

PASHMAN STEIN WALDER HAYDEN

A Professional Corporation
Court Plaza South
21 Main Street - Suite 200
Hackensack, New Jersey 07601
(201) 488-8200
Dennis T. Smith (026931988)
dsmith@pashmanstein.com
Attorneys for Plaintiffs,
M.F. and J.F.

M.F and J.F.,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION: ESSEX COUNTY
Plaintiffs,	:	
	:	DOCKET NO.: ESX-L-1607-18
v.	:	
	:	<u>Civil Action</u>
THE PINGRY SCHOOL, JOHN DOES 1-50, and ABC CORPORATIONS 1-50,	:	
	:	CERTIFICATION OF
Defendants.	:	DENNIS T. SMITH

I, DENNIS T. SMITH, of full age certifies as follows:

1. I am an attorney at law of the State of New Jersey and a Member of the Law Firm of Pashman Stein Walder Hayden, P.C., attorneys for plaintiffs. I submit this Certification in support of plaintiffs’ motion to compel discovery.

2. Plaintiff M.F. was sexually abused in the 1970s while he was a student at The Pingry School (“Pingry”) by his coach, scoutmaster, teacher and advisor Thad Alton. Attached as Exhibit A is a true and accurate copy of the Complaint and Jury Demand.

3. Attached as Exhibit B is a true and accurate copy of T&M Protection Resources (“T&M”) March 27, 2017 investigative report. Pingry hired T&M to conduct an extensive investigation on its behalf into the allegations of sexual abuse by Alton and then publicly released the report.

4. Attached as Exhibit C is a true and accurate copy of a March 30, 1978 Faculty Memo alerting staff that Thad Alton will be leaving Pingry at the end of the school year.

5. Attached as Exhibit D is a true and accurate copy of criminal charges regarding Thad Alton's molestation of Pingry students that were committed in April 1978 while he was employed at Pingry.

6. Attached as Exhibit E is a true and accurate copy of a September 6, 1979 letter from the Troop Committee alerting families of abuse allegations against Thad Alton and his resignation as Scoutmaster.

7. Attached as Exhibit F is a true and accurate copy of a September 18, 2003 email from a former Pingry student alerting Pingry of Thad Alton's sexual abuse of others.

8. Attached as Exhibit G is a true and accurate copy of a March 28, 2016 letter alerting Pingry Alumni of Pingry's "recently learned" abuse of students by Thad Alton.

9. On or about March 9, 2018, plaintiffs served interrogatories upon Pingry. Attached as Exhibit H is a true and accurate copy of plaintiffs' First Set of Document Requests.

10. On or about June 1, 2018, Pingry responded to plaintiff's Document Requests. Attached as Exhibit I is a true and accurate copy of Pingry's responses to Document Requests. In its responses, Pingry asserted that it would produce "non-confidential witness statements" from interviews that T&M conducted in its investigation in the near future.

11. Attached as Exhibit J is a true and accurate copy of a June 14, 2018 letter from plaintiffs' counsel to Pingry's counsel identifying deficiencies in their Request for Documents. The letter asked Pingry to produce the witness interview summaries.

12. Pingry did not produce the witness interview summaries.

13. Attached as Exhibit K is a true and accurate copy of a July 9, 2018 letter from plaintiffs' counsel to Pingry requesting immediate production of witness interview summaries.

14. To date, Pingry has failed to produce the witness interview summaries or witness sworn statements.

15. On June 14, 2018, plaintiffs served interrogatories on Pingry. Attached as Exhibit L is a true and accurate copy of plaintiffs' First Set of Interrogatories to Pingry.

16. Pingry failed to respond to the interrogatories.

17. On August 16, 2018, plaintiffs' counsel spoke with Pingry's new counsel and reminded them that the responses to interrogatories were overdue. Pingry's counsel said they would check on the status of the responses.

18. Attached as Exhibit M is a true and accurate copy of a September 6, 2018 letter from plaintiffs' counsel to Pingry again indicating that the responses were overdue and that motion practice would occur if the responses were not received by September 14, 2018.

19. To date, Pingry has not produced any responses to interrogatories.

20. Attached as Exhibit N are true and accurate copies of letters posted on the pingryresponse.org. website dated March 26, 2016, April 19, 2016 and April 3, 2018. These letters were sent to alumni, parents of current students, and former Board members.

21. Attached as Exhibit O is a true and accurate copy of a March 28, 2017 letter from Pingry announcing the release of the T&M Report.

22. Attached as Exhibit P is a true and accurate copy of Pingry's responses to plaintiffs' First Request for Admissions.

23. In summary, Pingry has not responded to plaintiffs' First Set of Interrogatories at all. Pingry has also not produced any of the witness interview summaries that Pingry identified as responsive to plaintiffs' First Set of Document Requests, nor has it produced any written sworn witness statements and/or deposition transcripts of any alleged victim of sexual abuse by Alton or others.

24. Plaintiffs are not in default on any of their discovery obligations.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment

PASMAN STEIN WALDER HAYDEN
A Professional Corporation
Attorneys for Plaintiffs M.F
and J.F.

Date: October 10, 2018

By: s/Dennis T. Smith
DENNIS T. SMITH

EXHIBIT A

Justin P. Walder, Esq. (#207311961)
PASHMAN STEIN WALDER HAYDEN
A Professional Corporation
Court Plaza South
21 Main Street, Suite 200
Hackensack, New Jersey 07601
(201) 488-8200
jpwalder@pashmanstein.com
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.

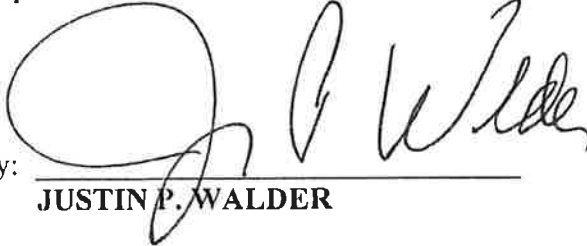
RULE 4:5-1 CERTIFICATION

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
A Professional Corporation
Court Plaza South
21 Main Street, Suite 200
Hackensack, New Jersey 07601
(201) 488-8200
jpwalder@pashmanstein.com

EXHIBIT B

**PRIVILEGED &
CONFIDENTIAL**

**REPORT TO THE
PINGRY COMMUNITY**

Prepared for
Venable LLP

T&M Protection Resources, LLC

March 27, 2017



**WARNING: THE CONTENT IS SENSITIVE, PERSONAL AND GRAPHIC.
IT IS NOT INTENDED FOR CHILDREN.
PARENTAL DISCRETION IS RECOMMENDED.**

230 Park Avenue / Suite 440 / New York, NY 10169

Tel: 212.422.0000 / Fax: 212.422.3305 / www.tmprotection.com

TABLE OF CONTENTS

I. Executive Summary 3

II. Background..... 8

 A. Thad Alton 8

 B. Investigative Objectives..... 9

 C. Scope and Methodology..... 10

 D. Interviews Conducted..... 10

 E. Material Reviewed 12

 F. Credibility..... 12

III. Findings 14

A. Thad Alton 14

 1. Alton sexually abused/assaulted at least 27 Pingry students 14

 2. Students did not report Alton’s sexually abusive and otherwise inappropriate behavior to people in positions of authority at Pingry or their parents during Alton’s tenure at the school 22

 3. Faculty members’ observations of Alton’s behavior 25

 4. Information learned in the summer of 1979 about Alton’s sexual abuse of Pingry students and scouts..... 32

B. Bruce Bohrer 38

 1. Bruce Bohrer engaged in sexual contact with three 10 and 11-year-old Pingry students and engaged in sexually inappropriate behavior with at least one other 11-year-old Pingry student between approximately 1978-1979..... 38

 2. Faculty member’s observations of Bohrer’s behavior 39

C. Antoine du Bourg..... 40

 1. Antoine du Bourg engaged in multiple incidents of inappropriate sexual and unwelcome physical contact, and made inappropriate statements of a sexual nature to and in front of Pingry students..... 40

 2. Awareness of du Bourg’s behavior 42

I. EXECUTIVE SUMMARY

T&M Protection Resources (“T&M”) was hired by the law firm of Venable LLP (“Venable”) to assist in its representation of the Pingry School (“Pingry” or the “School”) located in New Jersey. Specifically, T&M was engaged to conduct an investigation into allegations of sexual abuse by Thad Alton (“Alton”),¹ a former teacher, coach and assistant principal at Short Hills Country Day School (“Short Hills Country Day School” or “SHCDS”) from 1972-1974 and Pingry’s Short Hills Campus from 1974-1978. Pingry and Short Hills Country Day School merged in 1974. This investigation stemmed from an allegation of sexual abuse² recently brought to the attention of the School by a former Pingry student. To address these allegations, Pingry determined that an outside entity with an expertise in sexual misconduct should investigate and in March 2016 Venable retained T&M to conduct a comprehensive investigation into the allegations brought to Pingry’s attention. In addition, Pingry sent out a letter, dated March 28, 2016, to the Pingry community announcing the investigation. The letter informed its recipients of the allegations of past sexual misconduct by Alton and provided email addresses and telephone numbers of Headmaster Nathaniel Conard and Laura Kirschstein of T&M Protection Resources so that individuals with any knowledge of any inappropriate behavior by Alton, or any other adult at Pingry, could report such information on a confidential basis. In addition, upon learning of these allegations, Pingry promptly reported these allegations to local law enforcement.

T&M’s investigation took place over a period of approximately ten months, from April 2016 until January 2017. In total, T&M interviewed 74 witnesses, including some on more than one occasion, either in person, remotely via video-conferencing (Skype) or by telephone. The witnesses interviewed included current and former Pingry faculty, staff, and administrators, Pingry alumni, parents of Pingry alumni, current and former members of the Pingry Board of Trustees and individuals associated with Camp Waganaki, a boys’ summer camp located in Maine and attended by Pingry students. T&M also reviewed available Pingry personnel and administrative records, School

¹ T&M’s review of Alton’s personnel file indicates that Alton also used the first name “Ted” to identify himself.

² Throughout this Report to the Pingry Community, the terms sexual misconduct, sexual abuse, sexual assault and unwanted touching of a sexual nature are used interchangeably. Each of these terms is meant to convey the sexual touching of intimate or private parts of the body whether by hand, mouth or both, and as a result of the boys’ ages when the touching occurred, without consent. In addition, T&M considered Alton’s exposure of students to the games of truth or dare and strip poker, pornographic magazines, mutual masturbation and oral sex, even if the students had not physically participated in the misconduct, to be a form of sexual misconduct as well.

yearbooks, minutes from meetings of the Board of Trustees, and various documents provided by witnesses. In addition, T&M conducted a review of internet sources, in particular Pingrysurvivors.org, a “Pingry Survivors” website, “Pingry Survivors” Facebook page and other social media and blogs, for any relevant postings or other information pertinent to the investigation. At the conclusion of its investigation, T&M provided an investigative report to Venable that included a full recitation of T&M’s findings and victim interview summaries. The information in the investigative report was gathered under the applicable attorney-client doctrine regarding privileged communications and work product, and with the utmost regard for the privacy and confidentiality of the witnesses who were interviewed. Moreover, to further protect the privacy of the former students victimized and the many others who participated in this investigation, at Venable’s request, T&M prepared this Report to the Pingry Community. This Report to the Pingry Community does not contain all of the specific and detailed witness accounts collected by T&M during the course of the investigation or any other information that could lead to the disclosure of the identities of individuals other than the perpetrators. This Report to the Pingry Community sets forth the essential findings of T&M’s investigation.

Based on its examination of the evidence and applying a preponderance of the evidence standard, T&M makes a number of findings. The evidence demonstrates that between 1972 and 1978, while employed by Short Hills Country Day School and Pingry, Thad Alton sexually assaulted at least 27 students and that Alton’s abuse began shortly after his arrival at Short Hills Country Day School. Many witnesses who reported being assaulted by Alton also reported to T&M their observations of Alton sexually assaulting other boys and, in some cases, identified those other boys by name. In some instances, witnesses identified and named the same individual while others declined to share the identities of those victimized. In other cases, witnesses reported that they could not recall the names of the other boys due to the passage of time. These statements led T&M to conclude that the number of former students victimized by Alton likely exceeds the number of former students interviewed by T&M.

The investigation revealed that Alton engaged in a pattern of sexually abusive conduct that was consistent over time, and that the general ages of the boys that he victimized and the behaviors in which he engaged with them were strikingly similar. In particular, the boys he targeted were primarily between the ages of 10 and 12 and in fifth and sixth grade, but instances of Alton’s abuse were reported to have also included older boys, including some of high school age. The evidence further revealed that in many cases, Alton’s behaviors permeated multiple facets of the former students’ lives since some former students simultaneously attended Pingry, Camp Waganaki and were

part of Boy Scout Troop #64 (“Troop #64”) that regularly met on the School grounds. Many of the former students with whom T&M spoke described that Alton’s grooming behavior for the sexual abuse that would follow began with his constant presence and insinuation into their lives, thereby building a sense of trust and making them feel special.

Alton’s sexually assaultive behavior occurred in a number of different states, including New Jersey, New York, Maine, New Hampshire, Massachusetts, Pennsylvania, and Delaware, and in a number of different locations, including his office at School during the school day, after school, in the evenings, and on weekends, the School gymnasium and girl’s locker room, the home of his in-laws, his own School owned home at times when his wife and children were present, his home in Chatham when he moved to The Peck School, the home of a former student, on Boy Scout camping trips, his summer home in Martha’s Vineyard, his truck and Camp Waganaki, including on camping trips and inside his own cabin.

In particular, the sexual contact that occurred inside Alton’s office and elsewhere included Alton’s touching of students’ naked penises with his hands, the students’ touching of Alton’s naked penis with their hands at Alton’s request, Alton’s placement of students’ hands on his naked penis to masturbate him, Alton masturbating in front of students while encouraging students to masturbate, the mutual touching of students’ naked penises, Alton performing oral sex on students and students’ performing oral sex on Alton at his request. While some witnesses said that this behavior occurred when they were alone with Alton, others reported that Alton often invited groups of boys into his office as well and, by playing games of truth or dare or other sexual games, had the boys touch each other’s penises and then coaxed them to perform oral sex on him and/or each other. In addition, Alton used heterosexual pornographic magazines and movies to entice the boys to touch their own penises, those of each other, and that of Alton.

Most significantly, Alton used his position as the Scoutmaster of Troop #64 to gain access to boys and engage in repeated acts of sexual assault while on overnight camping trips with the Troop. The same general behavior that occurred inside Alton’s office and elsewhere was repeated inside Alton’s tent on Boy Scout camping trips, as well as at his home where he invited scouts under the guise of engaging in scout-related activity. In one instance, Alton attempted to sodomize a student on such a camping trip.

The evidence gathered during the course of T&M’s investigation supports the conclusion that children who had been subjected to Alton’s sexual abuse did not report or discuss such abuse with any adult, including a parent or anyone in a position of authority at the School, at the time the abuse

occurred or at any time during Alton's tenure at the School. The evidence gathered also supports the conclusion that even when Alton's sexual abuse became known to adults in the community after his departure from the School and some parents asked their sons if they had been victimized by Alton, all but one former student with whom T&M spoke said that they did not reveal Alton's sexual abuse.

Notwithstanding T&M's finding that the children who were sexually abused by Alton did not report his behavior to any adults while he was employed there, T&M nonetheless finds that there were indicators of unusual behavior by Alton while a Pingry employee. Observations of those indicators by various teachers led those teachers to conclude that there was something about Alton's relationship with the students that gave them pause. Moreover, T&M determined that the evidence supports the conclusion that Pingry was apprised of Alton's sexual abuse of students and other inappropriate conduct sometime during the summer of 1979, after he left his teaching position at Pingry but remained the Scoutmaster of Troop #64, when a complaint was made by the parent of a student and scout to an individual who was then a Pingry Board Member and committee member of Troop #64.

In addition, allegations against other former members of the Pingry faculty were brought to T&M's attention during the course of the investigation. Such allegations ranged from firsthand accounts of participation in sexual misconduct and boundary-crossing behaviors to isolated rumor and speculation about alleged behaviors. Only two of these individuals are named in this Report to the Pingry Community due to a lack of information from witnesses with firsthand knowledge about the others, as well as a paucity of corroborating evidence. In a number of instances, individuals who may have firsthand knowledge were not identified and those whose identities were known to T&M did not respond to letters or emails sent by T&M, and thus were not interviewed. Therefore, T&M was unable to make a finding that the inappropriate conduct alleged had occurred. Of note, no allegations involving current Pingry faculty members were brought to T&M's attention.

T&M did, however, gather sufficient evidence during the investigation to make findings with regard to two former members of the Pingry faculty, Bruce Bohrer and Antoine du Bourg, and those findings are also included in this Report to the Pingry Community. In particular, the evidence supports a finding that between approximately 1978-1979 Bruce Bohrer engaged in repeated acts of oral sex with one 10-year-old male student, the unwelcome touching of the naked and clothed penises of three 10 and 11-year-old male students, the rubbing of his penis against the buttocks and between the legs of an 11-year-old male student, and the exposure of multiple male students, including at least one 11-year-old, to pornographic magazines while masturbating in front of those students and encouraging them to also masturbate. The evidence also supports the conclusion that one teacher at the School

during Bohrer's employment observed Bohrer behaving inappropriately with a child and that she personally admonished Bohrer, but did not report her observations to a supervisor at the School.

Finally, the evidence supports a finding that Antoine du Bourg engaged in multiple incidents of inappropriate sexual touching and unwelcome physical contact of male students, and made inappropriate statements of a sexual nature to and in front of male students between approximately 1966 and the early 1980s. The evidence gathered during the investigation also supports a finding that one complaint was made to a Pingry administrator regarding du Bourg's touching of a student's clothed buttocks.

II. BACKGROUND

A. Thad Alton

In 1972, before its merger with Pingry in 1974,³ Thad Alton joined the faculty of Short Hills Country Day School where he worked for six years before his departure at the end of the 1977-78 academic year. During his tenure at the School, Alton held many positions, including sixth grade social studies teacher, homeroom teacher, guidance counselor, soccer and lacrosse coach and from 1973-1978 served as assistant principal. Alton initially resided with his wife and her parents near the Short Hills Country Day School and shortly thereafter, resided with his wife and children in faculty housing adjacent to the Short Hills campus during most of his employment at the School. Alton also organized a Boy Scout troop, Troop #64, in 1972 and became its Scoutmaster. Meetings of Troop #64 were regularly held by Alton on the Short Hills campus on Monday nights. In his capacity as Scoutmaster of Troop #64, he organized events and led weekend camping trips which occurred approximately once a month throughout the year. When Alton left Pingry in the summer of 1978 to work at The Peck School, he continued in the role of Troop #64 Scoutmaster until the summer of 1979 when he resigned from his position as Scoutmaster. During the summers of 1976 through 1979 Alton worked as a counselor at Camp Waganaki, an all-boys sleepaway camp in Maine, where he was in charge of overnight camping trips.

According to court documents, Alton was charged in 1979 by the Essex County New Jersey prosecutor 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 as well as individual and mutual masturbation with three 12-year-old boys.⁴ On May 13, 1980, Alton pled guilty to these charges in New Jersey Superior Court and admitted that the children involved were students in his fifth grade class at Pingry and Troop #64.⁵ Alton received a suspended sentence of 2-3 years and was placed on 5 years of probation. In imposing this sentence, the Court considered a diagnosis from a psychotherapist with whom Alton had been undergoing treatment that Alton's actions were the result of a "transient situational disturbance"

³ During this investigation, T&M reviewed documents that indicate Short Hills Country Day School merged with Pingry in 1974. For purposes of this Report to the Pingry Community, T&M has used "Pingry" and "the School" to refer to both Short Hills Country Day School and Pingry.

⁴ Court documents reviewed bear a docket number ending in "79," indicating that Alton was likely charged sometime in 1979. However the charging document is undated and thus, T&M was unable to determine exactly when Alton was charged.

⁵ This information is based upon the pre-sentence investigation report for Alton's 1990 criminal conviction.

and “were not part of a compulsive pattern of behavior and he did not fall within the purview of the New Jersey Sex Offender Act.”⁶

Documents examined also reveal that Alton established the North Country Kayaking Association in 1983 to which approximately 50 children and some adults belonged. In June of 1989, Alton was charged in St. Lawrence County, New York with two counts of Sexual Abuse in the Third Degree stemming from evidence that he engaged in “sexual contact by reaching inside a 14-year-old boy’s pants and touching his penis” and subjecting a 15-year-old boy to “sexual contact by pulling down his pants and touching and rubbing his penis.” Simultaneously, in Warren County, New York, Alton was charged with the crimes of Sodomy in the First Degree relating to deviate sexual intercourse with a 12-year-old boy and Sexual Abuse in the First Degree relating to genital fondling of a 10-year-old boy. According to court documents, Alton admitted that he started having sexual contact with minor boys at least 2 years before the acts for which he was charged.

On September 18, 1990, Alton entered a guilty plea in Warren County to Sodomy in the Second Degree and Sexual Abuse in the First Degree and was sentenced to 2-6 years in state prison. As a result of this guilty plea, the charges in St. Lawrence County were dismissed. Alton was released from prison on May 4, 1995 and required to register as a Level 3 sex offender in New York. In January 2012, Alton successfully petitioned for a reduction in his SORA⁷ risk level and was reclassified as a Level 2 sex offender on April 28, 2014.

B. Investigative Objectives

Although T&M’s primary focus was to investigate the allegations of abuse committed by Alton during the period of time that Alton both worked and lived within the Pingry community, T&M’s mandate was broader and included examining any other allegations of sexual misconduct with students committed by other Pingry faculty or staff members that were brought to T&M’s attention. The scope of the investigation also included determining if anyone within the Pingry community had any knowledge of such misconduct, if any reports or complaints of abuse had been made to anyone in a position of authority at Pingry or to other appropriate authorities, and in those instances where such

⁶ This information appears in the Court’s Statement of Reason contained in the New Jersey Court file.

⁷ SORA is the acronym for the **Sex Offender Registration Act**. By Chapter 192 of the Laws of 1995 signed into law by Governor George E. Pataki on July 25, 1995, the Sex Offender Registration Act (Correction Law Article 6-C) established a Sex Offender Registry within the New York State Division of Criminal Justice Services. SORA was enacted to assist local law enforcement agencies in their protection of local communities by: 1) requiring sex offenders to register with the State; and, 2) providing information to the public about certain sex offenders living in their communities. SORA took effect on January 21, 1996.

reports or complaints came to the attention of someone in a position of authority what, if any, action was taken by Pingry. T&M was not engaged to assess or evaluate the propriety of Pingry's response.

To achieve these objectives, T&M identified and interviewed anyone alleged to have suffered such abuse, and identified those individuals associated with Pingry at any level who may have known of the incidents of sexual abuse committed by Alton and others. T&M also examined whether the School knew of these incidents, if so, at what point in time this occurred, and whether such reports, if known, were addressed by anyone in a position of authority at Pingry. Finally, to the extent that former students did not report the behavior of Alton and others to anyone in a position of authority, the investigative team sought to discover what led to this lack of reporting.

C. Scope and Methodology

T&M received full cooperation from Pingry during the course of this investigation and was given authority to pursue any leads that could potentially shed light on any matter related to the investigation. T&M was also given access to all documents, correspondence, yearbooks, and any other relevant evidence maintained by Pingry. In addition, Pingry provided contact information for potential witnesses and relevant personnel records, and satisfied all information requests made by T&M.

D. Interviews Conducted

The investigation took place over a period of approximately ten months, from April 2016 until January 2017. In total, T&M interviewed 74 witnesses, including some on more than one occasion, either in person, remotely via video-conferencing (Skype) or by telephone. The witnesses interviewed included current and former Pingry faculty, staff, and administrators, Pingry alumni, parents of Pingry alumni, current and former members of the Pingry Board of Trustees and individuals associated with Camp Waganaki, a boys' summer camp located in Maine and previously owned by a Pingry faculty member. Many of these witnesses requested that their personal information be kept confidential due to the sensitive nature of the subject matter and, as previously noted, T&M has done so. The temporal scope of sexual abuse identified during these interviews ranged from the late 1960s to the early 1980s.

In addition to the former student who initially reported Alton's sexual misconduct to Pingry, T&M identified other former students who were victimized by Alton and witnesses from responses to a letter dated March 28, 2016 which was sent by Pingry Headmaster Nathaniel Conard and Pingry Board of Trustees Chair Jeffrey Edwards to all faculty, staff, alumni, current parents, current members

of the Board of Trustees and former members of the Board of Trustees for whom Pingry had contact information. The letter informed its recipients of the allegations of past sexual misconduct by Alton and provided email addresses and telephone numbers of Conard and Laura Kirschstein of T&M Protection Resources so that individuals with any knowledge of any inappropriate behavior by Alton, or any other individual at Pingry, could report such information on a confidential basis.

Interviews with 15 male witnesses, who self-identified as survivors of Alton's misconduct, were coordinated through their counsel at Crew Janci LLP. In addition, T&M interviewed 10 other men who reported that Alton engaged in sexual misconduct with them. During the course of T&M's interviews, witnesses also reported their observations of Alton engaging in sexual misconduct with other boys or their belief that Alton had done so. T&M endeavored to reach by email or letter anyone who was identified as a victim of Alton's misconduct to ensure that the investigation was complete and thorough. Additional potential victims and witnesses were identified from leads provided by witness interviews, from social media sources, and from documents obtained by T&M. In short, T&M attempted to reach every individual who was identified publicly or privately as a potential victim of sexual abuse at Pingry or was identified as an individual who may have knowledge of such abuse. However, many individuals declined to be interviewed or failed to respond to messages, phone calls, emails or registered letters from T&M and others could not be located. Although information in possession of the individuals who failed to respond or declined to speak with T&M may have been relevant to this investigation, T&M believes that the findings in this Report to the Pingry Community represent a fair, accurate and comprehensive analysis of the facts learned.

T&M also requested interviews with every former Pingry employee who was identified as a perpetrator of sexual abuse or other inappropriate behavior against a Pingry student, including those represented by counsel.⁸ To the extent that these individuals agreed to be interviewed, this was done. T&M also interviewed over 25 current and former faculty, staff and administrators at Pingry about any knowledge of abuse. Notably, T&M was unable to interview the former Pingry Headmaster and former SHCDS Lower School Campus Principal during Alton's tenure at the School since they are deceased. In addition, T&M attempted to contact former Pingry Executive Committee Board Members who served on the Pingry Board during 1978 and 1979. Only four such former board members were interviewed, as many of them are deceased, and others did not respond to T&M's

⁸ Thad Alton was the only person known to T&M to be represented by counsel at the time of the investigation and all attempts to contact him for an interview were made through counsel. T&M was notified through Alton's counsel on November 4, 2016 that Alton declined to be interviewed.

attempts to communicate with them or could not be located. Lastly, parents of students who were believed to have relevant information were contacted but in most cases, are either deceased or were unresponsive to T&M's requests for an interview. In some cases, former students requested that their parents not be contacted by T&M and in all those cases, T&M honored that request.

E. Material Reviewed

During the course of the investigation, T&M reviewed available Pingry personnel and administrative records, School yearbooks, minutes from meetings of the Board of Trustees, and various documents provided by witnesses. T&M also conducted a review of internet sources, in particular Pingrysurvivors.org, a "Pingry Survivors" website, their Facebook page and other social media and blogs, for relevant postings or other information pertinent to the investigation. The information in this Report to the Pingry Community was gathered under the applicable attorney-client doctrine regarding privileged communications and work product, and with particular regard for the privacy of the witnesses who were interviewed and documents reviewed.

F. Credibility

In order to make the factual findings detailed in this Report to the Pingry Community, T&M reviewed the information provided by each witness and evaluated the credibility of their accounts utilizing various factors. Specifically, T&M examined, where possible, the consistency or inconsistency of their various accounts of events given over time, the witnesses' demeanors during their interviews conducted in person or via video conferencing, the witnesses' motives to lie, whether other corroborative or contradictory evidence existed, as well as whether the witnesses' versions of events made sense. After applying these common tests of credibility to each witness account, T&M finds the witnesses interviewed to be generally credible.

T&M found the witnesses interviewed to be generally cooperative, forthright and careful in their recitations of what transpired. None of the witnesses appeared to T&M to be exaggerating or embellishing facts and all seemed genuinely concerned about being as precise as possible when answering questions regarding events which occurred approximately 40 years ago. Many witnesses were quick to state that they were unable to recall specific details due to the passage of time. Other witnesses recalled with significant detail the events in question. All witnesses' recollections were tested against what they had told others with whom they had spoken in the past, as well as against written accounts, if they existed, of what had been previously reported by them. Importantly, there is nothing

about the manner in which they related their accounts of inappropriate behavior that suggested they were misrepresenting their recollections, nor could T&M find any ostensible motivation for witnesses interviewed to be untruthful about their interactions.

Moreover, none of the witnesses who reported misconduct expressed any sufficient bias against Pingry or the perpetrators such that the witnesses' credibility would be called into question. In addition, while T&M learned during the investigation that some of the witnesses with whom T&M spoke had previously spoken to each other, there was no evidence to suggest that those conversations had significant bearing on their credibility since witnesses described events that occurred at different times and places. Furthermore, many other witnesses did not know and had never spoken to one another. And many of the witnesses with whom T&M spoke had not spoken to anyone about their experiences for over 40 years. As a result, T&M found no support for a conclusion that the witnesses who reported misconduct conformed their statements or had a motive to lie.

Significantly, the consistent, repetitive and similarly detailed nature of what witnesses described about Alton's interactions with them provided corroboration for the behaviors and suggests, on its own, that the witnesses' accounts are credible. Further, even in those instances in which there was a paucity of corroborative evidence, the conduct in which Alton engaged was generally consistent with the conduct in which Alton engaged with others and that similarity in conduct, in and of itself, lent credence to each incident in question. Accordingly, in those instances, T&M found that Alton engaged in that conduct with a particular individual.

III. FINDINGS

A. Thad Alton

1. Alton sexually abused/assaulted at least 27 Pingry students.

The evidence overwhelmingly demonstrates that between 1972 and 1978, while employed by Short Hills Country Day School and Pingry, Thad Alton sexually assaulted at least 27 students and that Alton's abuse began shortly after his arrival in 1972. This finding is based upon the interviews of individuals who reported being abused by Alton, the interviews of witnesses who provided corroborating information that an individual had been abused by Alton and, in very limited circumstances where an individual who had been identified as being abused by Alton declined to be interviewed or is deceased, police reports and court documents that identified that individual as a complainant in a criminal proceeding or action brought against Alton. The investigation revealed that Alton engaged in a pattern of sexually abusive conduct that was consistent over time, and that the general ages of the boys that he assaulted and the behaviors in which he engaged with them were strikingly similar. In particular, the boys he targeted were primarily between the ages of 10 and 12 and were in fifth and sixth grade although older boys, including some of high school age, were also subject to his abuse. The evidence further revealed that in many cases, Alton's behaviors permeated multiple facets of students' lives since some former students simultaneously attended Pingry, were members of Troop #64 which regularly met on the Short Hills campus, and attended Camp Waganaki in the summer.

Many of the former students with whom T&M spoke described Alton as a physically imposing man who was "larger than life." Alton was also described as "charismatic," someone who "when he spoke, people listened," and someone from whom they wanted attention and praise. For many, the close relationships that Alton developed with them as a precursor to the sexual abuse that he would later inflict began with his constant presence and insinuation into various facets of their lives, as a teacher, administrator, coach, Scoutmaster, camp counselor, and leader of the washtub band. These former students said that Alton seemed to be involved in everything they did, thereby building familiarity and a strong sense of trust. Many former students described Alton's use of compliments to make them feel good about themselves and valued by him. They also reported that their trust of Alton was further established by his request that they call him by his first name as well as various nicknames, including "Uncle Ted" or "Bear," a reference to the bear hugs he gave to the boys. Others reported that their trust of Alton stemmed from his "funny, friendly and engaging" personality that made boys want to be around him. Some described being drawn to him because he acted "like another

kid,” that brother-friend who came across as if he could “relate to you at your level” and therefore there were no “barriers.” Others described a friendly and positive figure who would ask students to “hang out” in his office. Many reported that Alton would gain their confidence, trust and friendship by stating, “Trust me, I’m your friend” while others explained their regard for Alton as a father figure in whom they placed a high degree of trust.

More generally, Alton was described by many as a man who was revered in the community as a result of the many roles that he played and that he was “someone you looked up to,” an authority figure who was also intimidating, and “a figurehead that adults were comfortable leaving you alone with.” A former faculty member’s observations of Alton led her to report to T&M that boys “followed him around like a Pied Piper.”

The evidence revealed that Alton’s sexually assaultive behavior knew no geographic boundaries since it occurred in a number of different states, including New Jersey, New York, Maine, New Hampshire, Massachusetts, Pennsylvania, and Delaware, and in a number of different locations, including his office at School during the school day, after school, in the evenings and on weekends, the School gymnasium and girl’s locker room, the home of his in-laws, his own School owned home, often while his wife and children were at home, his home in Chatham when he worked at The Peck School, the home of a former student, on Boy Scout camping trips, his summer home in Martha’s Vineyard, his truck and Camp Waganaki, including on camping trips and inside his cabin. Former students described that Alton’s acts of abuse took place repeatedly over the course of several years. In some instances, former students estimated that Alton abused them on anywhere between 25 to 100 occasions.

Former students described that during school hours and after school, in the evening during Boy Scout meetings on Monday nights, as well as on weekends, they found themselves in Alton’s virtually windowless office located off a main hallway where, behind a solid closed and locked door, alone and with others, Alton sexually abused them. The sexual contact included Alton’s touching of their naked penises with his hands, the students’ touching of Alton’s naked penis with their hands at Alton’s request, Alton’s placement of students’ hands on his naked penis to masturbate him, Alton masturbating in front of students while encouraging students to masturbate, the mutual touching of students’ naked penises, Alton performing oral sex on students and students’ performing oral sex on Alton at his request. These incidents occurred on the floor of Alton’s office, under, behind, and to the side of the desk, as well as in his office chair.

Many of these former students described the manner by which the progression of sexual abuse unfolded behind Alton's locked office door. Some former students said that their sexual interactions alone with Alton "started slow" and that Alton might "brush up" against them, make a comment or an "innuendo" or say something like, 'Doesn't it feel good?' Others reported that Alton asked questions, such as "Do you know what an erection is?" and "Do you know what an orgasm is?" and told the students to trust him because he was a friend. These former students reported that the "brush" against them, the comments, the innuendo and the questions ultimately led to Alton's removal of their pants, Alton's disrobing, Alton's touching of their naked penises, and for some, Alton's performance of oral sex on them or their performance of oral sex on Alton. Some reported how the sexual interactions inside his office began with Alton's own version of the game of truth or dare that included asking students to answer sexually related questions, daring students to show how "developed" they were by exposing pubic hair, if they had any, or to expose their penises to Alton, and that all of the "truths" or "dares" culminated in sexual interactions with Alton. Others simply described being dared to walk to Alton's side of the desk where he would take the students' hands and place it on his own naked penis so that the students could masturbate him. Some former students reported that while the sexual abuse began with observations of Alton masturbating while seated in his desk chair followed by Alton's "coaxing" the students to masturbate as well, that behavior turned into Alton "coaxing" the students to touch him and then taking the students' hands to "masturbate him." Others described games of strip poker using dice that would be rolled such that the student who rolled the losing number would have to lie on the floor, take off their pants and "get fondled" by Alton.

In addition to games of truth or dare and strip poker, former students reported that Alton showed them pornographic magazines and told stories about his sexual exploits when he was in the military as a means of introducing the sexual contact in his office. A former student reported an incident during which Alton took out a *Playboy* magazine, showed him the pictures in it and then asked that the former student strike similar poses to those depicted without his pants on. Other former students described Alton's display of pornographic magazines he retrieved from his desk drawer as foreplay to the sexual acts in which he wished to engage with them. Some reported being shown pornographic movies by Alton in his office while they sat on his lap and felt Alton's erect penis against their buttocks. Another former student said that Alton showed him a pornographic film in his office during which Alton masturbated and the former student watched.

The sexual conduct instigated by Alton in his office during the school day was also instigated by him during evening Boy Scout meetings when he “summoned” individual scouts from the gymnasium to his office under the pretense of working alone with them on scout merit badges. Once inside Alton’s office, behind his closed and locked door, Alton touched the scouts’ naked penises and performed oral sex on them. Some former students said that they stayed on School grounds after school to do their homework while waiting for Boy Scout meetings to begin and during this time, Alton beckoned them to his office where the conversation and focus would quickly veer from scout matters or homework to sexual contact under Alton’s desk, including Alton’s request that students touch Alton’s naked penis and engage in oral sex. Others described being taken to dinner before the Boy Scout meetings, and said that the sexual abuse occurred in his office before or after the meal.

In addition to what occurred in Alton’s office, during the school day, after school and in the evenings during Boy Scout meetings, Alton used his position as the Scoutmaster and coach to convince parents to allow their sons to come to the School on weekends under the guise of working on merit badges and “additional practice.” Former students reported that Alton would take them back into his office, where he asked them questions of a sexual nature, played truth or dare, looked at pornographic magazines and/or engaged in sexual acts with them, including masturbation and oral sex. These former students also reported that Alton masturbated to the point of orgasm and asked the students to do the same but that many of them were incapable of ejaculating due to their young ages. A number of former students reported that at the conclusion of the sex acts, Alton used a blue or red handkerchief, described as “silky,” to wipe the ejaculate off his body and admonished students not to tell anyone about his abuse by saying, “It’s our little secret” or “If you tell anyone about this, you’ll get in a lot of trouble.” One former student reported that in addition to Alton’s sexual abuse of him in his office, Alton sexually abused him on weekends in the girl’s locker room and in the gymnasium.

While many former students said that Alton’s abuse of them occurred when they were alone with Alton, many others reported that Alton often invited groups of boys into his office during the school day, after school hours and on the weekends to engage in the same behavior. These group incidents behind Alton’s closed and locked office door included playing games of truth or dare or other sexual games similar to those he played with individual students except that Alton not only dared students to touch his penis and the student’s own penis but also dared students to touch the penises of other students present while he watched. In addition, Alton’s dares to students included coaxing them to perform oral sex on him and on each other.

Many former students said that their initiation into the group behavior began with Alton's statements that masturbation was "cool," that "older guys in the troop" did it too, and that "it feels good and you need to join the club." Former students also said that Alton used heterosexual pornographic magazines and movies as well as games of truth or dare and strip poker that were played using cards with "dirty pictures" on them or dice to entice the boys to engage in this behavior. Many reported that the nature of what occurred behind Alton's closed and locked office door escalated from answering questions of a sexual nature, to stroking another student's penis for 10 seconds in response to a dare, to sitting on Alton's lap while he had an erection in response to a dare, to ultimately touching Alton's penis or performing oral sex on him or other students.

One former student explained that his initiation into Alton's abuse began when Alton screened pornographic movies for him and several older boys behind his locked school office door and the former student watched the older students manually stimulate Alton's naked penis and perform oral sex on Alton as he laid on the floor between his desk and the wall with his pants and underwear down to his knees. This former student said that he believed at the time that the behavior he observed was "part of Boy Scouts." Other former students described that Alton would begin by touching a student's penis over clothing before touching under clothing and then said that this touching would progress to manual stimulation of the student's naked penis by Alton or another student before oral sex. Some students described this progression occurring on one occasion and others described that it happened over the course of many sexual interactions with Alton and other students.

Former students also described Alton's use of a stopwatch to time how long it took students to ejaculate after masturbating, and his use of a ruler to measure the size of and to touch their penises. In addition, former students described atypical occasions on which Alton invited a "younger" girl into his school office with the boys present and the girl took off her clothes exposing her bra and possibly her underwear to the group. These students said that although Alton did not make physical contact with the girl, Alton watched and masturbated. Former students reported that the sex acts to which Alton exposed and subjected them were introduced by Alton and some reported that they were too young to understand some of Alton's requests. One former student said that when he first heard Alton request that students give Alton a "blow job," he thought "Blow what?"

Many former students also said that it was Alton who either locked or requested that a student lock his office door before the sexual abuse began. Some former students described occasions on which someone knocked on Alton's locked office door while the abuse was occurring and said that Alton reacted by saying, "Go away, I'm busy," or "I'm in a meeting" or failed to answer the door at

all. These former students reported that Alton “barely” reacted to the fact that someone stood immediately outside his office door and said that after waiting a few moments, Alton continued his sexual abuse of students.

In addition, Alton’s abuse of students occurred frequently at his School-owned home adjacent to the SHCDS campus, while his wife was at home or while she was out of the house and their children were at home sleeping. Some former students reported that they were invited by Alton to his home under the pretense of working on Boy Scout badges, mowing the lawn, raking the leaves or babysitting and that their presence in his home ultimately resulted in sexual interactions with Alton in his living room, den, bedroom or backyard where they would camp out in a tent. The sexual acts to which students were subjected at Alton’s home were similar to those that occurred inside Alton’s school office, and occurred when students were alone with Alton as well as with other boys. Some former students recalled that they were brought by Alton to his home after school but before the evening Boy Scout meetings he led and described the sexual interactions, including mutual masturbation and oral sex, as “the same scenario” as that which occurred in Alton’s office. Former students reported that while in Alton’s home, boys would masturbate in Alton’s bedroom while Alton watched, Alton would “fondle” students underneath the blankets that covered their laps as they sat on a couch in the family room or den watching television, and Alton would perform oral sex on them. Some former students also reported that Alton showed boys the collection of “skin” magazines that he kept in his basement office and occasionally encouraged the boys to look through them. Former students reported that Alton similarly admonished them not to speak about the abuse that occurred at his home and one former student reported that Alton said, “You trust me, don’t you? You’re not gonna tell anyone about this, are you?” while he performed oral sex on the student.

Alton engaged in similar acts of sexual abuse in his “truck.” Some former students described how Alton performed oral sex on them while seated in the front seat of his old four-wheel-drive “Wagoneer” before dropping them off at their home after an evening of babysitting for Alton’s children. Others described the mutual masturbation that would occur in Alton’s truck on the way to and from Boy Scout camping trips or drives from the School to get dinner before Boy Scout meetings.

The evidence also demonstrates that Alton sexually abused students at his home on Martha’s Vineyard where several boys spent a weekend, his home in Chatham when he worked at The Peck School and at the home of his in-laws. Those students reported that these interactions often resulted in Alton touching their naked penises or performing oral sex on each other as well as Alton’s request that they perform oral sex on him. One former student also reported that Alton sexually assaulted him

in the guest room of the former student's home where Alton was spending the night while the student's parents were out of town.

Furthermore, Alton used his position as Scoutmaster of Troop #64 as a means of access to groups of boys against whom he perpetrated repeated acts of sexual assault while on overnight camping trips with the troop, even when some fathers of scouts were present on the campground acting as chaperones. Notably, many former students said that it was common knowledge among the troop members that those in "Alton's tent" or the "big tent" participated in group masturbation "sessions," played games of a sexual nature such as truth or dare or strip poker, or were shown pornographic magazines by Alton as a pretext to lure them into touching, stroking or rubbing Alton's naked penis, their own naked penis or the naked penis of another scout. Some witnesses also reported that the sexual contact in Alton's tent on these scouting trips also involved oral sex with Alton or other scouts or touching the naked penis of scouts while they lay inside their sleeping bags. Some former students said that Alton lured students into his tent by telling them not to be "chicken" while others said that he employed "scare" tactics, such as telling them that an axe murderer was on the loose, to coax students into his tent. Some former students reported that Alton selected or "invited" students to sleep in his tent and that it was "an honor" to be among those chosen. Others described their belief at the time that it was a "reward" or a "privilege" to be chosen to sleep in Alton's tent. Some former students said that it felt "like crap" or as if you were a "second-class" citizen not to be among those chosen. Whether coaxed or invited to sleep in Alton's tent on one or many occasions, former students said that the conduct to which they were subjected was always the same.

Former students said that Alton shared pornographic magazines with the scouts and played games of a sexual nature, such as strip poker and truth or dare. Former students reported that a typical dare might be to touch one's own naked penis, or the naked penis of another scout as well as to ejaculate, or perform oral sex on or receive oral sex from other scouts as well as Alton. Others said that Alton asked questions of the scouts, such as "Have you ever jacked off?" "Have you ever masturbated?" "Have you ever kissed a girl?" or "Have you ever gotten to second base with a girl?" Former students reported that all the boys in the tent participated in the activity while Alton watched and that Alton touched their naked penises as well. Others described how Alton told the scouts stories about his own sexual experiences with other boys such as one involving "a kid who had a nine-inch penis."

One former student said that during a particular game of truth or dare inside Alton's tent with other Boy Scouts, Alton made an older scout masturbate after which he made the younger scouts

touch the ejaculate. Another former student recalled being asleep next to Alton inside the tent and waking up to Alton's mouth on his naked penis. Another former student reported that on one trip where scouts slept on cots in a cabin, Alton attempted to sodomize him and that after he resisted, Alton immediately moved on to another former student, whose whimpers he described hearing.

Others described canoe trips they took with Alton on overnight scouting trips during which Alton read heterosexual pornographic material aloud from a book or asked the boys to read it aloud, and instructed them to masturbate. Some former students recalled hearing and observing Alton's sexual misconduct on the trips but said that they were not physically touched by Alton or made to touch other scouts. One former scout said that while "pretending" to be asleep, he saw Alton shining his flashlight on the "genitalia" of scouts and himself, heard Alton asking other boys if they had erections, and then heard the sounds of people masturbating or engaging in oral sex while in the tent.

In addition, some former students reported that they were aware of Alton's sexual interactions with scouts but not invited to participate in them so they mimicked Alton's behavior within the confines of their own tents with other scouts. Other former students said that they were not aware of Alton's behavior but were warned by other scouts not to go into Alton's tent, while others related their belief that it was common knowledge among the troop members that those in Alton's tent were "going to play sex games all night." Notably, some former students who suffered Alton's abuse on camping trips and elsewhere reported that when boys reached a certain age and were considered "too old," Alton would recruit other younger boys for participation in Troop #64 and the sexual "games" in his tent.

Moreover, Alton engaged in this assaultive behavior at Camp Waganaki in Maine where he was a counselor and "trip director" for several summers. The sexual abuse of young boys occurred in Alton's cabin as well as in the large tent where he slept on the many overnight camping trips he organized and led. Some former students said that the types of sexual interactions to which they were subjected as campers were "the same old stuff" that occurred in Alton's office, his home and on scouting trips. Former students said that their interactions with Alton involved the giving and receiving of oral sex and mutual masturbation. One former student reported that as Alton drove to a campsite, he stopped at a store to purchase "hardcore" pornographic magazines that he gave the boys and encouraged them to look through. Some former students remarked that Alton's behavior was much more "brazen" on these camp trips because they were longer, some lasting five days, were without any other adult supervision and took place "in the middle of nowhere."

2. Students did not report Alton’s sexually abusive and otherwise inappropriate behavior to people in positions of authority at Pingry or their parents during Alton’s tenure at the School.⁹

The evidence gathered during T&M’s investigation supports the conclusion that former students who had been subjected to Alton’s sexual abuse did not report or discuss such abuse with any adult, including a parent or anyone in a position of authority at the School, at the time the abuse occurred or during Alton’s tenure at the School. The evidence gathered also supports the conclusion that even when Alton’s sexual abuse became known to adults in the community after his departure from the School and some parents asked their sons if they had been victimized by Alton, only one individual with whom T&M spoke revealed Alton’s sexual abuse. These findings are based upon interviews of those individuals who reported being abused by Alton and other witnesses.

Specifically, T&M identified a number of reasons for the lack of reporting by former students victimized by Alton, including 1) feelings of fear, shame or embarrassment about what had transpired; 2) concern that Alton’s behavior was their “fault” and that they would get into trouble if they told anyone, particularly for those former students who were admonished by Alton not to say anything or told that it was their “secret”; 3) Alton’s prominence in the Pingry community and concern that, as a result, his statement about what transpired would be believed rather than that of the former student; and 4) a failure to understand the true nature of what was being done to them and that the behavior was, in fact, sexual abuse. Significantly, T&M does not find this lack of reporting by those students victimized by Alton to be unusual or to bear on the credibility of the witnesses.

Alton victimized young boys, the majority of whom were between the ages of 10 and 12. It is well-known and well-documented that child victims of abuse, especially sexual abuse, rarely report their abuse while they are still children. There are a multitude of documented reasons for this lack of reporting, including fear that they will not be believed, embarrassment about what has transpired, fear that they will get in trouble, and a lack of understanding that what is happening is sexual abuse. These reasons are often compounded when the abuser is someone in a position of authority and/or respect in their community.

Notably, several former students described to T&M their understanding of Alton’s role in the Pingry community as one of an administrator, teacher, Scoutmaster and camp counselor. One former

⁹ As noted in this Report to the Pingry Community, T&M did not interview all of those individuals who T&M believes to have been sexually abused by Thad Alton between 1972 and 1979. As a result, T&M’s finding about the reporting of Alton’s abuse is based solely on the information gathered by T&M in its interviews with those individuals who were abused by Alton or aware that Alton was engaging in sexual misconduct during his tenure at Pingry.

student said, "This guy was on us like everywhere I went. From the Roy Rogers to my driveway to the backyard to the canoe trips." Witnesses further described Alton as someone in a position of authority and having prominence within the community. One former student stated:

He was someone that you couldn't go to school there and not know him. Parents knew him, everyone knew him. I wasn't happy about what took place but at the same time, as a kid, ten or eleven years old, I was more worried about what would happen to me if I brought it up or spoke to someone. "Would I be believed?"

Others described Alton as a man who was revered and someone with whom everyone wanted to be associated. One former student told T&M:

He was the good guy that any student could go to. He was kind of that fatherly brother-friend who came across as if he could relate to you at your level. He was the head of the Boy Scout troop which was one of the most successful Boy Scout troops in New Jersey, Troop 64.

As is often the case with child victims of sexual assault, the former students Alton victimized did not fully comprehend the nature of his behavior toward them. Many former students told T&M that they did not realize at the time of its occurrence that Alton's behavior towards them was inappropriate or criminal. One former student reported that while it was occurring he believed Alton's behavior was his own fault and that he "was letting this happen." He explained, "I didn't go running off and telling, and I was curious about what the sex thing was all about. I felt it was my fault, from the perspective of a nine-year-old." A former student told T&M, "For years, I was like, 'What's wrong with me? I must be really weak. Why did I let this go on?'" Other former students reported that they did not understand the gravity of the situation and "how wrong" it was. As one former student explained, "Nobody understood that and there were no adults present to tell us that Alton's conduct was wrong." Another former student explained that he wasn't surprised that no one reported what was occurring at the time since "We just didn't know it was wrong. All we knew was it felt good." Indeed, many of the former students victimized by Alton with whom T&M spoke did not realize the impropriety of his conduct until much after its occurrence and some not until they reached adulthood.

Moreover, many of the witnesses told T&M that they never talked about Alton's sexual abuse amongst themselves "because we weren't supposed to talk about it, so it was not something we talked about." Many explained that "there was just silence, and I don't know if that's accurate or not, but there was a tacit understanding that we just don't talk about this." Others reported that Alton's direct admonitions to them about not revealing his abuse prevented them from speaking about it. Witnesses

told T&M that Alton said, “Don’t tell anyone. It’s our little secret,” or told them that they would be “in trouble” if his behavior was discussed by them. Another group of former students said that while they did not recall whether Alton explicitly told them not to say anything about what occurred in his office or on camping trips, the implication was clear to them that they would be in trouble if their parents knew about the behavior. In addition, many former students described struggling with feelings of shame and guilt after each incident of abuse and one told T&M, “The way I dealt with it was to pretend like it never happened. That was my way, I guess, of trying to move beyond it as much as a 13-year-old kid could.”

Many witnesses also expressed to T&M that the way in which Alton interacted with them, even in the face of his abuse, made them feel special and resulted in feelings of confusion. Some described feeling that the attention and fatherly way in which Alton behaved towards them filled a void and manipulated them into feeling that they were getting something from Alton that was special. Others expressed their confusion at the time because they wanted the more concrete benefits of a close relationship with Alton, such as an improved scouting rank, help with classwork, and participation in overnight trips, but did not want to engage in sexual interactions with Alton. As a result, some of the witnesses felt that they did not have the tools to stop the behavior or that being picked to be in Alton’s tent on camping trips, for example, was a privilege.

The evidence gathered during the investigation also supports the conclusion that the factors that prevented those abused by Alton from discussing the abuse while he was at Pingry continued even after Alton left the School. In 1979, when some parents in the Pingry and Boy Scout community learned of Alton’s inappropriate behavior, they questioned their sons about their interactions with Alton. All but one former student with whom T&M spoke said that even in the face of direct questioning about potential abuse, they did not disclose to their parents what Alton had done to them. Those witnesses reported that they were both ashamed and scared to share with their parents what had happened. One witness told T&M, “I was so ashamed and scared I couldn’t say no fast enough.” Another former student reported, “I didn’t want to talk about it. I was done. I’m sure I was scared. I thought I’d be in trouble. I’m sure I’d been told not to tell anybody. I’m sure Ted had told me to never talk.” Only one of the former students interviewed by T&M reported that he disclosed to his father when directly questioned about Alton that Alton had sexually abused him. He further reported that this disclosure occurred over a year after the abuse had taken place and that in the interim, he had not discussed the oral sex that Alton had performed on him with anyone, just as Alton had requested after the incident when he said, “You trust me, don’t you? You won’t say anything about this to anyone?”

3. Faculty members' observations of Alton's behavior.

Notwithstanding T&M's finding that the children who were sexually abused by Alton did not report his behavior to any adults while he was employed there, T&M nonetheless finds that there were indicators of unusual behavior by Alton while a Pingry employee. Observations of those indicators by various teachers, as noted below, led the teachers to conclude that there was something about Alton's relationship with the students that gave them pause.

Many of the former students with whom T&M spoke reported their belief that the School was aware of Alton's abusive behavior around the time of its occurrence and provided a variety of reasons to support these statements. They asserted that Alton's behavior was so widely known by the students, including boys who were not victimized by Alton and female students, that Pingry would have been "deaf, dumb and blind if they didn't see it" since it would be an "impossible secret to keep." One former student said, "That many kids couldn't know without some faculty member knowing, which means they got wind of it." Other former students asserted that in addition to Alton's abuse being so widely known by students and that so many boys were affected, the size of the School contributed to their belief that the School must have known or, at a minimum, suspected that Alton was engaging in inappropriate behavior. As one former student stated, "It's too small an environment for others to not have suspected something. It wasn't like it was a big public high school of thousands, but a very small tight-knit group." The former students T&M interviewed described the physical location of Alton's office which they recalled being situated off the main hallway that led to the back of the School and identified this hallway as a major thoroughfare for faculty and staff. As a result, many former students stated that Alton's office was in a location that made it readily visible to those who walked by. Some witnesses opined that Alton's status as a well-liked and highly revered teacher and administrator who was trusted by parents and the larger school community made it difficult for adults to suspect him of such heinous misconduct, particularly as a husband and father of two young children.

Moreover, while some former students reported their general belief that someone at the School must have been aware of or suspected Alton's misconduct, other former students offered the names of specific faculty members they believed knew about the misconduct and their reasons for such beliefs. One former student told T&M that he was repeatedly taken out of class by Alton during the school day and that this action should have caused his teacher to question the propriety of Alton doing so. Others reported specific remarks made by faculty members as indicators that those Pingry employees possessed some level of knowledge about Alton's behavior.

It is noteworthy that one former female student provided an account of comments she recalled being made in front of at least two former faculty members. This former student told T&M, “everyone knew there were certain kids, his special kids, that got to sleep in the tent with Mr. Alton.” She said that the boys would tease those who slept in Alton’s tent by saying things like, “Oh, you sleep in Mr. Alton’s tent” and “You’re his special friend.” She further reported, “That was said openly in front of the teachers in the classroom and teachers would not say anything about it.” She also specifically identified two teachers who she claimed were present when such statements were made and said that she observed at least one of them react to the statement by rolling his eyes. This former student was “sure” that such comments were also made in front of the lower school principal at the time. T&M was not able to interview the individuals specifically mentioned by this former student and could not, therefore, assess whether those statements were actually heard by those individuals.¹⁰

Nonetheless, efforts were made to contact other faculty members specifically mentioned by former students as well as other Pingry teachers who taught fourth, fifth and sixth grade between 1972 and 1978. While many of those individuals either did not respond to T&M’s request for an interview or are deceased, the observations of those former faculty members with whom T&M spoke support the conclusion that there were indicators of unusual behavior by Alton.

Most importantly, several former teachers said that they observed Alton in his office with boys either alone or in groups, and that Alton would often close and lock the door to his office while those children were inside. One former faculty member reported that she knew boys would gather in Alton’s office behind closed doors which she said she found to be very “unusual” and struck her as “not right.” She opined, “Why would you close the door?” She told T&M that she could see that boys were in Alton’s office “when the door opened or when they came out” and explained that Alton’s office was “just down the hall” from her classroom. She also told T&M that although she could not recall precisely to whom she had reported his behavior, she believed that she had done so. This former faculty member explained that she reported the behavior “not in a specific manner, not to say something should be done or he should be talked to, I didn’t say anything like that” but rather to say, “Don’t you think this is strange?” or “Are they aware of this?” In addition, she told T&M that she may have told the principal at the time about her concerns regarding Alton’s behavior. She also said that she may have shared her concerns with two teachers. Furthermore, she reported her belief that

¹⁰ As previously indicated, the principal at the time is also deceased.

Alton's actions were known by others and stated, "I don't see how they could miss it. Especially when the teachers were walking their kids up and down the hall."

Another former faculty member reported his observations of Alton. He said, "It was the clubhouse after school for the scout troop. Several boys would go into his office and the door would be closed." This former teacher said that he did not find the closing of Alton's door to be unusual and then stated, "What was unusual was that it was locked and if you knocked, there was a delay in answering it." He confirmed that on more than one occasion he knocked on Alton's door and had to wait for a response. He stated, "I wouldn't say it consistently happened, but it would not be unusual for this to happen." The former teacher remarked that sometimes Alton opened the door by himself and on other occasions, one of the boys inside would open the door. He further reported that he never saw anything "unusual" when the door was opened or that any of the boys inside ever looked upset. He told T&M that he never shared this information with anyone and that no one talked to him about having made similar observations.

Another former faculty member recalled hearing between "4-10 times" from other faculty members that Alton had students in his office and kept his office door locked. He described the comments as being "just bandied about from one teacher to another," and stated that he was unclear as to what the teachers intended to imply with these comments. Specifically, he recalled being told by teachers, who he identified by name, during recess that if he was going to talk to Alton in his office, "you might have to knock on [the door]." He explained that since knocking on a closed office door seemed like fairly standard protocol, he found this comment "odd." He further recalled that every time Alton's locked door was mentioned, he observed "a knowing look or nod between the parties" but said he was a young teacher at the time and that he never asked anyone about it.

The accounts of these faculty members offer corroboration for the versions of events provided by a multitude of former students with whom T&M spoke who said that the abuse they suffered or observed occurred inside Alton's office at Pingry, behind Alton's closed and often locked office door. Significantly, these accounts demonstrate that there was a perception or awareness on the part of Pingry faculty members that during the years when he was employed by the School, Alton had male students in his office while the office door was closed and locked. In addition, the accounts demonstrate that the observations of these individuals signaled to them at the time that Alton's behavior was "odd," "unusual" and "strange," and that these observations were registered and discussed by those Pingry employees as atypical behavior in the Pingry teacher community. Notably,

a former parent also told T&M that when she visited the School, she often noticed that Alton's door was shut and that she perceived this to be "odd" in the Pingry teacher community.

Additionally, former faculty members also told T&M that Alton favored his scouts and spent an inordinate amount of time with them. One former faculty member said, "All the camping trips and close relationships with those boys, it was probably excessive, and in my experience of growing up as a boy scout, my scout leaders didn't spend that much time with me. They were always planning events and things and meetings." He continued, "The kids just spent an unusual amount of time after school and on weekends with him. It was just [an] excessive amount of time on scout activities with him." Another former faculty member reported that he believed there was a feeling amongst both teachers and students that there was "something inappropriate occurring," but that it didn't rise to the level of a "significant concern." More specifically, he said that although he never heard "firsthand rumors of specific activities," there was always an "aura of more than just friendliness" between Alton and the students. This former teacher also related his conversation with another Pingry teacher with whom he discussed Alton. He said that this other teacher believed that Alton was "far more involved with kids on a face-to-face basis than what [he] thought was acceptable" and that Alton "was too close with [the] kids." He also confirmed that while Alton was employed at Pingry, he had heard rumors that Alton "really liked boys" and that he devoted an unusual amount of time to his Boy Scout troop. He said, "there was even an image [that he liked] the Boy Scout troop more than his own family." Another faculty member echoed these statements when he told T&M, "Alton had a lot of kids hanging around him a lot of the time. The rest of us didn't seem to have that." He further stated, "Whatever attraction he had for these kids, of course, seems more unusual now than it did at the time. That's kind of what sticks in my mind, kids at him all the time currying his attention and favor."

In addition to general impressions related by former teachers that Alton was too close to young boys, a former faculty member told T&M about two interactions with Alton that gave him pause. This former faculty member first described an incident that he observed in a Pingry hallway during the school day that he said "kind of set [his] 'uh oh' button off." He reported that he observed Alton give a "big hug" to a particular student and said that he recalled thinking at the time that the hug seemed "kind of out of place" even though the boy did not appear uncomfortable. He stated, "he was just standing in the hallway, the boy was standing next to him or went up to talk to him, an exchange of chatter, and then Alton just reached around and hugged this guy, said 'I really like this guy,' and let go." This teacher told T&M that although it was unusual to see a teacher hug a student at the time,

he did not report or discuss his observations of Alton with anyone else since Alton was an influential person at Pingry and the teacher was hoping to be hired on a full-time basis.

This former faculty member also reported that there was another “uh oh” moment with Alton one night after a Boy Scout meeting when the teacher went with Alton and some of the boy scouts to Roy Rogers for burgers, which was apparently a ritual. He recalled that he was sitting in the restaurant at a table with Alton and a few of the boys when one particular boy, whose name he provided to T&M, told Alton to look under the table stating, “I have something to show you.” This former faculty member remembered that he began to move his own head to look under the table at which point this particular boy said, “No, not you. Mr. Alton.” The former teacher stated that after he agreed not to look under the table, he observed Alton, who was seated to his right, look under the table. He said that while he was unable to observe Alton’s face after looking under the table or surmise what Alton had seen, this incident, just like the hug he had witnessed in the school hallway, stood out to him as “bizarre.”

The evidence gathered during the investigation further indicates that a faculty member may have possessed some knowledge of Alton’s behavior with students on camping trips around the time of its occurrence. A former faculty member detailed a conversation she had with a deceased former faculty member, whose name she revealed to T&M, about a year before Alton’s departure from Pingry after which she was left with the impression that Alton allowed boys to play strip poker on Boy Scout camping trips. She explained that she had “only one conversation” with this teacher about Alton and reported that he said something such as “Like I’m the pervert, when he’s the one letting them play strip poker on those Boy Scouts camps” or “he’s the one doing strip poker on the camping trips.” She further stated that it was her understanding from this conversation that Alton did not participate in the strip poker but “interpreted it as he was allowing them to play the strip poker,” and added that in the seventies, “We were naïve.” She continued, “I thought he was a jerk for letting them play strip poker or spin the bottle or whatever. I just thought, ‘Why don’t we get rid of him already?’” She told T&M that she believed the other former teacher knew this because “he heard the boys talking about it” or “he overheard a conversation in the classroom during homeroom.” She also reported that she never told anyone what she had learned and that she “didn’t see any of those classic signs” like boys “shying away” from Alton. She reported instead that “they followed him around like a Pied Piper.”

In addition, a former faculty member reported to T&M that he recalled hearing stories about the camping trips that Alton went on with boys. In particular, he said he learned that a number of boys slept in Alton’s tent on such trips and stated, “I would say having a bunch of boys in a tent is

questionable behavior.” He also said that he never reported what he learned to anyone at the School or discussed it with anyone else at Pingry.

Furthermore, two former Pingry students who worked at Camp Waganaki in the mid-1970s said that they discussed Alton’s inappropriate behavior with individuals who were on the Pingry faculty at the time. One former student reported that during the summer of 1974 or 1975, when he was 15 or 16 years old, he worked as a counselor-in-training (“CIT”) at Camp Waganaki. He reported that he and another counselor, a former faculty member then working at Pingry, were watching Alton interact with some campers and that this former faculty member said about Alton, “What a great guy” or “What a nice guy” to which the former student responded, “Yeah, but he’s weird.” He reported that the former teacher said, “How so, what do you mean?” after which the student said, “Well, he played strip poker with Scouts when I was a kid.”¹¹ The former student reported that the former faculty member responded, “Well, oh wow, that’s not right. Adults shouldn’t be initiating such a thing or be involved.”¹²

Another former Pingry student told T&M that he met Alton in either 1975 or 1976 as a 16 or 17-year-old CIT at Camp Waganaki and that he accompanied Alton on two overnight camping trips during one of these two summers. He recounted that he and a friend were responsible for packing the truck in preparation for the first outing which was a canoe trip and that they had a checklist to keep track of all the items to pack for the trip. He said that despite having packed two-man tents using the checklist as a guide, when they arrived at the campsite “somehow there were no tents.” He reported that Alton said something like, “Luckily I have my big tent and everyone can sleep in my big tent.” The former student recalled that before the second trip, he and his friend joked about making sure they brought the tents and that they again checked to make sure they had packed them. He said that they again put the boys and all the equipment in the truck and told T&M, “Somehow we get to the

¹¹ A former student recalled that Alton was his Boy Scout troop leader. He described a scouting trip where he was “invited” to go into Alton’s “big tent.” He reported observing four or five scouts with Alton sitting in a circle playing strip poker and maybe two or three around the edge laying down to sleep.” He stated:

The only glimpse I have of a memory was where a Scout had been losing apparently and was down to his drawers and was trying to use something to cover his lap, a shirt or some article, and Alton sort of made sort of a gleeful noise and reached over very quickly and pulled away the extra article of clothing and said, “No, no, you can’t do that,” sort of laughing in a childish way.

¹² On June 3, 2016, T&M sent a letter to this former teacher requesting an interview. This former teacher did not respond to T&M’s request so the teacher’s recollection of this exchange with the former student could not be tested. In addition, T&M could not determine if this former teacher notified anyone at Camp Waganaki or Pingry where the teacher and Alton continued to be employed after the summer during which this conversation took place.

lake and the tents are gone.” He said that upon seeing that they did not have their smaller tents, Alton again suggested that the boys stay in his tent and said that they “can all come into my tent and we can play games at night.” He reported that he and another CIT “looked at each other and said, ‘Oh, this doesn’t feel right.’” He explained that they then suggested to the group that it was “going to be a beautiful night” and the group could sleep under the stars, and that Alton said, “No,” to this suggestion and insisted that everyone sleep in his tent.

He further reported to T&M that he and the other CIT had planned to go “right into” the office of the then owner or administrator of the Camp and Pingry faculty member to say, “Something fishy’s going on.” He explained that when they returned to Camp Waganaki, he and the other counselor were ready to tell this individual about what had transpired but said, “We don’t get to open our mouths” because the faculty member immediately started “screaming” at the counselors about how they were “smoking pot on the trip and shoplifting at the country store,” after which the faculty member threatened to send them home. He told T&M, “Alton must have called ahead. This is what I want you to know, how smart he was at manipulating.” He said that he and the other counselor later reported Alton’s behavior to the faculty member anyway but that the faculty member did not believe them. When interviewed by T&M, this faculty member had no recollection of this incident.

Another former Pingry student also related to T&M his recollections of summers as a counselor at Camp Waganaki when Alton was the trip director. He said, “The sort of running joke at the time was ‘You don’t want to sleep in Mr. Alton’s tent’ because there were rumors he would mess around with the boys.” He said that the substance of the rumors was “there was stuff going on in the tent you didn’t want to be a part of that was ‘definitely sexual.’” He reported that Alton was in a “big hotel-style tent” with counselors, counselors-in-training and other campers, and said, “It may have been the CITs making jokes about not sleeping in Mr. Alton’s tent.” He explained that the comments he heard about not wanting to sleep in Alton’s tent had “the clear connotation” that “there was sexual contact.” When then asked by T&M if he understood the comment to mean that the sexual contact was strictly between the boys in the tent or if it involved Alton as well, the former student replied that it was “definitely involving Alton.” He said that there was a “persistent conversation” about Alton’s conduct among his peers.

Finally, another former Pingry student described an event that occurred at Camp Waganaki when he was a counselor in the summer of 1979. He told T&M that he accompanied Alton on an overnight canoe trip that included eight to twelve 12-year-old boys. He said that it was “several hours drive from camp” and that they brought “two large tents” with them. He stated that at some point

that night several kids woke him up and said, "Ted is touching us and doing things we don't like and we want to come sleep in your tent." He said that while the boys didn't want to talk about the details of what happened, they were upset. The former student told T&M that he confronted Alton and that Alton "didn't deny it." He said, "I knew they weren't making this up, they were upset." He also said that they "didn't talk much in the morning," "packed up and drove back to camp" and that when they arrived, he went in to the camp office after Alton left and "told them what happened." He further reported that those inside were "obviously concerned, kind of upset. They said, 'Let us talk to the kids and we'll handle it,'" and he recalled that they did speak to all of the children on the canoe trip. According to this former student and counselor, Alton "packed up and left" later the same day. He recalled that months later, when he was back at Pingry and "at some point during the school year," he heard that Alton "got fired" from a school and believed it was due to his report.

The owner of Camp Waganaki at the time of this student's report denied ever receiving any report of misconduct by Alton. In fact, he said that the information about the student's reporting to him what had happened on the canoe trip was "totally false" and that Alton had never left camp early at any point.

4. Information learned in the summer of 1979 about Alton's sexual abuse of Pingry students and scouts.

The evidence gathered during the investigation supports the conclusion that Alton's abusive behavior did not come to Pingry's attention until sometime in the summer of 1979. As a result of T&M's review of Alton's personnel file, The Peck School's written communication about Alton's arrival at the school and Pingry board minutes at the time of Alton's resignation as well as the absence of any evidence to suggest otherwise, there is no support for a conclusion that Alton's departure from Pingry at the end of the 1977-1978 academic year was the result of any knowledge of or complaints about Alton's misconduct, as reported to T&M by many of the witnesses with whom T&M spoke.

Indeed, the evidence gathered, including interviews of witnesses and documents provided to T&M by former students and Pingry, supports the conclusion that Pingry was not formally apprised of Alton's sexual abuse of students and other inappropriate conduct until sometime during the summer of 1979, while employed by The Peck School, when a complaint was made by the parent of a student and scout to an individual who was then both a Pingry Board Member and committee

member of Troop #64.¹³ Notably, a review of Alton's personnel file from his tenure at Pingry indicates that two letters of recommendation were written on Alton's behalf in his last year of employment at the School. The first letter, written by then Pingry Lower School Principal in January of 1978, contains a glowing appraisal of Alton's personal and professional attributes as well as his chances of future success in school administration. The second letter, written by then Pingry Director of Primary Department in March of 1978, also provides a positive appraisal of Alton's personal and professional attributes. In addition, a letter written and distributed by Andrew Delinsky, the current Head of School at The Peck School, and Edward Foley, The Peck School Board of Trustees President, on October 7, 2016 at the conclusion of their investigation into allegations of sexual abuse of students at The Peck School indicates that "Alton was hired by Peck in March 1978, with positive job references." Alton's personnel file also contains a letter, dated March 28, 1978, from Alton to the then Pingry Headmaster to advise him that he had accepted a position at The Peck School for the following year. Pingry Board of Trustees minutes, dated March April 10, 1978,¹⁴ state, "Faculty contracts have been returned and on the Lower School Campus at this writing, only Mr. Ted Alton will not return. He has accepted a major administrative position at Peck School."

Moreover, statements by witnesses about their interactions with Alton after his departure from Pingry and a review of documents provided by former students support the conclusion that Alton's association with and abuse of Pingry students continued into the 1978-1979 academic year when he was working at The Peck School and remained Scoutmaster of Troop #64. Two former students and scouts described their continued pursuit of Eagle Scout status during that year and recounted incidents of sexual abuse that occurred at Alton's home in Chatham where he resided while he was employed by The Peck School. Further, a document provided by a former student and scout, and examined by T&M, outlines a Troop #64 Court of Honor and Eagle Scout Award Presentation that occurred November 20, 1978 on the Pingry Short Hills campus and indicates that Alton, still Scoutmaster, attended and was a speaker. It simply does not comport with common sense that had Pingry been aware of Alton's misconduct at the time he left the School, he would have been allowed to continue in his role as Scoutmaster for a troop comprised primarily of Pingry students and that held their meetings on Pingry's Short Hills campus.

¹³ Documents examined by T&M during the course of the investigation indicate that this former Pingry Board Member served as a member of the Pingry Board of Trustees in 1978 and 1979 and was a committee member of Troop #64 in August/September 1979.

¹⁴ Pingry Board Minutes dated April 10, 1978 - Headmaster's Report.

The evidence gathered during the investigation suggests instead that Pingry first formally learned of allegations that Alton sexually abused male Pingry students and scouts in the summer of 1979 when then Pingry Board Member and Troop #64 committee member was called by the parent of a Pingry student and Boy Scout to inform him that Alton had been touching or molesting boys. As stated above, Alton was teaching at The Peck School at the time of this disclosure. According to several witnesses with whom T&M spoke, this former Pingry Board Member was on vacation at the time he received this phone call from a parent. The timing of this report was corroborated by the statement of a current Pingry Board Member who recounted a conversation he had with this former Pingry Board Member prior to his death. The current Pingry Board Member told T&M that he sent an email to the former Pingry Board Member and several other former trustees apprising them of T&M's investigation. He further reported that the former Pingry Board Member called him a few days later and told him that, "He had become aware of the Alton situation when he was on a vacation and it was in his role as a parent advisor or supervisor of the scout troop." Although T&M could not speak to the former Pingry Board Member, the parent from whom he received the call or the child who reported to this parent his interactions with Alton, one witness with whom T&M spoke provided an account of how this allegation surfaced. The witness told T&M that the Pingry student and scout made the following statement to his father: "Oh, Ted's gay. Everyone knows Ted's gay." He further explained that when the boy's father asked him to explain the statement, the child said, "He touches boys' penises in the tents." The substance of this complaint was further corroborated by another former Pingry Board Member who told T&M that he received a phone call from another parent or had an in-person conversation with a parent during which he learned that "some terrible things had happened or were done by Ted Alton to the scouts in Troop #64 and that there were 'charges that have been made by parents whose children have told them things.'" He told T&M, "There was no description but the words were clear, that they were inappropriate sexual behaviors." When asked by T&M if he ever learned whose parents had heard this from their children or which scouts were abused, the witness responded, "No, and to this day I couldn't tell you any child except my own. I never discussed it with other people. That's highly personal and unless they wanted to discuss it, I didn't want to talk to anyone about it."

The evidence gathered indicates that disclosure of this information to the former Pingry Board Member who received the call from a parent triggered a cascade of responses which included Alton's firing from The Peck School, Alton's resignation as Scoutmaster of Troop #64, a meeting of parents and a psychiatrist at a Pingry Board Member's home, and a subsequent criminal prosecution of Alton

by the State of New Jersey for playing games of strip poker as well as engaging in individual and mutual masturbation with three 12-year-old boys.

Notably, T&M did not learn during the course of the investigation what, if any, specific or direct action the former Pingry Board Member took in his role as a Pingry Board Member and committee member of Troop #64 in response to the information provided by the Pingry parent. It is also unclear how and to what extent this information was communicated to The Peck School where Alton was then teaching. Nonetheless, the evidence demonstrates that shortly after the information was related to the former Pingry Board Member, Alton was fired from The Peck School. According to The Peck School's letter of October 2016, "In the summer of 1979, Peck, including the then Head of School, learned of allegations regarding inappropriate sexual conduct by Alton with a minor or minors unrelated to The Peck School. Upon learning of these allegations, the Head of School immediately fired Alton." In addition, another witness, who was not a member of the Pingry faculty or staff, confirmed that she first found out about Alton's abuse during the summer just days before Alton was to begin his second year at The Peck School. She told T&M that Alton told her "allegations" had been made against him regarding "inappropriate touching" which she said he subsequently admitted to her were true.

Furthermore, T&M examined a letter, dated September 6, 1979, addressed to the families of Troop #64, provided to T&M by a former student, which stated, in pertinent part, that Alton had resigned as Scoutmaster. It is unclear whether this letter was sent to the families of all Boy Scouts in Troop #64 but it includes the names of "The Troop Committee" Members, including the former Pingry Board Member who received the initial call from the parent. Another document provided by a former student and examined by T&M, although undated and unsigned, appears to contain information related to Alton's resignation as Scoutmaster. The first question in a series of five typed questions and answers on the document reads, "Why resignation?" The typed response to this question reads, in pertinent part, "Allegations have been made by some parents concerning sexual indiscretions between the Scoutmaster and some members of the troop. Due to the serious nature of these allegations, the Troop Committee felt obliged to request the resignation of the Scoutmaster." The additional questions and answers, when considered together, indicate that the identities of the children involved were not known by the Troop Committee and that the Committee "does not know what action the parents, who have made the allegations, plan to take." Finally, this document indicates that "the allegations are that several members of the troop were involved and that the nature of the alleged activities were very serious."

In addition, several witnesses with whom T&M spoke recalled a meeting attended by many parents at the home of a former Pingry Board Member. Although none of the witnesses who spoke about the meeting could recall the date or month when the meeting occurred, witnesses reported that the substance of the meeting pertained to Alton's abuse of students and what should be done about it. In particular, one witness reported, "[a former Pingry Board Member] had arranged to have somebody come speak to the parents about what would be the impact on the kids and my understanding was that there was some conversation about whether or not to press charges." This witness further stated that the meeting was only attended by adults but was unable to identify any of the adults present.

Another individual who was present at the meeting told T&M that she believed that the meeting had been called after "a couple of kids came forward" and that the purpose of the meeting was to discuss Alton. She said that while she did not recall Pingry teachers being present at the meeting or whether all Pingry Board Members were present, the meeting contained a "closed circle" of parents, including at least one attorney, who she assumed went to the meeting because they had children "involved" with Alton. In addition, she said that she did not know who in particular had "come forward" with the allegations about Alton or if his conduct had been reported to the police. When asked by T&M about the purpose of the meeting, she said:

I think to have a psychiatrist talk to everyone at the school about the behavior, what it was and how it involved the children. The only real thing I remember is, "Don't take this into a courtroom," [to do so would be] "more damaging than not," and "they will forget this."

She continued:

Only thing I remember is this doctor spoke, and he said children that get involved with a – I don't think they had a word for it or knew what they were dealing with, but children wouldn't have a thought for it, they would bypass it, or it wouldn't come to a head. It's that they would let it go, because they respect him. They were so involved with him, at school – the [washtub] band and music and Boy Scouts, and he said, "Don't let them go into a courtroom." It was detrimental to take them into a courtroom.

Another individual with whom T&M spoke supported the statements of this witness when he reported to T&M that he later learned from his father that he had spoken to other Pingry and Troop #64 parents and families around the time of the meeting and that the general consensus among parents

was that they didn't want to subject any of the boys to the experience of a public courtroom or lawsuit such that these boys would be publicly named or required to testify.

Furthermore, T&M's investigation revealed that law enforcement was likely notified in response to the allegations initially received by the former Pingry Board Member. Although T&M could not determine who specifically notified law enforcement, the second former Pingry Board Member's account of events sheds some light on what occurred at that juncture. This former Pingry Board Member told T&M that after he learned of allegations of misconduct by Alton from another person, he immediately communicated this information to the former Pingry Board Member who received the initial call and was assured by him that he was already aware of the allegations and that another Pingry Board Member was "on it." This former Pingry Board Member also reported to T&M that the other former Pingry Board Member confirmed that there was an investigation being conducted by the police and that the Pingry Board was directing the School on how to proceed. Although this former Pingry Board Member believed this conversation occurred in the spring of 1978, he admitted that this date was a "guess" and that he based that upon his belief that Alton was still at Pingry when he became aware of Alton's misconduct. In discussing the former Pingry Board Member who received the initial call, the other former Pingry Board Member said:

I knew that he would know whether or not this thing was – whether the board was aware of it and whether they were prepared to deal with it and were dealing with it.

According to court documents obtained and examined by T&M, Alton was charged by the New Jersey prosecutor 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 and included playing games of strip poker as well as individual and mutual masturbation with 12-year-old boys. Based upon T&M's review of these court documents as well as a document provided by a former scout member that lists the names of the troop members, each of the named 12-year-old boys were both scouts and Pingry students. Furthermore, each of these students was in the fifth grade in April of 1978, the date these crimes occurred.

Other than the information reported to T&M about a former Pingry Board Member's receipt of a complaint against Alton by a scout's father and another former Pingry Board Member's account of receiving similar information from another individual that he then communicated to the former Pingry Board Member who received the initial call, T&M could not determine if anyone else at Pingry knew about these allegations against Alton. Indeed, many of those who were on the Pingry Board in

1979 are deceased and others with whom T&M spoke had no recollection of any discussions related to Alton's abuse of Pingry students or Boy Scouts at board meetings or executive committee meetings. In addition, T&M's review of the board minutes from that time period revealed no discussion of the allegations.

As previously noted, T&M did not learn during the course of the investigation what, if any, specific or direct action the former Pingry Board Member took in his role as a Pingry Board Member and committee member of Troop #64 in response to the information provided by the Pingry parent. Nonetheless, there is no evidence to suggest that the general Pingry student community and/or their families were ever notified of such allegations. Moreover, there is no evidence to suggest that a meeting ever occurred with families of the scouts and/or Pingry students other than the one involving the "closed circle" of parents at which the psychiatrist was present.

B. Bruce Bohrer

1. Bruce Bohrer engaged in sexual contact with three 10 and 11-year-old Pingry students and engaged in sexually inappropriate behavior with at least one other 11-year-old Pingry student between approximately 1978-1979.

The credible evidence gathered during the course of the investigation also supports a finding that Bruce Bohrer, a Pingry woodshop teacher from 1974 to 1991,¹⁵ engaged in multiple incidents of sexual contact, boundary crossings and other inappropriate behavior of a sexual nature with 10 and 11-year-old male Pingry students during approximately two years of his employment at Pingry. Indeed, Bohrer engaged in repeated acts of oral sex with one 10-year-old student, the unwelcome touching of the naked penises of three 10 and 11-year-old students, the rubbing of his penis against the buttocks and between the legs of an 11-year-old student and the exposure of multiple students, including at least one 11-year-old, to pornographic magazines while masturbating in front of those students and encouraging them to masturbate. Indeed, witnesses spoke of sexual abuse that occurred in Bohrer's open classroom with other students present or alone, a closet in Bohrer's classroom and a tent at a summer camp with which Bohrer was associated in the presence of other students or alone.

In particular, one former student reported that the start of Bohrer's sexual contact with him began on a camping trip during which he said Bohrer "touched [his] penis with his hands." He said

¹⁵ During the course of its investigation, T&M examined the contents of Bohrer's personnel file which included a letter of recommendation, dated February 1991, written by then Pingry Headmaster indicating that Bohrer had been employed by Pingry for 17 years.

that the sexual contact continued into the school year when he was in fifth grade and that Bohrer would call him into his classroom where he would “give [him] gifts for performing fellatio on [the former student].” He explained that there were between 10 and 20 occasions on which Bohrer took him into a closet in the classroom, pulled down the former student’s pants, made the former student “perform fellatio” on Bohrer and Bohrer put his mouth on the former student’s naked penis. Another former student described being sexually abused by Bohrer in his classroom on multiple occasions when the former student was in the third or fourth grade. He explained that these incidents occurred while all of the students stood around an above waist height table doing projects, and Bohrer would stand right behind the former student and “unzip [the former student’s] pants, fondle [his penis] for a while, do that and then zip it back up and go on with the day.” He said that Bohrer’s hands were inside his underwear as he “grabbed” and “played” with his penis.

Another former student reported that Bohrer repeatedly took him to a camp in the off-season and that while there, as the former student lay on the ground, Bohrer rubbed his penis against the former student’s buttocks and “would put his penis between [the former student’s] legs and make himself – or gratify himself.” He further reported that sexual contact also occurred in Bohrer’s classroom or shop on multiple occasions when Bohrer would stand behind him and rub his penis against him. He said he recalled that Bohrer told him that his wife was pregnant at the time the abuse occurred. Another former student also reported that sometime in the spring of fifth grade, Bohrer invited him and three other students to a campground where inside Bohrer’s tent, Bohrer provided him and the other boys with pornographic magazines, began masturbating and instructed the boys to do the same after which they all complied. This former student also reported to T&M that Bohrer told him at the time of this interaction that his wife was pregnant. T&M determined after examination of open source data, including an Accurint report on Bohrer which detailed the dates of birth for his children, that Bohrer’s wife gave birth to a daughter on October 5, 1979. Notably, when interviewed by T&M, Bohrer stated that he could not recall whether he had engaged in the inappropriate behavior of a sexual nature noted above but said that “he would never do anything like that.”

2. Faculty member’s observations of Bohrer’s behavior.

None of the former students with whom T&M spoke indicated that they reported Bohrer’s sexual abuse or inappropriate behavior to any adults at Pingry or to their parents. Each of the witnesses T&M interviewed indicated they did not disclose this information until many years later or in some instances only recently. As a result, the evidence gathered during the investigation does not support

a finding that anyone at the School was aware of the specific sexually assaultive and inappropriate behaviors in which Bohrer was engaging based upon a complaint they made. The evidence does, however, support the conclusion that one teacher at the School during Bohrer's employment observed Bohrer behaving inappropriately with a child. A former faculty member described in some detail to T&M her observations of Bohrer engaging in what she described as behavior "that shouldn't be happening." Specifically, she reported to T&M that she observed Bohrer pull down the pants of a young male Pingry student in front of other Pingry students in his open classroom. Although she vacillated on the extent to which this male student's pants revealed his underwear or how far down his pants were pulled by Bohrer, she said she was concerned enough about Bohrer's actions that she directed him never to engage in that behavior again. In addition, she articulated the effect Bohrer's conduct appeared to have on this student when she described the look of embarrassment on the boy's face. Notwithstanding this former faculty member's concern about Bohrer's inappropriate behavior, she did not report him to Pingry administrators or tell other Pingry faculty members about her observations of Bohrer's behavior.

C. Antoine du Bourg

1. Antoine du Bourg 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.

The credible evidence gathered during the course of the investigation also supports a finding that Antoine du Bourg, a Pingry science and music teacher for approximately 46 years from 1956 to 2002,¹⁶ 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.

The evidence gathered during T&M's investigation demonstrated specific incidents of sexual misconduct that were observed and experienced by former male Pingry students. One former student told T&M that he recalled an occasion sometime between 1978 and 1980, when as either a seventh or eighth grade Pingry student, he observed du Bourg in his office with his friend, who he identified to T&M. He said that he saw that du Bourg sat the former male Pingry student "on his lap as he was talking to him, held him there, and then put his hand on his crotch." He said that du Bourg's hand

¹⁶ During the investigation, T&M requested from Pingry a copy of Antoine du Bourg's personnel file. T&M's examination of that file indicates that du Bourg was employed by Pingry from 1956-2002.

was on the “outside” of the student’s pants and specified that it was a “grab and squeeze” while du Bourg held him on his lap and that the look on the student’s face was one of “terror, horror, embarrassment.”

Another former student reported that when he was a Pingry student from the late 1970s to the early 1980s, he observed that du Bourg “would hug kids from behind for a couple of seconds, things like if my father saw him do that to me, he would have given him a left hook.” This former student also described a particular incident that he recalled observing at du Bourg’s house in Summit when he was thirteen or fourteen and in the seventh or eighth grade. He reported that he saw his classmate, who he identified to T&M, “bare-assed over [du Bourg’s] knee with his pants and underwear down and [du Bourg] was spanking him and saying he was a bad boy, ‘You shouldn’t have done that.’” He detailed that du Bourg was facing him and “sitting on a piano bench” as the former student entered, with the student “perpendicular, butt straight in the air, and his clothes all the way down, not a little bit.”

Another former student told T&M that at some point while in upper school between 1976 and 1979, du Bourg invited a “prepubescent” middle school boy, who he said may have attended Pingry and identified by name, either on a sailing trip or to his home. He said, “Tony du Borg was in love with [him]. He was infatuated with [him].” He explained that one evening he recalled that he was sleeping in the same bedroom as du Bourg, but in his own bed, and observed du Bourg and [the “prepubescent” boy] getting into the same bed to go to sleep. He further stated that he observed du Bourg hugging and kissing the boy as they fell asleep, and explained his impression of what he observed at that time when he said, “I was a teenager, but even then, even to a 15 or 16-year-old, I was looking at it thinking ‘they’re in bed together and Tony’s hugging and kissing the kid. There’s not too much doubt about what’s going on here.’”

Another former student told T&M that, between 1966 and 1969, du Bourg repeatedly “grabbed” him by the buttocks in the hallways and “made lewd comments sometimes in front of a bunch of students.” He recalled that du Bourg would “come up behind and hold on tight” to his butt cheeks, that du Bourg would do this in front of other students which would embarrass him and that students would laugh at him and say, “du Bourg’s got it out for you.” He further stated that while du Bourg was holding on to his buttocks, he would make statements to the effect of, “Hey, how’s that thing hanging between your legs today?” This former student said that he began to avoid du Bourg “as much as possible” after the incidents occurred.

Another former student reported that in the early 1980s du Bourg would “try to embarrass [him] sexually in the halls” in front of other students by dropping a quarter on the floor, telling the former student to “bend from the waist” and “put his ass towards” du Bourg while picking up the quarter and then laughing at him when he did so. This student also told T&M, “I avoided the guy like the plague.”

Another former student in the early 1980s reported that du Bourg was “always swatting” him and other boys on the buttocks as they walked down the school halls. He explained that du Bourg “slapped” boys “on the ass” in the hallways with an open hand “like how baseball coaches do.” He further stated, “I yelled at him one time. I said, ‘Don’t touch me. You’re queer.’ And from then on, he would joke with me, like, ‘You’re queer, don’t touch me, you’re queer,’ and he’d make a big joke about it.”

Another former student told T&M that when he was in the eighth grade in 1973 du Bourg gave him “a pat on the ass,” which he said he thought was odd at the time. He also said that he often slept over at du Bourg’s house and explained that on one such occasion, he and his friend and fellow student, who he identified by name to T&M, somehow were in du Bourg’s bedroom and the “next thing you know the three of us are wrestling on the bed together.” He continued, “I’m not thinking there’s anything weird at first, except that that never happens. He didn’t like touch us in a sexual way but he was like wrestling with us.” He further explained that when they were wrestling, du Bourg said to the other student, “When you wake up in the morning you’re going to be impregnated.” He said, “I remember thinking, ‘How is that going to happen?’ And not that that happened, but he said that.”

While T&M acknowledges that an act of “wrestling” might not necessarily constitute inappropriate sexual touching or physical contact, T&M finds that du Bourg’s wrestling with 8th grade students on du Bourg’s bed in du Bourg’s bedroom, coupled with du Bourg’s comment of a sexual nature, referencing the physical contact that had just occurred, constitutes inappropriate behavior between a faculty member and student.

2. Awareness of du Bourg’s behavior.

The evidence gathered during the course of T&M’s investigation demonstrated three specific incidents of sexual misconduct that were observed by former Pingry students.¹⁷ These reports

¹⁷ It is worthy of note that during the course of the investigation, T&M learned that allegations against du Bourg had been made by a student most likely “in the nineties” and that as a result of such allegations, an investigation was performed by the New Jersey Division of Youth and Family Services (DYFS). T&M reviewed the contents of du Bourg’s personnel file

included one observation of a student being fondled over his pants in the music room while sitting on du Bourg's lap, one observation of a student "bare-assed" over du Bourg's knee, pants and underwear down while being spanked, and one observation of a middle school student being hugged and kissed by du Bourg in the bed that du Bourg and the boy were sharing. In each of these instances, the individuals who disclosed to T&M their firsthand observations did not report what they saw to anyone in a position of authority at the School or to their parents at the time of their observations. In addition, T&M did not speak to any of the former students against whom this inappropriate sexual contact was perpetrated because they could not be located or did not respond to letters or emails. Therefore, T&M was unable to determine from these individuals if they reported du Bourg's conduct to the School or disclosed what occurred to any adult, including their parents. As a result, T&M is unable to conclude that Pingry had knowledge of these particular incidents of du Bourg's sexual misconduct.

Similarly, all but one of the former students who told T&M that du Bourg touched them on their buttocks or made sexually suggestive comments said that they had not reported or discussed these incidents with any adult, including a parent or anyone in a position of authority at the School, at the time the behavior occurred. Nonetheless, the conduct reported by these students occurred in the hallways of the School, in public areas, readily observable to others. In addition, many of the witnesses with whom T&M spoke described du Bourg's propensity to "touch" students in full view of others and some said that this public display led to the humiliation that they felt as a result of the interaction. Significantly, one former student reported that he told the assistant principal at the time that du Bourg had grabbed his buttocks and made inappropriate comments to him. He further stated that the assistant principal's response was "to wave him off" and to say that du Bourg was "just joking." This student said that he made no formal complaint thereafter. A review of du Bourg's personnel file did not reveal any notation that related to this conversation between the former student and the assistant principal to whom he said he spoke. Moreover, this former assistant principal is deceased and although T&M credits the former student's account that the conversation occurred, T&M cannot determine if any action, such as speaking to du Bourg about his behavior, was taken.

Notwithstanding the lack of documentation about this former student's complaint to an administrator, a faculty member stated that "in the 1970s, du Bourg had an argument with a headmaster because he had patted somebody and the person complained." When asked by T&M

which did not contain any documentation regarding the allegations. Similarly, T&M was unable to locate any records from DYFS to confirm whether any such investigation occurred. As a result, T&M could not test the veracity of the information learned.

what he meant by “patted,” this faculty member replied that he thought that meant “open hand against the buttocks.” This faculty member’s account suggests that he may be relating the same incident that the former student told T&M he reported to the assistant principal indicating that du Bourg may have been spoken to by an administrator about his actions. At a minimum, the faculty member’s account supports the conclusion that du Bourg’s conduct may have been known to the administration.

This faculty member also detailed to T&M the names of several other administrators who he believed were aware of du Bourg’s propensity for touching the buttocks of students and his overly friendly behavior with students. He characterized du Bourg’s “run ins” with several administrators based upon behavior towards students that offended parents. He reiterated that he never had any direct conversations with any of these administrators but heard about it more generally and acknowledged that du Bourg’s touching of the buttocks of students was known by the School.

Although the faculty member was not directly involved in these conversations with administrators about du Bourg, his account, coupled with the former student’s account of his complaint, supports the conclusion that at least some Pingry faculty members and/or administrators may have been aware of du Bourg’s inappropriate touching of students on their buttocks which made students feel uncomfortable. It is also clear that whatever any former administrators told du Bourg about his behavior, he remained at Pingry as a science and music teacher until he left in 2002. Notably, T&M did not find any evidence during the course of the investigation to suggest that du Bourg’s departure from the School in 2002 was related to the behaviors described by students. Rather, the Pingry Headmaster at the time told T&M that du Bourg left of his own volition after some disagreements about his handling of departmental matters.¹⁸

¹⁸ du Bourg’s obituary in *The New York Times*, dated May 14, 2011, indicates that du Bourg taught at St. George’s School in Rhode Island following his departure from Pingry. According to the *St. George’s 2011 Summer Bulletin*, du Bourg “joined the St. George’s faculty in 2004.”

EXHIBIT C

File

March 30, 1973

FACULTY MEMO

Re: Ted Alton

Ted has made known to me his future plans and wishes to share them with all of you. He will be leaving us at the conclusion of this academic year and will take an administrative position at the Peck School. Ted feels that this responsibility will give him an opportunity for expanding his professional growth.

I cannot issue a memo of this type without stating to each and every one of you my personal feelings that Ted has done a superior job with us and as my assistant has been of inestimable help in every way.

We send with Ted and his family our very best wishes for continued success.

Edwin H. Brown

EXHIBIT D

A 131-79

Jd. Feinberg

ORDER TERMINATING PROBATION

ESSEX COUNTY PROBATION DEPARTMENT

NICHOLAS FIORE
CHIEF PROBATION OFFICER

Name	ALTON, Thud	Docket No.	A131-79	Court Superior	No.	80-01109-01
Judge	Edward Neagle	Offense	Private Lawdness, Impairing	Date	7-30-80	
Term of Probation	5 years	Condition of Probation	Continus treatment by psycotherapist			
Fine	\$ -	wt.		Support	\$ -	wt.
Court Costs	\$ -	wt.		Restitution	\$ -	wt.

COURT REVIEW		
Date	Cause of Review	Result

None

HOME VISITS	0	OTHER VISITS	0	PERSONAL REPORTS	0	TOTAL PAYMENTS	0	ARREARS	0
-------------	---	--------------	---	------------------	---	----------------	---	---------	---

Present Status: (Objectives)

PROBATION DEPARTMENT
CASHIER PROBIS

Recommendation: Discharge from Probation— With Improvement; (Before Expiration of Term)

Warrants or Commitments on file with None

Requested by [Signature]
Probation Officer
Ethan Janowicz

Approved: _____
Chief Probation Officer

Discharged as recommended:
[Signature]
JULIUS A. FEINBERG
J.S.C.

Date July 23 1983

4-57
Plate #3
EJ:mc
5-11-83

PROBATION DEPARTMENT USE ONLY			
NO CASHIER CARD	NO NOTICE ORDERED	PAYMENTS VERIFIED	OFF STATISTICS

ESSEX COUNTY COURT
LAW DIVISION
CRIMINAL

STATE OF NEW JERSEY,
PLAINTIFF,

-VS-

THAD ALTON
DEFENDANT.

WAIVER OF INDICTMENT AND TRIAL

BY JURY

PRIV. LEAD. CTS. 1, 3 & 5.

DMP. MOR. OF MINOR CTS. 2, 4 & 6

DONALD S. COBURN
ESSEX COUNTY PROSECUTOR
ESSEX COUNTY COURTS BUILDING
NEWARK, NEW JERSEY 07102
TELEPHONE (201)961-7470



ESSEX COUNTY COURT
LAW DIVISION
(Criminal)

THE STATE OF NEW JERSEY

v.

THAD ALTON

Defendant

ACCUSATION A 131-79

PRIVATE LEWDNESS CTS. 1, 3 & 5,
IMPAIRING MORL., OF MINOR
CTS. 2, 4 & 6

THAD ALTON, having been charged upon oath, before a Magistrate in the said County of Essex with

PRIVATE LEWDNESS CTS. 1, 3 & 5,
IMPAIRING MORALS OF I MINOR CTS. 2, 4 & 6

and having in writing, addressed to the County Prosecutor, waived indictment and trial by jury and requested to be tried upon said charge by the Court, and said request having been duly reported and granted:

The County Prosecutor of said County of Essex alleges:

FIRST COUNT

That the said THAD ALTON

on or about ~~March~~ April day of 1978,
at the Township of Millburn, in the County aforesaid, and within the jurisdiction of this Court, did commit in private, an act of lewdness, grossly scandalous and tending to debauch the manners and morals of the people, namely one ~~_____~~, age 12.

contrary to the provisions of N. J. S. 2A:115-1

SECOND COUNT

The allegations contained in the First Count as to time, place and jurisdiction, are incorporated in the Second Count as though fully set forth herein, and the County Prosecutor further alleges that the said THAD ALTON

did,

impair the morals of one [REDACTED] age 12, by then and there committing the act of sexual masturbation.

contrary to the provisions of N.J.S. 2A:96-3 and against the peace of this State, the government and dignity of the same.

THIRD COUNT

That the said THAD ALTON on or about April of 1978, at the Township of Millburn, in the County aforesaid, and within the jurisdiction of this Court, did commit in private, an act of lewdness, grossly scandalous and tending to debauch the manners and morals of the people, namely one [REDACTED],

age 12.

contrary to the provisions of N.J.S. 2A:115-1 and against the peace of this State, the government and dignity of the same.

FOURTH COUNT

The allegations contained in the Third Count as to time, place and jurisdiction, are incorporated in the Fourth Count as though fully set forth herein, and the County Prosecutor further alleges

that the said THAD ALTON did,

impair the morals of one [REDACTED] age 12, by then and there committing the act of sexual masturbation.

contrary to the provisions of N.J.S. 2A:96-3 and against the peace of this State, the government and dignity of the same.

FIFTH COUNT

That the said THAD ALTON on or about April of 1978, at the Township of Millburn, in the County aforesaid, and within the jurisdiction of this Court, did commit in private, an act of lewdness, grossly scandalous and tending to debauch the manners and morals of the people, namely one [REDACTED], age 12. contrary to the provisions of N.J.S. 2A:115-1 and against the peace of this State, the government and dignity of the same.

SIXTH COUNT

The allegations contained in the Fifth Count as to time, place and jurisdiction, are incorporated in the Sixth Count as though fully set forth herein, and the County Prosecutor further alleges that the said THAD ALTON did, impair the morals of one [REDACTED] by then and there committing the act of sexual masturbations. contrary to the provisions of N.J.S. 2A:96-3 and against the peace of this State, the government and dignity of the same.

DATED:
mda

Donald S. Cahoon
Prosecutor of Essex County
by [Signature]

ESSEX COUNTY COURT
LAW DIVISION
(Criminal)

THE STATE OF NEW JERSEY :
v. :

WAIVER OF INDICTMENT AND
TRIAL BY JURY

THAD ALTON :
----- Defendant -----

PRIVATE LEWDNESS CTS. 1, 3 & 5,
IMPAIRING MORALS OF MINOR CTS. 2, 4 & 6

To the County Prosecutor:

THAD ALTON

the above-named defendant, charged on complaint with

PRIVATE LEWDNESS CTS. 1, 3 & 5,
IMPAIRING MORALS OF MINOR CTS. 2, 4 & 6

having been advised of his right to indictment and trial by
jury, does hereby waive indictment and trial by jury, and
requests to be tried on accusation.

Dated at Newark, New Jersey, the
17 day of May, 1980

[Signature]

Signed and delivered
in the presence of

[Signature]

Granted:

[Signature]
County Judge

#-54

STATEMENT OF REASONS THAD ALTON A131-79

The offenses to which the defendant has pled guilty are particularly heinous because they involve sexual activities with minors entrusted to the care and supervision of the defendant, an assistant head master of a private school. In most cases of this kind I am inclined to impose lengthy sentences.

Defendant is now 33 years of age. During his formative years, the reports indicate that he underwent intense parental rejection and emotional deprivation at the hands of his parents, as professionals, were unable to afford him adequate guidance and support.

Defendant is a college graduate, has a masters degree and is working towards his doctorate.

The presentence report reflects that his marital difficulties, Viet Nam war experiences, extended family pressures and highly achievement oriented life style, precipitated a regression and weakening of behavioral controls.

Since September, 1979 he has been regularly treated by a psychotherapist who diagnosed his problem as a transient situational disturbance. He is not a homosexual. The medical reports state that he is learning to deal with stress and is now coping with his problems.

Dr. Caspean of the Adult Diagnostic and Treatment Center concluded that his actions were not part of a compulsive pattern of behavior and he did not fall within the purview of the New Jersey Sex Offender Act.

It is therefore, obvious that defendant's actions resulted from an unfortunate sickness for which he is being treated in Lake Placid, New York.

In view of the foregoing and bearing in mind that the defendant has no prior record, it is the Court's opinion that the defendant is in need of probationary supervision rather than correctional treatment in an institution.

The applicable mitigating circumstances, as set forth in 2C:44-1(b) considered by the Court in imposing these sentences are as follows:

Defendant has no history of prior delinquency or criminal activity and has lead a law abiding life before the commission of the present offenses.

The character and attitudes of the defendant indicate that he is unlikely to commit another offense.

He is particularly likely to respond affirmatively to probationary treatment.

The imprisonment of the defendant would entail excessive hardship to himself and his dependents.

The willingness of the defendant to cooperate with law enforcement authorities.

Edward J. Noonan

See also WD 77505

The State of New Jersey

vs. A131-79

COURT	
Superior	
COUNTY OF Essex	N.J.
C- A131-79 (6)	0792

Defendant Thad Alton
 Address 57 Parkside Drive
 City State North Elba (Lake Placid), N.Y.
12946

COMPLAINT

Complainant Inv. Michael Zarvillo of the Essex County Prosecutor's Office

Reading of ON OR above day of April 19 78 in the Twp. of Millburn County of Essex N.J.
 did impair the morals of one Ritt Kellogg, age 12, by then and there committing the act of sexual masturbation.

commit in private, an act of lewdness, grossly scandalous and tending to debauch the manners and morals of the people, namely one Peter Stratton, age 12. impair the morals of one Peter Stratton by then and there committing the act of sexual masturbation.

Charge Number 1 N.J.S. 2A:96-3	Charge Number 2 N.J.S. 2A:115-1	Charge Number 3 N.J.S. 2A:96-3
-----------------------------------	------------------------------------	-----------------------------------

Subscribed and sworn to before me this 13th day of May, 1980
 Signed Michael Zarvillo
NAME AND TITLE OF PERSON BEFORE WHOM TAKEN

To any peace officer or other authorized person Pursuant to this warrant, you are hereby commanded to arrest the named defendant and bring him/her forth before this court to answer the foregoing complaint

Bail has been fixed by _____ in the amount of \$ _____

Date Warrant Issued _____

Court Appearance Date _____ Time _____ A.M. P.M.

Case No.	Case No.	Date of Filing	Date of Disposition	Disposition	Disposition	Disposition	Disposition	Disposition	Disposition	Disposition	Disposition	Disposition	Disposition
Number 1	✓	5-13-80	7-1-80	Settle									
Number 2		A131-79 (6)											
Number 3													

OTHER ACTION BY THIS COURT
 Other: Specify, Ordered to Court by mother & husband for prior to 7-1-80

BAIL INFORMATION
 Bail set at _____
 Bail type _____
 Bail agent _____

PROSECUTING ATTORNEY AND DEFENSE COUNSEL INFORMATION
 Prosecuting Attorney: _____
 Defense Counsel: _____

MISCELLANEOUS INFORMATION
Joe Scaturro, Pres
E.F. Broderick Jr

See also W/D 77505

Superior	
Essex	
A131-79 (6)	0792

The State of New Jersey
vs. A131-79 (6)

Thad Alton
57 Parkside Drive
North Elba (Lake Placid), N.Y.
12946

COMPLAINT

Complainant: Inv. Michael Zarrillo of the Essex County Prosecutor's Office

Revised on or above day of April, 19 78 in the Twp. of Hillburn County of Essex
did impair the morals of one Ritt Kellogs, age 12, by then and there committing the act of sexual masturbation.

commit in private, an act of lewdness, grossly scandalous and tending to debauch the manners and morals of the people, namely one Peter Stratton, age 12. impair the morals of one Peter Stratton by then and there committing the act of sexual masturbation.

Charge Number 1 N.J.S. <u>2A:96-3</u>	Charge Number 2 N.J.S. <u>2A:115-1</u>	Charge Number 3 N.J.S. <u>2A:96-3</u>
--	---	--

Subscribed and sworn to before me this 13th day of May, 1980.
Signed: Michael Zarrillo

Notary Public
My Commission Expires: _____
Notary Public Name: Michael H. [Signature]

COURT ACTION (Cases wherein judgment or Conditions of Discharge is entered in this court)	
<input checked="" type="checkbox"/>	<u>51380</u> <u>A131-79 (6)</u> <u>Sent</u> <u>7-11-80</u>

OTHER ACTION BY THIS COURT
Ordered to reveal Defendant's Federal Case prior to sentencing 7-11-80

BAIL INFORMATION

PROSECUTING ATTORNEY AND DEFENSE COUNSEL INFORMATION

MISCELLANEOUS INFORMATION
Joe Santoro, Pros
E. J. Broderick Jr

also WD 17504

COURT
Superior

COUNTY OF Essex NJ
COURT DOCKET NUMBER
C- A 131-79 (6) 0792

COMPLAINT BY PROSECUTOR
C-

The State of New Jersey

vs. A 131-79 (6)

Defendant Thad Alton
Address 57 Parkside Drive
City State North Elba (Lake Placid) N.Y.
12946

COMPLAINT

Complainant Investigator Michael Zarzillo of the Essex County Prosecutor's Office

Residing of on or about day of April 1978, in the Twp. of Millburn, County of Essex, N.J.

Upon oath says that, to the best of his/her knowledge information and belief, the named defendant on or about the

commit in private, an act of lewdness, grossly scandalous and tending to debauch the manners and morals of the people, namely on William Esrey Jr., age 12.

impair the morals of one William Esrey, then and there committing the act of sexual masturbation.

commit in private, an act of lewdness, grossly scandalous and tending to debauch the manners and morals of the people, namely one Ritt Kellogs, age 12.

Charge Number 1 N.J.S. 2A:115-1	Charge Number 2 N.J.S. 2A:96-3	Charge Number 3 N.J.S. 2A:115-1
------------------------------------	-----------------------------------	------------------------------------

Subscribed and sworn to before me this 13th day of May 1980
Signed Michael Zarzillo

To any peace officer or other authorized person: Pursuant to this warrant, you are hereby commanded to arrest the named defendant and bring him/her forthwith before this court to answer the foregoing complaint.

Bail has been fixed by _____ in the amount of \$ _____

Date Warrant Issued _____
Court Appearance Date _____ Time _____ AM/PM

Number	Charge	DATE OF PLEA	ADJUDICATION	DISC.	AS REV.	W.P.	FIN.	U.S.	U.S.	U.S.	U.S.	U.S.	U.S.	U.S.	U.S.	U.S.	U.S.	U.S.
1	5-13-80																	
2	A 131-79 (6)																	
3																		

OTHER ACTION BY THIS COURT
Other/Specify ordered to Adult Diagnostic & Treatment Center prior to sentencing dated 7-11-80

DATE	REASON FOR BAIL	AMOUNT	TYPE	REMARKS
5-13-80	AS REQUIRED BY N.J.S. 2A:115-1		P.O.C.	

PROSECUTING ATTORNEY	NAME	OFFICE	ADDRESS	CITY	STATE	ZIP	PHONE	FAX	TELETYPE	TELEFAX

MISCELLANEOUS INFORMATION
For Testimony For
E.T. Boudrick Jr

EXHIBIT E

TROOP 64
BOY SCOUTS OF AMERICA
SHORT HILLS, N.J. 07078

September 6, 1979

To the Families of Troop 64:

As you may know, Ted Alton has resigned as Scoutmaster of Troop 64. We are actively seeking another Scoutmaster and will inform you as soon as one has been identified.

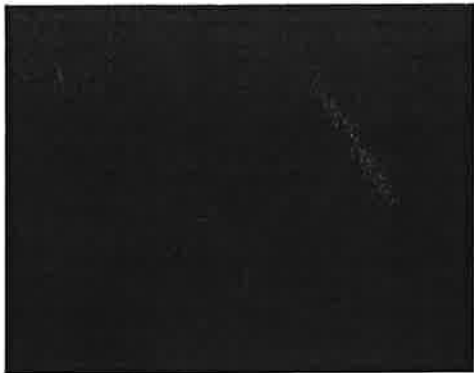
In the meantime, with the help of interested fathers, we intend to continue the program of Troop 64 on a somewhat curtailed basis. The first regular meeting will be at 7:30 p.m. on Monday, September 17, in the gymnasium at Pingry's Short Hills Campus. The present plan is to hold meetings on the first and third Mondays of each month, except during school vacation periods.

The first campout will be held on September 22-23 at Sandy Hook. We are presently planning for future campouts, and will advise you of the dates and places as soon as plans become firm. Camping trips will begin on Saturday mornings rather than on Friday afternoons.

We will write when we have further developments to report.

The Troop Committee

John P. Bent, Jr. Chairman	✓ Malcolm MacPherson
✓ Roy Cleeland	✓ Lawrence S. O'Hearn
George J. Donohue	✓ Willard H. Smith
John Eddy	Robert J. Stefani
William Everett	William Stroh



1. Why resignation?

Allegations have been made by some parents concerning sexual indiscretions between the Scoutmaster and some members of the troop. Due to the serious nature of these allegations, the Troop Committee felt obliged to request the resignation of the Scoutmaster.

2. Was my child involved?

The Troop Committee does not know the identity of the children who were involved in the alleged activities.

3. Legal action, if any.

The Committee has taken the only action available to it, namely the requested resignation of the Scoutmaster.

The Committee does not know what action the parents, who have made the allegations, plan to take.

4. What was the extent of the alleged activities?

The allegations are that several members of the troop were involved and that the nature of the alleged activities were very serious.

5. What should I do?

If you feel it necessary, discuss the matter with your Doctor.

.

EXHIBIT F

Thu, Sep 18, 2003 11:57 AM

From: James Bratek <jbratek@pingry.org>
To: Jacqueline Sullivan <jsullivan@pingry.org>, John Neiswender <jneiswender@pingry.org>
Date: Thursday, September 18, 2003 11:57 AM
Subject: Thad Alton

Hello. I studied at The Pingry School during grades 6-8 from 1977-1980. My name is [REDACTED] When I was a student there during the sixth grade, I witnessed my homeroom teacher, the Troop 64 Scoutmaster and also Vice Principal Thad Alton while he sexually abused other boys in my class. I guess that I had sublimated this information but it has recently come back into my memory and is troubling me very much. I am writing to inquire if he still works at your school and/or if he was ever exposed for the disgusting pedophile that he is. Can someone there please contact me to discuss this? My number at home in [REDACTED] is [REDACTED]
Thank you

[REDACTED]

EXHIBIT G



March 28, 2016

Dear Pingry Alumni,

We are writing to you today with distressing news concerning our past that we feel is important to share with you. We recently learned from a few of our alumni that students were sexually abused by Thad Alton, an employee of Short Hills Country Day School from 1972 to 1974 and, following the merger of the two institutions, an employee of The Pingry School from 1974 to 1978.

After leaving Pingry, Mr. Alton eventually moved to upstate New York and, by 1981, was working at a university there. In 1990, he was convicted in New York State of two counts of sexual abuse of minors. Mr. Alton was incarcerated until 1995. Currently, he is listed on the New York State Sex Offender Registry with an address in Manhattan.

We want to assure you that we are taking this matter very seriously. We have contacted local law enforcement, informed them of the allegations, and are committed to assisting them in their investigation.

While these events took place many years ago, we realize that they continue to cause pain for members of our community. It is sickening that an educator, entrusted with the responsibility of protecting children, would cause such suffering. Behavior of this nature is appalling and deplorable.

The safety and well-being of our students are our highest priorities. On a regular basis, Pingry undertakes a review of its policies and procedures to ensure safeguards are built in to the School's operating procedures. In addition to conducting a thorough vetting process prior to hiring an employee, we vet members of the community and other visitors to the School prior to allowing them access to our buildings. Our faculty and staff receive professional development that emphasizes student safety, maintaining appropriate boundaries, reporting requirements, and vigilance for the detection of inappropriate behavior. Our students receive education and guidance about appropriate, healthy relationships, both with peers and with adults, through our health curriculum, advisory system, and peer leadership program. Our counseling staff on both campuses is closely involved in these efforts and in creating an environment in which students feel empowered to voice any concerns that they may have.

We are committed to supporting those in our community who have been subject to this unconscionable behavior. The Board of Trustees has approved the engagement of T&M Protection Resources, a highly qualified, professional firm with significant experience in matters similar to this, to conduct a thorough, independent investigation into the events of the 1970s. Once the investigation is complete, we will provide a further update to the community.

If you have been affected personally, or know anyone who might have been harmed by Mr. Alton, we encourage you to contact us. We would welcome your phone call, email, or visit. Please reach out to Nat Conard by phone 908-647-5555 x1232 or email nconard@pingry.org, or contact Laura Kirschstein of T&M Protection Resources at 212-916-8852 or lkirschstein@tmprotection.com. We will make every effort to ensure the confidentiality of any information we receive.



We are both deeply pained by and sorry for the harm caused by Mr. Alton, and we wish to be as helpful to and supportive of his victims as we can be.

Sincerely

Nathaniel E. Conard P '09, '11
Headmaster

Jeffrey N. Edwards '78, P '12, '14, '18
Chair of the Board of Trustees

EXHIBIT H

PASHMAN STEIN WALDER HAYDEN

A Professional Corporation
Court Plaza South
21 Main Street - Suite 200
Hackensack, New Jersey 07601
(201) 488-8200
Justin P. Walder, Esq. (#207311961)
jpwalder@pashmanstein.com
Attorneys for Plaintiffs,
M.F. and J.F.

M.F and J.F.,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION: ESSEX COUNTY
Plaintiffs,	:	DOCKET NO.: ESX-L-1607-18
v.	:	<u>Civil Action</u>
THE PINGRY SCHOOL, JOHN DOES 1-50, and ABC CORPORATIONS 1-50,	:	PLAINTIFFS' FIRST SET OF DOCUMENT REQUESTS TO THE PINGRY SCHOOL
Defendants.	:	

TO: The Pingry School

SIR/MADAM:

PLEASE TAKE NOTICE that Plaintiffs M.F. and J.F., pursuant to New Jersey Court Rule 4:10-2 hereby demand that Defendant The Pingry School produce the documents requested herein at the offices of Pashman Stein Walder Hayden, Court Plaza South, 21 Main Street, Suite 200, Hackensack, New Jersey, as soon as practicable but in any event, within the time set forth in the Court Rules.

This request shall be deemed continuing, requiring supplemental answers if Defendant or its attorney obtain further information.

PASHMAN STEIN WALDER HAYDEN
A Professional Corporation
Attorneys for Plaintiffs,
M.F. and J.F.

Dated: March 9, 2018

By: 

JUSTIN P. WALDER

Definitions and Instructions

1. “You” or “Your” or “Pingry” means Defendant The Pingry School.
2. “Alton” refers to former Pingry employee Thad Alton.
3. “T&M” refers to T&M Protection Resources who was retained by Pingry to investigate and prepare a report concerning sexual abuse allegations at Pingry.
4. The “Report” refers to the report prepared for Pingry by T&M that was released in March 2017.
5. “Concerning” means relating to, referring to, reflecting, describing, evidencing, constituting, alluding to, germane to, mentioning, analyzing, setting forth, summarizing, characterizing, directly or indirectly, expressly or implicitly, in whole or in part, the subject matter of the Request.
6. “Document(s)” shall be interpreted in the broad and liberal sense and mean all originals, drafts, masters, copies (if the originals are not available), and non-identical copies (whether different from the original because of underlining, editing, marks, notes made on or attached to such copy, or otherwise) of the following items, whether written, typed, printed, reproduced by hand, recorded (through any mechanical or electronic sound, video, graphic, photographic, digital or computer recording system, or otherwise): papers, notes, email, accounts, books, journals, advertisements, catalogs, manuals, publications, correspondence, cablegrams, mailgrams, telegrams, memoranda, letters, documents, records, communications, including inter-office and intra-office communications, reports, studies, analysis, results of laboratory tests, pamphlets, publications, articles, books, notes, calculations, projections, contracts, charts, graphs, plans, specifications, drawings, sketches, surveys, agreements, working papers, corporate records, minutes of board of directors or committee meetings, or shareholders

meetings, partnership records, minutes of partnership meetings or committee meetings, minutes or other records of meetings between a general or managing partner with any other partner, books of accounts, ledger books, note books, vouchers, bank checks, cashier's checks, receipts for cashier's checks, canceled checks, check stubs, bills, receipts, invoices, delivery tickets, bills of lading, financial or statistical statements or compilations, opinions or reports of consultants, time sheets, desk calendars, appointment books, log books, diaries, diary entries, photographs, microfilm, microfiche, and notes, minutes, summaries, transcripts or sound records of any conversations, negotiations, meetings or conferences conducted either in person or by telephone, or documents that contain information "dumped," downloaded or otherwise transferred from any portable data device, e.g. iPhone, or things similar to any of the foregoing and all other papers, writings or electronic or physical things of whatever description containing information which can be obtained by detection devices.

7. All documents that respond, in whole or in part, to any part of the following Requests shall be produced in their entirety, including all attachments and enclosures.

8. These Requests call for the production of all responsive documents in your possession, custody, or control, wherever located, regardless of whether they are possessed directly by you or your agents, representatives, employees, or other persons acting or purporting to act on your or their behalf.

9. If you do not have all the documents responsive to any Request, please so state and identify each person who you know or believe may have such documents.

10. These Requests are deemed to be continuing so as to require prompt supplemental responses if you obtain or discover further information or documents responsive to these Requests between the time of responding to the Request and the time of trial.

11. If any requested documents were, but are no longer in your possession or subject to your control, state what disposition was made of them.

12. If you claim a privilege as a ground for not responding in whole or in part to any Requests herein: identify and describe in detail the privilege or privileges asserted; and describe the factual basis and identify any and all person(s), document(s) and/or other evidence constituting, referring to, relating to or otherwise evidencing your claim of privilege in sufficient detail so that the court may adjudicate the validity of the claim.

13. For any Request or portion thereof that you determine to be vague, overbroad, or unclear, you shall adopt a reasonable meaning for that portion of the Request, state the adopted meaning in your response, and produce responsive documents accordingly.

14. Each Request shall be construed as being inclusive rather than exclusive. Thus, words importing the singular shall include the plural; words importing the plural shall include the singular; words importing one gender shall include both genders; the words "and" and "or" shall be construed conjunctively or disjunctively as necessary to make the Request inclusive; the word "all" means "any and all" and the word "any" means "any and all."

15. You shall produce any and all documents requested in any Request herein and indicate by Bates stamp number or range of Bates stamp numbers (or similar indexing system) those pages that are responsive to each separate Document Request.

Document Requests

Request No. 1

Copies of all contracts related to Pingry's acquisition of the Short Hills Country Day School and the acquisition of Pingry's current Basking Ridge campus.

Response:

Request No. 2

Copies of all documents related to fundraising campaigns from 1973 to 1984.

Response:

Request No. 3

Any and all documents, including electronically generated documents, such as emails and text messages, which were generated or received by Pingry, any of its employees or agents, or anyone else concerning the conduct of Alton.

Response:

Request No. 4

Any and all documents, including electronically generated documents, such as emails and text messages, which were generated by T&M during its investigation of Alton and Pingry.

Response:

Request No. 5

All documents, including but not limited to all communications, concerning allegations of sexual abuse at Pingry.

Response:

Request No. 6

All documents or notes concerning any communications regarding Alton.

Response:

Request No. 7

All documents concerning Pingry's discovery of any and all allegations of sexual abuse involving Alton or any other Pingry employees or agents.

Response:

Request No. 8

All drafts of the T&M Report.

Response:

Request No. 9

All notes and documents generated by T&M during the course of its investigation.

Response:

Request No. 10

All documents, including but not limited to notes, questionnaires, transcripts, or audio recordings, regarding all interviews that were conducted during T&M's investigation.

Response:

Request No. 11

All documents, including but not limited to notes, questionnaires, transcripts, or audio recordings, regarding any interview that has been conducted by Pingry or an agent or representative of Pingry regarding allegations of sexual abuse by Alton or any other employee or agent of Pingry.

Response:

Request No. 12

Copies of all agreements, including but not limited to tolling agreements and settlements, entered into between Pingry and any person in connection with allegations of sexual abuse.

Response:

Request No. 13

Copies of all communications, statements, or complaints received by Pingry that contain allegations of sexual abuse.

Response:

Request No. 14

A list of all people employed by Pingry during the same time as Alton.

Response:

Request No. 15

A list of all Pingry Board members who served during the course of Alton's employment.

Response:

Request No. 16

All documents regarding the prosecution and conviction of Alton in New Jersey and New York.

Response:

Request No. 17

All communications between Pingry and the Peck School regarding Alton.

Response:

Request No. 18

A complete copy of Alton's personnel file.

Response:

Request No. 19

A complete copy of Marjorie Hill Noon's personnel file.

Response:

Request No. 20

All communications or notes regarding communications sent to or received from any law enforcement agency, including but not limited to the Essex and Morris County Prosecutor's Offices, relating to Alton or any issues of sexual abuse by employees or alleged agents of Pingry.

Response:

Request No. 21

Copies of all documents connected to the parent who notified the Pingry Board Member of the charges against Alton in 1979 as detailed in the Report.

Response:

Request No. 22

Copy of the September 6, 1979 letter from the "troop committee" to parents of Alton's scouting troop regarding Alton's resignation as troop leader as discussed in the Report.

Response:

Request No. 23

Copy of the undated and unsigned document from the troop committee to parents disclosing abuse as referred to in the Report.

Response:

Request No. 24

Copies of all internal reports, complaints, or statements that were submitted to Pingry containing reports or allegations of sexual abuse.

Response:

Request No. 25

Copies of all training materials that Pingry provided to its teachers during the time of Alton's employment.

Response:

Request No. 26

Copies of all written policies Pingry had in place regarding the reporting of sexual abuse during the time of Alton's employment.

Response:

Request No. 27

Copy of the contract between J.F. and Pingry regarding M.F.'s enrollment at the school.

Response:

Request No. 28

Complete copy of the M.F.'s school records.

Response:

Request No. 29

Provide copies of all of Pingry's insurance policies that could potentially provide coverage for the claims asserted in Plaintiffs' Complaint.

Response:

CERTIFICATION

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

I further certify that the copies of documents produced in response to these requests are exact copies of the entire document(s). If any other responsive documents become later known or available, I shall serve them promptly on the propounding party.

DATED:

EXHIBIT I

Campbell Campbell Edwards & Conroy, P.C.

Bryan D. McElvaine, Esquire (#017861987)
 Meaghann C. Porth, Esquire (#033202009)
 1205 Westlakes Drive, Suite 330
 Berwyn, PA 19312
 Telephone: (610) 964-1900
 Facsimile: (610) 964-1981
bmcelvaine@campbell-trial-lawyers.com
mporth@campbell-trial-lawyers.com

Attorneys for Defendant, The Pingry School

<p>M.F. and J.F.,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>THE PINGRY SCHOOL, JOHN DOES 1- 50, and ABC CORPORATIONS 1- 50,</p> <p style="text-align: center;">Defendants,</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION: ESSEX COUNTY</p> <p>DOCKET NUMBER ESX-L-1607-18</p> <p>CIVIL ACTION</p> <p>DEFENDANT THE PINGRY SCHOOL'S RESPONSES TO PLAINTIFF'S FIRST SET OF DOCUMENT REQUESTS</p>
--	---

Defendant The Pingry School (“Pingry”), by and through its counsel, Campbell Campbell Edwards & Conroy, P.C., hereby provides responses to Plaintiffs’ First Set of Document Requests as follows:

REQUESTS

Request No. 1

Copies of all contracts related to Pingry’s acquisition of the Short Hills Country Day School and the acquisition of Pingry’s current Basking Ridge campus.

Response: Pingry objects to this Request as overly broad, unduly burdensome, vague, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Pingry merged with Short Hills Country Day School (“Short Hills”) in or about February 1, 1974. Pingry is not disputing that M.F. attended Short Hills and/or Pingry and/or that Mr. Alton was employed as part of the faculty and/or administration during the period of time that M.F. alleges abuse by Mr. Alton.

Request No. 2

Copies of all documents related to fundraising campaigns from 1973 to 1984.

Response: Pingry objects to this Request as overly broad, unduly burdensome, vague and not reasonably calculated to lead to the discovery of admissible evidence

Request No. 3

Any and all documents, including electronically generated documents, such as emails and text messages, which were generated or received by Pingry, any of its employees or agents, or anyone else concerning the conduct of Alton.

Response: Pingry objects to this Request as overly broad, unduly burdensome, and vague; for example, the Request is unlimited in time or scope and “conduct of Alton” is undefined and capable of multiple meanings. Subject to and without waiving these objections, Pingry possesses the attached documents, which include: T&M’s Report; Alton’s personnel file materials including two letters of recommendation from January, 1978; a letter to Pingry alumni dated March 28, 2016 (copies of all letters addressed to the Pingry community can be found at pingryresponse.org); an email from a former student (identifying personal information redacted for privacy reasons); an email from another former student (identifying personal information redacted for privacy reasons). Further answering, Pingry possesses T&M’s non-confidential witness interview summaries; and is in the process of redacting identifying personal information from same for privacy reasons. Once redaction is complete, the records will be produced by supplement.

Request No. 4

Any and all documents, including electronically generated documents, such as emails and text messages, which were generated by T&M during its investigation of Alton and Pingry.

Response: Pingry objects to this Request as overly broad, unduly burdensome, vague, and not reasonably calculated to lead to the discovery of admissible evidence. Pingry further objects to this Request because it calls for the production of documents generated by third parties which are not maintained by Pingry in the ordinary course of business and seeks information that is protected from disclosure on the basis of the attorney-client privilege and/or the attorney work product doctrine. Subject to and without waiving these objections, see the attached T&M Report. Further answering, Pingry possesses T&M’s non-confidential witness interview summaries; and is in the process of redacting identifying personal information from same for privacy reasons. Once redaction is complete, the records will be produced by supplement.

Request No. 5

All documents, including but not limited to all communications, concerning allegations of sexual abuse at Pingry.

Response: Pingry objects to this Request as overly broad, unduly burdensome, vague, and not reasonably calculated to lead to the discovery of admissible evidence. For example, the Request is undefined and unlimited in scope. By way of further objection, this Request seeks information that is protected from disclosure on the basis of the attorney-client privilege and/or the attorney work product doctrine. Subject to and without waiving these objections, see the documents attached hereto.

Request No. 6

All documents or notes concerning any communications regarding Alton.

Response: Pingry objects to this Request as overly broad, unduly burdensome, vague, and not reasonably calculated to lead to the discovery of admissible evidence. For example, the Request is undefined and unlimited in scope. By way of further objection, this Request seeks information that is protected from disclosure on the basis of the attorney-client privilege and/or the attorney work product doctrine. Subject to and without waiving these objections, see the documents attached hereto.

Request No. 7

All documents concerning Pingry's discovery of any and all allegations of sexual abuse involving Alton or any other Pingry employees or agents.

Response: Pingry objects to this Request as overly broad, unduly burdensome, vague, and not reasonably calculated to lead to the discovery of admissible evidence. For example, the Request is undefined and unlimited in scope. By way of further objection, this Request seeks information that is protected from disclosure on the basis of the attorney-client privilege and/or the attorney work product doctrine. Subject to and without waiving these objections, see the documents attached hereto.

Request No. 8

All drafts of the T&M Report.

Response: Pingry objects to this Request because it calls for the production of documents generated by third parties which are not maintained by Pingry in the ordinary course of business and seeks information that is protected from disclosure on the basis of the attorney-client privilege and/or the attorney work product doctrine.

Request No. 9

All notes and documents generated by T&M during the course of its investigation.

Response: See response to Request No. 4.

Request No. 10

All documents, including but not limited to notes, questionnaires, transcripts, or audio recordings, regarding all interviews that were conducted during T&M's investigation.

Response: See response to Request No. 4.

Request No. 11

All documents, including but not limited to notes, questionnaires, transcripts, or audio recordings, regarding any interview that has been conducted by Pingry or an agent or representative of Pingry regarding allegations of sexual abuse by Alton or any other employee or agent of Pingry.

Response: Pingry objects to this Request as overly broad, unduly burdensome, and vague. Pingry further objects to this Request because it calls for the production of documents generated by third parties which are not maintained by Pingry in the ordinary course of business and seeks information that is protected from disclosure on the basis of the attorney-client privilege and/or the attorney work product doctrine, and/or an individual's requested and right to privacy and/or confidentiality. Subject to and without waiving these objections, see the attached T&M Report. Further answering, Pingry possesses T&M's non-confidential witness interview summaries; and is in the process of redacting identifying personal information from same for privacy reasons. Once redaction is complete, the records will be produced by supplement.

Request No. 12

Copies of all agreements, including but not limited to tolling agreements and settlements, entered into between Pingry and any person in connection with allegations of sexual abuse.

Response: Pingry objects to this Request as overly broad, unduly burdensome, vague and not reasonably calculated to lead to the discovery of admissible evidence. Pingry further objects to this Request because it seeks the production of documents that are protected from disclosure on the basis of confidentiality and third party individuals' right to privacy.

Request No. 13

Copies of all communications, statements, or complaints received by Pingry that contain allegations of sexual abuse.

Response: See response to Request No 5.

Request No. 14

A list of all people employed by Pingry during the same time as Alton.

Response: Pingry objects to this Request as overly broad, unduly burdensome, vague and not reasonably calculated to lead to the discovery of admissible evidence. Pingry further objects to the extent this information is publicly available as it is equally available to plaintiff. Subject to and without waiving these objections, Pingry will make available to Plaintiffs for inspection copies it has in its possession of the 1972-1973, 1973-1974, 1974-1975, 1975-1976, 1976-1977, 1977-1978 yearbooks.

Request No. 15

A list of all Pingry Board members who served during the course of Alton's employment.

Response: Attached are the lists of Pingry Board members who served during the course of Alton's employment at Pingry.

Request No. 16

All documents regarding the prosecution and conviction of Alton in New Jersey and New York.

Response: Pingry objects to this Request to the extent the requested materials are part of the public record and plaintiff has access to them. Subject to and without waiving these objections, attached are copies of criminal records for Mr. Alton that Pingry obtained in 2017.

Request No. 17

All communications between Pingry and the Peck School regarding Alton.

Response: Pingry objects to this Request as overly broad, unduly burdensome, vague and not reasonably calculated to lead to the discovery of admissible evidence. Pingry further objects to this Request as there are no allegations that M.F. was abused by Alton when he taught at the Peck School. Subject to and without waiving these objections, note

that Pingry continues to search for such materials, but has been unable to locate any responsive documents. Discovery and investigation are continuing and Pingry reserves the right to supplement this response.

Request No. 18

A complete copy of Alton's personnel file.

Response: Pingry objects to this Request as it is vague and contains undefined terms. Subject to and without waiving these objections, and limiting the Request to documents kept by Pingry since Alton's departure, see attached.

Request No. 19

A complete copy of Marjorie Hill Noon's personnel file.

Response: Pingry objects to this Request as overly broad, unduly burdensome, vague and not reasonably calculated to lead to the discovery of admissible evidence. Pingry further objects to the extent that this Request seeks information that is protected by privacy rights and is confidential as a matter of law.

Request No. 20

All communications or notes regarding communications sent to or received from any law enforcement agency, including but not limited to the Essex and Morris County Prosecutor's Offices, relating to Alton or any issues of sexual abuse by employees or alleged agents of Pingry.

Response: Pingry's reports to law enforcement regarding Alton in 2016 (as well as Bohrer and du Bourg in 2017) were made over the phone and/or in person. Discovery and investigation are continuing and Pingry reserves the right to supplement this response.

Request No. 21

Copies of all documents connected to the parent who notified the Pingry Board Member of the charges against Alton in 1979 as detailed in the Report.

Response: Pingry objects to this Request as overly broad, unduly burdensome, vague and not reasonably calculated to lead to the discovery of admissible evidence. For example, it requests "all documents connected to the parent". Subject to and without waiving these objections, at this time, Pingry does not know the identity of the referenced individuals nor has it been able to locate any documents related to such an alleged notification. As a further response, Pingry notes that its knowledge regarding this alleged event is limited to the information in the T&M Report.

Request No. 22

Copy of the September 6, 1979 letter from the “troop committee” to parents of Alton’s scouting troop regarding Alton’s resignation as troop leader as discussed in the Report.

Response: See the attached letter which Pingry obtained a copy of in 2017.

Request No. 23

Copy of the undated and unsigned document from the troop committee to parents disclosing abuse as referred to in the Report.

Response: Pingry objects to this Request as overly broad, unduly burdensome, vague and not reasonably calculated to lead to the discovery of admissible evidence. Pingry further objects because it is unclear to Pingry what document is being referred to and requested. Subject to and without waiving those objections, in connection with the T&M investigation, in 2017 Pingry obtained a copy of a question and answer document related to allegations of abuse by the “Scoutmaster”. By way of further answer Pingry notes that it is unclear whether this document is the document being referred to or if it was sent to “parents”, but it is attached hereto.

Request No. 24

Copies of all internal reports, complaints, or statements that were submitted to Pingry containing report or allegations of sexual abuse.

Response: Pingry objects to this Request as overly broad, unduly burdensome, vague and undefined as to time. Pingry further objects because the Request duplicates multiple other Requests. Subject to and without waiving these objections, see responses to Requests Nos. 3, 5, 6, 7, 13.

Request No. 25

Copies of all training materials that Pingry provided to its teachers during the time of Alton’s employment.

Response: Objection. This Request is overly broad, burdensome, and unduly vague. Subject to and without waiving these objections, Pingry continues to search for such over-forty-year-old materials, but has been unable to locate any responsive documents to date. Discovery and investigation are continuing and Pingry reserves the right to supplement this response.

Request No. 26

Copies of all written policies Pingry had in place regarding the reporting of sexual abuse during the time of Alton's employment

Response: Pingry objects to this Request as overly broad, burdensome, and unduly vague. Subject to and without waiving these objections, Pingry continues to search for such over-forty-year-old materials, but has been unable to locate any responsive documents to date. Discovery and investigation are continuing and Pingry reserves the right to supplement this response.

Request No. 27

Copies of the contract between J.F. and Pingry regarding M.F.'s enrollment at the school.

Response: Please see the attached records that were able to be located regarding M.F.'s student file.

Request No. 28

Complete copy of the M.F.'s school records.

Response: Please see the attached records that were able to be located regarding M.F.'s student file.

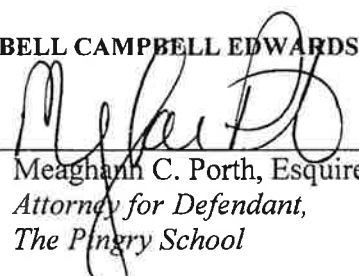
Request No. 29

Provide copies of all of Pingry's insurance policies that could potentially provide coverage for the claims asserted in Plaintiff's Complaint.

Response: Please see the attached applicable declarations page(s).

CAMPBELL CAMPBELL EDWARDS & CONROY, P.C.

By: _____



Meaghan C. Porth, Esquire
*Attorney for Defendant,
The Pingry School*

Dated: June 1, 2018

Campbell Campbell Edwards & Conroy, P.C.

Bryan D. McElvaine, Esquire (#017861987)

Meaghann C. Porth, Esquire (#033202009)

1205 Westlakes Drive, Suite 330

Berwyn, PA 19312

Telephone: (610) 964-1900

Facsimile: (610) 964-1981

bmcelvaine@campbell-trial-lawyers.com

mporth@campbell-trial-lawyers.com

Attorneys for Defendant, The Pingry School

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 NUMBER ESX-L-1607-18

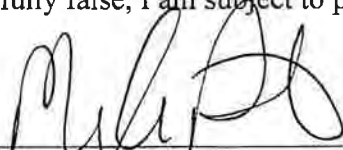
CIVIL ACTION

PROOF OF MAILING

1. The undersigned, Meaghann C. Porth, Esquire, is an attorney for Defendant, The Pingry School, in the above entitled action.

2. On June 1, 2018, I mailed via U.S. Post Office by regular mail a sealed envelope containing The Pingry School's Responses to Plaintiffs' First Set of Documents Requests addressed to plaintiff's attorney, Justin P. Walder, Esquire at the addressee's last known address of Pashman Stein Walder Hayden, Court Plaza South, 21 Main Street – Suite 200, Hackensack, NJ 07601.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



Meaghann C. Porth, Esquire

EXHIBIT J

Justin P. Walder
Member of the Firm
jpwalder@pashmanstein.com
Direct: 201.639.2018



June 14, 2018

Via E-Mail and Overnight Mail

Brian D. McElvaine, Esq.
Campbell Campbell Edwards & Conroy, P.C.
1205 Westlakes Drive, Suite 330
Berwyn, Pennsylvania 19312

RE: M.F. and J.F. v. The Pingry School, et al.
Docket No. ESX-L-1607-18
Our File No. 4349-001

Dear Mr. McElvaine:

We write regarding Defendant Pingry School's response to Plaintiffs' First Set of Document Requests. We request that the deficiencies identified below be remedied within seven (7) days from the date of this letter. If we do not hear from you by then, we will assume Pingry is standing by its current responses and we will consider ourselves free to seek relief from the Court on these issues.

Also enclosed are Plaintiffs' First Set of Interrogatories and Plaintiffs' First Request for Admissions.

FIRST SET OF DOCUMENT REQUESTS

Request No. 1:

Defendant's objections to this request are meritless. Plaintiffs' request is not vague as it requests specific, easily identifiable contracts for transactions that Pingry is greatly familiar with. Moreover, the request does seek information that is admissible and relevant. Plaintiffs have a right to know the precise contractual terms in the acquisition of the Short Hills Country Day School, as they relate to the negligent retention and hiring claims. Moreover, documents relating to the acquisition of the Basking Ridge Campus may shed light on whether Pingry's concealment of Alton's sexual abuse was motivated by its upcoming acquisition of the Basking Ridge Campus.

Request No. 2:

Defendant's objections to this request are meritless. Responsive documents for the stated timeframe will shed light on whether Pingry's concealment of Alton's sexual abuse was motivated

Court Plaza South
21 Main Street, Suite 200
Hackensack, NJ 07601

Phone: 201.488.8200
Fax: 201.488.5556
www.pashmanstein.com

by its desire to fundraise. Statements within fundraising documents may also further establish Plaintiffs' Fraudulent Concealment claim.

Request No. 3:

Plaintiffs ask Pingry to produce the redacted non-confidential witness interview summaries immediately.

Request No. 4:

Plaintiffs ask Pingry to produce the redacted non-confidential witness interview summaries immediately.

Request No. 11:

Plaintiffs ask Pingry to produce the redacted non-confidential witness interview summaries immediately.

Request No. 12:

Plaintiff seeks photocopies of the relevant pages listing staff members for each of the years identified in Defendants' response.

Request No. 18:

Defendants' objections are without merit. Plaintiffs' request is not overly broad, unduly burdensome, vague or undefined. Plaintiffs seek access to Thad Alton's complete personnel file, which should be a folder easily located within Pingry's general personnel file storage. There is no lawful basis for Defendants to limit Plaintiff's request "to documents kept by Pingry since Alton's departure." Alton's personnel records are highly relevant to Plaintiff's claims. Plaintiff is amenable to entering into a confidentiality agreement to address concerns over producing personal information.

Request No. 19:

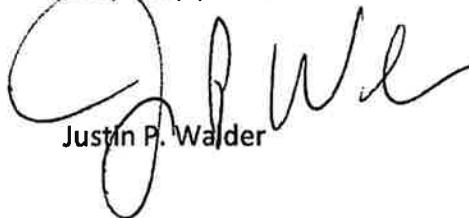
Plaintiffs amend their request to seek records which reflect Marjorie Noon Hill's date of hire and date of separation; any training records relating to the identification of sexual abuse; any records regarding or acknowledging her duty to report child abuse or sexual abuse; any disciplinary actions or notices regarding the failure to properly supervise students or teachers; and any records relating to Thad Alton. While Defendant asserts that such records are confidential, Ms. Noon is deceased and there is no privacy interest to assert. Moreover, these documents are highly relevant and likely to be admissible at trial.

Request 20:

Defendant's response appears to pertain only to Pingry's reports to law enforcement regarding Alton in 2016. Plaintiffs clarify that they seek documents from prior to 2016, including specifically any communication with New Jersey, New York, or federal law enforcement agencies from 1974-1992.

I look forward to your updated responses, as well as Pingry's responses to the interrogatories and demand for admissions.

Very truly yours,

A handwritten signature in black ink, appearing to read "JPW", written in a cursive style.

Justin P. Walder

JPW/cjg
Enclosures

EXHIBIT K

Justin P. Walder
Member of the Firm
jpwalder@pashmanstein.com
Direct: 201.639.2018



July 9, 2018

Via E-Mail and Regular Mail

Brian D. McElvaine, Esq.
Campbell Campbell Edwards & Conroy, P.C.
1205 Westlakes Drive, Suite 330
Berwyn, Pennsylvania 19312

RE: M.F. and J.F. v. The Pingry School, et al.
Docket No. ESX-L-1607-18
Our File No. 4349-001

Dear Mr. McElvaine:

On June 14, 2018, I sent a letter with objections to Pingry's document production. Among other things, I specifically requested that Pingry produce the witness interview summaries it referenced in its responses to Plaintiffs' documents demands. I write now to kindly ask that you produce those witness interviews immediately as they are needed for our continued investigation in this case. I further assume the remaining deficiencies will soon be cured.

Very truly yours,

A handwritten signature in black ink, appearing to read "Justin P. Walder". Below the signature is a horizontal line. Underneath the line, the name "Justin P. Walder" is printed in a small font. There is a small circular mark below the name, possibly a date or initials.

JPW/cjg

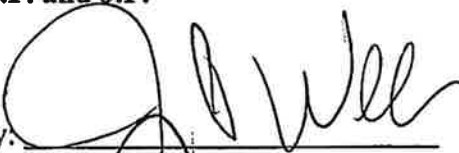
Court Plaza South
21 Main Street, Suite 200
Hackensack, NJ 07601

Phone: 201.488.8200
Fax: 201.488.5556
www.pashmanstein.com

EXHIBIT L

PASHMAN STEIN WALDER HAYDEN
A Professional Corporation
Attorneys for Fourth-Party Defendant,
M.F. and J.F.

Dated: June 14, 2018

By: 

JUSTIN P. WALDER

Definitions and Instructions

1. “You” or “Your” or “Pingry” means Defendant The Pingry School.
2. “Alton” refers to former Pingry employee Thad Alton.
3. “T&M” refers to T&M Protection Resources who was retained by Pingry to investigate and prepare a report concerning sexual abuse allegations at Pingry.
4. The “Report” refers to the report prepared for Pingry by T&M that was released in March 2017.
5. “Concerning” means relating to, referring to, reflecting, describing, evidencing, constituting, alluding to, germane to, mentioning, analyzing, setting forth, summarizing, characterizing, directly or indirectly, expressly or implicitly, in whole or in part, the subject matter of the Interrogatory.
6. “Document(s)” shall be interpreted in the broad and liberal sense and mean all originals, drafts, masters, copies (if the originals are not available), and non-identical copies (whether different from the original because of underlining, editing, marks, notes made on or attached to such copy, or otherwise) of the following items, whether written, typed, printed, reproduced by hand, recorded (through any mechanical or electronic sound, video, graphic, photographic, digital or computer recording system, or otherwise): papers, notes, email, accounts, books, journals, advertisements, catalogs, manuals, publications, correspondence, cablegrams, mailgrams, telegrams, memoranda, letters, documents, records, communications, including inter-office and intra-office communications, reports, studies, analysis, pamphlets, publications, articles, books, notes, calculations, projections, contracts, charts, graphs, plans, specifications, drawings, sketches, surveys, agreements, working papers, corporate records, minutes of board of directors or committee meetings, or shareholders meetings, partnership

records, minutes of partnership meetings or committee meetings, minutes or other records of meetings between a general or managing partner with any other partner, books of accounts, ledger books, note books, vouchers, bank checks, cashier's checks, receipts for cashier's checks, canceled checks, check stubs, bills, receipts, invoices, delivery tickets, bills of lading, financial or statistical statements or compilations, opinions or reports of consultants, time sheets, desk calendars, appointment books, log books, diaries, diary entries, photographs, microfilm, microfiche, and notes, minutes, summaries, transcripts or sound records of any conversations, negotiations, meetings or conferences conducted either in person or by telephone, or documents that contain information "dumped," downloaded or otherwise transferred from any portable data device, or things similar to any of the foregoing and all other papers, writings or electronic or physical things of whatever description containing information which can be obtained by detection devices.

7. All documents that respond, in whole or in part, to any part of the following Interrogatories shall be produced in their entirety, including all attachments and enclosures.

8. These Interrogatories call for the production of all responsive documents in your possession, custody, or control, wherever located, regardless of whether they are possessed directly by you or your agents, representatives, employees, or other persons acting or purporting to act on your or their behalf.

9. If you do not have all the documents responsive to any Interrogatory, please so state and identify each person who you know or believe may have such documents.

10. These Interrogatories are deemed to be continuing so as to require prompt supplemental responses if you obtain or discover further information or documents responsive to these Interrogatories between the time of responding to the Interrogatory and the time of trial.

11. If any requested documents were, but are no longer in your possession or subject to your control, state what disposition was made of them.

12. If you claim a privilege as a ground for not responding in whole or in part to any Interrogatory herein: identify and describe in detail the privilege or privileges asserted; and describe the factual basis and identify any and all person(s), document(s) and/or other evidence constituting, referring to, relating to or otherwise evidencing your claim of privilege in sufficient detail so that the court may adjudicate the validity of the claim.

13. For any Interrogatory or portion thereof that you determine to be vague, overbroad, or unclear, you shall adopt a reasonable meaning for that portion of the Interrogatory, state the adopted meaning in your response, and produce responsive documents accordingly.

14. Each Interrogatory shall be construed as being inclusive rather than exclusive. Thus, words importing the singular shall include the plural; words importing the plural shall include the singular; words importing one gender shall include both genders; the words "and" and "or" shall be construed conjunctively or disjunctively as necessary to make the Interrogatory inclusive; the word "all" means "any and all" and the word "any" means "any and all."

15. You shall produce any and all documents requested in any Interrogatory herein and indicate by Bates stamp number or range of Bates stamp numbers (or similar indexing system) those pages that are responsive to each separate Interrogatory.

Interrogatories

Interrogatory No. 1

Identify all persons who possess knowledge of any relevant facts relating to Plaintiffs' claims or your defenses to the Complaint.

Response:

Interrogatory No. 2

With respect to each of the people identified in your response to Interrogatory No. 1, set forth the facts which you attribute to each and the source of said knowledge.

Response:

Interrogatory No. 3

If it is claimed that there are any admissions or statements against interest made by or chargeable against Plaintiffs state:

- a. When the statement was made;
- b. The identity of the person who made the statement;
- c. The identity of the person to whom the statement was made;
- d. The identity of those persons in whose presence the statement was made;
- e. Where the statement was made;
- f. Under what circumstances the statement was made;
- g. The statement;
- h. Whether the statement was oral or written;
- i. If written, annex a copy of the statement hereto; and
- j. If oral, state the means used to communicate the statement.

Response:

Interrogatory No. 4

Were there any statements obtained by you, or on your behalf, from any person concerning your defenses against Plaintiffs' claims? If so, for each statement, state:

- a. The identity of the person who made it;
- b. The identity of the person who obtained it;
- c. The date on which it was obtained;
- d. Whether it was written, sound recorded or oral;
- e. If written or sound recorded, the identity of the person who has custody of it; and
- f. Annex hereto a copy of it.

Response:

Interrogatory No. 5

Identify all persons that you intend to call as a fact witness at the time of trial, including the subject matter and facts that the person is expected to testify about.

Response:

Interrogatory No. 6

Identify all persons that you intend to call as an expert witness at the time of trial, including the subject matter and facts that the expert is expected to testify about and a summary of the opinion he or she is expected to offer. Annex hereto copies of all documents that the expert relied on to form his or her opinion or that the expert intends to rely on at the time of trial.

Response:

Interrogatory No. 7

Identify any reports, photographs, recording, drawings or sketches that relate or refer to your defenses against the claims in Plaintiffs' Complaint. Annex hereto a copy of any item responsive to this interrogatory and identify the person responsible for creating the item.

Response:

Interrogatory No. 8

Identify all communications, including electronic communications, Pingry had with any person or entity concerning allegations of sexual abuse by Alton or any other Pingry employee including: (1) the identities of the individuals involved in the communication; (2) the date of the communication; and (3) the subject matter of the communication. If the communication was written attach a copy hereto.

Response:

Interrogatory No. 9

Identify all communications, including electronic communications, Pingry had with any person or entity concerning Alton (other than allegations of sexual abuse referenced in the preceding interrogatory) including: (1) the identities of the individuals involved in the communication; (2) the date of the communication; and (3) the subject matter of the communication. If the communication was written attach a copy hereto.

Response:

Interrogatory No. 10

Identify all individuals involved in T&M's investigation and as to each individual provide a brief description of their respective role in the investigation.

Response:

Interrogatory No. 11

- A. Describe in detail when and how Pingry first learned of allegations of sexual abuse against Alton ("Alton allegations");
- B. Identify all individuals with knowledge of when and how Pingry first learned of the Alton allegations as to each individual identified, set forth the knowledge and information possessed by them.

Response:

Interrogatory No. 12

Identify all agreements Pingry entered into related to allegations of sexual abuse by Alton or other Pingry employees including: (1) the identities of the parties to the agreements; (2) the date of the agreement; and (3) the subject matter of the agreement. If the agreement was written attach a copy hereto.

Response:

Interrogatory No. 13

Identify all complaints Pingry received, internal and external, that contained allegations of sexual abuse against Alton or other Pingry employees including: (1) the identity of the individual who made the complaint; (2) the individual who received the complaint; (2) the date of the complaint; and (3) the subject matter of the complaint. If the complaint was written attach a copy hereto.

Response:

Interrogatory No. 14

Identify all persons who were employed by Pingry during the time of Alton's employment (1972 - 1978).

Response:

Interrogatory No. 15

Identify all persons who served as Pingry Board Members during the time of Alton's employment (1972 - 1978).

Response:

Interrogatory No. 16

Identify all Pingry Board members who also served as Troop 64 Committee members from 1972 – 1980.

Response:

Interrogatory No. 17

Describe in detail when Pingry first learned that Alton was prosecuted and convicted in New York for sex-related crimes with minors including: (1) the identities of the individual(s) who learned the information; (2) the date the information was learned; and (3) how the information was learned. If the information was received in writing attached a copy hereto.

Response:

Interrogatory No. 18

Describe in detail when Pingry first learned that Alton was prosecuted and convicted in New Jersey for sex-related crimes with minors including: (1) the identities of the individual(s) who learned the information; (2) the date the information was learned; and (3) how the information was learned. If the information was received in writing attached a copy hereto.

Response:

Interrogatory No. 19

Was Pingry interviewed or contacted by law enforcement in connection with Alton's New York conviction for sex-related crimes with minors. If yes: (1) who was contacted at Pingry; (2) describe the participants to the communication and the substance of the communication; and (3) provide any and all documents relating to the communications.

Response:

Interrogatory No. 20

Was Pingry interviewed or contacted by law enforcement in connection with Alton's New Jersey conviction sex-related crimes with minors. If yes: (1) who was contacted at Pingry; (2) describe the participants to the communication and the substance of the communication; and (3) provide any and all documents relating to the communications.

Response:

Interrogatory No. 21

Identify all communications between Pingry and the Peck School regarding Alton including: (1) the identities of the individuals involved in the communication; (2) the date of the communication; and (3) the subject matter of the communication. If the communication was written attach a copy hereto.

Response:

Interrogatory No. 22

Set forth Pingry's current policy for reporting sexual abuse including when the policy was first put in place. If the policy is in writing attach a copy hereto.

Response:

Interrogatory No. 23

Set forth the policy Pingry had in place for reporting sexual abuse during the time of Alton's employment (1972 – 1978) including when the policy was first put in place. If the policy was in writing attach a copy hereto. If changes were ever made to this policy and the current policy identified in the preceding interrogatory, identify the changes and when they were made.

Response:

Interrogatory No. 24

Describe in detail the training teachers were required to receive during the time of Alton's employment (1972 – 1978) as it pertained to child sexual abuse prevention. If any training materials were in writing attach copies hereto.

Response:

Interrogatory No. 25

Identify all Pingry Board Members or employees that served on the "troop committee" referenced in the T&M Report.

Response:

Interrogatory No. 26

Identify all liability insurance policies Pingry had in place from 1972 to date. Attach copies of the policies hereto.

Response:

Interrogatory No. 27

- A. Identify all facts in support of your denial of the allegations in Paragraph 20 that "Alton repeatedly abused Pingry students during scouting activities and camp sleepovers."
- B. Identify all individuals who possess knowledge of this denial and what knowledge each individual possesses; and
- C. Produce all documents relevant to your response to this Interrogatory.

Response:

Interrogatory No. 28

- A. Identify all facts in support of your denial of the allegations in Paragraph 27 that “[t]wo Pingry students who worked at Camp Waganaki said they discussed Alton’s inappropriate behavior with Pingry faculty.”
- B. Identify all individuals who possess knowledge of this denial and what knowledge each individual possesses; and
- C. Produce all documents relevant to your response to this Interrogatory.

Response:

Interrogatory No. 29

- A. Identify all facts in support of your denial of the allegations in Paragraph 34 that “[d]espite the fact that Alton stopped teaching at Pingry in or about May 1978. . . Alton continued to have close contact with Pingry students [as a boy scout troop leader].”
- B. Identify all individuals who possess knowledge of this denial and what knowledge each individual possesses; and
- C. Produce all documents relevant to your response to this Interrogatory.

Response:

Interrogatory No. 30

- A. Identify all facts in support of your denial of the allegations in Paragraph 36 of the Complaint specifically denying that Pingry was ever contacted or notified by the Essex County Prosecutor’s office of its investigation of Alton and of his guilty plea to sexually abusing students while employed by Pingry as a teacher.
- B. Identify all individuals who possess knowledge of this denial and what knowledge each individual possesses; and
- C. Produce all documents relevant to your response to this Interrogatory.

Response:

Interrogatory No. 31

- A. Identify all facts in support of your denial of the allegations in Paragraph 38 of the Complaint, including specifically your denial that “an attorney acting on Pingry’s behalf advised parents not to take legal action’ at a meeting in or about 1979, and that Pingry conspired to conceal any information with regard to Alton’s actions at any time.”
- B. Identify all individuals who possess knowledge of this denial and what knowledge each individual possesses; and
- C. Produce all documents relevant to your response to this Interrogatory.

Response:

Interrogatory No. 32

- A. Identify all facts in support of your denial of the allegations in Paragraph 42 of the Complaint that “Pingry itself never notified J.F. or any other parents that Alton had been criminally charged and pleaded guilty to sexually abusing multiple members of the scout troop.”
- B. Identify all individuals who possess knowledge of this denial and what knowledge each individual possesses; and
- C. Produce all documents relevant to your response to this Interrogatory.

Response:

Interrogatory No. 33

- A. Identify all facts in support of your omnibus denial of the allegations in Paragraphs 47-52 of the Complaint, including specifically your denial that “Pingry ‘was aware of the abuse’ and ‘did nothing to stop it or to notify parent that the abuse had occurred.’”
- B. Identify all individuals who possess knowledge of this denial and what knowledge each individual possesses; and

C. Produce all documents relevant to your response to this Interrogatory.

Response:

Interrogatory No. 34

- A. Identify all facts in support of your denial of the allegations in Paragraph 62(a) that Pingry allowed “Alton to have unfettered access to M.F. and other students in the privacy of his office for great lengths of time.”
- B. Identify all individuals who possess knowledge of this denial and what knowledge each individual possesses; and
- C. Produce all documents relevant to your response to this Interrogatory.

Response:

Interrogatory No. 35

- A. Identify all facts in support of your denial of the allegations in Paragraph 62(b) that Pingry allowed “Alton to have unfettered access to M.F. and other students during after school activities and overnight trips.”
- B. Identify all individuals who possess knowledge of this denial and what knowledge each individual possesses; and
- C. Produce all documents relevant to your response to this Interrogatory.

Response:

Interrogatory No. 36

- A. Identify all facts in support of your denial of the allegations in Paragraph 62(c) that Pingry “negligently hir[ed], supervis[ed] and retain[ed] Alton, who they permitted and enabled to have inappropriate access to children, including M.F.”
- B. Identify all individuals who possess knowledge of this denial and what knowledge each individual possesses; and
- C. Produce all documents relevant to your response to this Interrogatory.

Response:

Interrogatory No. 37

- A. Identify all facts in support of your denial of the allegations in Paragraph 62(d) that Pingry failed “to investigate or otherwise look into clear indicators that Alton was harming children, including M.F.”
- B. Identify all individuals who possess knowledge of this denial and what knowledge each individual possesses; and
- C. Produce all documents relevant to your response to this Interrogatory.

Response:

Interrogatory No. 38

- A. Identify all facts in support of your denial of the allegations in Paragraph 62(e) that Pingry “failed to investigate or otherwise make reasonable inquiries into discussions among students and employees/agents that Alton had sexually molested children.”
- B. Identify all individuals who possess knowledge of this denial and what knowledge each individual possesses; and
- C. Produce all documents relevant to your response to this Interrogatory.

Response:

Interrogatory No. 39

- A. Identify all facts in support of your denial of the allegations in Paragraph 62(f) that Pingry “failed to warn, and conceal[ed] from M.F., J.F., parents, guardians and others that Alton was or may have been sexually abusing children.”
- B. Identify all individuals who possess knowledge of this denial and what knowledge each individual possesses; and
- C. Produce all documents relevant to your response to this Interrogatory.

Response:

Interrogatory No. 40

- A. Identify all facts in support of your denial of the allegations in Paragraph 62(g) that Pingry “failed to have policies and procedures in place so that its employees and agents knew how to respond to report their concerns of sexual abuse.”
- B. Identify all individuals who possess knowledge of this denial and what knowledge each individual possesses; and
- C. Produce all documents relevant to your response to this Interrogatory.

Response:

Interrogatory No. 41

- A. Identify all facts in support of your denial of the allegations in Paragraph 62(j) that Pingry created “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.”
- B. Identify all individuals who possess knowledge of this denial and what knowledge each individual possesses; and
- C. Produce all documents relevant to your response to this Interrogatory.

Response:

Interrogatory No. 42

- A. Identify all facts in support of your statement in response to paragraphs 72 – 74 of the Complaint that: “It is. . . denied that answering defendant (1) acted negligently; (2) breached any duties to plaintiffs; (3) that Alton acted as an agent of Pingry with regard to any alleged abuse; (4) that the alleged acts of abuse took place within the scope of employment with Pingry; (5). . . that any employee of Pingry concealed, knew of and/or should have known of and/or knowingly permitted and/or acquiesced in the alleged acts of abuse.” As to the facts identified, please provide a separate answer to each subpart (1) – (5).

B. As to each subpart (1) – (5), identify all individuals who possess knowledge of these affirmative statements provided by Pingry and what each individual possessed; and

C. Produce all documents relevant to your response to this Interrogatory.

Response:

Interrogatory No. 43

A. Identify all facts in support of your denial of the allegations in Paragraphs 86 - 88 that Pingry “breached any contractual duty to plaintiffs.

B. Identify all individuals who possess knowledge of this denial and what knowledge each individual possesses; and

C. Produce all documents relevant to your response to this Interrogatory.

Response:

Interrogatory No. 44

A. Identify all facts in support of your omnibus denial of the allegations in Paragraphs 91-93 of the Complaint, including specifically your denial that “Pingry knew of Alton’s criminal charges and pleadings at the time and/or that it fraudulently concealed and purposefully failed to disclose this information.”

B. Identify all individuals who possess knowledge of this denial and what knowledge each individual possesses; and

C. Produce all documents relevant to your response to this Interrogatory.

Response:

Interrogatory No. 45

A. Identify all facts in support of your denial of the allegations in Paragraph 102 of the Complaint, including specifically your denial that Pingry “acted intentionally to fraudulently conceal and/or fail to disclose the alleged abuse, and/or breached any duties to Plaintiff.”

B. Identify all individuals who possess knowledge of this denial and what knowledge each individual possesses; and

C. Produce all documents relevant to your response to this Interrogatory.

Response:

Interrogatory No. 46

A. Set forth in detail the factual basis for Your Sixth Separate Defense – that Pingry performed each and every duty, if any, owed to plaintiffs.

B. Identify all individuals with knowledge of this defense and what knowledge each individual possesses; and

C. Produce all documents relevant to this defense.

Response:

Interrogatory No. 47

A. Set forth in detail the factual basis for your Ninth Separate Defense – that at all times relevant hereto the actors named in Plaintiff's Complaint were not acting with the authority and/or permission and/or scope of their employment with Pingry;

B. Identify all individuals with knowledge of this defense and what knowledge each individual possesses; and

C. Produce all documents relevant to this defense.

Response:

Interrogatory No. 48

Identify all communications, including electronic communications, Pingry had with the Boy Scouts of America or any other scouting organization concerning Alton or any other Pingry

employee including: (1) the identities of the individuals involved in the communication; (2) the date of the communication; and (3) the subject matter of the communication. If the communication was written attach a copy hereto.

Response:

Interrogatory No. 49

Identify and produce all press releases issued by Pingry relating to Alton's sexual abuse.

Response:

Interrogatory No. 50

Identify the Pingry faculty member who owned Camp Waganaki and the period of ownership.

Response:

Interrogatory No. 51

Identify and provide contact information for the several former teachers who, according to the T&M report, observed Alton in his office with boys either alone or in groups and noted that Alton would often close and lock the door to his office while those children were inside.

Response:

Interrogatory No. 52

Identify and provide contact information for the former faculty member who, according to the T&M report, stated that boys would gather in Alton's office behind closed doors which she found to be unusual and not right.

Response:

Interrogatory No. 53

Identify and provide contact information for the former faculty member who, according to the T&M report, noticed boys in Alton's office behind locked doors and if you knocked there was a delay in answering it.

Response:

Interrogatory No. 54

Identify and provide contact information for the former student who, according to the T&M report, told a former Pingry faculty member that during the summer of 1974 and 1975 Alton played strip poker with the scouts.

Response:

Interrogatory No. 55

Identify and provide contact information for the former student who, according to the T&M report, was told by several 12-year-old boys that Alton was touching them and doing things there did not like.

Response:

Interrogatory No. 56

Identify and provide contact information for the witness who, according to the T&M report, told T&M that a former Pingry Board member/Troop 64 committee member was called by a parent of a Pingry student in the summer of 1979 who told him that Alton had been touching and molesting boys.

Response:

Interrogatory No. 57

Identify and provide contact information for the several witnesses who, according to the T&M report, told T&M that there was a meeting at the home of a former Pingry Board member to discuss Alton's abuse of students and what should be done about it.

Response:

Interrogatory No. 58

Identify and provide contact information for the former Pingry Board Member who, according to the T&M report, told T&M that when he reported Alton's conduct to another former Board Member, the other former Board Member confirmed to him that there was an investigation being conducted by police and that the Pingry Board was directing the school on how to proceed.

Response:

Interrogatory No. 59

Identify when Pingry became aware of the sexual abuse allegations against Bruce Boher and what, if any action, it took as a result of these allegations.

Response:

Interrogatory No. 60

Identify when Pingry became aware of the sexual abuse allegations against Antoine du Bourg and what, if any action, it took as a result of these allegations.

Response:

Interrogatory No. 61

Identify and provide the last known address for the parents of William Esrey, Jr. a former Pingry student.

Response:

Interrogatory No. 62

Identify and provide the last known address for the parents of Ritt Kellogs, a former Pingry student.

Response:

Interrogatory No. 63

Identify and provide the last known address for the parents of Peter Stratton, a former Pingry student.

Response:

Interrogatory No. 64

Identify any communications that Pingry had with the parents of William Esrey, Jr., Ritt Kellogg and Peter Stratton, regarding Alton's abuse of them, describe the substance of the communications and provide any documentation relating to the communications.

Response:

Interrogatory No. 65

- A. Identify all actions undertaken by Pingry from 1972 to date to notify parents and alumni of the sexual abuse allegations asserted against Alton.
- B. Identify all individuals with knowledge of the actions undertaken by Pingry and what knowledge each individual possesses; and
- C. Produce all documents relevant to your response to this interrogatory.

Response:

Interrogatory No. 66

- A. Identify and provide contact information for former Pingry students who have made specific allegations of being sexually abused by Alton; including, but not limited to those students who settled their respective claims against Pingry.
- B. Describe the specific allegations made by each student; and

- C. Produce all documents relevant to your response to this interrogatory; including but not limited to any written statements or deposition transcripts.

Response:

Interrogatory No. 67

Identify and attach copies of all documents, not provided in response to any other interrogatory, concerning, regarding or related to your defenses against the claims in Plaintiffs' Complaint.

Response:

Interrogatory No. 68

To the extent that you have not already done so in responding to these Interrogatories, identify and attach hard copies of any and all emails, telephone texts or other forms of electronic communication concerning, regarding or related to your defenses to the claims in Plaintiffs' Complaint.

Response:

Interrogatory No. 69

Identify each and every person who furnished information necessary to complete the answers to these Interrogatories, and all persons who were consulted and/or otherwise assisted in the preparation of the answers to these Interrogatories, specifying as to each person identified, the Interrogatory(ies) for which the person provided the information or assistance.

Response:

CERTIFICATION

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

I further certify that all documents produced with my responses are true and accurate copies. Unless explicitly stated, to my knowledge, no alterations have been made to the documents.

I further certify that the copies of the reports annexed hereto rendered by proposed expert witnesses are exact copies of the entire report or reports rendered by them; that the existence of other reports of said experts, either written or oral, are unknown to me, and if such become later known or available, I shall serve them promptly on the propounding party.

Dated:

EXHIBIT M

CJ GRIFFIN
Counsel
cgriffin@pashmanstein.com
Direct: 201.270.4930



September 6, 2018

Via Email (cduff@wmsrlaw.com)
And Regular Mail
Catherine Duff
Wiley Malehorn Sirota & Raynes
250 Madison Avenue
Morristown, New Jersey 07960

RE: M.F. and J.F. v. The Pingry School, et al.
Docket No. ESX-L-1607-18
Our File No. 4349-001

Dear Ms. Duff:

This Firm represents the Plaintiffs in the above-captioned matter. Enclosed please find Plaintiff's treatment records from Dr. Dana Laffin, which amends his response to Document Demand No. 9. These documents are labeled PLAINTIFFS007-0011.

Additionally, Interrogatories were served upon Pingry on June 14, 2018, through its prior counsel, the Campbell Law Firm. Responses were thus due on August 13, 2018. On August 16, 2018, we spoke and you informed me that you would check on the status of the responses. We have yet to receive any responses and they are now three weeks overdue. Kindly produce these responses by September 14, 2018, to avoid motion practice.

Should you feel you need additional time, kindly contact me at your earliest convenience.

Very Truly Yours,



CJ Griffin

cc: James McCreedy (via jmccreedy@wmsrlaw.com)

Court Plaza South
21 Main Street, Suite 200
Hackensack, NJ 07601

Phone: 201.488.8200
Fax: 201.488.5556
www.pashmanstein.com

EXHIBIT N



March 28, 2016

Dear Pingry Alumni,

We are writing to you today with distressing news concerning our past that we feel is important to share with you. We recently learned from a few of our alumni that students were sexually abused by Thad Alton, an employee of Short Hills Country Day School from 1972 to 1974 and, following the merger of the two institutions, an employee of The Pingry School from 1974 to 1978.

After leaving Pingry, Mr. Alton eventually moved to upstate New York and, by 1981, was working at a university there. In 1990, he was convicted in New York State of two counts of sexual abuse of minors. Mr. Alton was incarcerated until 1995. Currently, he is listed on the New York State Sex Offender Registry with an address in Manhattan.

We want to assure you that we are taking this matter very seriously. We have contacted local law enforcement, informed them of the allegations, and are committed to assisting them in their investigation.

While these events took place many years ago, we realize that they continue to cause pain for members of our community. It is sickening that an educator, entrusted with the responsibility of protecting children, would cause such suffering. Behavior of this nature is appalling and deplorable.

The safety and well-being of our students are our highest priorities. On a regular basis, Pingry undertakes a review of its policies and procedures to ensure safeguards are built in to the School's operating procedures. In addition to conducting a thorough vetting process prior to hiring an employee, we vet members of the community and other visitors to the School prior to allowing them access to our buildings. Our faculty and staff receive professional development that emphasizes student safety, maintaining appropriate boundaries, reporting requirements, and vigilance for the detection of inappropriate behavior. Our students receive education and guidance about appropriate, healthy relationships, both with peers and with adults, through our health curriculum, advisory system, and peer leadership program. Our counseling staff on both campuses is closely involved in these efforts and in creating an environment in which students feel empowered to voice any concerns that they may have.

We are committed to supporting those in our community who have been subject to this unconscionable behavior. The Board of Trustees has approved the engagement of T&M Protection Resources, a highly qualified, professional firm with significant experience in matters similar to this, to conduct a thorough, independent investigation into the events of the 1970s. Once the investigation is complete, we will provide a further update to the community.

If you have been affected personally, or know anyone who might have been harmed by Mr. Alton, we encourage you to contact us. We would welcome your phone call, email, or visit. Please reach out to Nat Conard by phone 908-647-5555 x1232 or email nconard@pingry.org, or contact Laura Kirschstein of T&M Protection Resources at 212-916-8852 or lkirschstein@tmprotection.com. We will make every effort to ensure the confidentiality of any information we receive.

Basking Ridge Campus, Upper and Middle School
131 Martinsville Road, Basking Ridge, NJ 07920
phone 908-647-5555

Short Hills Campus, Lower School
50 Country Day Drive, Short Hills, NJ 07078
phone 973-379-4550



We are both deeply pained by and sorry for the harm caused by Mr. Alton, and we wish to be as helpful to and supportive of his victims as we can be.

Sincerely,

Nathaniel E. Conard P '09, '11
Headmaster

Jeffrey N. Edwards '78, P '12, '14, '18
Chair of the Board of Trustees



April 19, 2016

Dear Pingry Alumni,

It has been three weeks since our letter in which we shared with you the information about Thad Alton, a member of the faculty at Short Hills Country Day and Pingry's Lower School in the 1970s.

As you know, we reported the allegations to local law enforcement officials in Millburn. They have not yet informed us of any steps they may have taken to open an investigation. We believe that this makes the thorough, independent investigation by T&M Protection Services, the firm whose engagement was approved by the Board of Trustees, all the more critical. That investigation is now fully underway, and we anticipate that its completion will take significant time. Because the investigation is independent, Pingry's administration and Board of Trustees will not be provided with the investigator's detailed findings until the process has been completed.

In addition to the alumni who have reached out to the School, we have been assured that alumni are reaching out to T&M's investigator, Laura Kirschstein, as well, to share information. We know that the events of the past still cause pain for members of our community and that speaking about them may be incredibly difficult. Recognizing this, we nonetheless want to reiterate our invitation—indeed, our appeal—to reach out to Ms. Kirschstein at lkirschstein@tmprotection.com or 212-916-8852. Gathering information from our alumni who have either been affected personally or know of anyone who may have been harmed by Mr. Alton or others is critical. Again, every effort will be made to ensure the confidentiality of the information received.

It has been encouraging to experience the support of the Pingry community—alumni, current parents, students, newly admitted families, and faculty alike—during this difficult time. In the face of these reports of unspeakable misconduct and of pain inflicted on some of our alumni, we are heartened to see such kinship and cooperation, which are, and always will be, hallmarks of the Pingry community.

In partnership,

Nathaniel E. Conard P '09, '11
Headmaster

Jeffrey N. Edwards '78, P '12, '14, '18
Chair of the Board of Trustees



April 3, 2018

Dear Pingry Alumni,

Since we wrote to share the devastating contents of the T&M Protection Resources Report, detailing the findings of a 10-month independent investigation into the sexual abuse allegations in Pingry's past, we have been dedicated to a mediation process with 21 survivors of this abhorrent abuse. Today, we are able to report that we have reached a settlement with this group of courageous individuals, and we share the official joint settlement statement below.

Joint Settlement Statement

The Pingry School and Crew Janci, LLP, the law firm representing 21 survivors of sexual abuse, have reached a settlement that gives these survivors an important voice in the safety of the School's current and future students, in addition to financial relief.

Pingry and the survivors will work together in a variety of ways, including establishing a Student Safety Advisory Committee to identify ways to further improve safety initiatives at the School. As a result of their input, the School will also undertake an audit of its child protection policies, including a review of existing methods to report suspicions of abuse or inappropriate behavior, among other actions.

In order to help the survivors to heal and move forward, The Pingry School has already implemented a program to provide counseling funds, a resource that a number of survivors have already begun accessing. In addition to financial support for counseling, the School will compensate these survivors as a group for the devastating abuse they suffered. The details of the monetary settlement are confidential.

Stephen Crew and Peter Janci, the survivors' attorneys, stated: "We at Crew Janci are proud that our 21 clients had the courage to speak out about what they suffered. We also are pleased that The Pingry School has heard our clients and taken measures to acknowledge their pain. Most of all, we are hopeful because the survivors and the School have agreed to important steps to meet their ultimate common goal—making sure that The Pingry School is as safe as possible and ensuring that this history can never be repeated. In all of this, we are thankful to Mediator Paul Finn of Commonwealth Mediation in Boston for his pivotal role in helping the parties reach this collaborative and productive resolution."

Jeffrey Edwards, Chair of the Board of Trustees at Pingry, added, "We are deeply sorry for the abuse the survivors experienced while at our school and the pain they have endured since. Their courage in coming forward is extraordinary. We appreciate their patience during an extended mediation, and we are pleased to have addressed their concerns through this process. With the implementation of the measures identified, we will further ensure the current and future health and safety of our school community. We

Basking Ridge Campus, Upper and Middle School
131 Martinsville Road, Basking Ridge, NJ 07920
phone 908-647-5555

Short Hills Campus, Lower School
50 Country Day Drive, Short Hills, NJ 07078
phone 973-379-4550



hope these survivors can now move forward in their healing process, and we welcome their continued engagement as valued members of the Pingry community.”

While we are pleased to have reached this resolution, it is important to note that the 21 survivors involved in this settlement do not represent all of the survivors who have come forward. As we continue to prioritize the culture of safety and well-being that our students deserve, we will approach discussions with these individuals with sensitivity, attention, and compassion.

We appreciate your continued partnership, collaboration, and candor as we remain steadfastly committed to helping our survivors to move forward.

Sincerely,

Nathaniel E. Conard P '09, '11
Headmaster

Jeffrey N. Edwards '78, P '12, '14, '18
Chair of the Board of Trustees

EXHIBIT O

March 28, 2017

Dear Members of the Pingry Community,

As you recall from our letters of March 28 and April 19, 2016, Pingry's Board of Trustees approved the engagement of T&M Protection Resources to conduct an independent investigation into the sexual abuse allegations and circumstances surrounding Thad Alton's tenure (Alton worked at Short Hills Country Day School [SHCDS] and The Pingry School between 1972 and 1978.) We are tremendously indebted to the courageous individuals who have come forward to provide information, helping us, as a community, to face this tragic situation. We also wish to thank the Pingry community for its patience and support during the investigation. Today, we write to you with an update.

T&M Protection Resources ("T&M"), the firm conducting the independent investigation, has provided its findings to Pingry's Board of Trustees and senior leadership team. T&M's investigation was led by Laura Kirschstein, a former prosecutor of sex crimes and child abuse cases. Her report not only presented a clearer picture of the abuses committed by Thad Alton during his tenure at Pingry, but also addressed allegations of abuse and misconduct by two additional former faculty members.

T&M's report affirms the abuse by former Pingry teacher and assistant Lower School principal Thad Alton. We were heartsick to learn the extent of his pattern of abuse. Ms. Kirschstein and her team reported that at least 27 students were abused by Alton from 1972 to 1978, during his tenure at SHCDS and Pingry. These students interacted with Alton in his capacity as teacher, coach, and administrator; as camp counselor at Camp Waganaki; and as Scoutmaster of Boy Scout Troop #64. The report reveals that after Alton's departure from Pingry, at least one Board member learned of allegations against Alton. Those allegations ultimately led to Alton's arrest in the fall of 1979. Unfortunately, the school did not notify the full parent or faculty communities at that time.

In addition, in the course of the investigation, and in response to Pingry's open call for information about past abuses, T&M substantiated accusations of abuse about two other former teachers.

Bruce Bohrer, who taught woodshop at Pingry's Short Hills

Contact information

Laura Kirschstein
T&M Protection Resources
212-916-8852
lkirschstein@tmprotection.cc

Nat Conard
Headmaster, The Pingry
School
908-647-5555 x1232
nconard@pingry.org

Resources for Families

Pingry Counseling Department

Dr. Alyssa Johns
908-647-5555 x1371
ajohns@pingry.org

Eva Ostrowsky, M.S.W.
908-647-5555 x1330
eostrowsky@pingry.org

Julie Perlow, LCSW
973-379-4550 x1417
jperlow@pingry.org

Dr. Adam Rosen
908-647-5555 x1602
arosen@pingry.org

Additional Resources

KidsHealth.org - [How to Handle Abuse](#)

[U.S. Department of Justice: Talking to your child about](#)


The Pingry School, Basking Ridge & Short Hills, NJ

sexually inappropriate behavior with at least one 11-year-old boy, between 1978 and 1979.

And Antoine du Bourg, a faculty member at Pingry for 46 years who departed in 2002 and passed away in 2011, is reported to have engaged in harassing behavior toward and to have had inappropriate physical contact with multiple students over the course of his tenure at Pingry, with the most recent allegation reported to T&M occurring in the early 1980s.

We are devastated by these findings and the reality that these abuses were, for decades, weighing on the survivors without our awareness or our action. And, faculty members' accounts of observing unusual behavior on the part of their colleagues are particularly troubling when viewed against the standards of institutional accountability and reporting that are in place at Pingry today. For all of these reasons, we want to extend a profound apology to our community.

As we did with Thad Alton, we reported the information regarding these two additional former faculty members to the authorities. We are committed to supporting both the authorities in their efforts and the survivors, whose pain deeply saddens us. We want to assure our community that the release of T&M's report by no means marks the end of our efforts. Pingry's Board and senior leadership team continue to work closely with investigators, and we continue to encourage anyone with relevant information about either the identified former faculty members or any other Pingry community member to reach out to Laura Kirschstein at T&M Protection Resources at 212-916-8852 or lkirschstein@tmprotection.com. Throughout the course of its investigation, T&M has upheld its commitment to the confidentiality and privacy of those individuals who have come forward, and will continue to do so in the future.

In solidarity with the survivors, we have made T&M's "Report to the Pingry Community" publicly available online. To protect the confidentiality of the survivors, the report does not provide potentially identifiable information such as complete individual testimonies. Please be aware that the report includes graphic and distressing details. It is available as a link [here](#). 

As we assess the findings of the report and continue our fact-finding mission about Pingry's past, we want to assure the school community of our commitment to providing an environment that promotes safety, candor, and transparency.

The safety and well-being of our students remain our highest priority. As we described in our letter of March 28, 2016, Pingry regularly undertakes a review of its policies and procedures to ensure safeguards are built in to the school's operating procedures. In addition to conducting background checks on

Letters to the Pingry Community

April 03, [Alumni](#)
2018: [Parents](#)
[Former](#)
[Trustees](#)

April 19, [Alumni](#)
2016: [Parents](#)
[Former](#)
[Trustees](#)

March 28, [Alumni](#)
2016: [Parents](#)
[Former](#)
[Trustees](#)

Additional Information

[Letter from Pingry's Counsel](#)

Additionally, our faculty and staff receive professional development and training that emphasize reporting requirements, vigilance for the detection of inappropriate behavior, and maintaining appropriate boundaries. Through our health curriculum, advisory and homeroom system, and peer leadership program, students also receive specific guidance about appropriate and healthy relationships, both with peers and adults. On both campuses, Pingry's counseling staff of four clinicians is closely involved in these efforts and in creating an environment in which both students and faculty members feel empowered to voice their concerns.

The report is extremely troubling, and because we are making it publicly available, it is possible students may read it. Tomorrow, we will speak to Middle and Upper School students in broad terms. Parents may wish to be prepared for questions from their children. To assist in any such conversations, we have posted resources—both internal and external—for families at pingryresponse.org.

While it is our sincere belief that the culture, structure, and policies of the school today are vastly different than those that allowed such atrocities to occur in the past, we do not take lightly our commitment to those in our care—our students. We continue to evaluate every way that we can protect our students more fully.

Again, we are deeply sorry for the pain the survivors have suffered, and are grateful to them for coming forward. In our commitment to ongoing efforts to fully understand and address these troubling events in Pingry's past, we will be engaging with survivors to learn how we can best support them. Our hope is to heal as a community and continue to foster the culture of safety and well-being that our students deserve.

This healing requires our continued partnership, collaboration, and candor. We encourage you to be in contact with your questions and feedback.

Sincerely,

Nathaniel E. Conard P '09, '11
Headmaster

Jeffrey N. Edwards '78, P '12, '14, '18
Chair of the Board of Trustees

EXHIBIT P

Campbell Campbell Edwards & Conroy, P.C.

Bryan D. McElvaine, Esquire (#017861987)

Meaghann C. Porth, Esquire (#033202009)

1205 Westlakes Drive, Suite 330

Berwyn, PA 19312

Telephone: (610) 964-1900

Facsimile: (610) 964-1981

bmcelvaine@campbell-trial-lawyers.com

mporth@campbell-trial-lawyers.com

Attorneys for Defendant, The Pingry School

<p>M.F. and J.F.,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>THE PINGRY SCHOOL, JOHN DOES 1- 50, and ABC CORPORATIONS 1- 50,</p> <p style="text-align: center;">Defendants,</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION: ESSEX COUNTY</p> <p>DOCKET NUMBER ESX-L-1607-18</p> <p>CIVIL ACTION</p> <p>RESPONSE OF THE PINGRY SCHOOL TO PLAINTIFFS' FIRST REQUEST FOR ADMISSIONS</p>
--	---

Pursuant to the Rules of Civil Procedure, Defendant The Pingry School provides the following responses to Plaintiffs' Request for Admissions:

REQUEST FOR ADMISSIONS

1. Admit that Marjorie H. Noon was Pingry's Director of the Primary Department at the Short Hills campus of the Pingry School.

RESPONSE: Admitted.

2. Admit that Marjorie H. Noon was Alton's Mother-In-Law.

RESPONSE: Admitted.

3. Admit that Marjorie H. Noon wrote a letter of recommendation to the Peck School for Thad Alton dated January 17, 1978.

RESPONSE: Denied as stated. It is admitted only that Ms. Noon wrote a letter of recommendation for Mr. Alton dated January 17, 1978 as produced by Pingry, and that any and all documents produced by Pingry are true and correct. That document is in writing and speaks for itself. Any characterization of these documents that is inconsistent with the documents is denied and Pingry demands strict proof thereof at trial. By way of further response, Pingry is not waiving any foundational and/or hearsay objections as to admissibility of such documents.

4. Admit that James Bratek received an email in September 2003 from a former student who stated that he attended Pingry from 1977-1980 and reported that he had witnessed Thad Alton sexually abuse other Pingry students.

RESPONSE: Denied as stated. It is admitted only that Pingry produced an email from James Bratek dated September 18, 2003, and that any and all documents produced by Pingry are true and correct. That document is in writing and speaks for itself. Any characterization of these documents that is inconsistent with the documents is denied and Pingry demands strict proof thereof at trial. By way of further response, Pingry is not waiving any foundational and/or hearsay objections as to admissibility of such documents.

5. Admit that Pingry did not notify alumni of Alton's sexual abuse after it received the email referenced in #4 above.

RESPONSE: Denied. Pingry notified alumni by way of letter in March, 2016.

6. Admit that Pingry did not notify law enforcement officers after it received the email referenced in #4 above.

RESPONSE: Denied. Pingry notified law enforcement in 2016, per Pingry's response to Request No. 20.

7. Admit that Pingry did not conduct an investigation after it received the email referenced in #4 above.

RESPONSE: A reasonable inquiry has been made, and the lack of information known or readily obtainable today is insufficient to enable an admission or denial with regard to this request related to events that occurred in 2003. Pingry continues to search for this information, but has been unable to locate any responsive materials to date.

8. Admit that Pingry had no policies or procedures in place during the 1970's to assist staff members in identifying sexual abuse.

RESPONSE: A reasonable inquiry has been made, and the lack of information known or readily obtainable today is insufficient to enable an admission or denial. Pingry continues to search for such over-forty-year-old information, but has been unable to locate any responsive materials to date.

9. Admit that Pingry had no policies or procedures in place during the 1970's to require staff members to report sexual abuse.

RESPONSE: A reasonable inquiry has been made, and the lack of information known or readily obtainable today is insufficient to enable an admission or denial. Pingry continues to search for such over-forty-year-old information, but has been unable to locate any responsive materials to date.

10. Admit that Pingry conducted no trainings in the 1970's to train staff members on how to identify sexual abuse.

RESPONSE: A reasonable inquiry has been made, and the lack of information known or readily obtainable today is insufficient to enable an admission or denial. Pingry continues to search for such over-forty-year-old information, but has been unable to locate any responsive materials to date.

11. Admit that T&M Protection Resources ("T&M") was hired to conduct an investigation into allegations of sexual abuse by Thad Alton.

RESPONSE: Admitted.

12. Admit that T&M prepared a March 27, 2017 report titled, "Report to the Pingry Community" (hereinafter "the T&M Report").

RESPONSE: Admitted.

13. Admit that Pingry released the T&M Report and posted it on its website, www.pingryresponse.org, on March 28, 2017.

RESPONSE: Admitted.

14. Admit that the Short Hills Country Day School merged with Pingry in 1974.

RESPONSE: Admitted.

15. Admit that Alton remained employed at Pingry after the Short Hills Country Day School merged with Pingry in 1974.

RESPONSE: Admitted.

16. Admit that Alton held many positions at Pingry, including teacher, guidance counselor, lacrosse coach, and assistant principal.

RESPONSE: Admitted.

17. Admit that Boy Scout Troop #64 ("Troop #64") regularly met on Pingry's school grounds.

RESPONSE: Objection. This Request is not clear as to the definition of "regularly". Without waiving this objection, Pingry admits that Troop 64 had meetings on Pingry school grounds.

18. Admit that Pingry sponsored Troop #64 and that Alton was its Scoutmaster.

RESPONSE: Admitted in part. It is admitted only that Alton was a Scoutmaster of Troop 64, and that Pingry allowed the Troop to hold meetings at the school. By way of further response, a reasonable inquiry has been made, and there has been no information found to indicate that Pingry was a “chartered organization sponsor” with regard to Troop 64, and the assertion is therefore denied. Pingry denies that it has any knowledge of a sponsor or charter agreement with or for the Troop or the Boy Scouts of America.

19. Admit that the T&M Report concludes that Thad Alton sexually assaulted at least 27 students between 1972 and 1978 while employed by Short Hills Country Day School and Pingry.

RESPONSE: Admitted in part. It is admitted only that the T&M Report is a document in writing which speaks for itself. Any characterization of these documents that is inconsistent with the documents is denied and Pingry demands strict proof thereof at trial. By way of further response, Pingry is not waiving any foundational and/or hearsay objections as to admissibility of such documents.

20. Admit that Camp Waganaki was owned by a Pingry faculty member when Alton’s sexual abuse occurred.

RESPONSE: Objection. This Request is unclear with regard to the timeframe it is referencing, and therefore, Pingry is unable to respond. If Plaintiffs will revise this Request to refer to years, Pingry will make its best effort to respond.

21. Admit that the T&M Report concludes that Thad Alton sexually abused students inside his office at Pingry during the school day, after school, and on evenings and weekends.

RESPONSE: Admitted in part. It is admitted only that the T&M Report is a document in writing which speaks for itself. Any characterization of these documents that is inconsistent with the documents is denied and Pingry demands strict proof thereof at trial. By way of further response, Pingry is not waiving any foundational and/or hearsay objections as to admissibility of such documents.

22. Admit that the T&M Report concludes that Alton sexually abused students in Pingry’s school gymnasium.

RESPONSE: Admitted in part. It is admitted only that the T&M Report is a document in writing which speaks for itself. Any characterization of these documents that is inconsistent with the documents is denied and Pingry demands strict proof thereof at trial. By way of further response, Pingry is not waiving any foundational and/or hearsay objections as to admissibility of such documents.

23. Admit that the T&M Report concludes that Alton sexually abused students in his Pingry-owned home.

RESPONSE: Admitted in part. It is admitted only that the T&M Report is a document in writing which speaks for itself. Any characterization of these documents that is inconsistent

with the documents is denied and Pingry demands strict proof thereof at trial. By way of further response, Pingry is not waiving any foundational and/or hearsay objections as to admissibility of such documents.

24. Admit that the T&M Report concludes that Alton sexually abused students inside of his tent on camping trips.

RESPONSE: Admitted in part. It is admitted only that the T&M Report is a document in writing which speaks for itself. Any characterization of these documents that is inconsistent with the documents is denied and Pingry demands strict proof thereof at trial. By way of further response, Pingry is not waiving any foundational and/or hearsay objections as to admissibility of such documents.

25. Admit that the T&M Report concluded that there were “indicators of unusual behavior by Alton while a Pingry employee.”

RESPONSE: Admitted in part. It is admitted only that the T&M Report is a document in writing which speaks for itself. Any characterization of these documents that is inconsistent with the documents is denied and Pingry demands strict proof thereof at trial. By way of further response, Pingry is not waiving any foundational and/or hearsay objections as to admissibility of such documents.

26. Admit that the T&M Report states that many of the former students who spoke with T&M “reported their belief that [Pingry] was aware of Alton’s abusive behavior around the time of its occurrence” in the 1970s.

RESPONSE: Admitted in part. It is admitted only that the T&M Report is a document in writing which speaks for itself. Any characterization of these documents that is inconsistent with the documents is denied and Pingry demands strict proof thereof at trial. By way of further response, Pingry is not waiving any foundational and/or hearsay objections as to admissibility of such documents.

27. Admit that Alton’s office at Pingry was situated off the main hallway that led to the back of the school.

RESPONSE: Denied as stated. It is admitted only that reference to same is included in the T&M Report, and that the T&M Report is a document in writing which speaks for itself.

28. Admit that the T&M Reports states that “several former teachers said that they observed Alton in his office with boys either alone or in groups, and that Alton would often close and lock the door to his office while those children were inside.”

RESPONSE: Admitted in part. It is admitted only that the T&M Report is a document in writing which speaks for itself. Any characterization of these documents that is inconsistent with the documents is denied and Pingry demands strict proof thereof at trial. By way of further response, Pingry is not waiving any foundational and/or hearsay objections as to admissibility of such documents.

29. Admit that one former faculty member told T&M that boys would gather in Alton's office behind close doors and that she found it "unusual" and "not right."

RESPONSE: Admitted in part. It is admitted only that reference to same is included in the T&M Report, and that the T&M Report is a document in writing which speaks for itself. Any characterization of these documents that is inconsistent with the documents is denied and Pingry demands strict proof thereof at trial. By way of further response, Pingry is not waiving any foundational and/or hearsay objections as to admissibility of such documents.

30. Admit that the teacher referenced in Paragraph 26 said she believed that she had reported Alton's behavior, although she could not recall precisely to whom the report was made.

RESPONSE: Admitted in part. It is admitted only that reference to same is included in the T&M Report, and that the T&M Report is a document in writing which speaks for itself. Any characterization of these documents that is inconsistent with the documents is denied and Pingry demands strict proof thereof at trial. By way of further response, Pingry is not waiving any foundational and/or hearsay objections as to admissibility of such documents.

31. Admit that another former faculty member said he noticed boys in Alton's office and "What was unusual was that it was locked and if you knocked, there was a delay in answering it."

RESPONSE: Admitted in part. It is admitted only that reference to same is included in the T&M Report, and that the T&M Report is a document in writing which speaks for itself. Any characterization of these documents that is inconsistent with the documents is denied and Pingry demands strict proof thereof at trial. By way of further response, Pingry is not waiving any foundational and/or hearsay objections as to admissibility of such documents.

32. Admit that one former faculty member told T&M that another teacher told her something such as "Like I'm the pervert, when he [Thad Alton]'s the one letting them play strip poker on those Boy Scout camps" or "he's the one doing strip poker on camping trips."

RESPONSE: Admitted in part. It is admitted only that reference to same is included in the T&M Report, and that the T&M Report is a document in writing which speaks for itself. Any characterization of these documents that is inconsistent with the documents is denied and Pingry demands strict proof thereof at trial. By way of further response, Pingry is not waiving any foundational and/or hearsay objections as to admissibility of such documents.

33. Admit that one former faculty member told T&M that he heard stories about boys sleeping in Alton's tent on camping trips.

RESPONSE: Admitted in part. It is admitted only that the T&M Report is a document in writing which speaks for itself. Any characterization of these documents that is inconsistent with the documents is denied and Pingry demands strict proof thereof at trial. By way of

further response, Pingry is not waiving any foundational and/or hearsay objections as to admissibility of such documents.

34. Admit that one former student told T&M that he told a former faculty member during the summer of 1974 or 1975 that Alton “played strip poker with Scouts when I was a kid.”

RESPONSE: Admitted in part. It is admitted only that reference to same is included in the T&M Report, and that the T&M Report is a document in writing which speaks for itself. Any characterization of these documents that is inconsistent with the documents is denied and Pingry demands strict proof thereof at trial. By way of further response, Pingry is not waiving any foundational and/or hearsay objections as to admissibility of such documents.

35. Admit that another former Pingry student told T&M that in the summer of 1979, several 12-year-old boys woke him up saying, “Ted is touching us and doing things we don’t like.”

RESPONSE: Admitted in part. It is admitted only that reference to same is included in the T&M Report, and that the T&M Report is a document in writing which speaks for itself. Any characterization of these documents that is inconsistent with the documents is denied and Pingry demands strict proof thereof at trial. By way of further response, Pingry is not waiving any foundational and/or hearsay objections as to admissibility of such documents.

36. Admit that the former Pingry student identified in #35 above told T&M that he reported Alton’s conduct to “the camp office.”

RESPONSE: Admitted in part. It is admitted only that reference to same is included in the T&M Report, and that the T&M Report is a document in writing which speaks for itself. Any characterization of these documents that is inconsistent with the documents is denied and Pingry demands strict proof thereof at trial. By way of further response, Pingry is not waiving any foundational and/or hearsay objections as to admissibility of such documents.

37. Admit that T&M Report concludes Pingry “first formally learned of allegations that Alton sexually abused male Pingry students and scouts in the summer of 1979.”

RESPONSE: Denied as stated. It is admitted only that the T&M Report is a document in writing which speaks for itself. It is denied that the T&M Report contains such a conclusion. Any characterization of these documents that is inconsistent with the documents is denied and Pingry demands strict proof thereof at trial. By way of further response, Pingry is not waiving any foundational and/or hearsay objections as to admissibility of such documents.

38. Admit that Pingry took no steps to notify the parents of its students, the parents of former students, or its alumni when it first “formally learned” of the allegations against Alton in the summer of 1979.

RESPONSE: Denied. Pingry did not “formally learn” of the allegations against Alton in the summer of 1979. It is further denied that the T&M Report contains such a conclusion. It is admitted only that the T&M Report is a document in writing which speaks for itself.

Any characterization of these documents that is inconsistent with the documents is denied and Pingry demands strict proof thereof at trial. By way of further response, Pingry is not waiving any foundational and/or hearsay objections as to admissibility of such documents.

39. Admit that a witnesses, including a current Pingry Board Member, told T&M that a former Pingry Board Member/ Troop #64 committee was called by a parent of a Pingry student in the summer of 1979 who told him that Alton had been touching and molesting boys.

RESPONSE: Denied as stated. It is admitted only that the T&M Report is a document in writing which speaks for itself. Any characterization of these documents that is inconsistent with the documents is denied and Pingry demands strict proof thereof at trial. By way of further response, Pingry is not waiving any foundational and/or hearsay objections as to admissibility of such documents.

40. Admit that another former Pingry Board Member told T&M that he received a phone call from another parent or had an in-person conversation with a parent during which he learned that “some terrible things had happened or were done by Ted Alton to the scouts in Troop #64 and that there were ‘charges that have been made by parents whose children have told them things.’”

RESPONSE: Admitted in part. It is admitted only that reference to same is included in the T&M Report, and that the T&M Report is a document in writing which speaks for itself. Any characterization of these documents that is inconsistent with the documents is denied and Pingry demands strict proof thereof at trial. By way of further response, Pingry is not waiving any foundational and/or hearsay objections as to admissibility of such documents.

41. Admit that the former Pingry Board Member identified in #40 above told T&M that his own child had been sexually abused by Alton but the former Board Member never told anyone.

RESPONSE: Denied as stated. It is admitted only that the T&M Report is a document in writing which speaks for itself. It is denied that the T&M Report contains such a statement. Any characterization of these documents that is inconsistent with the documents is denied and Pingry demands strict proof thereof at trial. By way of further response, Pingry is not waiving any foundational and/or hearsay objections as to admissibility of such documents.

42. Admit that several witnesses told T&M that there was a meeting at the home of a former Pingry Board Member to discuss Alton’s abuse of students and what should be done about it.

RESPONSE: Admitted in part. It is admitted only that reference to same is included in the T&M Report, and that the T&M Report is a document in writing which speaks for itself. Any characterization of these documents that is inconsistent with the documents is denied and Pingry demands strict proof thereof at trial. By way of further response, Pingry is not waiving any foundational and/or hearsay objections as to admissibility of such documents.

43. Admit that a witness told T&M that during the meeting referenced in #43 above, a former Pingry Board Member arranged to have someone speak to parents about how the sexual abuse would impact the kids and whether or not to press charges.

RESPONSE: Admitted in part. It is admitted only that reference to same is included in the T&M Report, and that the T&M Report is a document in writing which speaks for itself. Any characterization of these documents that is inconsistent with the documents is denied and Pingry demands strict proof thereof at trial. By way of further response, Pingry is not waiving any foundational and/or hearsay objections as to admissibility of such documents.

44. Admit that another parent told T&M that during the meeting referenced in #43 above, she was told “Don’t take this into a court room . . . [to do so would be] . . . more damaging than not [and] they will forget this.”

RESPONSE: Admitted in part. It is admitted only that reference to same is included in the T&M Report, and that the T&M Report is a document in writing which speaks for itself. Any characterization of these documents that is inconsistent with the documents is denied and Pingry demands strict proof thereof at trial. By way of further response, Pingry is not waiving any foundational and/or hearsay objections as to admissibility of such documents.

45. Admit a former Pingry Board Member told T&M that when he reported Alton’s misconduct to another former Board Member, that other former Board Member confirmed to him that there was an investigation being conducted by the police and that the Pingry Board was directing the School on how to proceed.

RESPONSE: Admitted in part. It is admitted only that reference to same is included in the T&M Report, and that the T&M Report is a document in writing which speaks for itself. Any characterization of these documents that is inconsistent with the documents is denied and Pingry demands strict proof thereof at trial. By way of further response, Pingry is not waiving any foundational and/or hearsay objections as to admissibility of such documents.

46. Admit that the former Board Member identified in #45 believed this conversation occurred in the Spring of 1978.

RESPONSE: Admitted in part. It is admitted only that reference to same is included in the T&M Report, and that the T&M Report is a document in writing which speaks for itself. Any characterization of these documents that is inconsistent with the documents is denied and Pingry demands strict proof thereof at trial. By way of further response, Pingry is not waiving any foundational and/or hearsay objections as to admissibility of such documents.

47. Admit that the T&M Report concludes that between approximately 1978-1979, Bruce Bohrer, another Pingry faculty member, engaged in repeated sexual abuse of male students.

RESPONSE: Admitted in part. It is admitted only that the T&M Report is a document in writing which speaks for itself. Any characterization of these documents that is inconsistent with the documents is denied and Pingry demands strict proof thereof at trial. By way of further response, Pingry is not waiving any foundational and/or hearsay objections as to admissibility of such documents.


48. Admit that the T&M Report concludes that Antoine du Bourg engaged in sexual abuse of male students at Pingry between 1966 and the early 1980s.

RESPONSE: Admitted in part. It is admitted only that the T&M Report is a document in writing which speaks for itself. Any characterization of these documents that is inconsistent with the documents is denied and Pingry demands strict proof thereof at trial. By way of further response, Pingry is not waiving any foundational and/or hearsay objections as to admissibility of such documents.

49. Admit that Pingry reached a settlement in 2018 with at least 21 other victims of sexual abuse that occurred while the victims were students at Pingry.

RESPONSE: Denied as stated. It is admitted only that Pingry reached settlements with regard to claims of sexual abuse of twenty-two former Pingry students.

CAMPBELL CAMPBELL EDWARDS & CONROY, P.C.

By: 
Bryan D. McElvaine, Esquire
Meaghann C. Porth, Esquire
*Attorney for Defendant,
The Pingry School*

Dated: July 16, 2018

Campbell Campbell Edwards & Conroy, P.C.

Bryan D. McElvaine, Esquire (#017861987)

Meaghann C. Porth, Esquire (#033202009)

1205 Westlakes Drive, Suite 330

Berwyn, PA 19312

Telephone: (610) 964-1900

Facsimile: (610) 964-1981

bmcelvaine@campbell-trial-lawyers.com

mporth@campbell-trial-lawyers.com

Attorneys for Defendant, The Pingry School

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 NUMBER ESX-L-1607-18

CIVIL ACTION

PROOF OF MAILING

1. The undersigned, Meaghann C. Porth, Esquire, is an attorney for Defendant, The Pingry School, in the above entitled action.

2. On July 16, 2018, I mailed via U.S. Post Office by regular mail a sealed envelope containing The Pingry School's Responses to Plaintiffs' First Set of Request for Admissions addressed to plaintiffs' attorney, Justin P. Walder, Esquire at the addressee's last known address of Pashman Stein Walder Hayden, Court Plaza South, 21 Main Street – Suite 200, Hackensack, NJ 07601.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.


Meaghann C. Porth, Esquire