(a/k/a "Nick Martinelli"),  
CHRISTINE SROKA,  
ABC, INC. 1-10 (Fictitious Entities), and  
JOHN DOES 1-20 (Fictitious Entities  
and/or Persons)

Defendants.

SUPERIOR COURT OF NEW JERSEY  
CAMDEN COUNTY  
LAW DIVISION

DOCKET NO.: L-4497-13

**CIVIL ACTION AMENDED COMPLAINT**

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### INTRODUCTION

Plaintiffs M.M. #1 & M.M. #2, both citizens and residents of Camden County, New Jersey, file this Complaint against all defendants, alleging as follows:

1. This action for injunctive, monetary, and other appropriate relief is brought by plaintiffs to address the intentional, reckless, deliberate and negligent, and statutory violations by the defendants of the rights secured to plaintiffs by the laws of the United States of America and by the statutory and common law of New Jersey.

2. Plaintiff M.M. #1 was, at all relevant times, a minor who was sexually assaulted, and whose identity and address are not disclosed herein because of her desire to keep confidential her identity and address and pursuant to the Child Sexual Abuse Act. Plaintiff may be contacted by and through her counsel, identified herein.

3. Plaintiff M.M. #2 was, at all relevant times, a person who was sexually assaulted and whose identity and address are not disclosed herein because of her desire to keep confidential her identity and address. Plaintiff may be contacted by and through her counsel, identified herein.

4. Defendant, Black Horse Pike Regional School District, is a public entity and educational institution, which plaintiffs believe and therefore aver, receives federal financial assistance, and which maintains its offices and principal place of business at 580 Erial Road, Blackwood, New Jersey 08012.

5. Defendant, Catherine DePaul (hereinafter sometimes referred to as “DePaul”), is an adult individual who resides at 501 Hancock Ct., Woodbury, New Jersey, and who, at all relevant times, worked as a Principal at Triton Regional High School on behalf of defendant, Black Horse Pike Regional School District.

6. Defendant, Jernee Kollock (hereinafter sometimes referred to as “Kollock”), is an adult individual who resides at 127 Berti Rd., Williamstown, New Jersey, and who, at all relevant times, worked as a Vice-Principal at Triton Regional High School on behalf of defendant, Black Horse Pike Regional School District.

7. Defendant, Nicole Lauri (hereinafter sometimes referred to as “Lauri”), is an adult individual who resides at 158 Steeplechase Ct., Woodbury, New Jersey, and who, at all relevant

times, worked as a Special Education Teacher at Triton Regional High School on behalf of defendant, Black Horse Pike Regional School District.

8. Defendant, Jeffrey Logandro (hereinafter sometimes referred to as “Logandro”), is an adult individual who resides at 4 Nicole Ct., Woodbury, New Jersey, and who, at all relevant times, worked as a teacher at Triton Regional High School on behalf of defendant, Black Horse Pike Regional School District.

9. Défendant, Nicholas Martinelli (a/k/a/ “Nick Martinelli”) (hereinafter sometimes referred to as “Martinelli”), is an adult individual who resides at 415 Victoria Street, Glassboro, New Jersey, and who, at all relevant times, worked as a teacher at Triton Regional High School on behalf of defendant, Black Horse Pike Regional School District.

10. Defendant, Christine Sroka (hereinafter sometimes referred to as “Sroka”), is an adult individual who resides at 805 Cameron Street, Philadelphia, Pennsylvania, and who, at all relevant times, worked as a teacher at Triton Regional High School on behalf of defendant, Black Horse Pike Regional School District.

11. Defendants, ABC, Inc. 1-10, are fictitious entities which employed, supervised and/or oversaw Defendants DePaul, Kollock, Lauri, Logandro, Martinelli, and Sroka and/or which operates Triton Regional High School and/or which failed, through their agents, servants, and employees, to report improper sexual relationships between plaintiffs and the defendant teachers, Logandro and Martinelli. Such defendant or defendants are fictitious entities whose names are not presently known to, or identifiable by, plaintiffs.

12. Defendants, John Does 1-20, are fictitious entities or persons which/who employed, supervised and/or oversaw Defendants DePaul, Kollock, Lauri, Logandro, Martinelli, [12-1140-01-ML/111536/1]

and Sroka, and/or which/who operated Triton Regional High School and/or which/who failed to report improper sexual relationships between plaintiffs and defendant teachers, Logandro and Martinelli. Such defendant or defendants are fictitious persons or entities whose names are not presently known to, or identifiable by, plaintiffs.

13. Between November, 2011 through June, 2012, and both before and since then, defendant, Black Horse Pike Regional School District, owned, operated, maintained, managed, supervised, and controlled, by and through its agents, servants, and employees, the premises commonly known as the Triton Regional High School, a public high school located at 250 Schubert Ave., Runnemede, Camden County, NJ.

14. During the 2011-2012 school year, defendant, Catherine DePaul, was a Principal employed by defendant, Black Horse Pike Regional School District, and was responsible for controlling, directing, managing, and supervising the students and teachers of the Triton Regional High School.

15. Defendant DePaul 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, and who, despite such actual knowledge, failed to adequately respond to stop the harassment and discrimination against the female plaintiffs.

16. Defendant, Jernee Kollock, was another administrative official 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, and who, despite such actual knowledge, failed to adequately respond to stop the harassment and discrimination against the female plaintiffs.

17. Defendant, Black Horse Pike Regional School District, is an educational institution as defined by 20 U.S.C.A. §1681(c), Title IX, Education Amendments of 1972 (hereinafter "Title IX") which receives federal financial assistance.

18. Further, defendant, Black Horse Pike Regional School District, as a school district in New Jersey, owes a "heightened duty of School Boards to ensure pupil safety from foreseeable harm, particularly those presented by the intentional acts of school personnel" as defined by the New Jersey Supreme Court.

19. Due to her age, M.M. #1 was required by New Jersey law to attend school. Each of the defendants herein stood *in loco parentis* relative to M.M. #1 during the school day. Further, M.M. #1's parents transferred to defendants the power to act as their daughter's guardians during the school day.

20. M.M. #1 attended Triton Regional High School as a senior during the 2011-2012 school year.

21. M.M. #2 attended Triton Regional High School as a senior during the 2011-2012 school year. Defendants stood *in loco parentis* relative to M.M. #2 during the school day.

22. As recognized by the United States Department of Education in a July 1, 1998 press release, "Schools owe students a safe environment that is conducive to learning and that affords children equal educational opportunity regardless of sex."

23. During the 2011-2012 school year, Plaintiff M.M. #1 suffered extraordinary harm due to the repeated sexual assaults and sexually harassing conduct of Defendant Logandro, and the sexually hostile environment at Triton Regional High School that was created by each and all of the defendants herein, which the defendants failed to correct and to properly address despite their actual knowledge thereof.

24. During the 2011-2012 school year, Plaintiff M.M. #2 suffered extraordinary harm due to the repeated sexual assaults and sexually harassing conduct of Defendant Martinelli, and the sexually hostile environment at Triton Regional High School that was created by each and all of the defendants herein, which the defendants failed to correct and to properly address despite their actual knowledge thereof.

25. Defendants failed to take appropriate actions to protect plaintiffs and others against sexual harassment at Triton Regional High School, despite having actual notice of the harassment, all in violation of Title IX, and in violation of the rights guaranteed to plaintiffs by the United States and New Jersey Constitutions, Statutes, laws, and regulations.

26. Defendant, Black Horse Pike Regional School District, acted individually and through its employees and agents, including but not limited to former teachers, Jeffrey Logandro, Nick Martinelli; Principal, Catherine DePaul; Vice-Principal, Jernee Kollock; and teachers, Nicole Lauri and Christine Sroka, all of whom acted with actual or apparent authority and all of whom aided in carrying out and/or permitting the sexual harassment and assaults of the plaintiff-students and other students by the actions and inactions of defendants.

27. At all times material hereto, defendants, Black Horse Pike Regional School District, Logandro, Martinelli, DePaul, Kollock, Lauri, and Sroka, acted individually, and as agents of each other.

28. By April 2012, and at times earlier thereto, defendant, Black Horse Pike Regional School District, acting by and through its Principal, Vice-Principal, School Board, teachers, and other employees and agents, including Defendants DePaul, Logandro, Martinelli, Kollock, Lauri, and Sroka, actually knew about the specific misconduct, sexual harassment, and sexual assaults committed by Defendants Logandro and Martinelli and was deliberately indifferent to this conduct, as demonstrated by the specific failures described below, thereby exposing and continuing to expose students in general, and plaintiffs in particular, to a sexually hostile educational environment and to criminal conduct.

29. By April 2012, and at times earlier thereto, the defendants, acting individually and by and through the Principal, Vice-Principal, School Board, teachers, and other employees and agents, actually knew about the specific misconduct, sexual harassment, and sexual assaults committed by Defendants Logandro and Martinelli and were deliberately indifferent to this conduct, as demonstrated by the specific failures described below, thereby exposing and continuing to expose plaintiffs to a sexually hostile educational environment and to criminal conduct.

30. Alternatively, defendants should have been aware of the misconduct and sexual harassment committed by Defendants Logandro and Martinelli due to its pervasive and/or conspicuous nature, for which plaintiffs assert claims for negligence, negligent supervision, and civil rights violations, pursuant to 42 U.S.C.A. §1983 and Title IX violations.



31. Defendants, through their actions and inactions described herein, and through a pattern of deliberate indifference, created and permitted *quid pro quo* sexual harassment and a severe, pervasive, and persistent sexually hostile educational environment, which is in violation of Title IX of the Education Amendments of 1972.

32. Defendants, Jeffrey Logandro and Nick Martinelli; Principal, Catherine DePaul; Vice-Principal, Jernee Kollock; and teachers, Nicole Lauri and Christine Sroka, were in positions of authority and trust at Triton Regional High School at all times material hereto.

33. Logandro had been one of M.M. #1's teachers at Triton Regional High School. Plaintiff M.M. #1 also worked in the Vice-Principal's office where Defendant Logandro would meet her during first period.

34. During the 2011-2012 school year, beginning in or around November, 2011, Defendant Logandro used his cell phone to transmit sexually explicit and graphic text messages ("sexting") to plaintiff M.M. #1, a high school student. He engaged in this improper, inappropriate, and dangerous conduct in violation of, *inter alia*, Black Horse Pike Regional School District School Policy No. 3281, which prohibited teachers from engaging in inappropriate comments, language, and conduct of a sexual nature with students, and a Memorandum of Understanding between law enforcement authorities and staff and administrators in schools in New Jersey.

35. On or about Thanksgiving, November 24, 2011, Defendant Logandro kissed Plaintiff M.M. #1 while the two were seated in a parked car.

36. Defendant Logandro inappropriately and sexually touched M.M. #1 upon her breasts and vagina with his hands. Defendant engaged in this conduct with M.M. #1 while she

was a student, and at a time when she was less than eighteen years of age. This improper conduct continued during the school year, and culminated when Logandro engaged in oral sex with M.M. #1 shortly after her graduation.

37. Defendant Logandro kissed and fondled M.M. #1 and otherwise cultivated an improper physical and emotional relationship with her during the school year with the expectation and intention that such activity would lead to sexual activity of the type that eventually occurred shortly after M.M. #1 graduated from high school.

38. In his pursuit of an improper relationship with M.M. #1, Defendant Logandro also knowingly furnished alcohol to plaintiff M.M. #1 after her graduation, knowing that she was still under the legal drinking age.

39. Defendant Logandro was able to engage in improper physical contact and otherwise cultivate his improper physical and emotional relationship with M.M. #1 due to the failures and breaches of defendants described more fully herein.

40. Defendant Logandro exploited his position of authority and his status as a teacher and coach so as to induce Plaintiff M.M. #1 into an inappropriate physical relationship, and with the intention and expectation of engaging in sexual activity with this under-age student

41. The improper relationship between M.M. #1 and Defendant Logandro was so conspicuous that other students, including R.P., a senior at Triton Regional High School at the time, were aware of it during the 2011-2012 school year.

42. R.P. and Plaintiff M.M. #1 visited the home of Defendant Logandro in November 2011.

43. Defendant Martinelli cultivated and engaged in an inappropriate sexual relationship with Plaintiff M.M. #2, while he was employed as a coach and teacher at Triton High School.

44. Specifically, during the 2011-2012 school year, including the period in or around December 2011, Defendant Martinelli communicated via text messages with Plaintiff M.M. #2.

45. The text messages sent by Defendant Martinelli to M.M. #2 during the 2011-2012 school year included sexually explicit and otherwise inappropriate messages.

46. Between December 2011 and March 2012, Defendant Martinelli and Plaintiff, M.M. #2 repeatedly met both inside and outside of school.

47. In or around April 2012, Defendant Martinelli touched the breasts and buttocks of M.M. #2 in a sexually explicit manner.

48. Defendant Martinelli continued to engage in inappropriate sexual contact with M.M. #2 throughout the school year and after her graduation.

49. As a result of his predatory behavior, Defendant Martinelli engaged in vaginal intercourse and oral sex with M.M. #2 soon after her graduation from high school, knowing that M.M. #2 was a virgin and had never before engaged in sexual intercourse.

50. Martinelli also knowingly furnished M.M. #2 with alcohol while she was under the legal drinking age.

51. Defendant Martinelli was able to engage in improper physical contact and otherwise cultivate his improper physical and emotional relationship with M.M. #2 due to the failures and breaches of the defendants described more fully herein.

52. Defendant Martinelli cultivated an improper physical and emotional relationship with Plaintiff M.M. #2 during the school year with the expectation and intention that such activity would lead to sexual activity of the type that eventually occurred shortly after M.M. #2 graduated from high school.

53. Defendant Martinelli exploited his position of authority and his status as a teacher and coach so as to induce Plaintiff M.M. #2 into an inappropriate physical relationship, and with the intention and expectation of engaging in sexual activity with this student.

54. During the 2011-2012 school year, Defendant DePaul knew and/or had reason to know of the improper, inappropriate, and predatory conduct of Defendants Martinelli and Logandro.

55. During the 2011-2012 school year, Defendant DePaul knew and/or had reason to know that members of the Triton Regional High School faculty other than Martinelli and Logandro were engaging in improper, predatory relationships with students.

56. In or around April 2012, R.P., the student who had accompanied M.M. #1 to Logandro's residence, showed a substitute teacher explicit sexual text messages sent by Defendant Logandro to M.M. #1. The substitute teacher promptly reported this to defendant, Catherine DePaul, Triton's Principal.

57. R.P. also showed the text messages directly to Defendant Principal DePaul.

58. R.P. also reported to Defendant DePaul her belief that multiple teachers were engaging in sex and/or inappropriate sexual conduct with students.

59. In fact, during the same period in which Martinelli and Logandro were engaged in improper physical conduct with plaintiffs, M.M. #1 and M.M. #2, at least one other teacher, Daniel R. Michielli, was engaged in an unlawful and improper sexual relationship with another Triton High School student.

60. Defendant DePaul knew that the conduct described by R.P. was harmful, dangerous, and created a significant risk of serious physical and emotional harm to students such as M.M. #1.

61. R.P. also showed defendant, Nicole Lauri, another Triton Regional High School teacher, the explicit and sexual text messages sent by Logandro to M.M. #1. Defendant Lauri, in turn, showed them to defendant, Christine Sroka, another teacher.

62. Defendants Lauri and Sroka knew that the conduct described by R.P. was harmful, dangerous, and created a significant risk of serious physical and emotional harm to students such as M.M. #1.

63. Defendant DePaul failed to properly report to police or to New Jersey's Division of Youth and Family Services (DYFS) and/or to DYFS' Institutional Abuse Unit the allegations and evidence of inappropriate conduct and sexual abuse committed by teachers upon students.

64. None of the defendants reported the allegations of sexual misconduct to the police or to DYFS during the 2011-2012 school year.

65. However, Defendant DePaul reported the allegations of sexual misconduct to defendant, Vice-Principal, Jernee Kollock, who also failed to properly report to police or to New Jersey's Division of Youth and Family Services (DYFS) and/or to DYFS' Institutional Abuse Unit the allegations and evidence of inappropriate conduct and sexual abuse committed by teachers upon students.

66. Defendant Kollock knew that the conduct described by R.P. was harmful, dangerous, and created a significant risk of serious physical and emotional harm to students such as M.M. #1.

67. Notwithstanding her understanding, recognition, and appreciation of the dangers posed by the conduct that was reported to her, and despite her actual knowledge of her duty to report the allegations to state agencies such as DYFS, Defendant DePaul did not report the misconduct because she wanted "**to protect her teachers.**"

68. Defendant DePaul, individually and in her capacity as the Principal of Triton Regional High School, intentionally and knowingly subordinated the safety and physical and emotional well-being of students such as M.M. #1 and M.M. #2 to the interests of predatory teachers such as Logandro and Martinelli.

69. Defendant Kollock, individually and in her capacity as a Vice-Principal of Triton Regional High School, intentionally and knowingly subordinated the safety and physical and emotional well-being of students such as M.M. #1 and M.M. #2 to the interests of predatory teachers such as Logandro and Martinelli.

70. Additionally, Defendants Lauri and Sroka failed to properly report to police or to New Jersey's Division of Youth and Family Services (DYFS) and/or to DYFS' Institutional

Abuse Unit the report and evidence of inappropriate conduct and sexual abuse committed by teachers upon students.

71. Defendants Lauri and Sroka intentionally and knowingly subordinated the safety and physical and emotional well-being of students such as M.M. #1 and M.M. #2 to the interests of predatory teachers such as Logandro and Martinelli

72. Rather than taking any appropriate steps to remove Defendants Logandro and/or Martinelli, the defendants acted recklessly and indifferently, concealing the known abuse and misconduct, and allowing Logandro and Martinelli to continue the predatory behavior that culminated in the acts of sexual intercourse and oral sex described elsewhere in this Complaint.

73. The indifference of Triton High School administrators and faculty, and the permissive and sexually hostile educational environment created thereby, directly contributed to the pervasive improper sexual activity between students and teachers at Triton Regional High School, including the improper actions of Triton High School teachers, Logandro, Martinelli, and Michielli.

**COUNT I**  
**Violations Pursuant to 20 U.S.C.A. §1681(c), Title IX, Education Amendments of 1972**  
**Plaintiffs v. All Defendants**

74. Plaintiffs incorporate by reference the averments contained above and below, as though fully set forth herein.

75. Plaintiffs assert that the defendants violated the requirements of Title IX by the following acts and omissions, all of which were conducted and/or failed to be conducted in reckless and deliberate indifference to the rights of plaintiffs guaranteed by Title IX and in reckless and deliberate indifference to the risk of harm posed to plaintiffs:

- a. failing to have in place an explicit policy banning sexual harassment of students by teachers at Triton Regional High School;
- b. failing to establish policies designed to provide for early detection of abused children, in violation of N.J.S.A. 18A:36-25;
- c. failing to appoint and designate a Title IX coordinator to investigate complaints of sexual harassment committed by Defendants Logandro and Martinelli and/or failing to adequately investigate multiple complaints about them and other teachers;
- d. failing to communicate to students and their parents the identity of the Title IX coordinator, as required by 34 C.F.R. Sect. 106.8(a);
- e. discouraging students and their parents from complaining about the sexual harassment within Triton Regional High School;
- f. actively disregarding known sexual harassment of which defendants were aware based upon complaints of students and staff at Triton Regional High School;
- g. failing to take immediate and appropriate corrective actions to remedy the known harassment by Defendants Logandro and Martinelli and others;
- h. taking steps that were known or which should have been known to be ineffectual in eliminating Defendants Logandro and Martinelli's sexual harassment and assaults of female students at Triton Regional High School;
- i. failing to adopt and publish appropriate grievance procedures for the prompt and equitable resolution of sexual harassment and sex discrimination complaints in violation of Title IX;
- j. failing to disseminate an appropriate policy against sexual harassment;
- k. failing to conduct a reasonably diligent inquiry regarding Defendants Logandro and Martinelli's sexually harassing conduct so as to end the harassment;
- l. requiring plaintiffs to continue in school interactions with Defendants Logandro and Martinelli and therefore subjecting plaintiffs to repeated exposure to a sexually hostile educational environment;
- m. completely failing to supervise Defendants Logandro and Martinelli when defendants knew of their inappropriate contact with students and inappropriate behavior;
- n. failing to promptly report acts of child abuse to the Division of Youth and Family Services ("DYFS"), as required by N.J.S.A. Sect. 9:6-8.10, when defendants had reasonable cause to do so;



- o. failing to establish written policies and programs for the reporting of suspected child abuse and neglect to DYFS, in violation of N.J.S.A. §§ 6A:16-1.4(a)21 and 6A:16-10.2;
- p. knowingly failing to establish an atmosphere throughout the school in which children would feel safe, secure and happy and, in addition, have maximum opportunity to learn;
- q. failing to have adult to student sexual harassment training for its staff, thus exhibiting deliberate indifference to this condition at its school;
- r. failing to have in place policies regarding:
  - i. physical contact between teachers and students;
  - ii. contact between teachers and students outside of official school functions; and
  - iii. the immediate reporting of inappropriate contact between teachers and students.
- s. ratifying and accepting the inappropriate actions of Defendants Logandro and Martinelli;
- t. failing to have in place a “zero tolerance” policy for sexual harassment at Triton Regional High School;
- u. failing to give adequate training to staff members in Title IX requirements to protect against sexual harassment of students;
- v. violating the “Memorandum of Understanding” between law enforcement and schools in the protection against and reporting of crimes;
- w. violating Black Horse Pike Regional School District School Policy No. 3281, which prohibited teachers from engaging in inappropriate comments, language, and conduct of a sexual nature with students;
- x. failing to enforce Black Horse Pike Regional School District School Policy No. 3281, which prohibited teachers from engaging in inappropriate comments, language and conduct of a sexual nature with students;
- y. failing to provide appropriate supervision, mentoring, and/or training to defendants, Jeff Logandro and Nick Martinelli;
- z. with regard to Defendant DePaul, directing teachers, namely Defendant Logandro, to destroy evidence, namely contacts of students within their cellular phones;

- aa. improperly investigating allegations of teacher/student sexual abuse and other inappropriate contacts rather than reporting suspected abuse to authorities;
- bb. violating recommendations and standards published by Strauss Esmay Associates, LLP relating to inappropriate staff conduct and reporting sexually harassing conduct;
- cc. adopting policies for the reporting of suspected child abuse which were in conflict with established New Jersey law;
- dd. creating, through inaction and through affirmative acts designed to conceal acts of sexual misconduct, a sexually hostile educational environment in which improper and dangerous student-teacher relationships were tolerated and countenanced.

76. Defendants' actions altered the conditions of plaintiffs' educational environment.

77. As a direct and proximate result of defendants' conduct described herein, Plaintiff M.M. #1 was caused to suffer emotional and physical injuries, including, but not limited to, Adjustment Disorder with Mixed Anxiety and Depressed Mood, embarrassment, humiliation, and has incurred and/or will likely incur future expenses for medical and psychological treatment.

78. As a direct and proximate result of defendants' conduct described herein, Plaintiff M.M. #2 was caused to suffer emotional and physical injuries, embarrassment, anxiety, humiliation, and has incurred and/or will likely incur future expenses for medical and psychological treatment.

WHEREFORE, plaintiffs demand judgment against all defendants, jointly and severally, together with interest, punitive damages, attorneys' fees, and costs of suit. Plaintiffs further seek appropriate injunctive relief to enjoin defendants from creating and/or permitting a sexually hostile educational environment in the future at Triton Regional High School and elsewhere in the Black Horse Pike Regional School District.

**COUNT II**  
**Civil Rights Violations Pursuant to 42 U.S.C.A. § 1983**  
**Plaintiffs v. All Defendants**

79. Plaintiffs incorporate by reference the averments contained above and below, as though fully set forth herein.

80. Defendants acted under color of state law when they engaged in the conduct described in this Complaint.

81. For the reasons outlined above and below, defendants were deliberately indifferent to a known risk of sexual harassment and/or sexual misconduct by faculty at Triton Regional High School, for which plaintiffs state a claim against defendants for violation of plaintiffs' civil rights pursuant to 42 U.S.C.A. § 1983.

82. As a public or governmental entity and/or as public or governmental officials, defendants are responsible for a "state-created danger," for which plaintiffs state a claim against defendants for violation of plaintiffs' civil rights pursuant to 42 U.S.C.A. § 1983.

83. As a direct and proximate result of defendants' conduct described herein, Plaintiff M.M. #1 was caused to suffer emotional and physical injuries, including but not limited to Adjustment Disorder with Mixed Anxiety and Depressed Mood, embarrassment, humiliation, and has incurred and/or will likely incur future expenses for medical and psychological treatment.

84. As a direct and proximate result of defendants' conduct described herein, Plaintiff M.M. #2 was caused to suffer emotional and physical injuries, embarrassment, anxiety, humiliation, and has incurred and/or will likely incur future expenses for medical and psychological treatment.

WHEREFORE, plaintiffs demand judgment against all defendants, jointly and severally, together with interest, punitive damages, attorneys' fees, and costs of suit. Plaintiffs further seek appropriate injunctive relief to enjoin defendants from creating and/or permitting a sexually hostile educational environment in the future at Triton Regional High School and elsewhere in the Black Horse Pike Regional School District.

**Count III**  
**Negligence, Negligent Supervision, Negligent Retention, and Recklessness**  
**Plaintiffs v. All Defendants**

85. Plaintiffs incorporate by reference the averments contained above and below, as though fully set forth herein.

86. The defendants acted negligently and/or recklessly, resulting in the injuries to plaintiffs, for which damages are sought, based upon the following:

- a. Negligently training staff to protect against the risk of sexual assault and sexual harassment of students;
- b. Negligently supervising Defendants Logandro and Martinelli;
- c. Negligently retaining Defendants Logandro and Martinelli as employees;
- d. Negligently supervising the plaintiffs while they were students entrusted to defendants' care and supervision, and while defendants were standing *in loco parentis* to plaintiffs;
- e. Failing to exercise due care under all circumstances;
- f. Failing to come to the aid or rescue of plaintiffs, after placing them in a perilous situation, when they knew, or should have known, that plaintiffs were being exposed to predatory teachers who sexually assaulted and sexually harassed them, all of which were reasonably foreseeable;
- g. Violation of the duties imposed by law pursuant to the Restatement, Second, of Agency, § 213, as adopted in New Jersey;
- h. Violating recommendations and standards published by Strauss Esmay Associates, LLP relating to inappropriate staff conduct and reporting sexually harassing conduct;

- i. Violating the “Memorandum of Understanding” between law enforcement and schools in the protection against and reporting of crimes in NJ;
- j. Violating the “heightened duty of School Boards to ensure pupil safety from foreseeable harm, particularly those presented by the intentional acts of school personnel” as defined by the New Jersey Supreme Court;
- k. Adopting policies for the reporting of suspected child abuse which was in conflict with established New Jersey law;
- l. Failure to properly report the allegations of sexual misconduct and/or the improper communication between faculty and students to appropriate authorities, such as DYFS;
- m. Failure to timely reprimand, sanction, discipline, suspend, and/or remove Logandro and/or Martinelli from the Triton Regional High School faculty.

87. As a direct and proximate result of defendants’ conduct described herein, Plaintiff M.M. #1 was caused to suffer emotional and physical injuries, including but not limited to Adjustment Disorder with Mixed Anxiety and Depressed Mood, embarrassment, humiliation, and has incurred and/or will likely incur future expenses for medical and psychological treatment.

88. As a direct and proximate result of defendants’ conduct described herein, Plaintiff M.M. #2 was caused to suffer emotional and physical injuries, embarrassment, anxiety, humiliation, and has incurred and/or will likely incur future expenses for medical and psychological treatment.

89. Additionally, and/or in the alternative, at the time and place aforesaid, defendants, ABC, Inc 1-10 (fictitious entities), and/or defendants, John Doe 1-20 (fictitious names and/or fictitious entities), through their employees, servants, and/or agents acted negligently or recklessly for the reasons outlined above, and thereby caused plaintiffs’ injuries and damages.

WHEREFORE, plaintiffs demand judgment against all defendants, jointly and severally, together with interest, punitive damages, attorneys' fees, and costs of suit.

**Count IV - Negligent Infliction of Emotional Distress**  
**Plaintiffs v. All Defendants**

90. Plaintiffs incorporate by reference the averments contained above and below, as though fully set forth herein.

91. The plaintiffs also bring an action for negligent infliction of emotional distress caused by the defendants.

92. As a result of the defendants' negligence and/or recklessness, plaintiffs were caused to sustain severe emotional distress and suffering.

93. As a direct and proximate result of the breaches and failures outlined herein by these defendants, plaintiffs were caused to suffer bodily injury, emotional distress/injury, and other damages, all of which are likely to be permanent in nature.

94. Plaintiffs' emotional distress was and is so severe that no reasonable person could be expected to endure such distress.

95. In the alternative, at the time and place aforesaid, defendants, ABC, Inc 1-10 (fictitious entities), and/or defendants, John Doe 1-20 (fictitious names and/or fictitious entities), through their employees, servants, and/or agents are legally responsible for the actions committed by their employee(s), and/or agent(s) for the reasons outlined above, and such violation caused plaintiffs' injuries and damages.

WHEREFORE, plaintiffs demand judgment against all defendants, jointly and severally, together with interest, punitive damages, attorneys' fees, and costs of suit.

**Count V - Assault & Battery**  
**Plaintiff M.M. #1 v. Defendant, Jeff Logandro**

96. Plaintiff M.M. #1 incorporates by reference the averments contained both above and below, as though fully set forth herein.

97. Defendant Logandro sexually assaulted Plaintiff M.M. #1, for which a claim of assault is brought.

98. Defendant Logandro performed sexual acts and sexual harassment acts upon Plaintiff M.M. #1 without her consent and at a time when he was in a position of authority.

99. Defendant Logandro unlawfully touched Plaintiff M.M. #1 without her consent and at a time when he was in a position of authority, for which a claim for battery is brought.

100. As a direct and proximate result of defendants' conduct described herein, Plaintiff M.M. #1 was caused to suffer emotional and physical injuries, including but not limited to Adjustment Disorder with Mixed Anxiety and Depressed Mood, embarrassment, humiliation, and has incurred and/or will likely incur future expenses for medical and psychological treatment.

101. For these actions, plaintiff seeks damages, including punitive damages, from this defendant to the extent allowed by New Jersey law.

WHEREFORE, Plaintiff M.M. #1 demands judgment against Defendant Logandro, jointly and severally, together with interest, punitive damages, attorneys' fees, and costs of suit.

**Count VI - Intentional Infliction of Emotional Distress**  
**Plaintiff M.M. #1 v. Defendants, Jeff Logandro and**  
**Black Horse Pike Regional School District**

102. Plaintiff M.M. #1 incorporates by reference the averments contained above and below, as though fully set forth herein.

103. The plaintiff also brings an action for intentional infliction of emotional distress caused by defendants.

104. Defendants, Jeff Logandro and Black Horse Pike Regional School District, acting through its agent and employee, Defendant Logandro, acted intentionally or recklessly in performing non-consensual sexual acts and acts of sexual harassment upon Plaintiff M.M. #1 and confining her, intending to produce emotional distress or, alternatively acting in deliberate disregard of a high degree of probability that emotional distress would follow.

105. Defendants, Jeff Logandro and Black Horse Pike Regional School District, acting through its agents and employees, DePaul and Kollock, acted intentionally or recklessly by failing to take appropriate and necessary acts to prevent Logandro from performing non-consensual sexual acts and acts of sexual harassment upon Plaintiff M.M. #1, and acting in deliberate disregard of a high degree of probability that emotional distress would follow.

106. These defendants' actions were extreme and outrageous in character and so extreme in degree as to go beyond all possible bounds of decency and to be regarded as atrocious, despicable, and utterly intolerable in a civilized community.

107. As a direct and proximate result of the breaches and failures by these defendants as outlined herein, Plaintiff M.M. #1 was caused to suffer bodily injury, emotional distress/injury, and damages which are likely to be permanent in nature.



108. Plaintiff M.M. #1's emotional distress was and is so severe that no reasonable person could be expected to endure such distress.

109. For these actions, plaintiff seeks damages, including punitive damages, from these defendants to the extent allowed by New Jersey law.

110. In the alternative, at the time and place aforesaid, defendants, ABC, Inc 1-10 (fictitious entities), and/or defendants, John Doe 1-20 (fictitious names and/or fictitious entities), through their employees, servants, and/or agents are legally responsible for the actions committed by their employee and/or agent, Defendant Logandro, for the reasons outlined above, and such violation caused plaintiff's injuries and damages.

WHEREFORE, Plaintiff M.M. #1 demands judgment against Defendant Logandro and defendant, Black Horse Pike Regional School District, jointly and severally, together with interest, punitive damages, attorneys' fees, and costs of suit.

**Count VII – Child Sexual Abuse Act, N.J.S.A. 2A:61B-1 *et seq.***  
**Plaintiff M.M. #1 v. Defendants, Jeff Logandro and**  
**Black Horse Pike Regional School District**

111. Plaintiff M.M. #1 incorporates by reference the averments contained above and below, as though fully set forth herein.

112. The plaintiff also brings an action against these defendants pursuant to the Child Sexual Abuse Act, N.J.S.A. 2A:61B-1 *et seq.*, for injuries caused by these defendants.

113. As a result of these defendants' violation of New Jersey's Child Sexual Abuse Act, Plaintiff M.M. #1 sustained physical injuries, severe emotional distress and suffering, and other damages as outlined herein.

114. As a direct and proximate result of these breaches and failures by these defendants, as outline above, Plaintiff M.M. #1 was caused to suffer bodily injury, emotional distress/injury, and damages which are likely to be permanent in nature.

115. In the alternative, at the time and place aforesaid, defendants, ABC, Inc 1-10 (fictitious entities), and/or defendants, John Doe 1-20 (fictitious names and/or fictitious entities), through their employees, servants, and/or agents are legally responsible for the actions committed by their employees and/or agents for the reasons outlined above, and such violation(s) caused plaintiff's injuries and damages.

WHEREFORE, Plaintiff M.M. #1 demands judgment against Defendant Logandro and defendant, Black Horse Pike Regional School District, jointly and severally, together with interest, punitive damages, attorneys' fees, and costs of suit.

**Count VIII - Assault & Battery**  
**Plaintiff M.M. #2 v. Defendant, Nick Martinelli**

116. Plaintiff incorporates by reference the averments contained both above and below, as though fully set forth herein.

117. Defendant, Nick Martinelli, sexually assaulted Plaintiff M.M. #2, for which a claim of assault is brought.

118. Defendant, Nick Martinelli, performed sexual acts and acts of sexual harassment upon Plaintiff M.M. #2 without her consent and at a time when he was in a position of authority.

119. Defendant, Nick Martinelli, unlawfully touched Plaintiff M.M. #2 without her consent and at a time when he was in a position of authority, for which a claim for battery is brought.

120. As a direct and proximate result of Defendant Martinelli's conduct described herein, Plaintiff M.M. #2 was caused to suffer emotional and physical injuries, embarrassment, anxiety, humiliation, and has incurred and/or will likely incur future expenses for medical and psychological treatment.

121. For these actions, plaintiff seeks damages, including punitive damages, from this defendant to the extent allowed by New Jersey law.

WHEREFORE, Plaintiff M.M. #2 demands judgment against Defendant Martinelli, jointly and severally, together with interest, punitive damages, attorneys' fees, and costs of suit.

**Count IX - Intentional Infliction of Emotional Distress**  
**Plaintiff M.M. #2 v. Defendants, Nick Martinelli and**  
**Black Horse Pike Regional School District**

122. Plaintiff M.M. #2 incorporates by reference the averments contained above and below, as though fully set forth herein.

123. The plaintiff also brings an action for intentional infliction of emotional distress caused by the defendants.

124. Defendants, Nick Martinelli and Black Horse Pike Regional School District, acting through its agent and employee, Defendant Martinelli, acted intentionally or recklessly in performing non-consensual sexual acts and acts of sexual harassment upon Plaintiff M.M. #2, and confining her, intending to produce emotional distress or, alternatively acting in deliberate disregard of a high degree of probability that emotional distress would follow.

125. Defendants, Nick Martinelli and Black Horse Pike Regional School District, acting through its agents and employees, DePaul and Kollock, acted intentionally or recklessly by failing to take appropriate and necessary acts to prevent Martinelli from performing non-

consensual sexual acts and acts of sexual harassment upon Plaintiff M.M. #2, and acting in deliberate disregard of a high degree of probability that emotional distress would follow.

126. These defendants' actions were extreme and outrageous in character and so extreme in degree as to go beyond all possible bounds of decency and to be regarded as atrocious, despicable, and utterly intolerable in a civilized community.

127. As a direct and proximate result of the breaches and failures outlined herein by these defendants, Plaintiff M.M. #2 was caused to suffer bodily injury, emotional distress/injury, and damages which are likely to be permanent in nature.

128. Plaintiff M.M. #2's emotional distress was and is so severe that no reasonable person could be expected to endure such distress.

129. For these actions, Plaintiff M.M. #2 seeks damages, including punitive damages, from these defendants, to the extent allowed by New Jersey law.

130. In the alternative, at the time and place aforesaid, defendants, ABC, Inc 1-10 (fictitious entities), and/or defendants, John Doe 1-20 (fictitious names and/or fictitious entities), through their employees, servants, and/or agents are legally responsible for the actions committed by their employee and/or agent, Defendant Martinelli, for the reasons outlined above and such violation caused plaintiff's injuries and damages.

WHEREFORE, Plaintiff M.M. #2 demands judgment against Defendant Martinelli and defendant, Black Horse Pike Regional School District, jointly and severally, together with interest, punitive damages, attorneys' fees, and costs of suit.

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

**Plaintiffs v. Defendant Black Horse Pike Regional School District**

131. Plaintiffs incorporate by reference the averments contained above and below, as though fully set forth herein.

132. Despite Defendants' actual and/or constructive knowledge of sexually inappropriate and harassing conduct, Defendant Black Horse Pike Regional School District failed to reasonably protect Plaintiffs against harassing conduct on the basis of their sex, female, and permitted a hostile educational environment.

133. Defendant Black Horse Pike Regional School District violated New Jersey's Law Against Discrimination, contained within N.J.S.A. 10:5-1 et seq., and such failures created a hostile educational environment for Plaintiffs and discriminated against Plaintiffs based upon their sex.

134. Defendant Black Horse Pike Regional School District is vicariously liable for the actions of its supervisory employees, including but not limited to Defendants DePaul, Kollock and former superintendent John Golden.

135. Defendant Black Horse Pike Regional School District knew, or should have known, of the harassment and failed to take effective remedial measures to stop it.

136. As a direct and proximate result of the breaches and failures by Defendant Black Horse Pike Regional School District outlined herein, Plaintiffs were caused to suffer bodily injury, emotional distress/injury, injuries which are likely to be permanent in nature and denial of the full education they were entitled to receive.


137. In the alternative, Defendants ABC, Inc. 1-10 (fictitious entities), and/or Defendants John Doe 1-10 (fictitious names and/or fictitious entities) are liable for damages caused to Plaintiff for the reasons outlined throughout this Complaint and within this Court and such violations caused Plaintiff's injuries and damages.

WHEREFORE, Plaintiffs M.M.#1 and M.M. #2 demands judgment against Defendant, Black Horse Pike Regional School District, jointly and severally, together with interest, punitive damages, attorneys' fees, and costs of suit.


**MCLAUGHLIN & LAURICELLA, P.C.**

**SOLOFF & ZERVANOS**

BY:

  
SLADE H. McLAUGHLIN  
PAUL A. LAURICELLA  
Co-Counsel for Plaintiffs

BY:

  
JEFFREY P. FRITZ  
Co-Counsel for Plaintiffs

Dated:

9/29/15

#### **JURY DEMAND**

**TAKE NOTICE**, Plaintiffs M.M. #1 and M.M. #2 demand a trial by jury as to all issues in this matter.

#### **TRIAL DESIGNATION**

**PLEASE TAKE NOTICE** that, pursuant to Rule 4:25-1, SLADE H. McLAUGHLIN, ESQUIRE, PAUL A. LAURICELLA, ESQUIRE, and JEFFREY P. FRITZ, ESQUIRE are hereby designated as trial counsel in the above matter.

**DEMAND FOR COMPLIANCE WITH NEW JERSEY COURT RULES  
1:5-1(a) and 4:17-4(c)**

PLEASE TAKE NOTICE that the undersigned attorneys, counsel for plaintiffs herein, hereby demand, pursuant to the provisions of R. 1:5-1 (a) and R. 4:17-4 ( c), that each party serving pleadings or Interrogatories, and receiving responses thereto, shall serve copies of all such pleadings, Interrogatories, and responses thereto, on the undersigned.

**DEMAND FOR ANSWERS TO INTERROGATORIES**

Pursuant to R. 4:17-1 and R. 4:10-2, plaintiffs hereby demand of defendants Answers to Interrogatories prescribed by Form C, Form C2, and all other relevant forms in the Appendix to the New Jersey Court Rules.

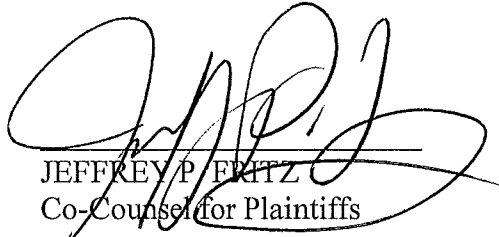
**CERTIFICATION PURSUANT TO RULE 4:5-1**

The matter in controversy is not the subject of any other known pending action in any Court or of a known pending Arbitration proceeding. There are no other parties known who should be joined to this action. We certify the foregoing to be true. We are aware that, if the above is willfully false, we are subject to punishment.

**MCLAUGHLIN & LAURICELLA, P.C.**

**SOLOFF & ZERVANOS**

BY:   
SLADE H. McLAUGHLIN  
PAUL A. LAURICELLA  
Co-Counsel for Plaintiffs

BY:   
JEFFREY P. FRITZ  
Co-Counsel for Plaintiffs

Dated: 9/29/15