

SALEM CO CIVIL CASE MGMT  
SUPERIOR COURT LAW DIV  
92 MARKET STREET  
SALEM NJ 08079

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (856) 878-5050  
COURT HOURS 8:30 AM - 4:30 PM

DATE: DECEMBER 02, 2019  
RE: BACHMAN DENNIS VS COUNTY OF SALEM  
DOCKET: SIM L -000218 19

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 2.

DISCOVERY IS 300 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON JEAN S. CHETNEY

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 001  
AT: (856) 878-5050.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING. PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE WITH R.4:5A-2.

ATTENTION:

ATT: J. S. MASCOLO  
REBENACK, ARONOW & MASCOLO, LL  
111 LIVINGSTON AVE  
NEW BRUNSWICK NJ 08901

ECOURTS

REBENACK, ARONOW & MASCOLO, LLP  
111 Livingston Avenue  
New Brunswick, NJ 08901  
(732) 247-3600  
Attorney I.D. No.: 021062011  
Attorneys for Plaintiff, Dennis Bachman

Plaintiff,  
DENNIS BACHMAN,

vs.

Defendants,

COUNTY OF SALEM; STATE OF NEW  
JERSEY; SALEM COUNTY  
DEPARTMENT OF CORRECTIONS; and,  
JOHN DOES 1-10

SUPERIOR COURT OF NEW JERSEY  
SALEM COUNTY  
LAW DIVISION

DOCKET NO.

CIVIL ACTION

**COMPLAINT**

Plaintiff, Dennis Bachman by way of Complaint, say(s):

**INTRODUCTION**

1. This claim arises from childhood sexual abuse that Plaintiff suffered at the hands of Diana Seamen, a counselor at a Juveniles in Need of Shelter (“JINS”) facility owned and/or operated by Defendant County of Salem (“County”), State of New Jersey (“State”), and New Jersey Department of Human Services (“Department of Human Services”) (all defendants, including John Does 1-10, are collectively referred to herein as “Defendants”).

2. Diana Seamen used her position as a counselor for the Defendants to sexually abuse Plaintiff when Plaintiff was a minor child.

3. At the time Plaintiff was sexually abused by Diana Seamen, Defendants knew or should have known that Diana Seamen posed a threat of foreseeable harm to Plaintiff, but they failed to take reasonable steps to protect Plaintiff from that harm.

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**FACTUAL BACKGROUND: PARTIES**

1. Plaintiff is an adult male who currently resides in Salem County, New Jersey.

At all relevant times hereto, Plaintiff resided in Salem County, New Jersey.

2. At all relevant times the Defendants owned, operated, managed, and/or controlled JINS facilities throughout the State of New Jersey and specifically in Salem County.

3. At all relevant times Plaintiff was a juvenile who was placed in the JINS facility located on Route 45 in Woodstown, New Jersey.

4. Diana Seamen was a counselor employed by the Defendants at the JINS facility located at Route 45 in Woodstown, New Jersey.

5. At all relevant times the Defendants were responsible for the hiring and staffing, and did the hiring and staffing, at the JINS facility located on Route 45 in Woodstown, New Jersey.

6. At all relevant times Diana Seamen was on the staff of, acted as an agent of, and served as an employee of the Defendants.

7. At all relevant times Diana Seamen was acting in the course and scope of her employment with the Defendants.

8. At all relevant times the Defendants materially benefited from the operation of the JINS facility located on Route 45 in Woodstown, New Jersey, including the services of Diana Seamen and the services of those who managed and supervised Diana Seamen.

9. During the time Diana Seamen was employed by the Defendants, she used her position as a counselor to groom and to sexually abuse Plaintiff.

10. To the extent the JINS facility was a different entity, corporation, or organization during the period of time during which Diana Seamen used her position as a counselor to

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sexually abuse Plaintiff, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit and is identified in the Complaint as Defendant County of Salem, Defendant State of New Jersey, Defendant New Jersey Department of Human Services, or as a “John Doe” defendant.

11. All such County, State and/or Department of Human Services related entities, corporations, or organizations are collectively referred to herein as the “Defendants.”

**FACTUAL BACKGROUND: SEXUAL ABUSE OF PLAINTIFF**

12. When Plaintiff was a minor he was a juvenile who was placed in the JINS facility located on Route 45 in Woodstown, New Jersey.

13. At all relevant times the Defendants, and their respective agents, servants, and employees, held Diana Seamen out to the public and to Plaintiff as their agent and employee.

14. At all relevant times the Defendants, and their respective agents, servants, and employees, held Diana Seamen out to the public and to Plaintiff as having been vetted, screened, and approved by those defendants as someone who was safe and could be trusted with children.

15. At all relevant times Plaintiff reasonably relied upon the acts and representations of the Defendants, and their respective agents, servants, and employees, and reasonably believed that Diana Seamen was an agent or employee of those defendants who was vetted, screened, and approved by those defendants and who was safe and could be trusted with children.

16. At all relevant times Plaintiff and his parents trusted Diana Seamen because the Defendants held her out as someone who was safe and could be trusted with the supervision, care, custody, and control of children, including Plaintiff.

17. At all relevant times Plaintiff believed that the Defendants would exercise such care as would a parent of ordinary prudence in comparable circumstances when those

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defendants assumed supervision, care, custody, and control of Plaintiff, including protecting Plaintiff from the danger of being sexually abused.

18. When Plaintiff was a minor, Diana Seamen sexually abused him.

19. Plaintiff was sexually abused by Diana Seamen when Plaintiff was approximately 15 years old.

20. Based on the representations of the Defendants that Diana Seamen was safe and trustworthy, Plaintiff remained under the supervision of, and in the care, custody, and control of, the Defendants and Diana Seamen, including when Plaintiff was sexually abused by Diana Seamen.

21. Plaintiff would not have remained under the supervision of, or in the care, custody, or control of, the Defendants or Diana Seamen if the Defendants had disclosed to Plaintiff that Diana Seamen was not safe and was not trustworthy, and that she in fact posed a danger to Plaintiff in that Diana Seamen was likely to sexually abuse Plaintiff.

22. In approximately 1994, Diana Seamen exploited the trust and authority vested in her by the Defendants by grooming Plaintiff to gain his trust and to obtain control over him as part of Diana Seamen's plan to sexually molest and abuse Plaintiff and other children.

23. Diana Seamen used her position of trust and authority as a counselor of the Defendants to groom Plaintiff and to sexually abuse him, including when Plaintiff was under the supervision of, and in the care, custody, or control of, the Defendants and Diana Seamen.

24. Some of the sexual abuse of Plaintiff by Diana Seamen occurred at the JIFS facility located on Route 45 in Woodstown New Jersey.

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25. Diana Seamen's sexual abuse of Plaintiff occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Defendants, including Diana Seamen's position as a counselor and Plaintiff living at JIFS.

26. At all relevant times Defendants, their agents, servants, and employees, knew or should have known that Diana Seamen was a known sexual abuser of children.

27. At all relevant times it was reasonably foreseeable to Defendants, their agents, servants, and employees that Diana Seamen's sexual abuse of children would likely result in injury to others, including the sexual abuse of Plaintiff and other children by Diana Seamen.

28. Defendants, their agents, servants, and employees knew or should have known that Diana Seamen was sexually abusing children at the JIFS facility located on Route 45 in Woodstown New Jersey, including Plaintiff.

29. The Defendants, and their respective agents, servants, and employees, concealed the sexual abuse of children by Diana Seamen in order to conceal their own bad acts in failing to protect children from her, to protect their reputation, and to prevent victims of such sexual abuse from coming forward during the extremely limited statute of limitations prior to the enactment of the recent amendment that allows Plaintiff to pursue his claim now, despite knowing that Diana Seamen would continue to molest children.

30. The Defendants, and their respective agents, servants, and employees, consciously and recklessly disregarded their knowledge that Diana Seamen would use her position with Defendants to sexually abuse children, including Plaintiff.

31. The Defendants, and their respective agents, servants, and employees, disregarded their knowledge that Diana Seamen would use her position with them to sexually abuse children, including Plaintiff.

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32. Upon information and belief, the Defendants, and their respective agents, servants, and employees, acted in concert with each other and/or with Diana Seamen to conceal the danger that Diana Seamen posed to children, including Plaintiff, so that Diana Seamen could continue serving them despite their knowledge of that danger.

33. The Defendants, and their respective agents, servants, and employees, knew that their negligent, reckless, and outrageous conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including Plaintiff, and Plaintiff did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

34. Upon information and belief, the Defendants, and their respective agents, servants, and employees, concealed the sexual abuse of children by counselors and others in order to conceal their own bad acts in failing to protect children from being abused, to protect their reputation, and to prevent victims of such sexual abuse from coming forward during the extremely limited statute of limitations prior to the enactment of the recent amendment that allows Plaintiff to pursue his claim now, despite knowing that those counselors and others would continue to molest children.

35. The actions of the Defendants, and their respective agents, servants, and employees, were willful, wanton and/or grossly negligent, resulting in the sexual assault and/or other prohibited sexual act of Plaintiff as defined in N.J.S.A. 2A:61B-1.

36. The Defendants, and their respective agents, servants, and employees, were negligent in their hiring, supervision and/or retention of Diana Seamen, resulting in the sexual assault and/or other prohibited sexual act of Plaintiff as defined in N.J.S.A. 2A:61B-1 and N.J.S.A. 2A:30B-2.

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37. By reason of the wrongful acts of the Defendants as detailed herein, Plaintiff sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage.

38. Upon information and belief, some or all of the injuries described above are of a permanent and lasting nature, and Plaintiff has and/or will become obligated to expend sums of money for treatment.

### **CAUSES OF ACTION**

#### **FIRST COUNT**

**(Violation of the New Jersey Child Sex Abuse Act, N.J.S.A. 2A:61B-1, et. seq.)**

1. Plaintiff repeats the allegations above as if set forth fully herein.
2. During the time that Diana Seamen was working for and serving Defendants, she committed “sexual abuse” of Plaintiff as defined by the New Jersey Child Sex Abuse Act.
3. Each Defendant knowingly permitted and/or acquiesced in the sexual abuse of Plaintiff by Diana Seamen in violation of the New Jersey Child Sex Abuse Act.
4. Defendants’ actions constitute malice, vindictiveness, wanton and reckless disregard, and indifference to Plaintiff’s rights and safety.
5. At all relevant times Diana Seamen was an employee or agent of Defendants acting within the scope of her employment or agency. As such, in addition to being directly liable under this cause of action, Defendants are vicariously liable for the torts committed by Diana Seamen under the doctrine of *respondeat superior*.

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6. The actions of the Defendants, and their respective agents, servants, and employees, were willful, wanton and/or grossly negligent, resulting in the sexual assault and/or other prohibited sexual act of Plaintiff as defined in N.J.S.A. 2A:61B-1.

7. As a direct and proximate result of the acts and omissions of each Defendant, Plaintiff suffered and will continue to suffer physically, emotionally, and otherwise.

**WHEREFORE**, Plaintiff demands judgment against Defendants herein for damages in an amount sufficient to compensate him for his compensatory damages, for both physical and emotional pain and suffering, for punitive damage, for costs of suit, for his attorney fees and for such other relief as the Court finds equitable and just.

## SECOND COUNT

### (Negligence)

1. Plaintiff repeats the allegations above as if set forth at length herein.

2. Defendants had a duty to take reasonable steps to protect Plaintiff, a minor, from foreseeable harm when he was in their care, custody, and control.

3. During the time that Diana Seamen was working for and serving Defendants, Defendants had a duty to use reasonable care to prevent Diana Seamen from using the tasks, premises, and instrumentalities of her position with each Defendant to target, groom, and sexually abuse children, including Plaintiff.

4. Each Defendant breached the foregoing duties by failing to use reasonable care to protect Plaintiff from Diana Seamen, which allowed her to groom and to sexually abuse Plaintiff.

5. The Defendants, and their respective agents, servants, and employees, were negligent in their hiring, supervision and/or retention of Diana Seamen, resulting in the sexual

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assault and/or other prohibited sexual act of Plaintiff as defined in N.J.S.A. 2A:61B-1 and N.J.S.A. 2A:30B-2

6. As a direct and proximate result of the acts and omissions of each Defendant, Plaintiff suffered and will continue to suffer physically, emotionally, and otherwise.

**WHEREFORE**, Plaintiff demands judgment against Defendants herein for damages in an amount sufficient to compensate him for his compensatory damages, for both physical and emotional pain and suffering, for punitive damage, for costs of suit and for such other relief as the Court finds equitable and just.

### **THIRD COUNT**

#### **(Intentional and Negligent Infliction of Emotional Distress)**

1. Plaintiff repeats the allegations above as if set forth at length herein.

2. In committing the acts described above, Defendants and Diana Seamen acted intentionally and/or recklessly in deliberate disregard of the high degree of probability of the emotional distress that Plaintiff would suffer.

3. At all relevant times Diana Seamen was an employee or agent of Defendants acting within the scope of her employment or agency. As such, Defendants are vicariously liable for the torts committed by Diana Seamen under the doctrine of *respondeat superior*.

4. In addition, the Defendants are directly liable based on their own reckless, conduct by providing Diana Seamen with access to children, including Plaintiff, despite knowing that she would likely use her position to groom and to sexually abuse them, including Plaintiff.

5. Defendants engaged in reckless conduct by representing to Plaintiff that Diana Seamen was safe and trustworthy, and that all of their employees were safe and trustworthy,

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despite the fact that these defendants knew that sexual predators, like Diana Seamen, were using their positions of power to groom and to sexually abuse children. As a result of this reckless conduct, Diana Seamen used her position with the Defendants to gain access to Plaintiff and to sexually abuse him.

6. The Defendants knew that the foregoing reckless conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and Plaintiff did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

7. As a direct and proximate result of the negligent, reckless and intentional actions of Defendants, Plaintiff suffered and will continue to suffer physically, emotionally, and otherwise.

**WHEREFORE**, Plaintiff demands judgment against Defendants herein for damages in an amount sufficient to compensate him for his compensatory damages, for both physical and emotional pain and suffering, for punitive damages, for costs of suit, for his attorney fees and for such other relief as the Court finds equitable and just.

**FOURTH COUNT**

**(Punitive Damages)**

1. Plaintiff repeats the allegations above as if set forth fully herein.

2. The acts and omissions by each Defendant constitute a wanton and willful disregard of the safety of members of the general public and minors in the care of each Defendant, including Plaintiff.

3. Plaintiff was a person who would foreseeably be harmed by such acts and omissions.

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4. Plaintiff seeks damages pursuant to N.J.S.A. 2A:15-5.9, et seq., Punitive Damages Act.

**WHEREFORE**, Plaintiff demands judgment against Defendants herein for punitive damages, together with interest and costs of suit and other remedies.

**FIFTH COUNT**

**(John Does 1-10)**

1. Plaintiff repeats the allegations above as if set forth fully herein.

2. Defendants, John Does 1-10, are fictitious names intended to represent additional persons or legal entities that may have caused the damages referred to in the preceding paragraphs through their negligent, intentional, and/or outrageous acts, and/or who are otherwise vicariously liable for the wrongful conduct of the named Defendants. These “John Doe” defendants cannot be identified at this time but may be identified through the course of discovery.

3. As a direct and proximate result of the acts and omissions of each Defendant, including Defendants John Doe 1-10, Plaintiff suffered and will continue to suffer physically, emotionally, and otherwise.

**WHEREFORE**, Plaintiff demands judgment against Defendants herein for damages in an amount sufficient to compensate him for his injuries together with interest and costs of suit and other remedies.

**JURY DEMAND**

Please be advised that the Plaintiff, Dennis Bachman, hereby demand(s) a trial by jury on all issues so triable.

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**TRIAL COUNSEL DESIGNATION**

Pursuant to Rule 4:25-4, **Matthew G. Bonanno, Esq.**, has been designated as trial counsel on behalf of the Plaintiff(s) in the above-captioned matter.

**DEMAND FOR INSURANCE INFORMATION**

PURSUANT to Rule 4:10-2(b), demand is hereby made that you disclose to the undersigned whether there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or to indemnify or reimburse for payments made to satisfy the judgment.

( ) Yes ( ) No

If the answer is "yes", attach a copy of each or in the alternative, state under oath or certification:

- a) policy number;
- b) name and address of insurer or issuer;
- c) the inception and expiration dates;
- d) names and addresses of all persons insured thereunder;
- e) personal injury limits;
- f) property damage limits;
- g) medical payment limits;
- h) name and address of person who has custody and possession thereof;
- i) where and when each policy and agreement can be inspected and copied;
- j) whether any Reservation of Rights has been asserted by the carrier and if so, attach a copy of any such reservation.

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**CERTIFICATION**

1. Pursuant to Rule 4:5-1, the undersigned hereby certifies that at the time of filing of this pleading, the matter in controversy is not the subject of any other action pending in any Court and/or Arbitration proceeding.

2. I also understand that at this time there are no other parties to my knowledge, that should be named in this lawsuit.

3. 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.

REBENACK, ARONOW & MASCOLO, LLP  
Attorneys for Plaintiff, Dennis Bachman

By:   
MATTHEW G. BONANNO

Dated: December 1, 2019

Rebenack, Aronow  
& Mascolo, LLP

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# Civil Case Information Statement

**Case Details: SALEM | Civil Part Docket# L-000218-19**

**Case Caption:** BACHMAN DENNIS VS COUNTY OF SALEM

**Case Type:** PERSONAL INJURY

**Case Initiation Date:** 12/01/2019

**Document Type:** NJ eCourts Case Initiation Confirmation

**Attorney Name:** J. SILVIO MASCOLO

**Jury Demand:** YES - 6 JURORS

**Firm Name:** REBENACK, ARONOW & MASCOLO, LLP

**Is this a professional malpractice case?** NO

**Address:** 111 LIVINGSTON AVE

**Related cases pending:** NO

NEW BRUNSWICK NJ 08901

**If yes, list docket numbers:**

**Phone:** 7322473600

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

**Name of Party:** PLAINTIFF : Bachman, Dennis

**Name of Defendant's Primary Insurance Company**

(if known): Unknown

**THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE**

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

**Do parties have a current, past, or recurrent relationship?** NO

**If yes, is that relationship:**

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

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

**Do you or your client need any disability accommodations?** NO

**If yes, please identify the requested accommodation:**

**Will an interpreter be needed?** NO

**If yes, for what language:**

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

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

12/01/2019

Dated

/s/ J. SILVIO MASCOLO

Signed