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Attorneys for Plaintiffs,
M.F. and J.F.

M.F. and J.F.,

Plaintiffs,

v.

THE PINGRY SCHOOL, JOHN DOES 1-50,
and ABC CORPORATIONS 1-50;

Defendants.

SUPERIOR COURT OF NEW JERSEY,
LAW DIVISION: ESSEX COUNTY

Docket No.: ESX-L-

**COMPLAINT,
JURY DEMAND**

Plaintiffs, M.F. and J.F., by and through their attorneys, Pashman Stein Walder Hayden, A Professional Corporation, by way of complaint against Defendants says:

PARTIES

1. Plaintiff, M.F., is a former student of The Pingry School.
2. Plaintiff J.F. is a citizen and resident of West Orange, New Jersey. He is M.F.'s father and paid M.F.'s tuition when he attended The Pingry School.
3. Defendant The Pingry School (hereinafter "Pingry") is a private school with its principle place of business at 131 Martinsville Road, Basking Ridge, New Jersey, 07920. At all times relevant to this complaint, Pingry was responsible for the hiring and supervision of its employees and the protection and well-being of its students, including M.F.

4. Defendants John Does 1-50 and Defendants ABC Corporations 1-50 are individuals and/or business or corporate entities whose true names and capacities are unknown to plaintiffs who therefore sue such defendants by such fictitious names and who will amend the complaint to show the true names and capacities of each such defendant when ascertained. Plaintiffs allege upon information and belief that each such fictitious/named 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 this complaint. Each of the fictitious defendants is the agent, servant and/or employee of the other referenced defendants. These individuals or entities include current or former board members, employees, administrators, or agents of Pingry.

VENUE

5. Venue is properly laid in Essex County because Plaintiff J.F. resides in Essex County and the cause of action arose in Essex County. Rule 4:3-2.

FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

Plaintiff's Sexual Abuse at Pingry

6. In the fall of 1973, J.F. enrolled M.F. in the fourth grade at Pingry in Elizabeth, N.J. At that time, Pingry was an all-male private day school for Grades 4 through 12. Later, J.F. would enroll his second son, who is two year's M.F.'s junior, in Pingry as well.

7. In or around the fall of 1973, Pingry acquired the Short Hills Country Day School ("SHCDS"), which had operated Grades K through 6.

8. Beginning in the fall of 1974, after this acquisition, Pingry operated two campuses: Grades K through 6 was located in Short Hills in Essex County and Grades 7 through 12 was located in Elizabeth.

9. As a result of the acquisition, M.F. spent his fifth and sixth grade years at Pingry's Short Hills Campus.

10. In acquiring SHCD, Pingry also acquired and retained most of SHCD's personnel (administration, faculty, and staff). This included Thad Alton, who became a teacher, coach, counselor, scout troop master, and assistant principal at Pingry.

11. It also included Alton's mother-in-law, Marjorie Hill Noon, who was an art teacher at SHCDS. She went on to become the Director of Pingry's Primary Department from 1974 to 1978.

12. During M.F.'s 5th and 6th grade school years, Alton served as M.F.'s lacrosse coach, his scout leader, and apparently his teacher and advisor.

13. During this timeframe, Alton sexually abused M.F. and was otherwise sexually inappropriate toward him.

14. In the middle of sixth grade, M.F. stopped participating in both lacrosse and scouts in order to avoid Alton.

15. Likely because the abuse was emotionally traumatic and overwhelming, as a child M.F. pushed the abuse out of his mind and never spoke of it to anyone. M.F. had no memories of his sexual abuse until early to mid-April 2016, when his father, J.F., forwarded him a March 28, 2016 letter from Pingry which advised its alumni that it had been recently notified that a few of its alumni had been sexually abused by Alton in the 1970s.

16. Due to his memory loss, M.F. did not discover, nor could he have reasonably discovered, his claims against Defendants until such a time as memories of sexual abuse resurfaced in early to mid-April.

17. Since receiving Pingry's letter and recalling his own abuse and the culture of abuse that existed at Pingry, M.F. has been greatly distressed and has struggled with intense feelings of shame, depression, anger, and anxiety. M.F. is now able to see how many of the problems he has experienced in life are connected to the fact that he was sexually abused as a young child.

Pingry's Report

18. In late March 2017, Pingry released a 44-page investigative report (hereinafter "the Report") by T&M Protection Resources ("T&M"), which it had commissioned to investigate the scope and extent of Alton's sexual abuse of Pingry students.

19. In graphic and disturbing detail, the Report explains that Alton sexually abused at least twenty-seven Pingry students in a manner that is consistent with the sexual abuse that M.F. experienced, including behind locked doors in Alton's school office, which was on the main hallway for everyone to see.

20. Pingry also sponsored a scouting troop for its students and appointed Alton its troop master. Thereafter, Alton repeatedly abused numerous Pingry students during scouting activities and camp sleepovers.

21. The Report concludes that Alton's victims did not report their abuse to any adult, including their parents or anyone in authority at the school. The stated reason for this included: a) feelings of fear, shame, and embarrassment about the abuse; b) concern that Alton's behavior was their "fault" and that they would get in trouble if anyone found out; c) fear that Alton would claim he did not abuse them and that his word would be believed, given his stature in the school community; and d) a failure to understand the true nature of what was being done to them and that the behavior was, in fact, sexual abuse.

22. Nonetheless, the Report also reveals that many of the former students who were interviewed by T&M reported their firm belief that Pingry's teachers and staff were indeed aware of Alton's abuse when it occurred because the abuse was so widely known and talked about by the students that Pingry would have had to be "deaf, dumb and blind if they didn't see it" since it would be an "impossible secret to keep."

23. The Report states that some former students offered the names of specific faculty members they believed knew about Alton's sexual abuse. These faculty members are not identified in the Report and T&M said it was not able to interview all of them, especially the former Pingry Headmaster and former SHCD Lower School Campus Principal, because both are deceased.

24. One former student said that Alton would repeatedly take him out of another teacher's class for long periods of time and that this behavior should have caused his teacher to question Alton's behavior.

25. According to the Report, some students "reported specific remarks made by faculty members as indicators that those Pingry employees possessed some level of knowledge about Alton's behavior." The Report does not detail what those remarks were or who made them.

26. Another female student told T&M that everyone at the school was aware that Alton had certain "special kids" and that students would openly talk about this in front of teachers and in classrooms, saying things such as "Oh, you sleep in Mr. Alton's tent?" and "You're his special friend." This student identified two teachers who she claimed were present and one of whom rolled their eyes, and that the statement was made in front of the lower school

principal, but T&M did not identify them in the Report and indicated it was not able to interview those individuals.

27. Some of the abuse occurred at Camp Waganaki, which was owned by a Pingry teacher and served as a location where Pingry would host many of its scout camping activities. Two Pingry students who worked at Camp Waganaki said they discussed Alton's inappropriate behavior with Pingry faculty, telling one that he was "weird" and that "he played strip poker with Scouts when I was a kid." The unnamed faculty member simply responded "Well, oh wow, that's not right. Adults shouldn't be initiating such a thing or be involved."

28. While many of the former teachers named by students were not interviewed because they allegedly did not respond to T&M's request for an interview or they are deceased, the Report concludes that those who were interviewed supported a conclusion that there were "indicators of unusual behavior by Alton." This included several former teachers saying they observed Alton in his office behind locked doors with boys either alone or in group. Teachers found it odd that the door would be locked and that there would be a delay in answering the door if anyone knocked.

29. One former teacher said she found such behavior "unusual" and "not right" and indicated that she reported it, but could not recall precisely to whom she had reported such behavior. That teacher said she believed she told the lower school principal as well as two other teachers about her concerns and stated that Alton's actions were so widely known that "I don't see how they could miss it. Especially when the teachers were walking their kids up and down the hall."

30. Multiple former teachers told T&M that there were numerous conversations between teachers about the excessive amount of time that Alton spent with students behind

locked doors or in after school activities. One said that there seemed to be a genuine feeling among teachers and students that there was “something inappropriate occurring” and that there was always an “aura of more than just friendliness” between Alton and students.

31. The Report details another former teacher who witnessed two events that “kind of set [his] ‘uh oh’ button off.” The first was that Alton gave a student a “big hug” to a student in the hallway, which felt “kind of out of place.” The second was that he went to Roy Rogers with Alton and students after a scout meeting and one particular boy told Alton to look under the table because he had something to show him. When the former teacher began to look under the table, the boy said “No, not you, Mr. Alton.” The teacher found this “bizarre,” though he does not know what Alton observed under the table.

32. Other former teachers reported rumors and discussion about Alton’s camping trips with students. One teacher said another teacher told her that Alton was “the one doing strip poker on camping trips,” but she naively took it to mean that it meant that Alton allowed students to play strip poker. Another teacher was aware that Alton let boys sleep with him in tents and that such was “questionable behavior.”

Alton Is Caught Sexually Abusing Pingry Students

33. Alton left Pingry in mid- 1978 to teach at the Peck School in Fall 1978. Although the Report mentions that the Director of the Primary Department wrote a letter of recommendation to Peck providing a “positive appraisal of Alton’s personal and professional attributes,” the Report fails to indicate that the Director of the Primary Department was Alton’s mother-in-law, Marjorie Hill Noon. Upon information and belief, Marjorie Hill Noon stopped working at Pingry shortly thereafter.

34. Despite the fact that Alton stopped teaching at Pingry in or about May 1978, Pingry continued to allow him to run its scout troop. Thus, Alton continued to have close contact with Pingry students.

35. According to the Report, after he left Pingry, Alton was criminally charged in 1979 with three counts of Private Lewdness and three counts of Impairing Morals of a Minor stemming from incidents that occurred in April of 1978 on a scouting trip that included playing games of strip poker and sexually abusing three 12-year-old-boys who were Pingry students. Alton pleaded guilty to these charges and admitted that the three male victims were from his fifth grade class at Pingry's campus in Millburn, formerly SHCD, in Essex County, New Jersey. Alton was subsequently convicted and imprisoned, in or about 1990, of sexually abusing other young boys in the State of New York.

Pingry Fails to Inform Parents

36. Despite the fact that Pingry has recently claimed it did not know of the abuse, it is completely implausible that Pingry was never contacted or notified by the Essex County Prosecutor's Office of its investigation and that one of its long-time teachers had pleaded guilty and admitted to his criminal conduct of sexually abusing students during the time period he was a teacher employed by Pingry.

37. In fact, Pingry, its staff members, agents, John Does 1-50 and Jane Does 1-50, and Alton conspired to hide and conceal Alton's sexual abuse from the public at large and from parents who, like J.F., sent their children to Pingry.

38. The Report notes that after Alton was charged in 1979, a parent notified a Pingry Board Member of the charges, which resulted in Alton resigning from his scout master position at Pingry and a "meeting of parents and a psychiatrist at a Pingry Board Member's home" took

place. At the meeting, an attorney acting on Pingry's behalf advised parents not to take legal action because it would be traumatic for the children and they would likely forget about the abuse anyway. In other words, Defendants conspired to conceal and prevent the public from learning about the abuse and sought to evade anyone from suing Pingry and holding them accountable for the abuse.

39. According to the Report, the scout "troop committee," which included a Pingry board member, wrote a letter on September 6, 1979 to parents of Alton's scout troop that stated that Alton had resigned as a troop leader. It is unclear how many parents received this letter or whether it truthfully disclosed the abuse.

40. According to the Report, T&M reviewed another undated and unsigned document from the troop committee to parents disclosing the abuse. It is unclear how many, if any, parents received this letter.

41. J.F. did not receive any of the above letters from the troop committee disclosing that Alton had sexually abused Pingry students or members of the scout troop.

42. Pingry itself never notified J.F. or any other parents that Alton had been criminally charged and pleaded guilty to sexually abusing multiple Pingry students and members of the scout troop.

43. In fact, Pingry continued to hold itself out to the public as an elite private school that adhered to the highest academic, personal and social values.

44. Had J.F. learned that sexual abuse occurred at Pingry, he would have taken his children out of the school and sought professional help for M.F.

Pingry's Culture of Abuse

45. Sexual abuse, inappropriate behavior, and misconduct at Pingry was not limited to just Alton. Pingry accepted a culture of abuse in the 1960s and 1970s.

46. While it was questioning witnesses regarding the claims against Alton, T&M discovered that at least two other former teachers had sexually abused multiple students at Pingry during the 1970s.

47. Per the Report, during the 1970s, a Pingry woodshop teacher engaged in repeated sexual behavior with 10 and 11-year-old male students that was similar to the abuse that Alton perpetrated upon students: he engaged in oral sex with them, rubbed his penis against their buttocks, masturbated in front of them, showed them pornography, and encouraged them to masturbate. This abuse occurred in the woodshop teacher's classroom, a closet in his classroom, or on camping trips.

48. The Report also reveals that at least one teacher was aware of the woodshop teacher's sexual abuse, as she saw him pull down a male student's pants in his classroom.

49. As with Alton, even though Pingry was aware of the abuse, it did nothing to stop it or to notify parents that the abuse had occurred. While that teacher told the woodshop teacher to "never engage in that behavior again," she allegedly did not report the behavior to any superiors or administrators at Pingry or any law enforcement agency or child protective services.

50. The Report also details how a science/music teacher "engaged in multiple incidents of inappropriate sexual touching and unwelcome physical contact and made inappropriate statements of a sexual nature to and in front of male Pingry students between approximately 1966 and the early 1980s." According to former Pingry students, much of the

sexual abuse and inappropriate contact occurred in front of multiple other students and in public hallways. It clearly was not a secret.

51. The science/music teacher's sexual misconduct was reported to Pingry employees and administrators, although the Report provides scant details. One student reported to the assistant principal that the science/music teacher had touched him on the buttocks and made sexually inappropriate comments, but the assistant principal "waved him off" and said that it was just a "joke."

52. Another faculty member recalls that the science/music teacher got into an argument with the headmaster because he had patted someone's buttocks and said that he believes several other Pingry administrators were well aware of the science/music teacher's propensity for inappropriately touching students and unacceptable "overly friendly" behavior with students.

53. The Report comports with M.F.'s newly recalled memories of his time at Pingry and his feelings that it was an abusive school environment.

54. In fact, M.F. now recalls that there was rampant other sexual abuse, physical abuse, and inappropriate behavior at Pingry that is not contained within the Report. For example, M.F. recalls that at one point, he and other students were punished by being forced to stand around a pool completely naked, swinging their arms in circles until they hurt so bad they had to stop.

55. M.F. also now recalls that one teacher had an office in the second floor library at the Elizabeth campus and everyone in the school was well aware that the teacher had sexual relationships with young girls in his office, but the teacher was never punished.

56. One teacher was notorious for throwing objects (i.e. erasers, chalk, and other items on his desk) at students who misbehaved, including M.F., while another teacher held one student out a second floor window, threatening to drop him if he did not behave.

57. While Pingry held itself out as being an elite private school that offered a top-notch education, it was also a very abusive place for many students. Pingry ignored the extensive abuse that occurred by multiple teachers, even though it was widely known by the student body and teachers that the abuse was occurring. Even when the abuse was reported to teachers or administrators, it was completely ignored and the abusers were allowed to continue their misconduct, as well as their tenure at the school.

FIRST COUNT
(NEGLIGENCE/NEGLIGENT HIRING, SUPERVISION, and TRAINING)

58. Plaintiffs hereby incorporate each and every allegation contained in paragraphs 1-57 of this complaint as if set forth at length herein.

59. At all material times, Pingry, its employees, and its agents owed a duty of care to M.F. to use reasonable care to ensure the safety, care, well-being and health of M.F. while he was under the care, custody or presence of Pingry and its employees and agents. These duties encompassed properly supervising M.F., and providing a safe environment for M.F., as well as properly training its employees to protect M.F. and provide a safe environment for him. In addition to the ordinary duty of care, Defendants owed M.F. a special heightened duty of care which adults owe to children in their control and care.

60. At all relevant times, Pingry and its agents and employees knew, or in the exercise of reasonable care, should have known that Alton was unfit, dangerous, and a threat to the health, safety and welfare of the children entrusted to his care and protection.

61. At all relevant times, Pingry and its agents and employees knew, or in the exercise of reasonable diligence and care, should have known that Alton was placing students, including M.F., in danger of unwanted sexual contact or patently inappropriate boundary-crossing behavior.

62. With such actual or constructive knowledge of Alton's misconduct, Pingry and its employees nonetheless breached their duty of care to M.F. through, including but not limited to, the following actions:

- a. By allowing Alton to have unfettered access to M.F. and other students in the privacy of his office for great lengths of time;
- b. By permitting Alton to have unfettered access to M.F. and other students during after school activities and overnight trips;
- c. By negligently hiring, supervising, and retaining Alton, who they permitted and enabled to have inappropriate access to children, including M.F.;
- d. By failing to investigate or otherwise look into clear indicators that Alton was harming children, including M.F.;
- e. By failing to investigate or otherwise make reasonable inquiries into discussions among students and employees/agents that Alton had sexually molested children;
- f. By failing to warn, and concealing from M.F., J.F., parents, guardians, and others, that Alton was or may have been sexually abusing children;

- g. By failing to have policies and procedures in place so that its employees and agents knew how to respond and to report their concerns of sexual abuse;
- h. By failing to have training for its employees and agents to learn how to recognize the signs of sexual abuse;
- i. By failing to have policies in place requiring employees and agents to report suspected child abuse to the proper authorities;
- j. By creating an environment that fostered secret sexual abuse against children that were owed a duty of protection, including M.F., and those who put their children in the care of Pingry, its employees and agents, including J.F.;
- k. By failing to take any action to protect M.F. from Alton; and
- l. By failing to terminate Alton upon learning of his sexual abuse of students.

63. As a direct and proximate result of Pingry's negligence, M.F. was subjected to sexual assault, sexual abuse, and lewd and lascivious behavior and suffered severe and permanent psychological, emotional and physical injuries, shame, humiliation and the inability to lead a normal life.

WHEREFORE, Plaintiff M.F. demands judgment against Pingry for compensatory damages, punitive damages, prejudgment interest, postjudgment interest, attorneys' fees, costs and such other and further relief as this Court deems proper.

SECOND COUNT
(BREACH OF FIDUCIARY DUTY)

64. Plaintiffs hereby incorporate each and every allegation contained in paragraphs 1-63 of this complaint as if set forth at length herein.

65. M.F. and Pingry were in a fiduciary relationship at all times while he was enrolled at Pingry. Because of M.F.'s young age, and because of Alton's status as an authority figure to M.F. at Pingry, M.F. was vulnerable to Alton. M.F. placed his trust and confidence in Pingry that he would be protected while a student at Pingry.

66. J.F. and Pingry were in a fiduciary relationship because J.F. entrusted Pingry to care for his child and to promote and protect M.F.'s safety and welfare while he attended school and after school functions which were sponsored by Pingry.

67. As a result, Pingry had a duty to act for the benefit of M.F., ensuring that his well-being and safety was protected at all times.

68. By engaging in the acts described above, Pingry breached its fiduciary duties to both M.F. and J.F.

69. M.F. has suffered, and will continue to suffer, severe psychological, emotional and physical injuries, including but not limited to, depression, anxiety, shame, and an inability to lead a normal and productive life.

70. J.F. has suffered, and will continue to suffer emotional injuries, including but not limited to, depression, anxiety, and severe guilt as a result of how Pingry's actions impacted and damaged his relationship with M.F.

WHEREFORE, Plaintiffs M.F. and J.F. demand judgment against Pingry for compensatory damages, punitive damages, attorneys' fees, prejudgment interest, postjudgment interest and costs of suit, and such other and further relief as this Court deems proper.

THIRD COUNT
**(VICARIOUS LIABILITY/RESPONDEAT SUPERIOR AGAINST
DEFENDANT PINGRY SCHOOL, FOR THE ACTS AND
OMISSIONS OF THEIR EMPLOYEES AND AGENTS)**

71. Plaintiffs hereby incorporate each and every allegation contained in paragraphs 1-70 of this complaint as if set forth at length herein.

72. Pingry delegated authority to its employees and agents to supervise its faculty and to ensure the well-being of its student children.

73. Pingry's employees and/or agents knew, or in the exercise of reasonable care, should have known that Alton was unfit and was dangerous to children, including M.F.

74. Pingry's employees and/or agents failed to protect M.F. and multiple other students from Alton's sexual abuse.

75. As a result, M.F. has suffered, and will continue to suffer, severe psychological, emotional and physical injuries, including but not limited to, depression, anxiety, shame, and an inability to lead a normal and productive life.

WHEREFORE, Plaintiff M.F. demands judgment against Pingry for compensatory damages, punitive damages, prejudgment and postjudgment interest, attorneys' fees, interest and costs of suit, and such other and further relief as this Court deems proper.

FOURTH COUNT
(NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS)

76. Plaintiffs hereby incorporate each and every allegation contained in paragraphs 1-75 of this complaint as if set forth at length herein.

77. Pingry, its agents, servants, and/or employees owed a duty of reasonable care to its students and their parents.

78. As described above, the actions of Pingry, its agents, servants, and/or employees, were conducted in a negligent and/or grossly negligent matter.

79. It was reasonably foreseeable that M.F. would suffer injury and be seriously emotionally distressed as a result of Pingry's negligence.

80. As a direct and proximate result of Pingry's negligence and/or gross negligence, M.F. has suffered, and will continue to suffer, severe psychological, emotional and physical injuries, including but not limited to, serious emotional distress, depression, anxiety, shame, and an inability to lead a normal life.

WHEREFORE, Plaintiff M.F. demands judgment against Pingry for compensatory damages, punitive damages, attorneys' fees, prejudgment and postjudgment interest and costs of suit, and such other and further relief as this Court deems proper.

FIFTH COUNT
(BREACH OF STATUTORY DUTY, N.J.S.A. 9:6-8.10)

81. Plaintiffs hereby incorporate each and every allegation contained in paragraphs 1-80 of this complaint as if set forth at length herein.

82. Pingry, its agents, servants, and/or employees had a statutorily imposed duty to report reasonable suspicion that Alton was abusing children.

83. Pingry, its agents, servants, and/or employees breached that statutory duty by failing to report reasonable suspicion that Alton abused students.

84. As a result of Pingry's breach of statutory duty, M.F. has suffered, and will continue to suffer, severe psychological, emotional and physical injuries, including but not limited to, depression, anxiety, shame, and an inability to lead a normal and productive life.

WHEREFORE, Plaintiff M.F. demands judgment against Pingry for compensatory damages, punitive damages, attorneys' fees, prejudgment and postjudgment interest and costs of suit, and such other and further relief as this Court deems proper.

SIXTH COUNT
(BREACH OF CONTRACT)

85. Plaintiffs hereby incorporate each and every allegation contained in paragraphs 1-84 of this complaint as if set forth at length herein.

86. A valid contract existed between J.F. and Pingry as to M.F.'s enrollment in Pingry.

87. Pingry breached the enrollment agreement by failing to provide a safe learning environment for M.F.; failing to properly supervise M.F. so that he would not be harmed by a sexually abusive teacher; and failing to alert J.F. that Alton had been engaging in and ultimately criminally charged with sexually abusing Pingry students so that J.F. could take action to ensure M.F. obtained professional treatment and was removed from the school.

88. As a result of the breach, J.F. suffered damages.

WHEREFORE, Plaintiff J.F. demands judgment against Pingry for consequential and compensatory damages, punitive damages, attorneys' fees, prejudgment and postjudgment interest and costs of suit, and such other and further relief as this Court deems proper.

SEVENTH COUNT
(FRAUDULENT CONCEALMENT/NON-DISCLOSURE)

89. Plaintiffs hereby incorporate each and every allegation contained in paragraphs 1-88 of this complaint as if set forth at length herein.

90. Since its founding, Pingry has held itself out to be an elite private school that strongly adheres to the highest academic, personal and social values.

91. Pingry and its employees and agents knew that Alton had been criminally charged with and plead guilty to sexually abusing Pingry students.

92. Pingry had a duty to disclose to all parents in the Pingry community that one of its teachers had been accused of and plead guilty to molesting multiple Pingry students and impairing the morals of children students and engaging in grossly scandalous acts of lewdness. Based on Pingry's special relationship with parents of its student body, Pingry's disclosure of Alton's molestation to all parents was part of Pingry's duty to act reasonably and prevent harm.

93. Rather than fulfilling its obligations to the parents of its student body, Pingry fraudulently concealed and purposefully failed to disclose this sexual abuse to parents, including J.F.

94. As a result of Pingry's concealment of Alton's abuse, J.F. continued to pay tuition for M.F. and his brother and was deprived of his opportunity to properly parent M.F., to remove M.F. from the Pingry school, and to get M.F. proper professional care. Further, J.F.'s relationship with M.F. was severely damaged as a result of Pingry's failure to tell him about the sexual abuse.

WHEREFORE, Plaintiffs M.F. and J.F. demands judgment against Defendants for actual damages, compensatory damages, punitive damages, per quod damages, prejudgment and post judgment interest, attorneys' fees, interest and costs of suit, and such other and further relief as this Court deems proper.

EIGHTH COUNT
(INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)

95. Plaintiffs hereby incorporate each and every allegation contained in paragraphs 1-94 of this complaint as if set forth at length herein.

96. Pingry and its employees and agents knew that Alton sexually abused M.F. and at numerous other students, yet it failed to take any actions to protect M.F. or notify his father J.F. that sexual abuse had occurred in the school community.

97. Pingry's behavior was extreme and outrageous, far outside of the society norms, and went beyond all possible bounds of decency.

98. Pingry's actions were done intentionally in a fashion intended to produce emotional distress for M.F., or alternatively, recklessly in a deliberate disregard and willful blindness of a high probability that M.F. would experience emotional distress as a result of Alton's pattern of sexual abuse and their failure to disclose it to J.F.

99. Pingry's actions directly and proximately caused M.F. emotional distress so severe that no child should have to endure.

100. As a result, M.F. has suffered, and will continue to suffer, severe psychological, emotional and physical injuries, including but not limited to, depression, anxiety, shame, and an inability to lead a normal and productive life.

WHEREFORE, Plaintiff M.F. demands judgment against Defendants for statutory damages, actual damages, compensatory damages, punitive damages, attorneys' fees, prejudgment interest, postjudgment interest and costs of suit, and such other and further relief as this Court deems proper.

NINTH COUNT
(LOSS OF CONSORTIUM - PER QUOD)

101. Plaintiffs hereby incorporate each and every allegation contained in paragraphs 1-100 of this complaint as if set forth at length herein.

102. As a result of Pingry's intentional fraudulent concealment and/or intentional failure to disclose the fact that Alton had been criminally charged with and plead guilty to

sexually abusing Pingry students, J.F. was deprived of the opportunity to intervene as a parent and remove M.F. from Pingry school and seek professional help and treatment for M.F.'s sexual abuse.

103. As a result of Pingry's intentional fraudulent concealment and/or intentional failure to disclose the fact that Alton had been criminally charged with sexually abusing Pingry students, J.F.'s relationship with M.F. was irreparably damaged and J.F. lost significant companionship with his son.

WHEREFORE, J.F. demands judgment against Defendants for statutory damages, actual damages, compensatory damages, punitive damages, attorneys' fees, prejudgment interest, postjudgment interest and costs of suit, and such other and further relief as this Court deems proper.

TENTH COUNT
(CIVIL CONSPIRACY)

104. Plaintiffs hereby incorporate each and every allegation contained in paragraphs 1-103 of this complaint as if set forth at length herein.

105. Pingry, its employees and agents, John Does 1-50, Jane Does-50, and Alton acted in concert, both implicitly and explicitly and through their joint actions and inactions, to conceal Alton's extensive sexual abuse from the public and from the parents of Pingry students and to cause further injury to Alton's sexual abuse victims, including M.F..

106. Pingry and its co-conspirators engaged in a pattern of conduct that permitted sexual abuse of M.F. and multiple others and engaged in a cover-up relating to various overt acts of sexual abuse on M.F. and multiple other children who were students at Pingry.

107. As a result, Plaintiffs has suffered, and will continue to suffer, severe psychological, emotional and physical injuries, including but not limited to, depression, anxiety, shame, and an inability to lead a normal life.

WHEREFORE, Plaintiffs demand judgment against Defendants for statutory damages, actual damages, compensatory damages, punitive damages, attorneys' fees, prejudgment interest, postjudgment interest and costs of suit, and such other and further relief as this Court deems proper.

ELEVENTH COUNT
(REQUEST FOR PUNITIVE DAMAGES)

108. Plaintiffs hereby incorporate each and every allegation contained in paragraphs 1-107 of this complaint as if set forth at length herein.

109. Pingry and the other unidentified defendants, either individually, jointly and/or severally, are liable by their actions and/or implied, constructive inactions with regard to their knowledge, actual and/or otherwise, and as such, are subjected to Plaintiff's request for punitive damages.

3. The conduct of Pingry, its employees, agents, and other defendants was willful, wanton, malicious, reckless, outrageous and/or grossly negligent in nature.

4. As a direct and/or indirect result of said conduct, Plaintiffs have suffered the injuries and damages described herein.

WHEREFORE, Plaintiffs demand judgment against all of the Defendants, jointly, severally and/or in the alternative, for punitive damages, together with interest and costs.

JURY DEMAND

Plaintiffs demand a trial by jury on all issues within the complaint.

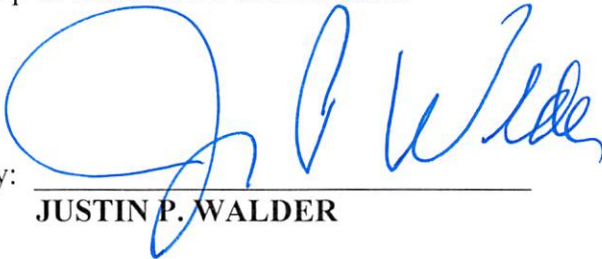
RULE 4:5-1 CERTIFICATION

I hereby certify that the matter in controversy is not the subject of any other pending and/or completed action or pending or contemplated proceeding. I know of no other parties who should be joined in this action at this time.

DESIGNATION OF TRIAL COUNSEL

Plaintiffs hereby designate Justin P. Walder, Esq. as trial counsel in this matter.

Dated: March 6, 2018

By: 

JUSTIN P. WALDER

PASHMAN STEIN WALDER HAYDEN
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Civil Case Information Statement

Case Details: ESSEX | Civil Part Docket# L-001607-18

Case Caption: F M VS THE PINGRY SCHOOL	Case Type: TORT-OTHER
Case Initiation Date: 03/06/2018	Document Type: Complaint with Jury Demand
Attorney Name: JUSTIN P WALDER	Jury Demand: YES - 12 JURORS
Firm Name: PASHMAN STEIN WALDER HAYDEN, PC	Hurricane Sandy related? NO
Address: COURT PLAZA SOUTH 21 MAIN ST STE 200 HACKENSACK NJ 076017054	Is this a professional malpractice case? NO
Phone:	Related cases pending: NO
Name of Party: PLAINTIFF : F, M	If yes, list docket numbers:
Name of Defendant's Primary Insurance Company (if known): None	Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

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? NO

If yes, is that relationship:

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:

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)

03/06/2018
Dated

/s/ JUSTIN P WALDER
Signed