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by and through her Parent and Guardian Ad Litem,
R.O., and R.O., Individually, and D.O., Individually

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Attorneys for plaintiffs O.O, a Minor, Individually,
by and through her Parent and Guardian Ad Litem,
R.O., and R.O., Individually, and D.O., Individually

O.O., a MINOR, INDIVIDUALLY, BY AND
THROUGH HER PARENT AND GUARDIAN AD
LITEM, R.O., and R.O., INDIVIDUALLY; and D.O.,
INDIVIDUALLY,

Plaintiffs,

v.

CENTRAL REGIONAL SCHOOL DISTRICT;
CENTRAL REGIONAL BOARD OF EDUCATION;
IRENE MAROUSIS; DARRYL HEALE; JOHN
DOES 1 THROUGH 10 (fictitious names of
individuals whose identities are presently unknown),
JOHN DOES 11 THROUGH 20 (fictitious names of
employees, agents, representatives and/or assigns of the
Central Regional School District and Central Regional
Board of Education, whose identities are presently
unknown) and ABC CORP. 1-10 (fictitious names of
entities whose identities are presently unknown),

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: OCEAN COUNTY
DOCKET NO.

Civil Action

COMPLAINT AND JURY DEMAND

Plaintiffs, O.O., a Minor, Individually and by and through her Parent and Guardian Ad
Litem, R.O.; R.O., Individually; and D.O., Individually, by way of Complaint against defendants,

CENTRAL REGIONAL SCHOOL DISTRICT (the “District”); CENTRAL REGIONAL BOARD OF EDUCATION (the “Board”); IRENE MAROUSIS (“Marousis”); DARRYL HEALE (“Heale”) (such individuals being hereinafter referred to collectively as the “Board Defendants”); JOHN DOES 1 THROUGH 10 (fictitious names of individuals whose identities are presently unknown), JOHN DOES 11 THROUGH 20 (fictitious names of employees, agents, representatives and/or assigns of the Central Regional Board of Education and the Central Regional School District, whose identities are presently unknown) and ABC CORP. 1-10 (fictitious names of entities whose identities are presently unknown), allege as follows:

THE PARTIES

1. At all times relevant herein, the plaintiff, O.O., resided in Bayville, New Jersey, and was a student at the Central Regional High School (the “High School”), which was controlled, maintained and operated by the Board and the Board Defendants.

2. Plaintiff, R.O., as parent and Guardian Ad Litem of O.O., and individually, is the mother of O.O. and at all times relevant herein resided in Bayville, New Jersey.

3. Plaintiff, D.O., is the father of O.O., and at all times relevant herein resided in Bayville, New Jersey.

4. Defendants, the Board and the District, are public entities organized under the laws of the State of New Jersey. The Board and/or the District maintains offices at 509 Forest Hills Parkway, Bayville, New Jersey 08721.

5. At all times relevant to this action, defendants, the Board and the District, owned, operated, possessed or controlled the Central Regional High School. The Board and the Board Defendants were, at all times relevant, responsible for the education, safety and welfare of students within their district, including plaintiff, O.O.

6. At all times relevant, defendant Marousis was the principal at the High School when the incidents that are the subject of this Complaint occurred.

7. At all times relevant, defendant Heale was an assistant principal and an anti-bullying specialist at the High School when the incidents that are the subject of this Complaint occurred.

8. Defendant(s), John Does 1 through 10, John Does 11 through 20 and ABC Corp. 1-10 was/were fictitious names for individuals and/or entities whose identities are not presently known.

FACTUAL BACKGROUND

9. In or around the second week of December 2021, while O.O. was a student at the High School, O.O. received threatening text messages from another student, Neveah Olivo (“Olivo”), in which Olivo stated that she had a “problem” with O.O. and was going to physically harm O.O. O.O. did not know Olivo at that time.

10. Thereafter, on December 20, 2021, Olivo and two other students, Shaleah Conover (“Conover”) and Tatiana Atris (“Atris”), approached O.O. in a hallway at the High School and threatened O.O. that they were going to “jump her” and physically assault her. As O.O. attempted to escape, Olivo, Conover, Atris and several other students continued following O.O. through the hallways of the High School while taunting and threatening O.O. with violence.

11. After reaching the safety of a classroom, O.O. requested assistance from her teacher, who merely directed O.O. to see her guidance counselor. The guidance counselor, however, was not available and so O.O., fearing for her safety, and in need of protection, instead met with defendants Heale and Marousis and reported the behavior and threats of violence made against her by Olivo, Conover, Atris and others.

12. Upon information and belief, Olivo, Conover, Atris and the other students had a history of harassing, intimidating, bullying, abusing and assaulting students in the High School and were known to the Board and the Board Defendants, including both Heale and Marousis, as posing a threat of such behavior to other students.

13. However, neither the District nor the Board nor the Board Defendants performed a proper investigation or took appropriate action to address the threatening behavior toward O.O.

14. Upon information and belief, neither the Board nor the Board Defendants disciplined Olivo, Conover, Atris or any of the other students who had been threatening to harm O.O.

15. Nor did the the Board or the Board Defendants take any action to ensure that O.O. would not face any further abusive behavior or violence from such individuals.

16. Thereafter, on January 10, 2022, Olivo and another student, Alexandria Getts (“Getts”), physically assaulted O.O. in a hallway of the High School, including, without limitation, striking O.O. about the head, neck and back, just as Olivo had previously threatened and just as O.O. had warned the Board Defendants.

17. The entirety of the assault was filmed by Atris, who, along with Getts, later posted video of the assault on a social media platform where it was displayed in a mocking, derisive manner for anyone to see.

18. As a result of the assault and public display of same, and the Board and Board Defendants’ failure to protect O.O., O.O. suffered severe and permanent physical and psychological injuries.

19. Notice of Plaintiffs' claims was brought to the attention of the District, the Board and the Board Defendants, and Plaintiffs have complied with all requirements of the New Jersey Tort Claim Act.

FIRST COUNT

**(Common Law Negligence and Violation of Tort Claims Act, N.J.S.A. 59:1-1, et seq.
Against the District, the Board and the Board Defendants, John Does 1-10, John Does 11-20 and ABC Corp. 1-10)**

20. Plaintiffs repeat each and every allegation set forth above as if fully set forth at length herein.

21. The District, the Board, the Board Defendants, John Does 1-10, John Does 11-20 and ABC Corp. 1-10 each owed a duty to protect O.O. from the harassment, intimidation, bullying, abuse and assault directed against her, as described herein, and as codified in the Anti-Bullying Bill of Rights (the "ABR"), N.J.S.A. 18A:37-13, et seq.

22. The District, the Board, the Board Defendants, John Does 1-10, John Does 11-20 and ABC Corp. 1-10, collectively and individually, were aware of, or should have been aware of, the improper conduct of the harassment, intimidation, bullying, abuse and assault against O.O. as described herein.

23. Based on this knowledge, the aforesaid defendants, collectively and individually, had a duty to respond to requests to take action and to otherwise take such reasonable steps to ensure the safety of O.O. and other students similarly situated, who were attending the High School, which duty they breached by their negligent, reckless, willful and palpably unreasonable conduct.

24. As a direct and proximate result of the actions and/or inactions of the aforesaid defendants, as described herein, Plaintiffs have suffered damages, including serious and permanent physical, emotional and psychological injuries, have been forced to seek medical attention, will be

forced to seek medical attention in the future, have suffered medical expenses in excess of \$3,600.00 and have been deprived of carrying out their normal duties and affairs.

WHEREFORE, Plaintiffs, O.O., a Minor, Individually and by and through her Parent and Guardian Ad Litem, R.O.; R.O., Individually, and D.O., Individually, hereby demand Judgment against Defendants, CENTRAL REGIONAL SCHOOL DISTRICT, CENTRAL REGIONAL BOARD OF EDUCATION, IRENE MAROUSIS, DARRYL HEALE, JOHN DOES 1 THROUGH 10; JOHN DOES 11 THROUGH 20; and ABC CORP. 1-10, jointly and severally, for compensatory damages, together with interest, punitive damages, costs of suit and such other relief as to this Court deems just and equitable.

SECOND COUNT

(Negligent Hiring, Supervision and Retention Against the District, the Board, the Board Defendants, John Does 1-10, John Does 11-20 and ABC Corp. 1-10)

25. Plaintiffs repeat each and every allegation set forth above as if fully set forth at length herein.

26. At all times relevant, the District, the Board, the Board Defendants, John Does 1-10, John Does 11-20 and ABC Corp. 1-10 had a duty to hire and supervise qualified and responsible personnel to further the educational needs and development, and to protect the safety and welfare, of children attending the High School, including O.O., and to supervise the children as well.

27. As recited above, O.O. was the victim of pervasive harassment, intimidation, bullying, abuse, assault, negligence, carelessness and recklessness.

28. The aforesaid defendants had prior knowledge and notice, both actual and constructive, that students were harassing, intimidating, bullying and abusing O.O.

29. Despite such aforesaid notice and knowledge, the aforesaid defendants carelessly, recklessly and negligently failed to provide proper supervision and security to protect O.O. from the repeated acts of harassment, intimidation, bullying and abuse, as aforesaid, and failed to respond to O.O. and the Plaintiffs' requests for help and assistance.

30. The aforesaid defendants also negligently, carelessly and recklessly failed to properly hire competent teachers, administrators, and other school personnel to supervise, monitor and observe O.O., the assailants and other students at the High School while engaged in school activities and functions; failed to properly monitor the High School; failed to establish and enforce policies, rules, regulations and directives to ensure the safety, welfare and well-being of O.O. and other students similarly situated who were attending the High School, including its harassment, intimidation and bullying policy; and failed to provide a safe environment in which students, and particularly O.O., could learn, in breach of their duty to her.

31. For the aforesaid and other reasons, these defendants, as well as other teachers, administrators and staff, were not qualified and/or properly trained to supervise or otherwise discharge the statutorily mandated rules, regulations, policies, and directives in place, or which should have been in place, or to take appropriate action in response to the harassment, intimidation, bullying, abuse and assault suffered by O.O.

32. The aforesaid defendants knew, or should have known, that their failure to properly assess and hire competent administrators, teachers and staff would result in, or would likely result in, the harassment, intimidation, bullying, abuse and assault of students, including O.O., and serious, severe and permanent injuries.

33. The aforesaid conduct constitutes negligence and palpably unreasonable conduct by the aforesaid defendants.

34. As a further direct and proximate result thereof, Plaintiffs have suffered damages, including serious and permanent physical, emotional and psychological injuries, were forced to seek medical attention, will be forced to seek medical attention in the future, suffered medical expenses in excess of \$3,600.00 and were permanently deprived of carrying out their normal duties and affairs.

WHEREFORE, Plaintiffs, O.O., a Minor, Individually and by and through her Parent and Guardian Ad Litem, R.O.; R.O., Individually, and D.O., Individually, hereby demand Judgment against Defendants, CENTRAL REGIONAL SCHOOL DISTRICT, CENTRAL REGIONAL BOARD OF EDUCATION, IRENE MAROUSIS, DARRYL HEALE, JOHN DOES 1 THROUGH 10; JOHN DOES 11 THROUGH 20; and ABC CORP. 1-10, jointly and severally, for compensatory damages, together with interest, punitive damages, costs of suit and such other relief as to this Court deems just and equitable.

THIRD COUNT
(Violation of N.J.S.A. 10:6-1, *et. seq.*)

35. Plaintiffs repeat each and every allegation set forth above as if fully set forth at length herein.

36. While a student at the High School, O.O. was subjected to repeated harassment, intimidation, bullying and abuse as described herein.

37. Prior to the events of January 10, 2022 described herein, O.O. made the Board and the Board Defendants aware of the harassment, intimidation, bullying and abuse directed at O.O., as alleged herein, including threats to commit violence against O.O., but the Board and the Board Defendants chose to not take any action to address same.

38. As a result, the Board and the Board Defendants were keenly aware that O.O. could be physically assaulted and injured due to the bullying and abuse she suffered and any continued bullying and abuse.

39. Defendants, the District, the Board, the Board Defendants, John Does 1 to 10, John Does 11-20 and ABC Corp.1-10 violated rights and privileges afforded to O.O., and similarly situated individuals, by the New Jersey Constitution, New Jersey statutes, and other applicable law, including, but not limited to, N.J.S.A. 10:6-1, *et seq.*

WHEREFORE, Plaintiffs, O.O., a Minor, Individually and by and through her Parent and Guardian Ad Litem, R.O.; R.O., Individually, and D.O., Individually, hereby demand Judgment against Defendants, CENTRAL REGIONAL SCHOOL DISTRICT, CENTRAL REGIONAL BOARD OF EDUCATION, IRENE MAROUSIS, DARRYL HEALE, JOHN DOES 1 THROUGH 10; JOHN DOES 11 THROUGH 20; and ABC CORP. 1-10, jointly and severally, for compensatory damages, together with interest, punitive damages, and reasonable attorneys' fees and costs, including expert fees, litigation expenses and costs of suit, pursuant to N.J.S.A. 10:6-1(f); and such further relief which this Court may deem just and equitable.

FOURTH COUNT

(New Jersey Law Against Discrimination ("LAD"), N.J.S.A. 10:5-1 et seq. - N.J.S.A. 10:5-4 and N.J.S.A. 10:6-12)

40. Plaintiffs repeat each and every allegation set forth above as if set forth at length herein.

41. Defendants, the District, the Board and the Board Defendants maintain, operate and oversee the High School, which is a place of public accommodation.

42. The actions and inactions of the District, the Board, the Board Defendants, John Does 1-10, John Does 11-20 and ABC Corp. 1-10 created a hostile environment and constituted

discrimination against O.O. based on her sex and her status as a student with an Individualized Education Program (“IEP”) as a result of a learning disability, in violation of the LAD. Furthermore, the District, the Board and the Board Defendants refused to take action to address and protect O.O. from the behavior directed toward her because she is Caucasian while the other students who were harassing, intimidating, abusing and assaulting her are persons of color. The District, the Board and the Board Defendants feared backlash and accusations of racial bias had they intervened on O.O.’s behalf.

43. These actions and inactions were unwarranted and uninvited and would not have been tolerated and/or ignored but for the fact that O.O. is female, has a disability requiring an IEP and is Caucasian. Despite notice to the aforesaid defendants of the actions perpetrated against O.O., including those described herein, no action was taken with regard to preventing same, while the same or similar behavior directed at male students, students without such a disability and students of color would have been taken seriously and been addressed and prevented.

44. The actions and/or inactions of these defendants constitute a severe and/or pervasive and continuing course of conduct in violation of the LAD.

45. The actions complained of herein constitute a denial of the accommodations, advantages, facilities, and privileges of a place of public accommodation on the basis of discrimination because of O.O.’s sex, disability and race.

46. The District, the Board and the Board Defendants failed to implement practices, procedures and policies that would deter its employees and students from creating a hostile environment and discriminating based upon an individual’s sex, disability and race.

47. The actions complained of herein constitute unlawful harassment and discrimination under the LAD as Defendants and their agents have directly and/or indirectly

refused, withheld from and/or denied to O.O. the accommodations, advantages, facilities or privileges thereof, and/or discriminated against O.O. in the furnishing thereof, based on O.O.'s sex, disability and race.

48. As a direct and proximate result thereof, Plaintiffs have suffered damages, including serious and permanent physical, emotional and psychological injuries, were forced to seek medical attention, will be forced to seek medical attention in the future, were permanently deprived of carrying out their normal duties and affairs and have incurred legal expenses.

WHEREFORE, Plaintiffs, O.O., a Minor, Individually and by and through her Parent and Guardian Ad Litem, R.O.; R.O., Individually, and D.O., Individually, hereby demand Judgment against Defendants, CENTRAL REGIONAL SCHOOL DISTRICT, CENTRAL REGIONAL BOARD OF EDUCATION, IRENE MAROUSIS, DARRYL HEALE, JOHN DOES 1 THROUGH 10; JOHN DOES 11 THROUGH 20; and ABC CORP. 1-10, jointly and severally, for compensatory damages, together with interest, punitive damages, and reasonable attorneys' fees and costs, including expert fees, litigation expenses and costs of suit; and such further relief which this Court may deem just and equitable.

FIFTH COUNT
(Intentional Infliction of Emotional Distress)

49. Plaintiffs repeat each and every allegation set forth above as if set forth herein at length herein.

50. The District, the Board, the Board Defendants and/or John Does 1 through 10, John Does 11-20 and ABC Corp. 1-10 intentionally and maliciously failed to act upon complaints made by O.O. and the Plaintiffs regarding such harassment, intimidation, bullying and abuse directed at O.O.

51. In addition, the actions of these defendants were willful, malicious, palpably unreasonable and in reckless disregard of O.O.'s rights.

52. The actions and inactions of the aforesaid defendants amounted to the intentional infliction of emotional distress upon O.O.

53. As a direct and proximate result thereof, Plaintiffs have suffered damages, including serious and permanent physical, emotional and psychological injuries, were forced to seek medical attention, will be forced to seek medical attention in the future, were permanently deprived of carrying out their normal duties and affairs and have incurred legal expenses.

WHEREFORE, Plaintiffs, O.O., a Minor, Individually and by and through her Parent and Guardian Ad Litem, R.O.; R.O., Individually, and D.O., Individually, hereby demand Judgment against Defendants, CENTRAL REGIONAL SCHOOL DISTRICT, CENTRAL REGIONAL BOARD OF EDUCATION, IRENE MAROUSIS, DARRYL HEALE, JOHN DOES 1 THROUGH 10; JOHN DOES 11 THROUGH 20; and ABC CORP. 1-10, jointly and severally, for compensatory damages, together with interest, punitive damages, and reasonable attorneys' fees and costs, including expert fees, litigation expenses and costs of suit; and such further relief which this Court may deem just and equitable.

SIXTH COUNT
(Negligent Infliction of Emotional Distress)

54. Plaintiffs repeat each and every allegation set forth above as if set forth herein at length herein.

55. The District, the Board, the Board Defendants and/or John Does 1 through 10, John Does 11-20 and ABC Corp. 1-10 negligently failed to protect O.O. from such harassment, intimidation, bullying and abuse as aforesaid.

56. As a direct and proximate result of the conduct of these defendants, O.O. suffered severe physical and emotional distress.

57. The aforesaid defendants' actions amounted to the negligent infliction of emotional distress upon O.O.

58. As a direct and proximate result thereof, Plaintiffs have suffered damages, including serious and permanent physical, emotional and psychological injuries, were forced to seek medical attention, will be forced to seek medical attention in the future, were permanently deprived of carrying out their normal duties and affairs and have incurred legal expenses.

WHEREFORE, Plaintiffs, O.O., a Minor, Individually and by and through her Parent and Guardian Ad Litem, R.O.; R.O., Individually, and D.O., Individually, hereby demand Judgment against Defendants, CENTRAL REGIONAL SCHOOL DISTRICT, CENTRAL REGIONAL BOARD OF EDUCATION, IRENE MAROUSIS, DARRYL HEALE, JOHN DOES 1 THROUGH 10; JOHN DOES 11 THROUGH 20; and ABC CORP. 1-10, jointly and severally, for compensatory damages, together with interest, punitive damages, and reasonable attorneys' fees and costs, including expert fees, litigation expenses and costs of suit; and such further relief which this Court may deem just and equitable.

SEVENTH COUNT
(Per Quod)

59. Plaintiffs repeat each and every allegation set forth above as if set forth at length herein.

60. Plaintiffs R.O. and D.O. are the parents of O.O.

61. As a direct and proximate result of the aforesaid harm to O.O. and the negligent, careless, reckless and palpably unreasonable conduct of the defendants, and each of them, Plaintiffs have been deprived of the services and society of O.O.

62. In addition, Plaintiffs sustained permanent damages in that they have been caused to expend large sums of money for medical attention necessary to address the incidents of the harassment, intimidation, bullying and abuse directed toward O.O. and will be further forced to expend large sums of money for future medical and psychological expenses and care for themselves in the future in excess of \$3,600.00.

WHEREFORE, Plaintiffs, R.O. and D.O., hereby demand Judgment against Defendants, CENTRAL REGIONAL SCHOOL DISTRICT, CENTRAL REGIONAL BOARD OF EDUCATION, IRENE MAROUSIS, DARRYL HEALE, JOHN DOES 1 THROUGH 10; JOHN DOES 11 THROUGH 20; and ABC CORP. 1-10, jointly and severally, for compensatory damages, together with interest, punitive damages, and reasonable attorneys' fees and costs, including expert fees, litigation expenses and costs of suit; and such further relief which this Court may deem just and equitable.

EIGHTH COUNT
(Punitive Damages)

63. Plaintiffs repeat each and every allegation set forth above as if set forth at length herein.

64. The conduct of the Board Defendants as stated herein was so egregious as to be wanton and willful and in utter disregard of plaintiff, O.O.'s, rights, warranting the imposition of punitive damages against them.

WHEREFORE, Plaintiffs, O.O., a Minor, Individually and by and through her Parent and Guardian Ad Litem, R.O.; R.O., Individually, and D.O., Individually, hereby demand Judgment against Defendants, IRENE MAROUSIS, DARRYL HEALE, JOHN DOES 1 THROUGH 10; JOHN DOES 11 THROUGH 20; and ABC CORP. 1-10, jointly and severally, for compensatory damages, together with interest, punitive damages, and reasonable attorneys' fees and costs,

including expert fees, litigation expenses and costs of suit; and such further relief which this Court may deem just and equitable.

FEITLIN, YOUNGMAN, KARAS &
GERSON, L.L.C.
Attorneys for Plaintiffs

By: /S/ Jonathan M. Ettman
JONATHAN M. ETTMAN ESQ.

LAW OFFICES OF STEVEN A. VARANO, P.C.
Attorneys for Plaintiffs

By: /S/ Joseph P. Slawinski
JOSEPH P. SLAWINSKI, ESQ.

Dated: October 19, 2022

JURY DEMAND

Plaintiffs hereby demand a trial by jury on all issues triable by a jury.

R. 4:5-1 CERTIFICATION

The undersigned hereby certifies in accordance with R. 4:5-1 that the within action is not the subject of any other action or pending arbitration proceeding. The undersigned further certifies that there are no other known parties who should be joined in this action.

FEITLIN, YOUNGMAN, KARAS &
GERSON, L.L.C.
Attorneys for Plaintiffs

By: /S/ Jonathan M. Ettman
JONATHAN M. ETTMAN ESQ.

Dated: October 19, 2022

DESIGNATION OF TRIAL COUNSEL PURSUANT TO R. 4:25

Pursuant to R. 4:25, Jonathan M. Ettman, Esq. is hereby designated as trial counsel for plaintiffs in this matter.

FEITLIN, YOUNGMAN, KARAS &
GERSON, L.L.C.
Attorneys for Plaintiffs

By: /S/ Jonathan M. Ettman
JONATHAN M. ETTMAN ESQ.

Dated: October 19, 2022