

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

NANCY MALIWESKY,

SUMMONS

Plaintiff,

Index #:

v.

Plaintiff designates Suffolk County as the
place of trial.

HARBORFIELDS CENTRAL SCHOOL
DISTRICT; BOARD OF EDUCATION OF
HARBORFIELDS CENTRAL SCHOOL
DISTRICT; OLDFIELD MIDDLE
SCHOOL; EUGENE SENZER; and DOES 1-
10,

Defendants.

TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the complaint of the Plaintiff herein and to serve a copy of your answer on the Plaintiff at the address indicated below within 20 days after service of this Summons (not counting the day of service itself), or within 30 days after service is complete if the Summons is not delivered to you within the State of New York.

YOU ARE HEREBY NOTIFIED THAT should you fail to answer, a judgment will be entered against you by default for the relief demanded in the complaint.

July 26, 2021

/s/ Daniel Lapinski
Daniel Lapinski (NY SBN 4041760)
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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

NANCY MALIWESKY,

Index No.

Plaintiff,

COMPLAINT

v.

JURY TRIAL DEMANDED

HARBORFIELDS CENTRAL SCHOOL
DISTRICT; BOARD OF EDUCATION OF
HARBORFIELDS CENTRAL SCHOOL
DISTRICT; OLDFIELD MIDDLE
SCHOOL; HARBORFIELD HIGH
SCHOOL; EUGENE SENZER; and DOES 1-
10,

Defendants.

NANCY MALIWESKY, by and through her attorneys, MOTLEY RICE LLC and Nye, Stirling, Hale & Miller, LLP, as and for her Complaint in this matter against HARBORFIELDS CENTRAL SCHOOL DISTRICT; BOARD OF EDUCATION OF HARBORFIELDS CENTRAL SCHOOL DISTRICT; OLDFIELD MIDDLE SCHOOL; EUGENE SENZER; and DOES 1-10, states and alleges as follows:

PARTIES

1. Plaintiff is a 61-year-old resident of the State of Delaware. Plaintiff was a resident of the State of New York during the period of childhood sexual abuse. Plaintiff’s last name during the period of abuse was CAVANAGH.

2. At all times material, Defendant Harborfields Central School District (hereinafter “the District”) was and continues to be an educational school district, which includes, but is not limited to, civil operations, decision making entities, and officials and employees, authorized to conduct business and conducting business in the State of New York, in the county of Suffolk. The

District's principal place of business was and is Greenlawn, New York. Defendant District functions as a business by engaging in numerous activities and/or revenue-producing activities, business, trade, commerce, furnishing of services and soliciting money from its members in exchange for its services. Defendant District's actions and policies have tremendous impact and influence on the daily lives of individuals within the community, including students of the District's schools and their parents. Defendant District, through its officials, has control over those activities involving children. Defendant District has the power to appoint, supervise, monitor and fire each person working with children in Defendant District.

3. At all times material, Defendant Board of Education of Harborfields Central School District is a municipal corporation organized and existing under the laws of the State of New York, with its principle office at 2 Old Field Road in Greenlawn, Suffolk County, New York.

4. At all times material, Defendants School District and the Board of Education oversaw, managed, controlled, directed and operated schools within the School District, including Oldfield Middle School and Harborfields High School ("Harborfields").

5. Defendant Oldfield Middle School, formerly Oldfield Junior High School ("Oldfield"), is a municipal corporation organized and existing under the laws of the State of New York, with its principle office at 2 Old Field Road, in Greenlawn, New York Suffolk County.

6. Defendant Harborfields High School is a municipal corporation organized under the laws of the State of New York, with its principle office at 2 Old Field Road, in Greenlawn, New York Suffolk County.

7. Eugene Senzer ("Senzer" or "the Perpetrator") is an individual residing in Sumner County, Tennessee and was at all times relevant a teacher at Oldfield Middle School.

8. Defendant Does 1 through 10, inclusive, are individuals and/or business or corporate entities incorporated in and/or doing business in New York whose true names and

capacities are unknown to Plaintiff who, therefore, sues such defendants by such fictitious names, and who will amend the Complaint to show the true names and capacities of each such Doe defendant when ascertained. Each such Doe defendant is legally responsible in some manner for the events, happenings and/or tortious and unlawful conduct that caused the injuries and damages alleged in the Complaint.

9. Senzer and/or each Defendant were and/or are the agent, subagent, volunteer, servant and/or employee of the District and/or Oldfield Middle School and/or DOES 1-10. Senzer and/or each Defendant was acting within the course and scope of his, her or its authority as an agent, subagent, volunteer, servant and/or employee of Senzer and/or the District and/or DOES 1-10. Senzer and/or the District and/or DOES 1-10, and each of them, are individuals, corporations, partnerships and other entities which engaged in, joined in and conspired with the other wrongdoers in carrying out the tortious and unlawful activities described in the Complaint, and the District and/or each Defendant ratified the acts of Senzer and/or the District and/or DOES 1-10.

BACKGROUND FACTS APPLICABLE TO ALL COUNTS

10. At all times material, Eugene Senzer was employed by the Harborfields Central School District. Senzer remained under the direct supervision, employ and control of the Harborfields Central School District during the times described in this Complaint.

11. Defendants placed Senzer in positions where he had access to and worked with children as an integral part of his work.

Senzer's Abuse of Plaintiff and Other Underage Female Students

12. Eugene Senzer's history of abuse spans back to at least 1969. Susan Talbot transferred to Defendant Oldfield Middle School for the second semester of her 9th grade year and began her first day at Oldfield on January 14, 1969.

13. Senzer's abuse of Ms. Talbot occurred in the spring of 1969, shortly before spring break. Senzer asked Ms. Talbot to help him develop film in the darkroom. Senzer led the yearbook committee and was well known by the students and staff at Defendant Oldfield as the school photographer, so Ms. Talbot did not find this to be an odd request. Ms. Talbot was fond of photography as her late father was a photographer. Senzer led Ms. Talbot into a narrow, 6' x 8' room with trays covering shelves on both sides of the room. Senzer then turned off the fluorescent ceiling light and turned on the red safelight. Senzer appeared to be preparing film development equipment as he fumbled around with the trays. Ms. Talbot stood by, waiting for directions from Senzer. Suddenly, Senzer asked "what is under your dress?" He then slipped one hand under Ms. Talbot's dress, moved her underwear aside, and attempted to digitally penetrate her. Ms. Talbot was in shock, paralyzed by Senzer's aggressive advance. Ms. Talbot was only 14 years old and had never experienced skin-on-skin genital contact before this. Senzer then slid his hand up further and grabbed Ms. Talbot's breast, maintaining skin-on-skin contact, before returning his hand to her genital area. Ms. Talbot was frozen in place as Senzer's attempts to sexually stimulate her continued. Ms. Talbot's mind raced with thoughts of how to escape the darkroom and Senzer's abuse. After what seemed like 20 minutes, Senzer told Ms. Talbot it was "time for [her] to go," and he turned on the light.

14. Ms. Talbot was in a daze as she walked toward the exit and caught a glimpse of herself in the small mirror near the door. Ms. Talbot looked disheveled and felt gravely concerned that someone would notice her bewildered state. She prepared to make an excuse if someone asked

her what was wrong, for at that time she could not rationalize why an adult educator would abruptly violate and assault her on school grounds. Ms. Talbot walked out into the bright light of the hallway, disoriented and confused. Although the remainder of the school year was a blur, Ms. Talbot would never forget that she had been violated while wearing a dress made by her mother, mustard colored with green and red stripes, the neck and sleeves accented with velvet. Ms. Talbot dropped out of school after her 9th grade year at Oldfield.

15. Beginning in 1972, Senzer invited his next victim, Ms. Hallie McEvoy, to his office to show her his photography.¹ Ms. McEvoy felt Senzer was a “cool” teacher that “brought you up to his level” and the invitation was flattering to the 7th grader. When she arrived, two 9th grade girls were already in Senzer’s office, but he did not introduce them. Ms. McEvoy quickly noticed Senzer’s walls were lined with tacked photographs of girls in various stages of undress, some wearing no shirt at all. Ms. McEvoy observed at least 50 photos along the walls, mostly of young female schoolmates, many of the photos taken on Oldfield grounds. Senzer then sat Ms. McEvoy at his desk while he stood over her, showing her a photo album filled with yet more female schoolmates in various forms of undress. Senzer characterized the photo album as relating to his work on the yearbook. Ms. McEvoy wondered why Senzer was not working with models for his photography portfolio and thought it odd he would photograph her schoolmates. Ultimately, Ms. McEvoy pushed aside her curiosity, thinking maybe teachers are different in junior high, and accepted Senzer’s characterization of the photo album. When Ms. McEvoy left, she felt there was an implied open-invitation to return to his office. Ms. McEvoy had no reason to believe a teacher would have ulterior motives to invite students like herself to his office.

¹ Ms. McEvoy has previously filed a complaint alleging she was sexually abused by Defendant Eugene Senzer, *McEvoy v. Harborfields Central School District, et al.*, No. 615909/2019.

16. In the fall of 1973, Ms. Donna dePasquale entered her 7th grade year at Oldfield.² Ms. dePasquale first met Senzer upon joining the yearbook committee. Senzer was also a choral director, and his classroom and office were in the heart of the Oldfield music department. Senzer was a constant, lurking presence in the hallways of the department in between classes and after school, often with his camera around his neck. Senzer was very social with students, particularly with young girls who he was known to often have in his classroom and office. Within a short time, Senzer knew who Ms. dePasquale was and began addressing her in a familiar way, by her maiden name (“Weiss”).

17. Even before Ms. dePasquale attended Oldfield, music was a deeply engrained and integral part of her life. She began studying piano when she was seven years old, with dreams of playing professionally. Senzer commonly groomed young female students by appealing to their love of music, and he quickly preyed on Ms. dePasquale through her musical aspirations. Initially, Ms. dePasquale thought of Senzer as a “cool” teacher. Senzer would call Ms. dePasquale into his office and would then play a new album by a popular artist such as Joan Baez or Elton John. Senzer would tell the young girl “you’re one of the few people that can really appreciate this.”

18. Senzer continued to groom Ms. dePasquale by staying involved in her musical development. If she was auditioning for a play, he would offer to help her pick a song that he said was best for her voice. He told her she was an excellent sight reader of music. But he also complimented her clothes and how good they made her look, while criticizing other young girls’ bodies with comments like “she should never wear jeans like that, they make her ass look terrible.” The 7th grader was flattered that the cool teacher was telling her that she was cool, and others were not.

² Ms. dePasquale has previously filed a complaint alleging she was sexually abused by Defendant Eugene Senzer, *dePasquale v. Harborfields Central School District, et al.*, No. 601958/2020.

19. The next step in Senzer's grooming process was to normalize inappropriate sexual talk. In the spring of 1974, Ms. McEvoy was having lunch in Senzer's office several days a week with fellow 8th grade student, Plaintiff Nancy Maliwesky. On one occasion, Ms. McEvoy was lamenting with Ms. Maliwesky that she was a "misfit". Senzer leaned over, put his hand on Ms. McEvoy's shoulder, looked her straight in the eye and said, "Don't worry, men are going to love you." Senzer also commonly spoke of his "open" marriage to the 8th graders, a topic he discussed with other young female students as well.

20. Senzer also initiated sexual conversations under the false pretense of it being educational. For instance, he told Ms. dePasquale that some men used cocaine during intercourse, but then claiming that he, personally, was anti-drug. However, eventually Senzer would find a way to transition the sexual talk to specifics about the listener. More than once he told Ms. dePasquale "I had a dream about you last night, naked on a couch with nothing but black velvet and white lace, that's how I want to photograph you." Ms. dePasquale was not the only student he said this to.

21. Eventually, Senzer's grooming transitioned into more subtle forms of sexual abuse involving inappropriate touching. Senzer initiated physical contact between he and his victims by saying things like "I'm stiff, can you just give me a little back rub?" or "it's been a bad day, can you rub me?" Senzer induced his victims to give him back rubs in this manner on countless occasions, whether the victim was alone or accompanied by friends. Senzer often isolated Ms. dePasquale before inducing her to massage him, but he also regularly induced Ms. McEvoy and Plaintiff Maliwesky to massage him while the girls were together in his office. Senzer would often turn off the lights in the office and lock the door so that they "would not be disturbed." Both girls unknowingly witnessed the abuse of her friend at the hands of Senzer. Senzer directed the girls on how and where to massage, sometimes directing them to rub lower on his back, right above his

buttocks. Senzer commonly told the girls they had a “sensuous” touch and “magic hands.” The girls were all between 12-14 years old. None of the girls understood “sensuous” to be a sexual comment. A common trope of Senzer was to glorify French women and how “sensual” and “free with their bodies” to “make love” they were. The girls trusted Senzer as an authority figure, so when Senzer spoke of French women’s “sensuality” with admiration, the girls recognized “sensuous” as a positive term.

22. A frequent iteration of Senzer’s inappropriate sexual talk and abuse involved the “pencil test”. Senzer claimed the “test” determined that a woman should wear a bra if she could hold a pencil under her breast. On one occasion during the 1973-1974 school year, Senzer induced Ms. dePasquale to test his theory. Senzer locked the door to his office and instructed the teenager to lift her shirt and bra up, and then proceeded to slide a pencil under the girl’s exposed breast. On another occasion during the same school year, then 7th grader Doreen Schipper sat amongst her schoolmates as she waited to audition for a musical piece in Senzer’s classroom during school hours. Senzer called Ms. Schipper, who met Senzer shortly after she had turned 12, down to the piano to sing for him. Ms. Schipper approached and Senzer remarked, “I’m glad you know the pencil rule.” When Ms. Schipper started singing, Senzer started pressing his hand on her chest and breasts, telling her she needed to “sing from her diaphragm.” With only the piano between he and the other students, Senzer still chose to violate the 12-year-old in the classroom. Although the 7th grader found Senzer’s technique questionable and recalls thinking “I don’t think that is my diaphragm”, she ultimately considered Senzer to be an expert in voice and music and suppressed her discomfort.

23. Shortly after Ms. Schipper was violated by Senzer at her audition, Senzer again violated her in the classroom. Ms. Schipper had made a t-shirt in her home-economics class. Senzer called her over to allegedly see the t-shirt. He then held the shirt against Ms. Schipper, flattening

it against her breasts and feeling her breasts through her clothes. After violating Ms. Schipper, Senzer said, “hold on, I want to take your picture.” He directed Ms. Schipper to keep walking as he photographed her walking away from his doorway. Senzer never asked Ms. Schipper to turn around. Ms. Schipper felt terrible and objectified when she realized Senzer’s photo request had nothing to do with her t-shirt. This would not be the last time Senzer photographed and objectified Ms. Schipper. Specifically, on another occasion, Senzer approached her in the school lunch room and said he wanted to photograph her again. He then directed her to a window ledge across from the lunch room, and began photographing her in poses that focused on her legs and other parts of her body, while excluding her face. Once again, the young girl felt objectified by a predator who was so empowered to predate on students that he openly exploited them on school grounds.

24. Toward the end of Ms. McEvoy’s 8th grade year, in May or June 1974, Ms. McEvoy was very upset about being teased and began crying at school. Senzer saw Ms. McEvoy in her distressed state and offered to give her a ride home. Ms. McEvoy thought this was a kind and supportive gesture. The weather was sunny and warm as Senzer walked Ms. McEvoy to the parking lot and they entered his car. Ms. McEvoy looked out the passenger window and noticed another teacher’s car, a Volkswagen Karmann Ghia. When she turned back to Senzer, he had taken his penis out of his pants and said, “do you want to touch it?” Ms. McEvoy was in shock, speechless at Senzer’s bizarre and inappropriate proposal. Senzer, unphased by Ms. McEvoy’s confusion, directed Ms. McEvoy to “just kiss [him] on the cheek.” When she leaned over to comply, Senzer turned his face to hers and aggressively shoved his tongue into her mouth. Moments later, Senzer pointed at his still exposed penis and said, “you can kiss this, too.”

25. The following school year, in the fall of 1974, Senzer exploited Ms. dePasquale to create child pornography. He claimed he was making a birthday card for a friend and needed a picture of a “perfect breast.” Senzer asked the 8th grade girl whether she would let him photograph

her breasts in a storage room located in the auditorium. Ms. dePasquale did not agree initially, but Senzer had groomed the girl to seek his approval, compliments, and guidance in all things related to her musical aspirations. Ms. dePasquale felt unable to say no to this authority figure. Ultimately, Senzer induced her to meet in his office about 20-30 minutes after school ended. They then walked from his classroom to the storage room in the auditorium, where Senzer induced the teenager to stand against a wall and take off her shirt and bra. While photographing the semi-nude 8th grader he commented “that’s beautiful, perfect.” As they were about to walk out of the storage room, Senzer turned off the light and unexpectedly kissed the 13-year-old and fondled her breasts. After he stopped, he said “you’re beautiful.” Shortly thereafter, he showed Ms. dePasquale the pictures of her breast, and attempted to normalize his criminal conduct by calling the pictures “a work of art.” In the months following Senzer’s abuse in the storage closet, Ms. dePasquale attempted suicide by overdose on school grounds. Ms. dePasquale had no suicidal thoughts prior to 8th grade.

26. Also starting in the 1974-1975 school year, inappropriate massages in Senzer’s office became increasingly explicit during Ms. McEvoy and Plaintiff Maliwesky’s office visits, and separately for Ms. dePasquale. In addition to the constant aches Senzer feigned in his neck and back, he would claim he “pulled a muscle” in his groin area and would direct Ms. McEvoy and Ms. Maliwesky to rub his upper legs and thighs. It was not uncommon for Senzer to notice a “knot” in his victims’ necks and induce them to submit to a massage by Senzer. The massages would begin with Senzer focused on the victims’ necks and shoulders, but eventually and repeatedly his hands traveled down the side of the rib cage so as to contact the girls’ breasts. On several occasions while massaging Ms. Maliwesky, Senzer would put his hand down the back of Ms. Maliwesky’s pants and touch her upper buttocks.

27. In a manner similar to what he had done several years earlier to Ms. Talbot, Senzer lured Ms. Maliwesky to the school’s darkroom. Once there, Senzer pinned Ms. Maliwesky against

a shelving unit, fondled her breasts, and yelled at her when she resisted. Senzer would also put his hands on Ms. Maliwesky's stomach and breasts while she was singing, purportedly to illustrate the correct way to breathe. As a result of Senzer's abuse, in and around the spring and summer of 1975, Ms. Maliwesky began having suicidal thoughts.

28. Senzer attempted to fold Doreen Schipper into the inappropriate massages that took place in his office. On at least one occasion, Doreen Schipper walked into the classroom and Senzer approached her from behind. He told her to stand up straight and began to massage her shoulders. Senzer then leaned over and said, "you owe me, now go sit down." Doreen Schipper thought she was receiving special attention from her teacher.

29. Other school employees, including those in administrative positions, witnessed the abuse that took place in Senzer's office. On one occasion, while Ms. McEvoy massaged Senzer, Vice Principal Joe Cafarro walked into Senzer's office. Cafarro was not alarmed to see a young female student massaging an adult school employee, and Senzer did not appear concerned by the interruption. In fact, Cafarro asked if he could "get in on [the massage]." Senzer replied, "you could only hope." This was only one of several times in which an Oldfield employee walked into the room while a young girl was massaging Senzer. On other occasions, Senzer would take Ms. Maliwesky and other female students to a local restaurant, the Clam Shack, where he would drink beer in front of the girls. On at least one of the occasions Senzer was joined by another faculty member.

30. By the end of the 1974-1975 school year, Senzer would position himself in the office doorway such that Ms. McEvoy and Plaintiff Maliwesky would have to squeeze past him to leave. This forced proximity left the girls with no choice but to squeeze by as their breasts brushed against Senzer's body. Senzer also normalized his pornographic photo album of underaged students by showing it to the girls often. By this point, Senzer had brazenly put the photograph of

Ms. dePasquale's naked breast in the album. He normalized the photo by saying "the human body is so artistic".

31. At the end of May or beginning of June 1975, Senzer isolated Ms. McEvoy and trapped her for abuse. While at school, Senzer told Ms. McEvoy that he would be "working on [his] boat" at Huntington Harbor and offered to pay if "you girls would come help [him]." The mention of payment piqued Ms. McEvoy's interest as she needed money to take care of her horse. Senzer posed this question to Ms. McEvoy when they were alone. Ms. McEvoy asked who else was coming, as Senzer's mention of "you girls" implied others were invited. Senzer told her that Ms. Maliwesky was to help, and "maybe a couple others." Senzer and Ms. McEvoy walked to his car after school, but Ms. Maliwesky was not there. Senzer assured Ms. McEvoy that Ms. Maliwesky's mother was bringing her to the harbor. It wasn't until they arrived at the harbor that Senzer revealed, "oh by the way, [Ms. Maliwesky] can't come." When asked about the other girls, Senzer finally disclosed "they couldn't come either."

32. Senzer and Ms. McEvoy approached Senzer's boat on the right side of the dock, about five or six boats down. Though they were not far from Oldfield, Senzer was not afraid to be seen alone with a 14-year-old student, even greeting someone as they passed by. Despite Senzer's history of abuse of Ms. McEvoy, nothing would have prepared her for the ultimate trap Senzer had laid. When they arrived at the boat, Senzer offered Ms. McEvoy a Coke and led her downstairs. Senzer pretended to hand her the Coke, but then pulled it out of reach, inducing Ms. McEvoy to come and get it. Ms. McEvoy quickly became troubled, realizing Senzer had positioned himself squarely between herself and the stairs leading out of the boat. Senzer abandoned all pretense of why he brought the teenager to the harbor, ominously revealing to Ms. McEvoy, "you know you're not here to work on the boat, right?"

33. The abuse began as a blur. Ms. McEvoy suddenly found herself naked, and Senzer was as well. Senzer touched Ms. McEvoy all over her body, kissing her lips and breasts, telling her she is “lovely” and saying “does this feel good” repeatedly. Ms. McEvoy felt like she was floating above and watching the abuse, unable to save herself from her predatory teacher. Senzer induced the girl to participate in oral sex before he digitally penetrated her with multiple fingers, causing her great pain. In response to Ms. McEvoy’s pain, Senzer did not stop, only instructing, “just wait, just wait.” Senzer then touched her anus and said, “you can f*** in there too”. The abuse continued for what felt like an eternity. Ms. McEvoy does not know how she got home that evening. When Ms. McEvoy examined herself after the abuse, she saw Senzer had violated her so badly that her underwear was stained with blood. Ms. McEvoy rinsed what blood she could out of the underwear and buried them deep in the garbage can.

34. In the fall of 1976, Ms. dePasquale enrolled in 10th grade at Harborfields High School, but the abuse in Senzer’s office at Oldfield Middle School continued and ultimately grew far worse. Senzer lured the sophomore back with the claim he had no students who were capable of performing as an accompanist. With the powerful dependency he had created in Ms. dePasquale after years of grooming her for abuse, the teenager felt compelled to assist Senzer.

35. In February or March of 1977, Senzer asked Ms. dePasquale to deliver something to his mother’s house. Ms. dePasquale knew Senzer supposedly worked at his mother’s house where he had a dark room and photography equipment and did not question his request. Senzer led Ms. dePasquale to a room with some photography equipment before taking her hand and leading her to a different room with a bed. At this point in her life, aside from the abuse by Senzer, Ms. dePasquale’s sexual experience was limited to kissing. She had little if any understanding as to what sexual intercourse involved. However, Ms. dePasquale’s sexual naiveté, young age, and

inexperience did not stop Senzer from raping her at his mother's house. Thus, Ms. dePasquale's first sexual experience was a criminal act committed by a man more than twice her age.

36. Despite the trauma of this abuse, the dependency Senzer had created in Ms. dePasquale was so strong that she submitted to the abuse in his office throughout the remainder of 10th grade, seeking his continuing praise for her appearance, her musicianship, and her academics. He called her "the total package", and had convinced her that he saw something in her that other people did not.

37. In the fall of 1982, TS Roe began her 5th grade year at Oldfield. TS Roe took chorus and photography class with Senzer where he quickly began grooming her for abuse. Senzer would often pull the girl out of class to speak with her in the hallway or in his office. TS Roe believed these were the actions of a caring teacher going out of his way to help her. Senzer learned that TS Roe had modeled when she was in 4th grade and he insisted she allow him to photograph her. Senzer presented himself as an accomplished photographer and in light of her modeling experience, TS Roe did not find Senzer's photoshoot request to be unusual.

38. Within a few months of TS Roe's introduction to Senzer, Senzer told TS Roe she needed to "practice [her] solo" for chorus. Senzer then brought TS Roe to a room with no windows located off the side of the auditorium. Once in the windowless room, Senzer locked the door and pulled up the 5th grader's shirt, telling her "Don't be ashamed of your body" and "if I'm going to take photos of you, I need to see what you look like." Senzer undressed the girl down to her bra and underwear.

39. On multiple occasions between her 5th-11th grade years, 1982-1988, Senzer would have "photoshoots" with TS Roe at the Centerport Chalet Motor Lodge. Senzer told TS Roe that he did "Playboy Photography," and that she "could pose for Playboy." Senzer would touch TS Roe to "position" her for the camera, which began with Senzer touching her hair and face, before

progressing to the nape of her neck and cupping her breasts to “get [her] to stand up straight.” The photoshoots eventually progressed to partial nudity with Senzer inducing TS Roe to remove her shirt and bra. Senzer also purchased bras and lingerie for TS Roe’s photoshoots. Senzer constantly told TS Roe she was a “beautiful woman” who was “free to do what [she] wanted”, and that they had a “special bond that no one will ever understand.”

40. In addition to the motel, Senzer conducted “photoshoots” with TS Roe at his house. On several occasions, Roberta Senzer came home while TS Roe was alone with Senzer. Senzer simply told his wife he was doing a “shoot” with TS Roe, and Roberta Senzer would go upstairs, allowing Senzer to continue his abuse. The first photoshoot in which Senzer induced TS Roe to get fully naked was at his house. He told TS Roe the photoshoot was for a Neutrogena advertisement. Senzer would often give TS Roe gifts or money after conducting photoshoots. This transactional relationship obscured Senzer’s insidious and predatory motives and led TS Roe to believe she was participating in legitimate photoshoots.

41. From 1982-1988, Senzer abused TS Roe on multiple occasions, both during and after school hours. Senzer would habitually take TS Roe out of class and off school campus for “field trips.” Like Senzer’s “photoshoots”, “field trips” also became synonymous with abuse. Senzer’s abuse of TS Roe, which eventually escalated to multiple rapes, occurred both on and off school grounds - in motel rooms, his house, the beach, his car, his school office, the music room, and the darkroom.

42. One of TS Roe’s 5th grade teachers, Ms. Sirone, reported Senzer’s abuse of TS Roe to the principal. Nothing was done in response to Ms. Sirone’s report.

43. In approximately 1992, after several years of no contact, Senzer contacted TS Roe and asked to visit her. Senzer’s grooming of TS Roe was so strong that even as a 20-year-old who had twice attempted suicide because of the abuse, TS Roe remained vulnerable to his manipulation

and allowed Senzer to visit her apartment. Senzer came to TS Roe's apartment to tell her he missed her and to give her money.

44. TS Roe passed away in 2020.

45. In the fall of 1997, Ms. Whitney Gardner met Senzer when she tried out for chorus in the beginning of her 7th grade year at Oldfield. Ms. Gardner was 12 years old. Her audition caught Senzer's attention, and he initiated a friendly relationship with Ms. Gardner. Ms. Gardner trusted Senzer and felt she could confide in him like a friend. Ms. Gardner would hang out in Senzer's classroom after chorus and felt like she was special because Senzer was a "cool" teacher. Ms. Gardner enjoyed theater and wanted to audition for community plays. Senzer would help Ms. Gardner practice her songs.

46. Senzer initially complimented and commented on Ms. Gardner's singing voice, even using Ms. Gardner as a special example to the rest of the chorus. But, eventually, the comments turned to disparaging remarks about Ms. Gardner's female classmates. Senzer would openly criticize Ms. Gardner's peers, saying "she looks fat" and "can you believe what she's wearing?" Ms. Gardner was relieved she was receiving compliments while others were judged.

47. Senzer initiated inappropriate touching of Ms. Gardner under the guise of demonstrating singing technique. Senzer would place his hands on Ms. Gardner's stomach and diaphragm, telling Ms. Gardner to sing from her belly and make his hands "go up and down." Senzer often put his arm around Ms. Gardner's shoulder or waist as they walked around the classroom. Ms. Gardner thought this was friendly contact.

48. During Ms. Gardner's 8th grade year in 1998, Senzer's inappropriate touching escalated. Senzer would ask Ms. Gardner to sit next to him on the piano bench in his office. Senzer ensured there was no space between he and Ms. Gardner, having her sit so close that their legs would touch. Senzer often put his hand on Ms. Gardner's back, rubbing his hand in circular

motions or tapping the beat of the song. Senzer frequently told Ms. Gardner he had a “knot,” and induced Ms. Gardner to rub his shoulders as he played the piano. Senzer excused his inappropriate request by saying he was “old” so he “needed it.” Senzer would sing a song with Ms. Gardner, “oh thank you my old bones” to lighten the obvious tension caused by his request. Ms. Gardner would stop massaging Senzer whenever the song ended.

49. On at least two occasions, Senzer stood behind Ms. Gardner as she played the piano and practiced a song. Senzer instructed Ms. Gardner to sing without the piano, and began rubbing her shoulders, telling her to “loosen up and relax.” Ms. Gardner interpreted Senzer’s directions to mean she sounded nervous. Senzer had conditioned Ms. Gardner to seek his approval and she wanted to impress him. Senzer would rub Ms. Gardner’s shoulders until the song ended.

50. On another occasion, Senzer inappropriately rubbed Ms. Gardner’s back while the two sat at the piano. While rubbing her back, Senzer stated “you are not wearing a bra.” Recognizing the embarrassment on Ms. Gardner’s face, Senzer attempted to reassure Ms. Gardner, saying “it’s OK that you don’t need one, you will know when you need one when you pass the pencil test.” Senzer then took a pencil and put it under Ms. Gardner’s breast. Ms. Gardner did not understand what Senzer was doing, but once the pencil dropped, Senzer put his hand on Ms. Gardner’s breast and said “see, there’s nothing a bra would hold up.” Embarrassed and uncomfortable, Ms. Gardner did not know what to say. Again, Senzer attempted to reassure Gardner and said “don’t worry, French women don’t wear bras; men like that.”

51. Senzer’s compliments on Ms. Gardner’s voice transitioned to comments on her appearance. Senzer told Ms. Gardner she was beautiful, or that her clothes were pretty and “becoming.” He also let unfinished comments linger such as, “with dimples like that...,” or “if I was 30 years younger...,” and “if we were in school at the same time...” Ms. Gardner was only 13 years old and did not recognize Senzer’s implications.

52. In the spring of 1999, Ms. Gardner learned she had gotten a highly anticipated part in the community theater play. Senzer stood outside his classroom ushering the students inside. Ms. Gardner excitedly told Senzer she got the part she had been practicing for. Senzer said, “I knew it,” put his hands on Ms. Gardner’s shoulders so she could not lean away, and kissed Ms. Gardner on the lips in front of the other students. Ms. Gardner was stunned and embarrassed, with one student asking another, “did that just happen?”

The District Knew or Should Have known of Senzer’s Inappropriate and Unlawful Conduct

53. Rumors of Senzer’s abuse of other female students were common at the school, and Senzer openly discussed the physical attributes of female students that he found attractive.

54. Since at least early 1973, Senzer openly maintained in his office countless photographs of underage females in various stages of undress, always making sure to describe them as “art.” At least three other former students have acknowledged that Senzer photographed them when they were minors, with at least one expressing her fear of what Senzer has done with those pictures.

55. During the periods of abuse, when Ms. dePasquale was in 9th grade, one of Defendant’s faculty members, who also happened to be Senzer’s wife, Roberta, unexpectedly entered Senzer’s office after he had induced Ms. dePasquale to massage him. Her only response to seeing a 9th grade female student massaging a teacher behind a closed office door was to angrily say “I would like to speak to my husband privately.” Beginning in 8th or 9th grade, Senzer also began driving Ms. dePasquale to places such as the mall, with Ms. dePasquale openly entering Senzer’s car on school grounds. No permission slip was necessary, and Senzer was not the only teacher to engage in such conduct with students.

56. Vice Principal Cafarro walked into Senzer’s office while Ms. McEvoy was massaging Senzer. Cafarro was not alarmed to see a young female student massaging an adult

school employee. This was not the only time that an Oldfield employee walked into Senzer's office while inappropriate touching was occurring between Senzer and Ms. McEvoy.

57. Ms. Sirone, a colleague of Senzer, reported Senzer's inappropriate behavior to administrators in and around 1982, but no action was taken by Defendants in response to the report.

58. Other faculty members at the time described Senzer as sleezy; described him as liking young girls, not women; or recall hearing him make red flag comments about students such as "I'd love for [insert student name] to give me a blow job."

59. Defendants and numerous children were aware of Senzer's predatory behavior, but did nothing to stop it. No reports were made to law enforcement, or the Defendants, and Senzer was neither investigated nor disciplined for his conduct. While students were often convinced that they were in big trouble for being a part of Senzer's inappropriate and unlawful conduct, Senzer simply shrugged it off, confident that his misconduct was an accepted part of the culture at Defendants' schools.

The District Permitted a Culture of Sexual Abuse in Which it was Acceptable for Teachers to Sexually Abuse Students

60. On information and belief, and as alleged below, Defendants allowed a culture to fester at their schools in which it was acceptable for teachers to sexually abuse students.

61. Senzer was far from the only faculty member whose sexual predation of students was enabled by Defendants. It was common knowledge that an English teacher at the junior high school was dating underage female high school students. Similarly, the track coach was known to have inappropriate relationships with a different female student every year he coached. The District is aware of the track coach's identity, and should immediately publicly identify him and report him to law enforcement, along with the identities of all of their other current and former agents who have been accused of abuse but who the District has never reported to law enforcement. This is an issue of child safety that the District can and should address

immediately. The danger to today's children increases exponentially with every day that the District continues to conceal the identities of its predatory agents.

62. When Ms. dePasquale was in the 11th grade, a science teacher, Mr. Factor, slid his hand under Ms. dePasquale's buttocks when she was sitting on a window ledge. Ms. dePasquale slid away from the abuse and immediately reported Mr. Factor's conduct to Mr. Shuttleworth. Shuttleworth's response was to tell Ms. dePasquale that he (Factor) didn't mean anything by it and probably didn't realize what he was doing. Mr. Factor's inappropriate conduct at the school was so prevalent and well known that students called him "creepy factor." But the school did nothing to protect the students from his conduct. Mr. Shuttleworth himself was later dismissed for inappropriate actions towards a student.

63. Defendants held their teachers out as people of high morals, as possessing immense power, teaching families and children to obey these leaders and agents, teaching families and children to respect and revere these leaders and agents, soliciting youth and families to its programs, marketing to youth and families, recruiting youth and families, and holding out the people that worked and continue to work in their programs as safe.

64. As a result, Defendants' leaders and agents have occupied positions of great trust, respect and allegiance among members of the general public, including [insert plaintiff name].

65. By placing Senzer as a teacher at Oldfield Middle School, Defendants, through their agents, affirmatively or implicitly represented to minor children, their families, and members of the general public that Senzer did not pose a threat to children.

66. By placing Senzer as a teacher at Oldfield Middle School, Defendants, through their agents, affirmatively or implicitly represented to minor children, their families, and members of the general public that Senzer did not have a history of molesting children.

67. By placing Senzer as a teacher at Oldfield Middle School, Defendants, through their agents, affirmatively or implicitly represented to minor children, their families, and members of the general public, that Defendants did not know of Senzer's history of sexually abusing children.

68. By placing Senzer as a teacher at Oldfield Middle School, Defendants, through their agents, affirmatively or implicitly represented to minor children, their families, and members of the general public that Defendants did not know that Senzer was a danger to children.

69. Defendants knew, should have known and should currently know that employing child rapists like Senzer and giving them unchecked access to children and the public at large was an extremely risky practice and was likely to expose the public to the threat of criminal activity.

70. Defendants affirmatively concealed Senzer's history of sexual abuse from the public.

71. Defendants failed to warn the public of the risk posed by Senzer's access to children.

72. By placing Senzer in a position of trust and authority, Defendants exposed the public, and Plaintiff in particular, to the risk of becoming a victim of a criminal sexual act.

73. Sexual abuse, by its very nature, is an act that is committed in secret and, as a result, if the public is unaware of the potential that it will encounter a child molester, the public cannot take steps to protect itself from potential criminal activity.

74. By keeping Senzer in a position of trust and authority (with ready access to children), the Defendants introduced the threat of criminal conduct into the public sphere.

75. In so doing, the Defendants created the opportunity and forum for Senzer to commit criminal acts against members of the public, including Plaintiff, thus impairing the public health, welfare, and safety.

76. The public has an inherent right to be free from activities that pose a risk to health, welfare, and safety.

77. Parents have an inherent and statutory right to protect their children from harm and to have access to information that would allow them to do so.

78. Defendants have a duty to refrain from taking actions that they know or should know would expose the public to impairment of its health, welfare, and safety, including introducing the threat of criminal activity into the public sphere.

79. Despite this duty, the Defendants have, for decades, adopted a policy and practice of secrecy, covering up criminal activity committed by the teachers within the District. This practice continues to the present day and encompasses all times relevant to the instant complaint.

80. The failure to disclose the identities, histories, and information about sexually abusive teachers is unreasonable and knowingly or recklessly creates or maintains a condition which endangers the health, safety, and welfare of a considerable number of members of the public, including Plaintiff.

81. Defendants continue to conceal important information about teachers at its schools, thus continuing to expose an unknowing public to the threat of criminal activity.

82. As a result, children are at risk of being sexually molested. Further, the public is placed under the mistaken belief that Defendants do not have undisclosed knowledge of teachers who present a danger to children.

83. Upon information and belief, prior to and at least since Senzer's wife walked in on Senzer abusing Ms. dePasqualte and/or Ms. dePasquale described Senzer's conduct to one of Defendant's agents, Defendants have failed to report multiple allegations of sexual abuse of children by its agents to the proper civil authorities. As a result, children in the local community are at risk of being sexually molested.

COUNT 1: NUISANCE (COMMON LAW AND N.Y. PENAL LAW 240.45)

84. Plaintiff incorporates all paragraphs of the Complaint as if fully set forth herein.

85. The Defendants' actions and omissions, as described above, have interrupted or interfered with the health, safety, and welfare of the general public. Pursuant to Correction Law Article 6-C, the Sex Offender Registration Act, the public has the right to know sex offenders' name, all aliases used, date of birth, sex, race, height, weight, eye color, driver's license number, home address and/or expected place of domicile, any internet accounts with internet access providers belonging to such offender, and internet identifiers that such offender uses, so that the public can identify such persons and take protective measures on behalf of their children. In furtherance of that right, New York Soc. Services §§ 411-428 mandate reporting to child protective services any suspected childhood sexual abuse. The public also has a compelling interest in knowing if a prominent and powerful institution has cloaked in secrecy decades of sexual abuse. In re The Clergy Cases I, 188 Cal.App.4th 1224, 1236 (2010) ("all citizens have a compelling interest in knowing if a prominent and powerful institution has cloaked in secrecy decades of sexual abuse"). The negligence and/or deception and concealment by Defendants interferes with and causes harm to these rights that are common to the public by preventing Defendants' predatory agents from being criminally prosecuted, thereby obstructing the public's right to identify such persons as registered sex offenders. Defendants' secretive conduct also interferes with and causes harm to the public's right to know Defendants have concealed decades of sexual abuse by Defendants' teachers.

86. Defendants have created and exposed the public to these unsafe conditions continuously and on an ongoing basis since at least the time that Senzer first abused Susan Talbot in 1969, and has continued to expose the public to that unabated threat until the present day.

87. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered special and individualized harms separate and distinct from the harms suffered by the public at large. The negligence and/or deception and concealment by Defendants was specially injurious to Plaintiff's health as she and her family were unaware of the danger posed to children left unsupervised with agents of Defendants, and as a result of this deception, Plaintiff was placed in the custody and control of Senzer who subsequently sexually assaulted Plaintiff. The special injuries to Plaintiff are the sexual assaults by Senzer that were caused and enabled by the deception and concealment by Defendants of sexual abuse by its teachers.

88. The harm suffered by the Plaintiff is the exact type of harm that one would expect to result from the Defendants' acts and omissions.

89. Defendants continue to conspire and engage and/or have conspired and engaged in efforts to: 1) conceal from the general public the sexual assaults committed by, the identities of, and the pedophilic/ephebophilic tendencies of Senzer; and/or 2) attack the credibility of victims of the Defendant's agents; and/or 3) protect Senzer and Defendants' other pedophilic/ephebophilic current and former agents from criminal prosecution and registration as sex offenders by concealing their crimes from law enforcement and other civil authorities; and/or 4) protect Defendants' agents from criminal prosecution and registration as sex offenders by receiving reports or notice of misconduct by persons such as Senzer, but then ignoring them; and/or 5) allow agents who Defendants know pose a threat to children to live freely in the community without informing the public.

90. The net result of the aforementioned activities is that Defendants have introduced the threat of criminal activity into the public sphere, disrupted and interfered with the public's statutory right to know the identities of sex offenders, and have thereby impaired the public's health, safety, and welfare. Children cannot be left unsupervised in any location where

Defendants' agents are present as the general public cannot trust Defendants to prohibit their pedophilic agents from supervising, caring for, or having any contact with children, nor to warn parents of the presence of the pedophilic agents of Defendants, nor to identify their pedophilic agents, nor to identify and/or report to law enforcement their agents accused of childhood sexual abuse. Defendants' policy of secrecy with regards to their agents accused of childhood sexual abuse has prevented the criminal prosecution of such persons, thus depriving the public of and causing harm to the public's right to identify and protect their children from sex offenders. That policy of secrecy also deprives the public of and causes harm to the right to identify institutions that have cloaked in secrecy childhood sexual abuse by their agents.

91. The conduct of Defendants was specially injurious to Plaintiff's health, safety and welfare as Plaintiff was sexually assaulted by Defendants' agent, Senzer.

92. The conduct of Defendants was further specially injurious to Plaintiff's health, safety and welfare in that when Plaintiff discovered Defendants' conduct, Plaintiff experienced mental, emotional and/or physical distress that she had been the victim of Defendants' conduct.

93. Plaintiff has suffered and/or continues to suffer special, particular, and peculiar psychological and emotional harm and/or peculiar pecuniary harm, different in kind from the general public, after learning of Defendants' conduct.

94. Plaintiff's injuries are also particular to her and different from the injuries to the general public.

95. The continuing public nuisance created by Defendants was, and continues to be, the proximate cause of the injuries and damages to the general public as alleged in ¶¶ 85-86, and of Plaintiff's special injuries and damages as alleged in ¶¶ 87-88, 91-94. Defendants repeatedly failed to report Senzer to law enforcement despite learning of multiple instances of reportable abuse. As recently as August 14, 2019, agents of Defendants learned of or already knew of but

failed to report information about Senzer and/or their other pedophilic/ephebophilic former and current agents to law enforcement.

96. In doing the aforementioned acts, Defendants acted negligently and recklessly and/or intentionally, maliciously and with conscious disregard for Plaintiff's rights.

97. Only Defendants know how many other of their predatory agents are, like Senzer, roaming free in society as never convicted, unregistered, and unidentifiable sex offenders.

98. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer special injury in that she suffers great pain of mind and body, shock, emotional distress, physical injuries, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling. As a proximate result of these injuries, Plaintiff has suffered general and special damages in an amount in excess of the jurisdictional minimum of this Court.

99. As a further result of the above-described conduct by Defendants, Plaintiff further requests injunctive relief prohibiting Defendants from, among other things: allowing their pedophilic/ephebophilic agents to have any unsupervised contact with children; failing/refusing to disclose to and/or concealing from the general public and/or law enforcement when Defendants have transferred a pedophilic/ephebophilic agent into their midst; failing/refusing to disclose to and/or concealing from law enforcement and/or the general public and/or potential employers the identities and the criminal acts of their pedophilic/ephebophilic agents; failing/refusing to disclose to and/or concealing from the public and/or law enforcement and/or potential employers reports, complaints, accusations or allegations of acts of childhood sexual abuse committed by Defendants'

current or former agents. Defendants should be ordered to stop failing/refusing to disclose to and/or concealing and instead should identify each and every one of their current and former agents who have been accused of childhood sexual abuse, the dates of the accusation(s), the date(s) of the alleged abuse, the location(s) of the alleged abuse, and the accused agents' assignment histories.

COUNT 2: NEGLIGENCE

100. Plaintiff incorporates all paragraphs of the Complaint as if fully set forth herein.

101. While Plaintiff was a student at Defendants' school, Senzer engaged in unpermitted, harmful and offensive sexual conduct and contact with Plaintiff. Said conduct was undertaken after Defendants learned of the risk he posed to children while Senzer was an employee, volunteer, representative, or agent of Defendants, and while in the course and scope of employment with Defendants, and/or was ratified by the actions of Defendants. Defendants' conduct was wanton and reckless and/or evidenced a conscious disregard for the rights and safety of Plaintiff and other children.

102. Prior to or during the abuse alleged above, Defendants knew, had reason to know, or were otherwise on notice of unlawful sexual conduct by Senzer and Defendants' other pedophilic and/or ephebophilic agents. Defendants failed to take reasonable steps and failed to implement reasonable safeguards to avoid acts of unlawful sexual conduct in the future by Senzer and Defendants' other pedophilic and/or ephebophilic agents, including, but not limited to, preventing or avoiding placement of Senzer and Defendants' other pedophilic and/or ephebophilic agents in functions or environments in which contact with children was an inherent part of those functions or environments. Furthermore, at no time during the periods of time alleged did Defendants have in place a system or procedure to supervise and/or monitor employees, volunteers, representatives, or agents to insure that they did not molest or abuse minors in Defendants' care, including Plaintiff.

103. Defendants had a duty to protect the minor Plaintiff when she was entrusted to their care by Plaintiff's parents. Plaintiff's care, welfare, and/or physical custody was temporarily entrusted to the Defendants. The Defendants voluntarily accepted the entrusted care of Plaintiff. As such, the Defendants owed Plaintiff, a minor child, a special duty of care, in addition to a duty of ordinary care, and owed Plaintiff the higher duty of care that adults dealing with children owe to protect them from harm.

104. Defendants, by and through their agents, servants and employees, knew or reasonably should have known of Senzer's and Defendants' other pedophilic and/or ephebophilic agents' dangerous and exploitive propensities and that they were unfit agents. It was foreseeable that if the Defendants did not adequately exercise or provide the duty of care owed to children in their care, including but not limited to Plaintiff, the children entrusted to the Defendants' care would be vulnerable to sexual abuse by Senzer and Defendants' other pedophilic and/or ephebophilic agents.

105. Defendants breached their duty of care to the minor Plaintiff by allowing Senzer to come into contact with the minor Plaintiff without supervision; by failing to adequately hire, supervise, or retain Senzer and Defendants' other pedophilic and/or ephebophilic agents who they permitted and enabled to have access to Plaintiff; by failing to investigate or otherwise confirm or deny such facts about Senzer and Defendants' other pedophilic and/or ephebophilic agents; by failing to tell or concealing from Plaintiff, Plaintiff's parents, guardians, or law enforcement officials that Senzer and Defendants' other pedophilic and/or ephebophilic agents, were or may have been sexually abusing minors; by failing to tell or concealing from Plaintiff's parents, guardians, or law enforcement officials that Plaintiff was or may have been sexually abused after Defendants knew or had reason to know that Senzer may have sexually abused Plaintiff, thereby enabling Plaintiff to continue to be endangered and sexually abused, and/or creating the

circumstance where Plaintiff was less likely to receive medical/mental health care and treatment, thus exacerbating the harm done to Plaintiff, and/or, in the case of Defendants, by holding out Senzer to the Plaintiff and her parents or guardians as being in good standing and trustworthy. Defendants further cloaked within the facade of normalcy Senzer's and Defendants' other pedophilic and/or ephebophilic agents' contact and/or actions with the Plaintiff and/or with other minors who were victims of Senzer and Defendants' other pedophilic and/or ephebophilic agents, and/or disguised the nature of the sexual abuse and contact. Finally, Defendants, through their conduct during and after the period of abuse, ratified Senzer's sexual abuse of Plaintiff. Defendants' ratification of Senzer's criminal conduct included repeatedly not disciplining or terminating them for their sexual misconduct towards minors.

106. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical injuries, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT 3: NEGLIGENT SUPERVISION/FAILURE TO WARN

107. Plaintiff incorporates all paragraphs of the Complaint as if fully set forth herein.

108. Defendants had a duty to provide reasonable supervision of Senzer and Defendants' other pedophilic and/or ephebophilic agents, and to use reasonable care in investigating Senzer and Defendants' other pedophilic and/or ephebophilic agents. Defendants also had a duty to provide adequate warning to Plaintiff, Plaintiff's family, and Defendants' students, of Senzer's and Defendants' other pedophilic and/or ephebophilic agents' dangerous propensities and

unfitness, particularly after they observed the misconduct by Senzer and/or were placed on notice of the misconduct before Senzer abused Plaintiff.

109. Additionally, because Defendants knew or should have known of the heightened risk Senzer and Defendants' other pedophilic and/or ephebophilic agents posed to all children, Defendants had a heightened duty to provide reasonable supervision and protection to children with whom Defendants allowed Senzer and Defendants' other pedophilic and/or ephebophilic agents to have contact and/or custody and control.

110. Defendants, by and through their agents, servants and employees, knew or reasonably should have known of Senzer and Defendants' other pedophilic and/or ephebophilic agents' dangerous and exploitive propensities and that they were unfit agents. Each of the Defendants was in a special relationship with Senzer as they each allowed Senzer to have access to children after being put on notice of the sexual abuse risk he posed to children, especially to children such as Plaintiff who were likely to come into close contact with Senzer as a student and/or as a guest and/or invitee on Defendants' properties.

111. Despite this history and knowledge of Senzer's propensities, no Defendant ever warned anyone that he posed a risk to children. Each Defendant also employed Senzer in a position of trust, allowed him to work with children, or allowed him access to children on their property, and knew that after leaving their property he would continue to hold such positions and work with children such as Plaintiff.

112. Defendants also knew that if they failed to provide children who had contact with Senzer and Defendants' other pedophilic and/or ephebophilic agents sufficient supervision and protection, those children would be vulnerable to sexual assaults by Senzer and Defendants' other pedophilic and/or ephebophilic agents. Despite such knowledge, Defendants negligently failed to supervise Senzer and Defendants' other pedophilic and/or ephebophilic agents in the position of

trust and authority as teachers and advisors and, as a result they were able to commit the wrongful acts against Plaintiff.

113. Defendants failed to use reasonable care in investigating Senzer and Defendants' other pedophilic and/or ephhebophilic agents. Defendants failed to provide adequate warning to Plaintiff and Plaintiff's family of Senzer's and Defendants' other pedophilic and/or ephhebophilic agents' dangerous propensities and unfitness. Defendants also had a duty to disclose negative information regarding Senzer where they made an affirmative representation, regarding Senzer's fitness for employment, in positions that included working with children. Each of these failures by Defendants created a foreseeable and substantial risk of significant harm to a child such as Plaintiff who was likely to come into close contact with Senzer as a teacher and advisor.

114. Defendants further failed to provide Plaintiff with adequate supervision and protection, and failed to take reasonable measures to prevent future sexual abuse.

115. Finally, Defendants, through their conduct during and after the period of abuse, ratified Senzer's sexual abuse of Plaintiff. Defendants' ratification of Senzer's criminal conduct included repeatedly not disciplining or terminating him for his sexual misconduct towards minors.

116. Defendants' conduct alleged herein, and the implementation of Defendants' policy of secrecy in particular, illustrates wanton and reckless conduct and/or a conscious disregard for the rights and safety of Plaintiff and other children.

117. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical injuries, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained loss of earnings and earning capacity; and/or has incurred and will

continue to incur expenses for medical and psychological treatment, therapy, and counseling. As a proximate result of these injuries, Plaintiff has suffered general and special damages in an amount in excess of the jurisdictional minimum of this Court.

COUNT 4: NEGLIGENT HIRING/RETENTION

118. Plaintiff incorporates all paragraphs of the Complaint as if fully set forth herein.

119. Defendants had a duty not to hire and/or retain Senzer and Defendants' other pedophilic and/or ephobophilic agents given their dangerous and exploitive propensities.

120. Defendants, by and through their agents, servants and employees, knew or reasonably should have known of Senzer's and Defendants' other pedophilic and/or ephobophilic agents' dangerous and exploitive propensities and/or that they were unfit agents. Despite such knowledge, Defendants negligently hired and/or retained Senzer and Defendants' other pedophilic and/or ephobophilic agents in the position of trust and authority as teachers and/or advisors and/or other authority figures or employees, where they were able to commit the wrongful acts against Plaintiff. Defendants failed to use reasonable care in investigating Senzer and Defendants' other pedophilic and/or ephobophilic agents and failed to provide adequate warning to Plaintiff and Plaintiff's family of Senzer's and Defendants' other pedophilic and/or ephobophilic agents' dangerous propensities and unfitness. Defendants further failed to take reasonable measures to prevent future sexual abuse. Finally, Defendants, through their conduct during and after the period of abuse, ratified Senzer's sexual abuse of Plaintiff. Defendants' ratification of Senzer's criminal conduct included repeatedly not disciplining or terminating them for their sexual misconduct towards minors after Defendants received reports of their sexual misconduct.

121. Defendants' conduct alleged herein, and Defendants' implementation of their policy of secrecy in particular, illustrates wanton and reckless conduct and/or a conscious disregard for the rights and safety of Plaintiff and other children.

122. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical injuries, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling. As a proximate result of these injuries, Plaintiff has suffered general and special damages in an amount in excess of the jurisdictional minimum of this Court.

COUNT 5: FRAUD

123. Plaintiff incorporates all paragraphs of the Complaint as if fully set forth herein.

124. Defendants knew and/or had reason to know of the sexual misconduct of Senzer and Defendants' other pedophilic and/or ephebophilic agents before the last instance of abuse of Plaintiff. Agents of Defendants also had custody and control of Plaintiff immediately before and during the instances of abuse, and owed her the greater degree of care – including the duty to prevent harm caused by the criminal conduct of third parties -- owed by childcare custodians to any child in their custody and control.

125. Defendants misrepresented, actively concealed and/or failed to disclose information relating to sexual misconduct and the criminal intentions of Senzer and Defendants' other pedophilic and/or ephebophilic agents as described herein, and Defendants continue to misrepresent, conceal, and/or fail to disclose information relating to sexual misconduct of Senzer and Defendants' other pedophilic and/or ephebophilic agents as described herein. Agents of Defendants learned that Senzer was sexually abusing Plaintiff before the last instance of abuse, but concealed that knowledge from Plaintiff and her family.

126. As a direct result of Defendants' fraud, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical injuries, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling. As a proximate result of these injuries, Plaintiff has suffered general and special damages in an amount in excess of the jurisdictional minimum of this Court.

127. In addition, when Plaintiff discovered the fraud of Defendants, and continuing thereafter, Plaintiff experienced recurrences of the above-described injuries. In addition, when Plaintiff finally discovered the fraud of Defendants, and continuing thereafter, Plaintiff experienced extreme and severe mental and emotional distress that Plaintiff had been the victim of Defendants' fraud; that Plaintiff had not been able to help other minors being molested because of the fraud; and that Plaintiff had not been able because of the fraud to receive timely medical treatment needed to deal with the problems Plaintiff had suffered and continues to suffer as a result of the molestations.

**COUNT 6: FIDUCIARY/CONFIDENTIAL RELATIONSHIP FRAUD AND
CONSPIRACY TO COMMIT FRAUD**

128. Plaintiff incorporates all paragraphs of the Complaint as if fully set forth herein.

129. Because of Plaintiff's young age, and because of the status of Senzer as an authority figure to Plaintiff, Plaintiff was vulnerable to Senzer. Senzer sought Plaintiff out and was empowered by and accepted Plaintiff's vulnerability. Plaintiff's vulnerability also prevented Plaintiff from effectively protecting herself.

130. By holding Senzer and Defendants' other pedophilic and/or ephebophilic agents out as qualified teachers, advisors, emotional mentors, and/or other authority figures, by allowing Senzer to have custody and control of and/or contact with the Plaintiff, and by undertaking the religious and/or secular instruction and/or spiritual and/or emotional counseling and/or medical care of Plaintiff, Defendants entered into a fiduciary and/or confidential relationship with the minor Plaintiff giving rise to a fiduciary duty.

131. Having a fiduciary and/or confidential relationship giving rise to a fiduciary duty, Defendants had the duty to obtain and/or disclose information relating to sexual misconduct of Senzer and Defendants' other pedophilic and/or ephebophilic agents. Defendants breached that duty by failing to disclose their knowledge of the risk to children posed by Senzer. Agents of Defendants also had custody and control of Plaintiff immediately before and during the instances of abuse, and owed her the greater degree of care – including the duty to prevent harm caused by the criminal conduct of third parties – owed by childcare custodians to any child in their custody and control.

132. Defendants misrepresented, actively concealed or failed to disclose information relating to sexual misconduct of Senzer and Defendants' other pedophilic and/or ephebophilic agents as described herein, and Defendants continue to misrepresent, conceal, and/or fail to disclose information relating to sexual misconduct of Senzer and Defendants' other pedophilic and/or ephebophilic agents as described herein. Agents of Defendants learned that Senzer was sexually abusing Plaintiff before the last instance of abuse, but concealed that knowledge from Plaintiff and her family.

133. As alleged above, Defendants, in concert with each other and with the intent to conceal and defraud, conspired and came to a meeting of the minds whereby they would

misrepresent, conceal or fail to disclose information relating to the sexual misconduct of Senzer and/or Defendants' other pedophilic and/or ephebophilic agents.

134. By so concealing, Defendants committed at least one act in furtherance of the conspiracy.

135. As a direct result of Defendants' fraud and conspiracy, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical injuries, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling. As a proximate result of these injuries, Plaintiff has suffered general and special damages in an amount in excess of the jurisdictional minimum of the Court.

136. In addition, when Plaintiff discovered the fraud of Defendants, and continuing thereafter, Plaintiff experienced recurrences of the above-described injuries. In addition, when Plaintiff finally discovered the fraud of Defendants, and continuing thereafter, Plaintiff experienced extreme and severe mental and emotional distress that Plaintiff had been the victim of Defendants' fraud; that Plaintiff had not been able to help other minors being molested because of the fraud; and that Plaintiff had not been able because of the fraud to receive timely medical treatment needed to deal with the problems Plaintiff had suffered and continues to suffer as a result of the molestations.

**COUNT 7: BREACH OF FIDUCIARY DUTY AND/OR CONFIDENTIAL
RELATIONSHIP**

137. Plaintiff incorporates all paragraphs of the Complaint as if fully set forth herein.

138. Because of Plaintiff's young age, and because of the status of Senzer as an authority figure to Plaintiff, Plaintiff was vulnerable to Senzer. Senzer sought Plaintiff out and was empowered by and accepted Plaintiff's vulnerability. Plaintiff's vulnerability also prevented Plaintiff from effectively protecting herself.

139. By holding Senzer and Defendants' other pedophilic and/or ephebophilic agents out as qualified teachers, advisors and/or other authority figures, by allowing Senzer to have custody and control of and/or contact with the Plaintiff, and by undertaking the religious and/or secular instruction and/or spiritual and/or emotional counseling and/or medical care of Plaintiff, Defendants entered into a fiduciary and/or confidential relationship with the minor Plaintiff giving rise to a fiduciary duty.

140. Defendants and each of them breached their fiduciary duty to Plaintiff by engaging in the negligent and wrongful conduct described herein, including but not limited to failing to disclose their knowledge of abuse by Senzer.

141. As a direct result of Defendants' breach of their fiduciary duty, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical injuries, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling. As a proximate result of these injuries, Plaintiff has suffered general and special damages in an amount in excess of the jurisdictional minimum of this Court.

COUNT 8: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

142. Plaintiff incorporates all paragraphs of the Complaint as if fully set forth herein.

143. Defendants' conduct was extreme and outrageous and was intentional and/or wanton and reckless with a conscious disregard for the rights and safety of Plaintiff and other children. Defendants knew or should have known Senzer and Defendants' other pedophilic and/or ephebophilic agents were spending time, and would continue to spend time in the future, in the company of and assaulting numerous children, including Plaintiff, around the Counties of Suffolk and other locations. Defendants also knew or should have known Senzer and Defendants' other pedophilic and/or ephebophilic agents were high risks to all children as Defendants had received complaints and/or other notice of prior acts of misconduct by Senzer and Defendants' other pedophilic and/or ephebophilic agents. Given their knowledge of prior misconduct by Senzer and Defendants' other pedophilic and/or ephebophilic agents, Defendants knew or should have known that every child exposed to Senzer and Defendants' other pedophilic and/or ephebophilic agents, including Plaintiff, was substantially certain to be assaulted by Senzer and Defendants' other pedophilic and/or ephebophilic agents. Defendants knew or should have known, and had the opportunity to learn of, the intentional and malicious conduct of Senzer and Defendants' other pedophilic and/or ephebophilic agents, and thereby ratified and joined in said conduct by failing to terminate, discharge, or at least discipline Senzer and Defendants' other pedophilic and/or ephebophilic agents after learning of their propensities, and/or by failing to warn anyone of Senzer's and Defendants' other pedophilic and/or ephebophilic agents propensities, and/or by failing to prevent them from having contact with children. The conduct of Defendants in confirming, concealing and ratifying that conduct was done with knowledge that the emotional and physical distress of Plaintiff and other children exposed to these men would thereby increase, and was done with a wanton and reckless disregard of the consequences to Plaintiff and other children in their custody and control.

144. As a result of Defendants' conduct, Plaintiff experienced and continues to experience severe emotional distress resulting in bodily harm.

145. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical injuries, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling. Plaintiff continues to struggle with intense shame and guilt over the fact she fell victim to Senzer. As a proximate result of these injuries, Plaintiff has suffered general and special damages in an amount in excess of the jurisdictional minimum of this Court.

COUNT 9: FRAUD AND DECEIT

146. Plaintiff incorporates all paragraphs of the Complaint as if fully set forth herein.

147. Senzer and Defendants' other pedophilic and/or ephebophilic agents held themselves out to Plaintiff as teachers, advisors and/or other authority figures. Senzer and Defendants' other pedophilic and/or ephebophilic agents represented to Plaintiff and/or Plaintiff's family that they would counsel and guide Plaintiff. These representations were made by Senzer and Defendants' other pedophilic and/or ephebophilic agents with the intent and for the purpose of inducing Plaintiff and Plaintiff's family to entrust the spiritual, emotional and physical well-being of Plaintiff with Senzer and Defendants' other pedophilic and/or ephebophilic agents.

148. Defendants knew and/or had reason to know of the sexual misconduct of Senzer and Defendants' other pedophilic and/or ephebophilic agents before the last instance of abuse of Plaintiff. Agents of Defendants also had custody and control of Plaintiff immediately before and

during the instances of abuse, and owed her the greater degree of care – including the duty to prevent harm caused by the criminal conduct of third parties – owed by childcare custodians to any child in their custody and control.

149. Senzer and Defendants’ other pedophilic and/or ephebophilic agents misrepresented, concealed or failed to disclose information relating to their true intentions to Plaintiff and Plaintiff’s family when they entrusted Plaintiff to their care, which was to sexually molest and abuse Plaintiff. Plaintiff justifiably relied upon Senzer’s and Defendants’ other pedophilic and/or ephebophilic agents’ representations.

150. Defendants are vicariously liable for the fraud and deceit of Senzer and Defendants’ other agents as Defendants subsequently ratified Senzer’s sexual abuse of Plaintiff.

151. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical injuries, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff’s daily activities and obtaining the full enjoyment of life; has sustained loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling. As a proximate result of these injuries, Plaintiff has suffered general and special damages in an amount in excess of the jurisdictional minimum of this Court.

152. In addition, when Plaintiff finally discovered the fraud of Defendants, and continuing thereafter, Plaintiff experienced recurrences of the above-described injuries. In addition, when Plaintiff finally discovered the fraud of Defendants, and continuing thereafter, Plaintiff experienced extreme and severe mental, physical, and emotional distress that Plaintiff had been the victim of Defendants’ fraud; that Plaintiff had not been able to help other minors being

molested because of the fraud; and that Plaintiff had not been able because of the fraud to receive timely medical treatment needed to deal with the problems Plaintiff had suffered and continues to suffer as a result of the molestations.

COUNT 10: SEXUAL BATTERY
(AGAINST SENZER)

153. Plaintiff incorporates all paragraphs of the Complaint as if fully set forth herein.

154. In doing the acts of childhood sexual abuse specified herein above, the Perpetrator intentionally touched an intimate part of Plaintiff in a sexually offensive manner with the intent to harm or offend her, and further acted in such a manner as to cause Plaintiff to have an imminent apprehension of such contact. Plaintiff did not consent and could not legally have consented to be so touched by the Perpetrator. Plaintiff was harmed and offended by their conduct.

155. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling. As a proximate result of these injuries, Plaintiff has suffered general and special damages in an amount in excess of the jurisdictional minimum of this court.

156. In doing the acts complained of herein, the Perpetrator acted intentionally, maliciously and with conscious disregard for the rights of Plaintiff, thereby entitling Plaintiff to punitive damages in an amount to be established at trial.

PRAYER FOR RELIEF

Based on the foregoing causes of action, Plaintiff prays judgment against Defendants in an

amount that will fully and fairly compensate her for her injuries and damages, and for punitive damages, in an amount sufficient to deter others and punish Defendants, and for any other relief the Court deems appropriate. The amount of damages sought in this Complaint exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

In the interest of promoting public safety, Plaintiff requests an order requiring that Defendant publicly release the names of all agents, including teachers, accused of child molestation, each agent's history of abuse, each such agent's pattern of grooming and sexual behavior, and his last known address. This includes the release of Defendants' documents on the agents.

Plaintiff requests an order requiring that Defendant District discontinue its current practice and policy of dealing with allegations of child sexual abuse by its agents secretly, and that it work with civil authorities to create, implement and follow policies for dealing with such molesters that will better protect children and the general public from further harm.

DEMAND IS HEREBY MADE FOR A TRIAL BY JURY.

July 26, 2021

/s/ Daniel Lapinski
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