

JUN 4 2014

LAW DEPARTMENT

Commonwealth of Massachusetts

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CIVIL ACTIONNo. 14-0773 A

JOHN DOE, by his Mother and Next Friend, Plaintiff(s)
MARY DOE, and MARY DOE

v.

CITY OF BOSTON and JESSICA BOLT, Defendant(s)

SUMMONS

To the above-named Defendant: CITY OF BOSTONYou are hereby summoned and required to serve upon MARK F. ITZKOWITZ, Esq.

plaintiff's attorney, whose address is 175 Federal Street, Ste 1425, Boston MA 02110, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at Boston either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Witness, Barbara J. Rouse, Esquire, at Boston, the Second day of June, in the year of our Lord two thousand fourteen.

Michael Joseph Donovan
Clerk/Magistrate

NOTES.

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.
3. TO PLAINTIFF'S ATTORNEY: PLEASE CIRCLE TYPE OF ACTION INVOLVED
(1) TORT — (2) MOTOR VEHICLE TORT — (3) CONTRACT — (4) EQUITABLE RELIEF — (5) OTHER

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK , ss

SUPERIOR COURT
CIVIL ACTION No.

RECEIVED
CLERK'S OFFICE

2014 JUN -4 P 12:15

14-0778 MA A

JOHN DOE, by his)
Mother and Next Friend,)
MARY DOE, and MARY DOE,)
Plaintiffs)

COMPLAINT

v.)

JURY TRIAL DEMANDED

CITY OF BOSTON, and)
JESSICA BOLT,)
Defendants)



PARTIES

1. The plaintiff, John Doe, is a minor individual who resides in Dorchester (Boston), Suffolk County, Commonwealth of Massachusetts, and who brings this action by his mother and next friend, Mary Doe.

2. The defendant, Mary Doe, is an individual who resides in Dorchester (Boston), Suffolk County, Commonwealth of Massachusetts, and is the mother of the minor plaintiff, John Doe. Mary Doe brings this action individually and as mother and next friend of the minor plaintiff, John Doe.

3. The defendant, City of Boston, is a municipal corporation duly organized under the laws of the Commonwealth of Massachusetts, which is located and which has a principal place of business in Boston, Suffolk County, Commonwealth of Massachusetts, and which operates as part of and among its duly constituted governmental departments and agencies the Boston Public School Department and the Boston public schools, which

also are located and have principal places of business in Boston, Suffolk County, Commonwealth of Massachusetts.

4. The defendant, Jessica Bolt, is an individual who at all times material was employed by the defendant, City of Boston, and who had a principal place of business in Boston, Suffolk County, Commonwealth of Massachusetts.

FACTS COMMON TO ALL COUNTS

5. At all times material, the defendant City operated a public school known as the Martin Luther King, Jr. K-8 School ("King School") in Boston, Suffolk County, Commonwealth of Massachusetts.

6. At all times material, the defendant City employed defendant Bolt as the principal of the King School and assigned her chief executive authority over the King School, including ultimate authority and responsibility for employing, supervising, and disciplining King School employees and overseeing the education, supervision, and discipline of King School students.

7. At all times material, the defendant City employed LaShawn Hill as an assistant teacher at the King School.

8. At all times material, the defendant City employed the teachers, assistant teachers, administrators, counselors, and other staff of the King School.

9. At all times material, the King School was subject to the direction, control and supervision of the defendant City's

Boston Public School Department, which was authorized by law to adopt and implement, and which did adopt and implement policies, procedures, rules, and regulations to govern the safe and efficient operation of the defendant City's public schools for the purpose of safely and properly educating the defendant City's minor public school student population.

10. At all times material, the defendant City was authorized by law to employ, train, direct, supervise, and control, and did employ, train, direct, supervise, and control administrators, educators, teachers, and counselors to implement the policies, procedures, rules, and regulations promulgated by the defendant City's Public School Department in order to ensure the safe and efficient operation of the defendant City's public schools for the purpose of safely and properly educating the defendant City's minor public school student population.

11. At all times material, defendant Bolt and the teachers and administrators of the King School and the Boston Public School Department were acting under color of law, under color of their authority as employees of the defendant City's public school system, and within the scope of their employment with the defendant City of Boston.

12. In the spring semester of 2011, the minor plaintiff was a special needs student at the King School.

13. The minor plaintiff experienced developmental delays

and speech problems and was placed in a classroom with two teachers, a head teacher and an assistant teacher.

14. The defendants assigned LaShawn Hill to be the minor plaintiff's assistant teacher.

15. LaShawn Hill's duties as assistant teacher consisted primarily of assisting the head classroom teacher, which included taking minor male students to the restroom.

16. On several occasions during the school year, LaShawn Hill touched, squeezed, and shook the minor plaintiff's penis up and down when Hill escorted the minor plaintiff to the boys' restroom.

17. On or about March 9, 2011, the minor plaintiff told his brother and his mother that LaShawn Hill touched, squeezed, and shook his penis up and down when Hill escorted the minor plaintiff to the boys' restroom, and called Hill a "bad man" for touching his "pee pee."

18. The very next day, March 10, 2011, the minor plaintiff's mother went to the King School, advised the secretary of the situation, and requested a meeting with the principal, defendant Bolt.

19. At Mary Doe's request, defendant Bolt met with the minor plaintiff's parents.

20. Defendant Bolt requested that both of the minor plaintiff's teachers attend the meeting.

21. During said meeting, LaShawn Hill denied molesting the minor plaintiff and denied even being in the bathroom with boys.

22. During said meeting, the minor plaintiff's head classroom teacher said that she did not suspect LaShawn Hill of misconduct.

23. During said meeting, defendant Bolt said that LaShawn Hill "did not seem like the type" of person that would molest children.

24. The minor plaintiff's parents expressed their discomfort at LaShawn Hill remaining in the classroom with the minor plaintiff and requested that he be transferred.

25. Defendant Bolt refused to remove either the minor plaintiff or LaShawn Hill from their classroom, stating that it was too late in the semester to move either of them.

26. Defendant Bolt agreed with the minor plaintiff's parents' recommendation that LaShawn Hill not be allowed to accompany the minor plaintiff to the bathroom any longer.

27. The minor plaintiff remained in the same classroom as his molester for the remainder of the school year.

28. The defendants did not offer counseling to the minor plaintiff or his family to help them address the minor plaintiff's alleged molestation by the defendants' employee.

29. Rather, defendant Bolt and the defendant City's King School administrators and teachers knowingly left the minor

plaintiff, a child sexual abuse victim, in the daily care and custody of his molester for the remainder of the school year, exacerbating the minor plaintiff's damages.

30. At all times material, defendant Bolt and the defendant City's King School administrators and teachers were "mandated reporters" within the meaning of G.L. c. 119, §21 and §51A.

31. Mandated reporters who hold professional licenses, as did defendant Bolt and the defendant City's King School administrators and teachers, are required to "train[] to recognize and report suspected child abuse". G.L. c. 119, §51A(k).

32. Defendant Bolt and the defendant City's King School administrators and teachers failed to recognize and report the minor plaintiff's sexual molestation by his teacher, LaShawn Hill, which constituted failures of training by defendant Bolt and the defendant City.

33. As mandated reporters, defendant Bolt and the defendant City's King School administrators and teachers were legally obligated by G.L. c. 119, §51A(a) to convey Mary Doe's report of LaShawn Hill's sexual molestation of the minor plaintiff to child welfare and law enforcement authorities within 48 hours, under pain of fine and imprisonment.

34. The defendants failed to comply with Massachusetts child welfare laws by refusing and failing to convey Mary Doe's

report of LaShawn Hill's sexual molestation of the minor plaintiff to child welfare and law enforcement authorities within 48 hours, as required by G.L. c. 119, §51A(a).

35. Defendant Bolt's and the defendant City's Boston Public School administrators' failures to ensure that King School administrators and teachers enforced the child welfare laws, particularly G.L. c. 119, §51A, constituted failures of supervision by the defendant City.

36. Defendant Bolt and the defendant City's King School administrators and their superiors at the Boston Public School Department failed to discharge, discipline, and/or properly supervise LaShawn Hill, a teacher who was reported to them to have sexually molested a minor student in his care.

37. Defendant Bolt and the defendant City's King School administrators and their superiors at the Boston Public School Department exhibited deliberate indifference to the child sexual molestation reported to have been committed upon the minor plaintiff by LaShawn Hill, a teacher subject to the defendants' employment, supervision, discipline, and control.

38. By their deliberate indifference and refusal and failure to act upon the plaintiffs' reports that LaShawn Hill, a teacher subject to the defendants' employment, supervision, discipline, and control, sexually molested the minor plaintiff, the defendants tolerated, encouraged, aided, and abetted LaShawn

Hill's sexual molestation of other King School students.

39. Had the defendants acted properly upon notice that LaShawn Hill, a teacher subject to the defendants' employment, supervision, discipline, and control, sexually molested the minor plaintiff, the plaintiffs would not have suffered insult added to injury from knowing that the defendants minimized, dismissed, and all but ignored their serious complaints, refused to separate the minor plaintiff from his sexual abuser, failed to offer counseling by the defendants' King School counselors, administrators, or teachers, and exposed the entire Boston public school student body to the risks posed by an identified sexual predator.

40. The defendants subjected the minor plaintiff to ongoing damages by leaving him exposed to an identified sexual predator, minimizing, dismissing, and all but ignoring the plaintiffs' complaints of sexual molestation, refusing to separate the minor plaintiff from his sexual abuser, and failing to offer counseling by the defendants' King School counselors, administrators, or teachers.

41. The training and supervision which the defendant City provided to defendant Bolt and to other employees of the King School, which permitted and encouraged the aforesaid conduct, was negligent or reckless and/or evidenced a custom, policy and/or practice of failing to train, supervise, and discipline Boston

public school administrators, teachers, and staff in proper methods of investigating and responding to child sexual abuse, which demonstrated deliberate indifference to the civil rights of those members of the public with whom the defendant City's public school administrators, teachers, and staff reasonably would be expected to interact, including without limitation, the plaintiffs.

42. Several months later, Mary Doe received a telephone call from Boston School Superintendent Carol Johnson, inquiring about LaShawn Hill's alleged sexual molestation of the minor plaintiff.

43. Superintendent Johnson told the minor plaintiff's mother that LaShawn Hill had been caught molesting another student and that Boston Police were now involved.

44. Superintendent Johnson apologized to the minor plaintiff's mother for the way defendant Bolt and the defendant City's King School administrators and teachers responded to the plaintiffs' report that LaShawn Hill had sexually molested the minor plaintiff at the King School.

45. The defendant City's Public School authorities finally investigated the plaintiffs' allegations and concluded both that LaShawn Hill had sexually molested students at the King School and that defendant Bolt had violated the defendant City's School Department protocols.

46. The defendant City suspended defendant Bolt without pay.

47. The defendant City required Boston Public School administrators and teachers to undergo retraining concerning detecting and responding to child sexual abuse reports.

48. LaShawn Hill was prosecuted and convicted on his guilty plea of three counts of child molestation: indecent assault and battery on a child under 14 years of age in violation of G.L. c. 265, §13B, unnatural and lascivious acts with a child under 16 years of age in violation of G.L. c. 272, §53, and lewd, wanton and lascivious conduct in violation of G.L. c. 272, §35A.

49. The defendants' conduct altered the conditions of the minor plaintiff's educational environment.

50. Mary Doe transferred the minor plaintiff from the King School and obtained psychotherapeutic care and treatment for him, which he has been receiving ever since.

51. As a direct and proximate result of LaShawn Hill's sexual abuse, and the defendants' deliberate indifference and refusal to properly respond to the plaintiffs' reports that LaShawn Hill had sexually abused the minor plaintiff, refusal to protect the minor plaintiff from LaShawn Hill, and refusal to provide proper care and treatment for the minor plaintiff, the minor plaintiff suffered severe and permanent emotional and physical injuries, which have disabled him from his usual

activities, which have manifested in physical symptoms, including without limitation, acting out, outbursts, extreme nervousness, and hyperactivity, and which have required medical and psychotherapeutic care and treatment, and his mother, the plaintiff Mary Doe, has incurred expenses for the reasonable and necessary medical and psychotherapeutic care and treatment of the minor plaintiff, John Doe, and both of the plaintiffs have suffered, *inter alia*, emotional injuries and distress, lost earning capacity, and loss of the pleasures and enjoyments of life.

COUNT I: TORT CLAIM v. DEFENDANT CITY OF BOSTON

52. The plaintiffs adopt, repeat, reallege and incorporate by reference the allegations set forth in the preceding paragraphs as though they were fully set forth herein.

53. The defendant, City of Boston, is the public employer of defendant Bolt and LaShawn Hill and of the administrators, teachers, educators, and counselors of the King School, and of the Boston School Department, all of whom are public employees within the definition of G.L. c. 258, §1.

54. The defendant, City of Boston, as "public employer", is liable for any injuries caused by the negligent acts or omissions of any public employees while said employees act within the scope of their office or employment, pursuant to G.L. c. 258, §2.

55. The defendant, City of Boston, is liable for the

negligence of defendant Bolt and of the administrators, teachers, educators, and counselors of the King School, and of the Boston School Department, in connection, *inter alia*, with their negligent failure to investigate properly the plaintiffs' allegations of sexual molestation by LaShawn Hill; their negligent failure to properly train King School administrators and staff to recognize and report suspected child abuse; their negligent decision to not discharge, discipline, or properly supervise or train LaShawn Hill; their negligent refusal and failure to comply with Massachusetts child welfare laws by reporting LaShawn Hill's sexual molestation of the minor plaintiff to appropriate authorities; their negligent refusal and failure to remove the minor plaintiff from the daily care, custody, and supervision of his sexual abuser, LaShawn Hill; their negligent failure and refusal to supervise King School administration and staff to ensure compliance with Massachusetts child welfare laws; and their negligent failure to implement the mandatory policies of the Boston School Department which were promulgated to ensure a safe and effectual learning environment for the defendant City's minor public school student population.

56. The defendant, City of Boston, is liable for the negligence of its School Department, *inter alia*, in hiring, retaining, training, supervising, and disciplining defendant Bolt and LaShawn Hill; in failing to investigate properly the

plaintiffs' allegations of sexual molestation by LaShawn Hill; in failing to properly train defendant Bolt and King School administrators and staff to recognize and report suspected child abuse; in not discharging, disciplining, or properly supervising or training defendant Bolt and LaShawn Hill; in refusing and failing to comply with Massachusetts child welfare laws by not reporting LaShawn Hill's sexual molestation of the minor plaintiff to appropriate authorities; in refusing and failing to remove the minor plaintiff from the daily care, custody, and supervision of his sexual abuser, LaShawn Hill; in failing and refusing to supervise King School administration and staff to ensure compliance with Massachusetts child welfare laws; in refusing and failing to enforce School Department policies and procedures which were promulgated to ensure a safe and effectual learning environment for the defendant City's minor public school student population; and in failing properly to instruct, train, and supervise defendant Bolt and LaShawn Hill and other administrators, teachers, educators, and counselors of the King School in connection with proper methods of implementing Boston Public School Department policies, practices, and procedures and Massachusetts and United States laws, regulations, and rules which were promulgated to ensure a safe and effectual learning environment for the defendant City's minor public school student population.

57. The King School administration's and staff's refusal to enforce the policies mandated by the Boston School Department, and the School Department's failure to ensure that its policies were being implemented, empowered and enabled LaShawn Hill to sexually molest minor students.

58. As a result of their conduct, the defendant City's King School administration and staff, and the defendant's School Department ratified the sexual molestation committed by LaShawn Hill.

59. The refusal of the defendant City's King School administration and staff, and the defendant City's School Department to enforce the School Department's own policies and procedures "materially contributed to creating the specific 'condition or situation' that resulted in the harm" to the minor plaintiff.

60. As a direct and proximate result of the negligence of the public employees of the defendant, City of Boston, the plaintiffs suffered the damages aforesaid.

61. On or about March 7, 2013, the plaintiffs made timely written demand for relief upon the defendant City, in accordance with G.L. c. 258, §4.

62. The defendant, City of Boston, failed to respond in satisfactory written manner to the plaintiffs' written demand for relief, thus constituting a denial of said demand within the

meaning of the statute.

COUNT II: VIOLATIONS OF TITLE IX

63. The plaintiffs adopt, repeat, reallege and incorporate by reference the allegations set forth in the preceding paragraphs as though they were fully set forth herein.

64. The defendant City received federal funds through a variety of educational programs.

65. The defendants are subject to the requirements of Title IX of the Education Amendments of 1972, 20 U.S.C. §§1681-1686, and the regulations and rules promulgated thereunder.

66. The defendants failed to take appropriate measures to protect the minor plaintiff from sexual molestation and the effects of sexual molestation by the defendants' employee, LaShawn Hill, in violation of Title IX of the Education Amendments of 1972, and in violation of rights guaranteed by the United States and Massachusetts constitutions, laws, regulations, and rules.

67. Through their aforesaid conduct, deliberate indifference, and negligence, the defendants created and permitted the existence of a severe, perverse, pervasive, and persistent sexually hostile educational environment, in violation of Title IX of the Education Amendments of 1972.

68. The defendants violated the rights secured to the plaintiffs pursuant to Title IX of the Education Amendments of

1972, 20 U.S.C. §§1681-1686, and the regulations and rules promulgated thereunder, as aforesaid, for which the defendants may be held liable to the plaintiffs.

69. The minor plaintiff was a victim of child sexual assault because of his gender.

70. As a direct and proximate result of LaShawn Hill's sexual molestation and the defendants' deliberate indifference, the minor plaintiff was deprived of equal protection of the laws on the basis of his gender.

71. As a direct and proximate result of LaShawn Hill's sexual molestation and the defendants' deliberate indifference, the minor plaintiff was effectively denied equal access to educational resources, benefits, and opportunities.

**COUNT III: VIOLATIONS OF FEDERAL CIVIL RIGHTS BY DEFENDANT,
CITY OF BOSTON**

72. The plaintiffs adopt, repeat, reallege and incorporate by reference the allegations set forth in the preceding paragraphs as though they were fully set forth herein.

73. The defendant, City of Boston developed and maintained policies or customs exhibiting deliberate indifference to the constitutional rights of persons in Boston, which caused the violations of the plaintiffs' rights.

74. It was the policy and/or custom of the defendant, City of Boston, to inadequately and improperly investigate complaints of teacher sexual abuse of Boston public school students, and

acts of misconduct were instead tolerated by the defendant, City of Boston.

75. It was the policy and/or custom of the defendant, City of Boston to inadequately supervise, discipline, employ, and train its public school administrators and staff, including defendant Bolt and LaShawn Hill and other King School administration, teachers, and staff, thereby failing to adequately discourage constitutional violations by such administrators, teachers, and staff.

76. The defendant City knew or should have known that defendant Bolt and other employees of the defendant City were involved in the formulation and execution of policies, practices, and procedures which illegally abridged the rights and privileges of students of the King School and other Boston public schools.

77. Despite actual or constructive knowledge of the aforesaid policies, practices, and procedures of defendant Bolt and other employees of the defendant City, the defendants did not stop or curtail such misconduct but rather condoned it by refusing to correct, discipline, or prevent such misconduct.

78. The defendants' acts and omissions, pursuant to policies, practices, and customs which were well known and widely practiced, constitute conduct under the color of law, within the meaning of 42 U.S.C. §1983, which deprived the minor plaintiff of his statutory and constitutional rights and privileges including,

without limitation, his rights pursuant to G.L. c. 69, §1 to an education which "provides the conditions of all pupils to engage fully in learning . . . without threats to their sense of security or self-esteem," his right to enjoy in safety and tranquility his natural rights and the blessings of life and liberty, his right to enjoy and defend his life and liberty, his right to seek and obtain safety and happiness, his right to be protected by society in the enjoyment of his life, liberty and property according to standing laws, his right to find remedy by having recourse to the laws for all injuries and wrongs which he has received to his person, property or character, and his right not to be put out of the protection of the law or deprived of liberty or estate but by the judgment of his peers and the law of the land, all in violation of the Preamble and of Articles I, X, XI, XII and CVI of the Declaration of Rights of the Commonwealth of Massachusetts.

79. The above described policies and customs demonstrated deliberate indifference on the part of the policy makers of the defendant, City of Boston, to the constitutional rights of persons within the defendant City, and caused the violations of the plaintiffs' rights alleged herein.

80. The defendant, City of Boston, violated the plaintiffs' civil rights, protected by the constitutions and laws of the United States and of the Commonwealth of Massachusetts, by the

intentional and deliberately indifferent manner in which, pursuant to municipal policy, custom and/or practice, it failed and refused properly to employ, instruct, train, supervise, and discipline its public school administrators, teachers, and staff, and in the manner in which it condoned, sanctioned, and ratified LaShawn Hill's sexual molestation of the minor plaintiff.

81. As a direct and proximate result of the defendant, City of Boston's, violation of the plaintiffs' civil rights, the plaintiffs suffered the damages aforesaid, for which they may recover pursuant to 42 U.S.C. §1983 and §1988.

COUNT IV: VIOLATIONS OF FEDERAL CIVIL RIGHTS BY DEFENDANT BOLT

82. The plaintiffs adopt, repeat, reallege and incorporate by reference the allegations set forth in the preceding paragraphs as though they were fully set forth herein.

83. Defendant Bolt, as a supervisory official of the defendant City's King School, developed, enforced, supervised, and maintained policies or customs which exhibited deliberate indifference to the constitutional rights of persons in Boston, which caused the violations of the plaintiffs' rights.

84. It was the policy and/or custom of defendant Bolt to inadequately and improperly investigate complaints of teacher sexual abuse of King School students, and acts of misconduct were instead tolerated by defendant Bolt.

85. It was the policy and/or custom of defendant Bolt to

inadequately employ, train, supervise, and discipline King School administrators, teachers, and staff, including LaShawn Hill, thereby failing to adequately discourage constitutional violations by such administrators, teachers, and staff.

86. The above described policies and customs demonstrated defendant Bolt's deliberate indifference to the constitutional rights of persons at the King School, and caused the violations of the plaintiffs' rights alleged herein.

87. Defendant Bolt violated the plaintiffs' civil rights, protected by the constitutions and laws of the United States and of the Commonwealth of Massachusetts, by the intentional and deliberately indifferent manner in which she failed and refused properly to employ, instruct, train, supervise, and discipline King School administrators, teachers, and staff, and in the manner in which she condoned, sanctioned, and ratified LaShawn Hill's sexual molestation of the minor plaintiff.

88. As a direct and proximate result of defendant Bolt's violation of the plaintiffs' civil rights, the plaintiffs suffered the damages aforesaid, for which they may recover pursuant to 42 U.S.C. §1983 and §1988.

**COUNT V: VIOLATIONS OF MASSACHUSETTS DECLARATION OF RIGHTS
(PLAINTIFF JOHN DOE v. DEFENDANTS)**

89. The plaintiffs adopt, repeat, reallege and incorporate by reference the allegations set forth in the preceding paragraphs as though they were fully set forth herein.

90. The defendants deprived the minor plaintiff of his right to enjoy in safety and tranquility his natural rights and the blessings of life and liberty; of his right of enjoying and defending his life and liberty; of his right of seeking and obtaining safety and happiness; of his right to be protected by society in the enjoyment of his life, liberty and property according to standing laws; of his right to find remedy by having recourse to the laws for all injuries and wrongs which he has received to his person, property or character; and of his right not to be put out of the protection of the law or deprived of liberty or estate but by the judgment of his peers and the law of the land, all in violation of the Preamble and of Articles I, X, XI, XII and CVI of the Declaration of Rights of the Commonwealth of Massachusetts.

91. As a direct and proximate result of the defendants' deprivation of the minor plaintiff's civil rights under the Declaration of Rights of the Commonwealth of Massachusetts, the minor plaintiff suffered the damages aforesaid.

92. The plaintiff has a cause of action directly under the provisions of the Declaration of Rights of the Commonwealth of Massachusetts for the Constitutional deprivations inflicted upon him by the defendants.

COUNT VI: INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS

93. The plaintiffs adopt, repeat, reallege and incorporate

by reference the allegations set forth in the preceding paragraphs as though they were fully set forth herein.

94. The conduct of the defendants set forth above constitutes extreme and outrageous conduct beyond all bounds of decency which is utterly intolerable in a civilized society.

95. The tortuous conduct of the defendants was sanctioned, approved and ratified by the defendant City of Boston.

96. As a direct and proximate result of the defendants' tortuous conduct, the plaintiffs suffered the damages aforesaid.

**COUNT VII: NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
(PLAINTIFF JOHN DOE v. DEFENDANTS)**

97. The plaintiffs adopt, repeat, reallege and incorporate by reference the allegations set forth in the preceding paragraphs as though they were fully set forth herein.

98. The plaintiff, John Doe, suffered emotional distress accompanied and manifested by physical symptomatology, as aforesaid.

99. As a direct and proximate result of the defendants' tortuous conduct, the plaintiffs suffered the damages aforesaid.

**COUNT VIII: LOSS OF CONSORTIUM
(PLAINTIFF MARY DOE v. DEFENDANTS)**

100. The plaintiffs adopt, repeat, reallege and incorporate by reference the allegations set forth in the preceding paragraphs, as though they were fully set forth herein.

101. The plaintiff, Mary Doe, suffered the loss of the care,

comfort and services of her minor son, the plaintiff, John Doe, as a direct and proximate result of the negligence and tortuous acts of all of the defendants.

RELIEF SOUGHT

WHEREFORE, the plaintiffs respectfully demand judgment against all of the defendants, jointly and severally, in an amount to be determined by a jury, plus costs, interest, reasonable attorney fees where authorized by law, multiple and punitive damages where authorized by law, and such other and further relief as this Court deems equitable and just.

JURY TRIAL DEMAND

THE PLAINTIFFS RESPECTFULLY DEMAND A TRIAL BY JURY ON ALL COUNTS OF THEIR COMPLAINT.

Respectfully Submitted,
The Plaintiffs,
By their Attorney,



MARK F. ITZKOWITZ (BBO #248130)
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Boston, MA 02110-2287
(617) 695-1848
MFItzkowitz@hotmail.com
March 7, 2014

CIVIL ACTION COVER SHEET

SUPERIOR COURT DEPARTMENT

DOCKET NO. 14-0773 A

COUNTY OF SUFFOLK

PLAINTIFF(S)**JOHN DOE, by his Mother and Next Friend, MARY DOE, and MARY DOE****DEFENDANT(S)****CITY OF BOSTON, and JESSICA BOLT**

Plaintiff Atty

Mark F. Itzkowitz, Esquire

Type Defendant's Attorney Name

Address

175 Federal Street, Suite 1425

Defendant Atty

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BBO#

248,130

TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)

CODE NO.

TYPE OF ACTION (specify)

TRACK

IS THIS A JURY CASE?

E03 Claims Against Comm or Municipality - Average Track☒ Yes ☐ No

The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.

TORT CLAIMS

(Attach additional sheets as necessary)

A. Documented medical expenses to date:

1. Total hospital expenses
2. Total doctor expenses
3. Total chiropractic expenses
4. Total physical therapy expenses
5. Total other expenses (describe)

Subtotal

B. Documented lost wages and compensation to date**C. Documented property damages to date****D. Reasonably anticipated future medical expenses****E. Reasonably anticipated lost wages and compensation to date****F. Other documented items of damages (describe)****G. Brief description of plaintiff's injury, including nature and extent of injury (describe)**

Plaintiff John Doe suffered severe and permanent emotional damages due to the defendants' negligence and civil rights violations, when he was sexually assaulted by a teacher while a minor student in a Boston public school. Jurisdiction lies exclusively in the Superior Court under G.L. c. 258.

CONTRACT CLAIMS

(Attach additional sheets as necessary)

Provide a detailed description of claim(s):

TOTAL \$.....

PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT

None

"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods."

Signature of Attorney of Record

Date: Mar 7, 2014

A.O.S.C. 3-2007