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SARA STILLITANO,

Plaintiff,

v.

HOPEWELL VALLEY REGIONAL SCHOOL
DISTRICT, MARK AMANTIA and JOHN
DOES 1 through 10,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MERCER COUNTY

DOCKET NO.:

Civil Action

COMPLAINT and JURY DEMAND

Plaintiff, Sara Stillitano (“Plaintiff”), by and through her attorney, Brian Schiller, Esq. of the Law Office of Brian Schiller LLC, by way of Complaint against the noted Defendants, alleges as follows:

JURISDICTION AND VENUE

1. This is an action in a case of actual controversy and is brought pursuant to the *Rules Governing the Courts of the State of New Jersey*. Venue is proper in Mercer County pursuant to Rule 4:2-3 of the *Rules Governing the Courts of the State of New Jersey* inasmuch as the claims arose in said County.

THE PARTIES

2. At all relevant times hereto, Plaintiff was a citizen of the State of New Jersey and a student at Timberlane Middle School in Pennington, New Jersey.

3. At all times relevant hereto, Defendant, Hopewell Valley Regional School District (the “District”), with an address of 425 South Main Street, Pennington, New Jersey, was a regional school district responsible for providing schooling to students who resided in Hopewell Borough and Pennington Borough. The District was responsible for the hiring, training, supervision, discipline, retention, and firing of its agents, servants and employees.

4. At all times relevant hereto, Defendant, Mark Amantia (“Amantia”), was an employee of the District, assigned as a teacher to Timberlane Middle School.

5. At all times relevant hereto, Defendants, John Does 1-2, were fictitious names for individuals who, along with Amantia, committed acts of sexual abuse on Plaintiff and whose actions and/or inactions contributed in any way to Plaintiff’s injuries as set forth herein.

6. At all times relevant hereto, Defendants, John Does 3-10, were fictitious names for individuals who were agents and/or employees of the District, who supervised Amantia, who worked with Amantia, who were teachers and/or supervisors in the District’s public schools, and who knew or should have known of Amantia’s dangerous propensities and/or his actions as set forth herein, who failed to report the actions of Amantia as set forth herein, who knowingly permitted or acquiesced in the sexual abuse of Plaintiff by Amantia, and whose actions and/or inactions contributed in any way to Plaintiff’s injuries as set forth herein.

FACTS COMMON TO ALL COUNTS

7. Plaintiff attended Timberlane Middle School (“Timberlane”) from approximately 2014-2017.

8. Timberlane is part of the Hopewell Valley Regional School District (“District”).

9. Plaintiff first met Amantia during the Spring of her 7th grade year at Timberlane,

while she was acting as a timekeeper for the girl's middle school lacrosse team.

10. During those first interactions, Amantia hovered around Plaintiff, engaged her in conversation, and invaded her personal space in such a manner that made her feel uncomfortable.

11. During her 8th grade year at Timberlane, Plaintiff was assigned to Amantia's social studies class.

12. Within the first month of her 8th grade year, Amantia began to groom Plaintiff, who was 13 years old at the time.

13. The term "grooming" refers to the process by which a sexual offender (i) draws a victim into a sexual relationship through interactions that may seem normal and benign at first, (ii) acclimates the victim to physical touching and slowly breaks down normal boundaries in order to desensitize the victim, and (iii) making the victim feel complicit or responsible when the activities escalate to sexual abuse, so that the victim is less likely to recognize the abuse or report it.

14. Pedophiles groom their victims by building a relationship and establishing trust and an emotional connection in order reduce the child's inhibitions about sexual abuse and maintaining that sexual relationship in secrecy through manipulation and intimidation.

15. In this case, Amantia used his position as a teacher to engage in conduct intended to befriend Plaintiff and gain the confidences of Plaintiff, so as to establish an emotional connection with Plaintiff in order to reduce Plaintiff's inhibitions about sexual abuse.

16. The method and manner in which Amantia groomed Plaintiff began with (a) singling her out and paying special attention to her over others; (b) complimenting her in front of other teachers and students; (c) commenting about her appearance; and (d) subtle touching of her hand and shoulders.

17. The method and manner in which Amantia groomed Plaintiff transitioned to (a)

massaging her neck/shoulders during class and in the lunchroom in an aggressive manner, (b) standing behind her with his pelvis pressed against her back while he massaged her in an aggressive manner; and (c) maintaining control over her by stalking her inside of the school throughout the school day.

18. In addition, Amantia often forced Plaintiff to sit on his lap in class.

19. Plaintiff also observed Amantia inappropriate look at female students' rear ends in the hallways, said students being 11, 12 and 13-year-old girls.

20. The foregoing conduct occurred on a repeated basis, often in the presence of other students and adults.

21. On one occasion, when Plaintiff was attempting to walk into Amantia's classroom, he positioned himself in the doorway to restrict her from entering. When Plaintiff tried to enter by ducking under Amantia's arm, he violently hip checked her into the doorframe, pinning her between his body and the doorframe for several seconds, until he suddenly moved and Plaintiff was caused to stumble into the classroom.

22. Plaintiff disclosed Amantia's daily behavior with one of her friends/classmates, who also had Amantia as a teacher in a different class than Plaintiff, who in turn disclosed to Plaintiff that she had also been the subject of inappropriate conduct by Amantia.

23. Within a short time after Plaintiff began her 8th grade year, Plaintiff and her friend/classmate **first reported** their concerns a school guidance counselor.

24. Plaintiff and her friend specifically reported to the counselor that Amantia gave them unwanted massages at lunch and in his classroom, in front of other students, teachers and lunch aides. Plaintiff also reported to the counselor how Amantia would hip check her when she entered his classroom, and that he would stand uncomfortably close to her with his arm around

them, both in his classroom and in the hallway in plain view of other students, teachers and administrators. Further, they reported that Amantia would stand directly behind and uncomfortably close to them while they were seated at their desks in his classroom when the lights were dimmed, and Amantia was using a projector for lessons.

25. In addition to their own personal experiences, Plaintiff and her friend advised the counselor that they had overheard other female students talk about being subjected to similar encounters with Amantia.

26. Plaintiff and her friend were visibly nervous and upset when recounting Amantia's behavior to the counselor. Likewise, after listening to Plaintiff and her friend share their concerns, the counselor also appeared upset.

27. At the conclusion of their conversation, the counselor advised Plaintiff and her friend that she would speak to Amantia about their concerns.

28. Upon information and belief, the counselor, or perhaps another school official, did, in fact, speak to Amantia, as his inappropriate conduct towards Plaintiff ceased, albeit temporarily.

29. Upon information and belief, the administrators who were made aware of Plaintiff's concerns sought only to protect Amantia, themselves and the District. Their actions and failure to take action were not in the interest of protecting a vulnerable 13-year-old girl; rather, they were to protect a pedophile, themselves, and the District.

30. Within approximately two weeks of Plaintiff and her friend/classmate reporting their concerns, Amantia began to engage in the same inappropriate behavior towards Plaintiff in school; however, it became more frequent and intense.

31. Approximately three weeks after Plaintiff first reported Amantia, Amantia walked up behind Plaintiff as she was sitting at a lunch table with her friends, where he roughly squeezed

her neck/shoulders. The only way that Plaintiff was able to free herself from Amantia's grasp was by sliding from her seat under the table and onto the floor, where she remained until Amantia left her table. No adults intervened and/or questioned Plaintiff about this incident when it occurred.

32. As a result of the foregoing, Plaintiff and her friend, who witnessed the cafeteria incident, made a **second report** to the counselor to inform her that Amantia's conduct only temporarily ceased, that it had gotten worse, and they recounted the incident in the cafeteria.

33. At the conclusion of that second meeting, the counselor advised Plaintiff that she would speak to Amantia again.

34. It is unknown whether any representatives of the District spoke to Amantia following Plaintiff's second visit to the guidance office, as Amantia's behavior towards Plaintiff did not stop after that second visit.

35. Upon information and belief, the administrators who were made aware of Plaintiff's concerns sought only to protect Amantia, themselves and the District. Their actions and failure to take action were not in the interest of protecting a vulnerable 13-year-old girl; rather, they were to protect a pedophile, themselves, and the District.

36. Approximately one day after Plaintiff and her friend made their second report concerning Amantia, Plaintiff went to the guidance office alone to speak to the counselor. At that **third meeting**, Plaintiff expressed concerns that other students were chastising her for coming forward with complaints about Amantia. Plaintiff also expressed that she did not feel like her complaints were being understood or appreciated. At that meeting, Plaintiff broke down into tears. Plaintiff was advised, again, that Amantia would be spoken to.

37. Upon information and belief, the administrators who were made aware of Plaintiff's concerns sought only to protect Amantia, themselves and the District. Their actions and failure to

take action were not in the interest of protecting a vulnerable 13-year-old girl; rather, they were to protect a pedophile, themselves, and the District.

38. The District's failure to take action to protect Plaintiff caused Plaintiff to doubt and blame herself, as well as to doubt her decision to report Amantia.

39. The first three times that Plaintiff made reports about Amantia, as described hereinabove, occurred before Thanksgiving break of 2016.

40. Plaintiff witnessed an incident between her friend and Amantia in the cafeteria which was strikingly similar to her experience with Amantia in the cafeteria, when she had to escaped Amantia's grasp by sliding underneath her lunch table. After witnessing that incident, **Plaintiff went to the guidance office for a fourth time**. This time, Plaintiff recounted the incident in the cafeteria that she witnessed with her friend and Amantia. Plaintiff also expressed concerns over her friend/classmate's mental health and wellbeing.

41. Upon information and belief, the administrators who were made aware of Plaintiff's concerns sought only to protect Amantia, themselves and the District. Their actions and failure to take action were not in the interest of protecting a vulnerable 13-year-old girl; rather, they were to protect a pedophile, themselves, and the District.

42. Throughout the remainder of the school year, Plaintiff noticed that adults working in Timberlane would observe Amantia interacting with Plaintiff in the hallways which caused concern. Those adults often attempted to intervene and distract Amantia so Plaintiff could remove herself from his presence. At times, those adults made it a point to walk up to Plaintiff and Amanita and stand between them, so as to provide refuge to Plaintiff, albeit temporarily.

43. On the day prior to the holiday break in 2016, Amantia approached Plaintiff during the school day and requested her assistance in providing donations to a charity in Trenton for the

holidays. Plaintiff reluctantly agreed to help. Amantia then drove Plaintiff off school property to a location in Pennington where she remained in his vehicle while Amantia picked up items from that location. After returning to the vehicle, Amantia began driving further away from the school. Plaintiff asked to leave his vehicle so that she could walk back to school; however, Amantia refused to allow her to leave, citing that he could get in trouble for leaving her alone off school property during school hours.

44. Amantia then began to drive to the location of the charity in Trenton, New Jersey. During the drive, Plaintiff began to experience anxiousness about being trapped with Amantia. Amantia offered Plaintiff water to relieve her dry mouth. Once they arrived at the location of the charity in Trenton, Amantia instructed Plaintiff to remain in his vehicle while he brought the donations inside. After he brought the items inside and returned to the vehicle, Amantia began driving around and pointing out historic landmarks in Trenton. While they were driving around, and within approximately thirty minutes of drinking the bottle of water that Amantia provided to her, Plaintiff began to suddenly experience distressful mind and body altering effects. First, her hearing was affected, and sounds were muffled as though she was under water. Next, she could not swallow. She then felt a sharp adrenaline rush, became dizzy, experienced light sensitivity, and was unable to speak of varying degrees and length. The adrenaline rush then plummeted, to where she felt calmed – her mind slowed down and body slowed down.

45. After driving around for a short period of time, Amantia parked his vehicle across the street from 125 Dye Street, Trenton, New Jersey.

46. Upon information and belief, 125 Dye Street in Trenton was owned by a family member of Amantia.

47. Once they arrived in front of 125 Dye Street in Trenton, Amantia assisted Plaintiff

from his vehicle and into 125 Dye Street, where he brought Plaintiff into a bedroom on the second floor.

48. Inside the bedroom was a bed, nightstand, two other adult men and a video camera affixed to a tripod at the base of the bed.

49. Once Plaintiff was inside the bedroom of the house, the mind and body altering effects that Plaintiff was experiencing in the vehicle became more intense.

50. Thereafter, Plaintiff was sexually assaulted on the bed by at least one of the other adult men while Amantia and the third adult male watched.

51. Subsequently, Amantia brought Plaintiff outside of the house and placed her in his vehicle. He then drove Plaintiff to an unknown location closer to the District, where he cleaned her mouth out with soap, provided her water which he insisted that she drink, and cared for her as the mind and body altering effects that she had been experiencing began to subside. Once Plaintiff had recovered to an extent that Amantia appeared comfortable with, Amantia drove her back to Timberlane.

52. After the sexual assault occurred in Trenton, Plaintiff became extremely scared of Amantia. As a result, she became more compliant and less resistant to his daily abuses.

53. Plaintiff did not report the Trenton sexual assault to anyone out of fear that Amantia would find out, nothing would happen to him, and he would take it out on her. In addition, Plaintiff did not report the Trenton sexual assault to her parents as she felt ashamed and blamed herself for allowing it to occur.

54. In late March 2017, Amantia approached Plaintiff after school and asked her to help him move around some athletics equipment, to which she reluctantly agreed. As they were walking to the area where the athletics equipment was located, Amantia said that he left his keys in his

classroom, and that they had to go to his classroom to get the keys. Out of fear, Plaintiff acquiesced to Amantia's request. Once inside the classroom, Amantia locked the door and covered the glass pane on the door with a "lock down" cover, which is used to prevent a school shooter from seeing inside of classrooms. Amantia then cornered Plaintiff inside of the classroom, where he pulled down his pants, exposed his penis, and pushed her against the wall. Amantia then began to pull down the waistband of Plaintiff's pants. In order to escape, Plaintiff stabbed Amantia in his arm with a pencil and fled the classroom.

55. When Plaintiff returned home that night, she was so distraught that she picked up a butcher's knife in her kitchen and contemplated chopping off her fingers due to the incident which occurred in the classroom.

56. The following day, Plaintiff went to the guidance office. Plaintiff visibly distressed and explained to the counselor how she almost chopped off her fingers with a butchers knife the previous night related to her encounter with Amantia the previous day.

57. In addition to the foregoing, grooming involves a measure of control, manipulation, and intimidation.

58. Amanita exhibited conduct in school intended to maintain control over Plaintiff, manipulate, and intimidate her, including but not limited to: (a) Amantia would randomly appear in Plaintiff's other classes where he would stand in the back of the classroom and "observe"; (b) Amantia was also known for carrying a wooden baseball bat, both in his classroom and in the hallways, and smacking the bat into his hands in an intimidating manner; and (c) on several occasions when Plaintiff went to the Nurse's office, Amantia showed up in the Nurse's office and sat down next to her on one of the beds.

59. The manner in which Amantia appeared in her other classes and observed her, and

how he managed to always find her in the nurse's office, made Plaintiff feel as though his purpose in doing so was to intimidate Plaintiff from making any more reports concerning his conduct.

60. Indeed, the lack of action taken by the District in response to her many complaints made Plaintiff feel as though Amantia was untouchable and that she was in the wrong for reporting him.

61. In the Fall of 2018, Amantia attempted to give Plaintiff a ride home from a Youth Advisory Committee meeting, a student club which Amantia signed Plaintiff up for at the end of her 8th grade year to keep tabs on her. The aggressive manner he took in attempting to get Plaintiff in his car caused Plaintiff significant anguish. That encounter, coupled with memories of Amantia telling Plaintiff that he wanted to have Plaintiff's sister as his student, and the fact that Plaintiff's sister just entered Timberlane Middle School, caused Plaintiff to begin to experience unwanted memories of what she had been subjected to in 8th grade.

62. In November 2018, Plaintiff shared some of her experiences concerning Amantia with her mother, and then began to come forward to school officials with more details related to Amantia.

63. Shortly after reporting her experiences concerning Amantia with school officials in November 2018, former Assistant Superintendent Anthony Suozzo shared some deeply troubling information with Plaintiff's father.

64. Suozzo informed Plaintiff's father that he is a longtime friend of Amantia. In addition, Suozzo personally vouched for Amantia's character. He also stated that the allegations were very serious and intimated that if the allegations were not true, they could destroy Amantia's reputation.

65. Most disturbing, however, was the fact that Suozzo advised Plaintiff's father that

Suozzo informed Amantia that it was Plaintiff who made the allegations, and Suozzo reported to Plaintiff's father that both Suozzo and Amantia were "very shocked" to hear that Plaintiff made these allegations.

66. As a result of the District's acts and omissions as set forth herein, and the manner in which the District handled the "investigation(s)" related to Amantia, Plaintiff no longer felt safe attending school in the District. Plaintiff had no choice but to withdraw from the District and enter into private education for the remainder of her high school years, at significant cost and expense.

67. As a result of the Defendants' acts and omissions as set forth herein, Plaintiff has incurred significant costs related to years of intensive medical treatment.

THE DISTRICT KNEW AMANTIA WAS A PREDATOR/DANGER TO CHILDREN

68. The District, its agents, servants, employees, including Amantia's co-workers and supervisors knew, or should have known, of Amantia's predatory attributes and conduct but failed to take necessary action to prevent Amantia from inflicting serious harm on young girls.

69. In the Fall of 2005, the parent of a 12-year-old student in her 6th grade student made a report concerning Amantia's misconduct to Patricia Coats ("Coats"), the then principal of Timberlane Middle School.

70. At that meeting, the parent advised Coats that Amantia was making her extremely uncomfortable in school. She specifically reported to Coats the following:

- a. Amantia would regularly come to her daughter's lunch table, stand behind her and have his hands on her shoulders while he pressed his crotch against her back.

- b. Her daughter felt trapped by Amantia during those encounters. Amantia would talk extremely close to her with his hands in his pockets and his pelvis thrust at her daughter.
- c. Her daughter was afraid because she had just learned that she had been placed in Amantia's group for the school's annual overnight trip to Camp Eljabar.

71. After the parent provided the foregoing information, Coats stated something to of: "Do you realize what you are saying? These are very serious allegations. Mr. Amantia is a respected person in the community. If these claims turn out to be false, they can destroy his reputation and his career."

72. At the conclusion of the meeting, Coats asked the parent not to repeat their conversation to anyone due to the harm that it could cause to Amanita's reputation.

73. Upon information and belief, Coats spoke to Amantia concerning the information provided by the parent.

74. Upon information and belief, Coats did not properly report the information to superior administrators in the District, and she failed to report the information to the police.

75. The actions and inactions by Coats violated established policies, guidelines, directives, procedures, practices, training, and the laws of the State of New Jersey.

76. In addition, another former Timberlane student was subjected to inappropriate sexual advances by Amantia during the 2005-2006 school year when she was 13-years old.

77. The former student was subjected to (a) repeated neck massages by Amantia, (b) Amantia pressing his body up against her, (c) and inappropriate comments about her appearance.

78. Plaintiff was not the only student to bring forth complaints about Amantia in the 2016-2017 school year. Upon information and belief, several other female students at Timberlane

made reports to the guidance office concerning Amantia's inappropriate behavior towards them.

79. Upon information and belief, male students in Plaintiff's grade who observed Amantia's behavior referred to him as a pervert.

80. Upon information and belief, there are numerous other female students in Plaintiff's grade who (a) observed Amantia inappropriately interact with Plaintiff, (b) observed Amantia inappropriately interact with other female students, (c) observed Amantia look the rear ends of middle school girls in a creepy way, and (d) were also subjected to unwanted touching and advances by Amantia.

81. Upon information and belief, the counselor, who Plaintiff reported her concerns to in 2016-2017, brought Plaintiff's concerns to the attention of the administration at Timberlane Middle School, who in turn brought same to the attention of the upper management/administration in the District.

82. Upon information and belief, the administrators who were made aware of Plaintiff's concerns sought only to protect Amantia, themselves and the District. Their actions and failure to take action were not in the interest of protecting a vulnerable 13-year-old girl; rather, they were to protect a pedophile, themselves, and the District.

83. Upon information and belief, the District, as well as its agents and employees, were aware of additional information, observations, incidents, and events which pointed to the fact that Amantia was a dangerous pedophile, as well as additional instances of misconduct and/or potential misconduct by Amantia, and/or signs and indicia that Amantia was grooming 11, 12 and 13-year-old girls attending Timberlane, which put the District on notice of Amantia's propensity to engage in sexual misconduct which created a risk of harm to Plaintiff and other

students. Despite the foregoing, District, its agents and employees failed to take necessary action to prevent Amantia from sexually harassing and sexually abusing Plaintiff.

84. Several District employees failed to warn children enrolled at Timberlane Middle School that Amantia was potentially a dangerous predator who, by virtue of his position as a middle school teacher, had unlimited access to vulnerable children, including Plaintiff.

85. Several District employees failed to warn the parents of the children who attended Timberlane Middle School, including Plaintiff and the other female students who made complaints about Amanita, that Amantia was potentially a dangerous predator.

86. After Plaintiff reported her concerns about Amanita in her 8th grade year (2016-2017), upon information and belief, representatives of the District failed to (i) notify DYFS; (ii) notify local law enforcement; (iii) institute an investigation; (iv) comply with the District's policies and procedures; and (v) take any other action necessary to ensure that the school environment at Timberlane was safe.

87. Defendants' acts and/or omissions were actuated by actual malice or accompanied by a wanton and willful disregard of Plaintiff's rights and privileges.

88. As a result of the actions and inaction of the Defendants, Plaintiff has suffered and will continue to suffer severe and permanent physical and psychological injuries, which will require extensive medical treatment and expense. Plaintiff has also sustained significant monetary damages in the form of attorney's fees and the cost of private education to complete her high school education.

COUNT ONE

VIOLATION OF THE CHILD SEXUAL ABUSE ACT, N.J.S.A. 2A:61B-1

(As to Defendants District and John Does)

89. Plaintiff repeats and re-alleges each and every allegation set forth in the preceding paragraphs.

90. At a time when Amantia was an adult and Plaintiff was under the age of 18 years, Amantia committed numerous acts of sexual abuse upon Plaintiff as defined in the Child Sexual Abuse Act, N.J.S.A. 2A:61B-1.

91. Amanita's actions constituted violations of the Child Sexual Abuse Act, N.J.S.A. 2A:61B-1.

92. Amantia's purpose in abusing Plaintiff was to sexually arouse and/or sexually gratify himself.

93. At the time aforesaid, Defendants stood in loco parentis to Plaintiff and knowingly permitted and/or acquiesced in the sexual abuse of Plaintiff by Amantia.

94. The actions and/or inactions by Defendants constituted violations of the Child Sexual Abuse Act, N.J.S.A. 2A:61B-1.

95. As a direct and proximate result of the negligence and conduct of Defendants, Plaintiff has and will be caused to suffer severe and permanent personal injuries, both physical and emotional; Plaintiff has and will in the future be caused to suffer great pain and suffering; Plaintiff has and will be caused to suffer disability and impairment of her faculties, health and ability to participate in activities and pursue her normal pleasure and enjoyment; Plaintiff has and will be caused to incur medical expenses; Plaintiff has and will be caused to lose employment or the ability to be employed; Plaintiff has and will continue to suffer financial loss and lost wages;

Plaintiff has and will continue to suffer emotional trauma, diminished childhood, diminished enjoyment of life and costs of counseling.

WHEREFORE, Plaintiff demands judgment against Defendants for all damages prescribed by the Child Sexual Abuse Act, N.J.S.A. 2A:61B-1.

COUNT TWO

NEGLIGENCE

(As to Defendants District and John Does)

96. Plaintiff repeats and re-alleges each and every allegation set forth in the preceding paragraphs.

97. The District, its agents and employees, had a duty to keep students, including Plaintiff, safe from certain harm, including sexual abuse.

98. The District, its agents and employees knew, or should have known, of Amantia's proclivities to engage in sexual harassment and/or sexually abusive conduct inflicted on Plaintiff and other children attending Timberlane.

99. Defendants were negligent in failing to prevent, report and/or cease Amantia's sexual abuse of Plaintiff and other children attending Timberlane.

100. The District authorized, participated in, or ratified the wrongful acts of Amantia.

101. As a direct and proximate result of Defendants' actions and/or inactions, Plaintiff has and will be caused to suffer severe and permanent personal injuries, both physical and emotional; Plaintiff has and will in the future be caused to suffer great pain and suffering; Plaintiff has and will be caused to suffer disability and impairment of her faculties, health and ability to participate in activities and pursue her normal pleasure and enjoyment; Plaintiff has and

will be caused to incur medical expenses; Plaintiff has and will be caused to lose employment or the ability to be employed; Plaintiff has and will continue to suffer financial loss and lost wages; Plaintiff has and will continue to suffer emotional trauma, diminished childhood, diminished enjoyment of life and costs of counseling.

WHEREFORE, Plaintiff demands judgment against Defendants for damages, both compensatory and punitive, together with interest, costs of suit and reasonable attorney's fees.

COUNT THREE

VICARIOUS LIABILITY

(As to Defendant District)

102. Plaintiff repeats and re-alleges each and every allegation set forth in the preceding paragraphs.

103. The District is liable to Plaintiff by virtue of respondeat superior and/or vicarious liability for the wrongful acts of Amantia.

104. The wrongs committed by Amantia, and perhaps others, were committed within the scope of his employment with the District.

105. Even if the wrongful acts of Amantia, and perhaps others, were committed while acting outside the scope of their employment relationship with the District, the District is liable, as the District intended the consequences, the District was negligent or reckless, the conduct violated a non-delegable duty of the District, Amantia, and/or others purported to act or to speak on behalf of the District and there was reliance upon apparent authority or Amantia was aided in accomplishing the torts against Plaintiff by the existence of the agency relation with the District.

106. As a direct and proximate result of Defendants' actions and/or inactions, Plaintiff

has and will be caused to suffer severe and permanent personal injuries, both physical and emotional; Plaintiff has and will in the future be caused to suffer great pain and suffering; Plaintiff has and will be caused to suffer disability and impairment of her faculties, health and ability to participate in activities and pursue her normal pleasure and enjoyment; Plaintiff has and will be caused to incur medical expenses; Plaintiff has and will be caused to lose employment or the ability to be employed; Plaintiff has and will continue to suffer financial loss and lost wages; Plaintiff has and will continue to suffer emotional trauma, diminished childhood, diminished enjoyment of life and costs of counseling.

WHEREFORE, Plaintiff demands judgment against Defendants for damages, both compensatory and punitive, together with interest, costs of suit and reasonable attorney's fees.

COUNT FOUR

NEGLIGENT SUPERVISION

(As to Defendants District and John Does)

107. Plaintiff repeats and re-alleges each and every allegation set forth in the preceding paragraphs.

108. Defendants knew or should have known, of the particular unfitness, incompetence and/or predatory and dangerous attributes of Amantia.

109. Defendants could and should reasonably have foreseen that such characteristics created a risk of harm to students or others.

110. Plaintiff's injuries were proximately caused by Amantia's unfitness, incompetence and/or predatory and dangerous characteristics.

111. Defendants were negligent and/or grossly negligent in the supervision of Amantia.

112. As a direct and proximate result of Defendants' acts or omissions, Plaintiff has and will be caused to suffer severe and permanent personal injuries, both physical and emotional; Plaintiff has and will in the future be caused to suffer great pain and suffering; Plaintiff has and will be caused to suffer disability and impairment of her faculties, health and ability to participate in activities and pursue her normal pleasure and enjoyment; Plaintiff has and will be caused to incur medical expenses; Plaintiff has and will be caused to lose employment or the ability to be employed; Plaintiff has and will continue to suffer financial loss and lost wages; Plaintiff has and will continue to suffer emotional trauma, diminished childhood, diminished enjoyment of life and costs of counseling.

WHEREFORE, Plaintiff demands judgment against Defendants for damages, both compensatory and punitive, together with interest, costs of suit and reasonable attorney's fees.

COUNT FIVE

NEGLIGENT RETENTION

(As to Defendants District and John Does)

113. Plaintiff repeats and re-alleges each and every allegation set forth in the preceding paragraphs.

114. Defendants knew or should have known, of the particular unfitness, incompetence and/or predatory and dangerous attributes of Amantia.

115. Defendants could and should reasonably have foreseen that such characteristics created a risk of harm to students or others.

116. Plaintiff's injuries were proximately caused by Amantia's unfitness, incompetence and/or predatory and dangerous characteristics.

117. Defendants were negligent and/or grossly negligent in the retention of Amantia.

118. As a direct and proximate result of Defendants' acts or omissions, Plaintiff has and will be caused to suffer severe and permanent personal injuries, both physical and emotional; Plaintiff has and will in the future be caused to suffer great pain and suffering; Plaintiff has and will be caused to suffer disability and impairment of her faculties, health and ability to participate in activities and pursue her normal pleasure and enjoyment; Plaintiff has and will be caused to incur medical expenses; Plaintiff has and will be caused to lose employment or the ability to be employed; Plaintiff has and will continue to suffer financial loss and lost wages; Plaintiff has and will continue to suffer emotional trauma, diminished childhood, diminished enjoyment of life and costs of counseling.

WHEREFORE, Plaintiff demands judgment against Defendants for damages, both compensatory and punitive, together with interest, costs of suit and reasonable attorney's fees.

COUNT SIX

NEGLIGENT FAILURE TO TRAIN

(As to Defendants District and John Does)

119. Plaintiff repeats and re-alleges each and every allegation set forth in the preceding paragraphs.

120. The District, its agents, servants or employees had a duty to train District employees and children attending Timberlane about signs and indicia of illegal and illicit behavior, including sexual harassment, sexual contact and sexual assault; and to adopt and establish reasonable or adequate policies, guidelines or other means whereby Timberlane students and staff were trained to recognize a teacher's propensity for rogue, deviant behavior

and conduct such as sexual harassment, sexual contact and sexual assault, and further to properly report signs of such inappropriate conduct in order to protect children attending Timberlane, including Plaintiff.

121. The District, its agents, servants or employees breached its duty of care to ensure Timberlane students, including Plaintiff, were not harmed by Amantia by failing to provide, adopt and establish reasonable or adequate policies, guidelines or other means whereby Timberlane students and staff were trained to recognize a teacher's propensity for rogue, deviant behavior and conduct such as sexual harassment, sexual contact and sexual assault, and further to properly report signs of such inappropriate conduct in order to protect children attending Timberlane, including Plaintiff.

122. As a direct and proximate result of the negligence and conduct of Defendants, Plaintiff has and will be caused to suffer severe and permanent personal injuries, both physical and emotional; Plaintiff has and will in the future be caused to suffer great pain and suffering; Plaintiff has and will be caused to suffer disability and impairment of her faculties, health and ability to participate in activities and pursue her normal pleasure and enjoyment; Plaintiff has and will be caused to incur medical expenses; Plaintiff has and will be caused to lose employment or the ability to be employed; Plaintiff has and will continue to suffer financial loss and lost wages; Plaintiff has and will continue to suffer emotional trauma, diminished childhood, diminished enjoyment of life and costs of counseling.

WHEREFORE, Plaintiff demands judgment against Defendants for damages, both compensatory and punitive, together with interest, costs of suit and reasonable attorney's fees.

COUNT SEVEN

ASSAULT AND BATTERY

(As to Defendants Amantia and John Does 1-2)

123. Plaintiff repeats and re-alleges each and every allegation set forth in the preceding paragraphs.

124. Defendants intentionally touched Plaintiff without the Plaintiff's consent or with Plaintiff's consent obtained by misrepresentation or false pretense.

125. Defendants' actions as aforesaid were coercive and without the consent of the Plaintiff and, as such, constituted sexual abuse, assault and battery upon the Plaintiff.

126. The touching by Defendants was done with malice or with a wanton disregard of and willful disregard of Plaintiff's personal rights and sensitivities or with a foreseeability of unintended harmful consequences.

127. As a direct and proximate result of the foregoing conduct, Plaintiff has and will be caused to suffer severe and permanent personal injuries, both physical and emotional; Plaintiff has and will in the future be caused to suffer great pain and suffering; Plaintiff has and will be caused to suffer disability and impairment of her faculties, health and ability to participate in activities and pursue her normal pleasure and enjoyment; Plaintiff has and will be caused to incur medical expenses; Plaintiff has and will be caused to lose employment or the ability to be employed; Plaintiff has and will continue to suffer financial loss and lost wages; Plaintiff has and will continue to suffer emotional trauma, diminished childhood, diminished enjoyment of life and costs of counseling.

WHEREFORE, Plaintiff demands judgment against Defendants for damages, both

compensatory and punitive, together with interest, costs of suit and reasonable attorney's fees.

COUNT EIGHT

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

(As to Defendants Amantia and John Does 1-2)

128. Plaintiff repeats and re-alleges each and every allegation set forth in the preceding paragraphs.

129. The conduct of Defendants was extreme and outrageous done intentionally to produce emotional distress and was done in reckless disregard of serious injury, including emotional distress to Plaintiff.

130. Defendants' conduct aforesaid directly and proximately caused Plaintiff emotional distress so severe that no reasonable person could be expected to endure it.

131. As a direct and proximate result of the foregoing conduct of Defendants, Plaintiff has and will be caused to suffer severe and permanent personal injuries, both physical and emotional; Plaintiff has and will in the future be caused to suffer great pain and suffering; Plaintiff has and will be caused to suffer disability and impairment of her faculties, health and ability to participate in activities and pursue her normal pleasure and enjoyment; Plaintiff has and will be caused to incur medical expenses; Plaintiff has and will be caused to lose employment or the ability to be employed; Plaintiff has and will continue to suffer financial loss and lost wages; Plaintiff has and will continue to suffer emotional trauma, diminished childhood, diminished enjoyment of life and costs of counseling.

WHEREFORE, Plaintiff demands judgment against Defendants for damages, both compensatory and punitive, together with interest, costs of suit and reasonable attorney's fees.

COUNT NINE

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

(As to Defendants Amantia and John Does 1-2)

132. Plaintiff repeats and re-alleges each and every allegation set forth in the preceding paragraphs.

133. The negligence of the Defendants caused fright to Plaintiff from a reasonable fear of immediate personal injury.

134. The fright resulted in substantial bodily injury and sickness.

135. As a direct and proximate result of the negligence and conduct of Defendants, Plaintiff has and will be caused to suffer severe and permanent personal injuries, both physical and emotional; Plaintiff has and will in the future be caused to suffer great pain and suffering; Plaintiff has and will be caused to suffer disability and impairment of her faculties, health and ability to participate in activities and pursue her normal pleasure and enjoyment; Plaintiff has and will be caused to incur medical expenses; Plaintiff has and will be caused to lose employment or the ability to be employed; Plaintiff has and will continue to suffer financial loss and lost wages; Plaintiff has and will continue to suffer emotional trauma, diminished childhood, diminished enjoyment of life and costs of counseling.

WHEREFORE, Plaintiff demands judgment against Defendants for damages, both compensatory and punitive, together with interest, costs of suit and reasonable attorney's fees.

COUNT TEN

BREACH OF FIDUCIARY DUTY

(As to Defendant District)

136. Plaintiff repeats and re-alleges each and every allegation set forth in the preceding paragraphs.

137. Plaintiff and the District were in a fiduciary relationship at all times while Plaintiff was enrolled at Timberlane Middle School. Because of Plaintiff's young age, and because of Amantia's status as an authority figure to Plaintiff at Timberlane, Plaintiff was vulnerable to Amantia. Plaintiff placed her trust and confidence in the District that she would be protected while a student at Timberlane.

138. As a result, the District had a duty to act for the benefit of Plaintiff, ensuring that her wellbeing and safety were protected at all times.

139. By engaging in the acts and omissions described herein above, the District breached its fiduciary duties to Plaintiff.

140. As a direct and proximate result of the negligence and conduct of Defendant, Plaintiff has and will be caused to suffer severe and permanent personal injuries, both physical and emotional; Plaintiff has and will in the future be caused to suffer great pain and suffering; Plaintiff has and will be caused to suffer disability and impairment of her faculties, health and ability to participate in activities and pursue her normal pleasure and enjoyment; Plaintiff has and will be caused to incur medical expenses; Plaintiff has and will be caused to lose employment or the ability to be employed; Plaintiff has and will continue to suffer financial loss and lost wages; Plaintiff has and will continue to suffer emotional trauma, diminished childhood, diminished enjoyment of life and costs of counseling.

WHEREFORE, Plaintiff demands judgment against Defendants for damages, both compensatory and punitive, together with interest, costs of suit and reasonable attorney's fees.

COUNT ELEVEN

CONSPIRACY

(As to Defendants District, Amantia and John Does)

141. Plaintiff repeats and re-alleges each and every allegation set forth in the preceding paragraphs.

142. Defendants committed multiple torts against Plaintiff.

143. Defendants entered into an agreement or confederation with a common design to unlawfully, willfully, and maliciously wrong Plaintiff and to perpetrate torts against Plaintiff, as described herein.

144. As a proximate result of the conspiracy(ies), Plaintiff sustained damages.

145. As such, every member of the conspiracy or conspiracies is equally and vicariously liable for their conduct and the conduct of each of their co-conspirators.

146. As a direct and proximate result of the foregoing, Plaintiff has and will be caused to suffer severe and permanent personal injuries, both physical and emotional; Plaintiff has and will in the future be caused to suffer great pain and suffering; Plaintiff has and will be caused to suffer disability and impairment of her faculties, health and ability to participate in activities and pursue her normal pleasure and enjoyment; Plaintiff has and will be caused to incur medical expenses; Plaintiff has and will be caused to lose employment or the ability to be employed; Plaintiff has and will continue to suffer financial loss and lost wages; Plaintiff has and will continue to suffer emotional trauma, diminished childhood, diminished enjoyment of life and

costs of counseling.

WHEREFORE, Plaintiff demands judgment against Defendants for damages, both compensatory and punitive, together with interest, costs of suit and reasonable attorney's fees.

COUNT TWELVE

CONSPIRACY

(As to Defendants Amantia and John Does)

147. Plaintiff repeats and re-alleges each and every allegation set forth in the preceding paragraphs.

148. Defendants committed multiple torts against Plaintiff.

149. Defendants entered into an agreement or confederation with a common design to unlawfully, willfully, and maliciously wrong Plaintiff and to perpetrate torts against Plaintiff, as described herein.

150. As a proximate result of the conspiracy(ies), Plaintiff sustained damages.

151. As such, every member of the conspiracy or conspiracies is equally and vicariously liable for their conduct and the conduct of each of their co-conspirators.

152. As a direct and proximate result of the foregoing, Plaintiff has and will be caused to suffer severe and permanent personal injuries, both physical and emotional; Plaintiff has and will in the future be caused to suffer great pain and suffering; Plaintiff has and will be caused to suffer disability and impairment of her faculties, health and ability to participate in activities and pursue her normal pleasure and enjoyment; Plaintiff has and will be caused to incur medical expenses; Plaintiff has and will be caused to lose employment or the ability to be employed; Plaintiff has and will continue to suffer financial loss and lost wages; Plaintiff has and will

continue to suffer emotional trauma, diminished childhood, diminished enjoyment of life and costs of counseling.

WHEREFORE, Plaintiff demands judgment against Defendants for damages, both compensatory and punitive, together with interest, costs of suit and reasonable attorney's fees.

COUNT THIRTEEN

HOSTILE ENVIRONMENT IN VIOLATION OF THE NEW JERSEY LAW AGAINST DISCRIMINATION, N.J.S.A. 10:5-1 ET SEQ.

(As to Defendants District, Amantia and John Does)

153. Plaintiff repeats and re-alleges each and every allegation set forth in the preceding paragraphs.

154. Timberlane Middle School is a place of public accommodation within the meaning of the New Jersey Law Against Discrimination (the "NJLAD").

155. The NJLAD prohibits harassment based on gender.

156. Plaintiff was subjected to sexual harassment by Amantia based on her gender.

157. Defendants' denied Plaintiff the privileges and advantages of a public education because of her membership in a class protected under the NJLAD, specifically her gender.

158. Amantia's conduct was so severe and pervasive to make a reasonable female believe that the conditions of her schooling were altered, and that the schooling environment was intimidating, hostile and/or abusive.

159. Plaintiff has been severely injured as a result of such harassment which she suffered at the hands of Amantia, and continues to suffer severe emotional distress, anguish and other psychological harm.

160. Defendants, by their actions and inactions, condoned, ratified, and aided and abetted Amantia's discrimination and harassment perpetrated against Plaintiff.

161. The District had knowledge that discrimination and harassment was occurring, had knowledge that such discrimination and harassment was a violation of the law, and by the District's acts and omissions, substantially encouraged and/or assisted Amantia in same.

162. The District is liable under the NJLAD for aiding and abetting hostile environment sexual harassment in violation of the NJLAD.

163. The conduct engaged in by Defendants constitutes egregious behavior and/or willful and wanton disregard by upper management of the rights of Plaintiff sufficient to subject the District to punitive damages under the NJLAD.

WHEREFORE, Plaintiff demands judgment against Defendants for damages, both compensatory and punitive, together with interest, costs of suit and reasonable attorney's fees.

COUNT FOURTEEN

RETALIATION IN VIOLATION OF THE NEW JERSEY LAW AGAINST DISCRIMINATION, N.J.S.A. 10:5-1 ET SEQ.

164. Plaintiff repeats and re-alleges each and every allegation set forth in the preceding paragraphs.

165. As a result of Plaintiff engaging in protected activity under the NJLAD, Plaintiff was subjected to unlawful retaliation by the failure of Defendants to comply with policies and procedures aimed at protecting Plaintiff from further harassment, intimidation and bullying, by treating her less favorably than the teacher who had engaged in the harassment, intimidation and bullying, and by dismissing Plaintiff's complaints without conducting the proper investigations,

notifying the authorities, and without implementing any remedial action or disciplinary measures whatsoever, and further by failing to advise Plaintiff and/or notify Plaintiff's parents of their rights to file an HIB complaint.

166. As a result of the foregoing, Plaintiff has suffered severe damages.

WHEREFORE, Plaintiff demands judgment against Defendants for damages, both compensatory and punitive, together with interest, costs of suit and reasonable attorney's fees.

COUNT FIFTEEN

VIOLATION OF THE NEW JERSEY CIVIL RIGHTS ACT, N.J.S.A. 10:6-1 ET SEQ.

(As to Defendants District, Amantia and John Does)

167. Plaintiff repeats and re-alleges each and every allegation set forth in the preceding paragraphs.

168. The Ant-Bullying Bill of Rights Act, N.J.S.A. 18A:37-13.2 et seq. was enacted to strengthen the "standards and procedures for preventing, reporting, investigating, and responding to incidents of harassment, intimidating and bullying.

169. Defendants, acting under color of law, deprived Plaintiff of substantive due process and equal protection rights and privileges secured by the New Jersey Constitution and laws of New Jersey, by allowing a discriminatory, hostile and retaliatory environment to foster in the District, including Timberlane Middle School, and by failing to take prompt and effective measures to remediate and end the harassment, intimidation and bullying to which Plaintiff was subjected to in violation of the Ant-Bullying Bill of Rights Act, N.J.S.A. 18A:37-13.2 et seq.

170. As a result of the foregoing, Plaintiff has suffered severe damages.

WHEREFORE, Plaintiff demands judgment against Defendants for damages, both compensatory and punitive, together with interest, costs of suit and reasonable attorney's fees.

COUNT SIXTEEN

NEGLIGENCE

(As to Defendant Amantia)

171. Plaintiff repeats and re-alleges each and every allegation set forth in the preceding paragraphs.

172. Amantia had a duty to protect the Plaintiff's welfare and safeguard her from harm.

173. Through various acts and/or omissions, Amantia breached his duty(ies) to Plaintiff in a variety of ways as set forth herein.

174. As a direct and proximate result of Defendant's actions and/or inactions, Plaintiff has and will be caused to suffer severe and permanent personal injuries, both physical and emotional; Plaintiff has and will in the future be caused to suffer great pain and suffering; Plaintiff has and will be caused to suffer disability and impairment of her faculties, health and ability to participate in activities and pursue her normal pleasure and enjoyment; Plaintiff has and will be caused to incur medical expenses; Plaintiff has and will be caused to lose employment or the ability to be employed; Plaintiff has and will continue to suffer financial loss and lost wages; Plaintiff has and will continue to suffer emotional trauma, diminished childhood, diminished enjoyment of life and costs of counseling.

WHEREFORE, Plaintiff demands judgment against Defendants for damages, both compensatory and punitive, together with interest, costs of suit and reasonable attorney's fees.

DESIGNATION OF TRIAL COUNSEL

The Court is advised that, pursuant to Rule 4:25-4, Brian S. Schiller, Esq. is designated as trial counsel for Plaintiff in this action.

LAW OFFICE OF BRIAN SCHILLER LLC
Attorney for Plaintiff

/s/ Brian S. Schiller

By: _____
Brian S. Schiller

Dated: May 9, 2022

JURY DEMAND

Plaintiff demands a trial by jury on all issues.

RESERVATION OF RIGHTS

Plaintiff reserves the right to file such specific amendments and/or additional claims as are applicable hereinafter to this action and/or as the same are subsequently discovered.

LAW OFFICE OF BRIAN SCHILLER LLC
Attorney for Plaintiff

/s/ Brian S. Schiller

By: _____
Brian S. Schiller

Dated: May 9, 2022

DEMAND FOR PRODUCTION OF INSURANCE AGREEMENTS

Pursuant to Rule 4:10-2(b), demand is hereby made that you disclose to the undersigned whether there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy all or part of a judgment, which may be entered in the action or to indemnify or reimburse for payment made to satisfy the judgment. If so, attached a copy of each, or in the alternative state, under oath and certification, the (a) policy number; (b) name and address of the insurer; (c) inception and expiration date; (d) names and addresses of all persons insured thereunder; (e) personal injury limits; (f) property damage limits; and (g) medical payment limits.

CERTIFICATION IN ACCORDANCE WITH RULE 4:5-1

I certify that the matter in controversy is not the subject of any other court action or arbitration proceeding and no such action or proceeding is contemplated. I know of no other party who should be joined in this action.

LAW OFFICE OF BRIAN SCHILLER LLC
Attorney for Plaintiff

/s/ Brian S. Schiller

By: _____
Brian S. Schiller

Dated: May 9, 2022

Civil Case Information Statement

Case Details: MERCER | Civil Part Docket# L-000812-22

Case Caption: STILLITANO SARA VS HOPEWELL
VALLEY REGIONAL S.

Case Initiation Date: 05/09/2022

Attorney Name: BRIAN S SCHILLER

Firm Name: BRIAN SCHILLER LLC

Address: 1111 ROUTE 22 EAST

MOUNTAINSIDE NJ 07092

Phone: 9089138100

Name of Party: PLAINTIFF : Stillitano, Sara

Name of Defendant's Primary Insurance Company
(if known): Unknown

Case Type: PERSONAL INJURY

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

Does this case involve claims related to COVID-19? NO

Are sexual abuse claims alleged by: Sara Stillitano? YES

Plaintiff's date of birth: 02/08/2003

Est. date of first incident of abuse: 11/23/2016

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? YES

If yes, is that relationship: Other(explain) Student

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO Title 59? NO Consumer Fraud? NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b)

05/09/2022

Dated

/s/ BRIAN S SCHILLER

Signed

