

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
DUPAGE COUNTY, ILLINOIS

JANE DOE,

Plaintiff,

V.

COMMUNITY HIGH SCHOOL DISTRICT 99,

Defendant.

No.: **2017L001354**



COMPLAINT AT LAW

Plaintiff, JANE DOE, by and through her attorneys, RHATIGAN LAW OFFICES, LLC,
complaining of Defendant, COMMUNITY HIGH SCHOOL DISTRICT 99, alleges as follows:

1. At all times relevant to this cause of action, Defendant, COMMUNITY HIGH SCHOOL DISTRICT 99, was a government entity doing business in Downers Grove, DuPage County, Illinois and was engaged in operating, managing, and controlling public high schools in Downers Grove, DuPage County, Illinois.

2. At all times relevant to this cause of action, Defendant, COMMUNITY HIGH SCHOOL DISTRICT 99, operated, managed, and/or controlled Downers Grove North High School (“DGN”), a public high school located at 4436 Main Street, Downers Grove, DuPage County, Illinois.

3. At all times relevant to this cause of action, Plaintiff, JANE DOE, was a minor and a resident of Downers Grove, DuPage County, Illinois.

4. At all times relevant to this cause of action, Plaintiff, JANE DOE, was a high school student at DGN.

5. Simultaneously with the filing of her original complaint, Plaintiff, JANE DOE filed a Motion to Proceed under a Fictitious Name. (See *Exhibit A*.)

6. In or about 1996 through 2000, Plaintiff, JANE DOE, was a student at DGN.

7. At all times relevant to this cause of action, Defendant, COMMUNITY HIGH SCHOOL DISTRICT 99, employed various personnel including but not limited to principals, teachers, school counselors, teachers' aides, paraprofessionals, janitorial staff, and administrative staff for the purpose of operating, managing, and controlling its schools.

8. At all times relevant to this cause of action, all of the aforementioned personnel were acting in the scope of their employment with and as agents of Defendant, COMMUNITY HIGH SCHOOL DISTRICT 99.

9. At all times relevant to this cause of action, there was in full force and effect an Illinois law known as the Abused and Neglected Child Reporting Act which defines those required to report allegations of sexual abuse to the Illinois Department of Children and Family Services.

10. At all times relevant to this cause of action, Defendant, COMMUNITY HIGH SCHOOL DISTRICT 99, employed William Miller ("Miller") and allowed him to perform various jobs at DGN that involved and required interaction with students.

11. One of Miller's jobs at DGN was organizing and operating the music and band department.

12. At all times relevant to this cause of action, Defendant, COMMUNITY HIGH SCHOOL DISTRICT 99, was responsible for the hiring, training, supervision, assignment, promotion, investigation and removal of its employees and/or agents, including Miller.

13. In or about and before 1996 through 2000 and at all times relevant to this cause of action, Defendant, COMMUNITY HIGH SCHOOL DISTRICT 99, possessed information that Miller was ill-suited for employment involving interactions with minors.

14. In or about and before 1996 through 2000 and at all times relevant to this cause of action, Defendant, COMMUNITY HIGH SCHOOL DISTRICT 99, knew or should have known that Miller had a history of and was continuing to engage in inappropriate sexual behavior with DGN students.

15. At all times relevant to this cause of action, Miller engaged in inappropriate sexual behavior with female DGN students, including Plaintiff, JANE DOE.

16. At all times relevant to this cause of action, Miller provided alcohol to minor female DGN students, including Plaintiff, JANE DOE, in furtherance of his engaging in inappropriate sexual behavior with female DGN students, including Plaintiff, JANE DOE.

17. At all times relevant to this cause of action, Miller spent time alone and unsupervised with female DGN students, including Plaintiff, JANE DOE.

18. At all times relevant to this cause of action, Plaintiff, JANE DOE, trusted and respected Miller as an authority figure empowered by Defendant, COMMUNITY HIGH SCHOOL DISTRICT 99.

19. At all times relevant to this cause of action, Miller was in a position of power and trust as a teacher in comparison to Plaintiff, JANE DOE, his student.

20. At all times relevant to this cause of action, Defendant, COMMUNITY HIGH SCHOOL DISTRICT 99, employees and agents received complaints about Miller's inappropriate and/or suspicious interactions with students.

21. At all times relevant to this cause of action, Defendant, COMMUNITY HIGH SCHOOL DISTRICT 99, knew or should have known that Miller engaged in inappropriate sexual behaviors with minor students, including Plaintiff, JANE DOE.

22. At all times relevant to this cause of action, Defendant, COMMUNITY HIGH SCHOOL DISTRICT 99, knew or should have known that Miller was ill-suited for employment that required interactions with children.

23. From and before approximately 1996 through 2000, and at all times relevant to this cause of action, Miller groomed and otherwise enticed female DGN students, including Plaintiff, JANE DOE, to have sexual relationships while they were minors by providing alcohol and attempting to make emotional connections with the minors, including Plaintiff, JANE DOE.

24. From approximately 1999 through 2000, Miller sexually abused Plaintiff, JANE DOE, on multiple occasions while she was a minor and his student.

25. As of the date of the filing of this cause of action, Miller is still an employee of Defendant, COMMUNITY HIGH SCHOOL DISTRICT 99.

26. At all times relevant to this cause of action, Defendant, COMMUNITY HIGH SCHOOL DISTRICT 99, had a duty to refrain from conduct that showed an utter indifference to or conscious disregard for, the safety of others, and, specifically, the students attending its public schools, including, Plaintiff, JANE DOE.

27. Notwithstanding this duty, Defendant, COMMUNITY HIGH SCHOOL DISTRICT 99, engaged in the following acts and/or omissions that demonstrated an utter indifference to and/or conscious disregard for the safety of its students, including Plaintiff, JANE DOE:

- a. Failed to create, implement, communicate and/or enforce policies and procedures relating to the prevention, detection and/or reporting of sexual abuse of minors;
- b. Failed to create, implement, communicate and/or enforce policies and procedures relating to the prevention, detection and/or reporting of inappropriate conduct by an adult towards a minor;
- c. Failed to investigate allegations of Miller's misconduct towards students;
- d. Allowed Miller to have students in his home or failed to prevent the same;
- e. Allowed Miller to serve alcohol to minors or failed to prevent the same;
- f. Failed to properly supervise Miller;
- g. Failed to report allegations of sexual abuse of children against Miller to the proper authorities, in violation of the Abuse and Neglected Child Reporting Act;
- h. Failed to educate and/or train its employees and agents with respect to the urgency and necessity of reporting allegations of sexual abuse and/or sexually inappropriate conduct by an adult towards a child;
- i. Failed to educate and/or train its employees and agents with respect to conduct that indicates that a person is unfit for work with minors and the importance and urgency of reporting the same;
- j. Continued to employ Miller despite knowledge of evidence that indicated his unfitness for employment with children and/or
- k. Was otherwise willful and wanton in the hiring, supervision, and control of Miller.

28. As a direct and proximate result of one or more of the foregoing willful and wanton acts and/or omissions of Defendant, COMMUNITY HIGH SCHOOL DISTRICT 99, Plaintiff, JANE DOE, was sexually and mentally abused by Miller, causing her personal, permanent, pecuniary, and emotional injuries.

WHEREFORE, Plaintiff, JANE DOE, prays that judgment be entered in her favor and against Defendant, COMMUNITY HIGH SCHOOL DISTRICT 99, in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00), plus costs, reasonable attorneys' fees, interest, and any and other relief this Court deems equitable and just.

Respectfully submitted,

Plaintiff JANE DOE

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