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Attorneys for Plaintiffs

**JOHN DOE AND JANE DOE, h/w,
as parents and natural guardian of
JAMES DOE, a minor, and in their own
right,**

and

**MICHAEL DOE AND MARY DOE, h/w,
as parents and natural guardians of
MARGARET DOE, a minor, and in their
own right,**

and

**KEVIN DOE AND KAREN DOE, h/w,
as parents and natural guardians of
KATHRYN DOE, a minor, and in their
own right,**

and

**THOMAS DOE AND THERESA DOE
as parents and natural guardians of
TIMOTHY DOE, a minor, and in their
own right,**

Plaintiffs,

vs.

**EVANGELICAL LUTHERAN CHURCH:
IN AMERICA, INC., EVANGELICAL
LUTHERAN EDUCATION
ASSOCIATION, NEW JERSEY SYNOD
OF THE EVANGELICAL LUTHERAN
CHURCH IN AMERICA, ST. PAUL'S
EVANGELICAL LUTHERAN
CHURCH, ABC, INC. 1-10 (fictitious
entities) and JOHN DOES 1-10 (fictitious
persons),**

Defendants.

*SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX COUNTY*

DOCKET NUMBER: MID-L-000551-17

CIVIL ACTION

**FIRST AMENDED COMPLAINT AND
JURY DEMAND**

ACCEPTED AT COUNTER

2017 FEB 10 P 2:59

FILED & RECEIVED #5

CIVIL ACTION COMPLAINT

The Plaintiffs, John and Jane Doe, h/w, as parents and natural guardians of James Doe, a minor, and in their own right, Michael and Mary Doe, as parents and natural guardians of Margaret Doe, a minor, and in their own right, Kevin and Karen Doe, as parents and natural guardians of Kathryn Doe, a minor, and in their own right and Thomas and Theresa Doe, as parents and natural guardians of Timothy Doe, a minor, and in their own right (hereinafter referred to collectively as the "Plaintiffs") file this Amended Complaint against Defendants, Evangelical Lutheran Church in America, Inc., Evangelical Lutheran Education Association, New Jersey Synod of the Evangelical Lutheran Church in America, St. Paul's Evangelical Lutheran Church, ABC, Inc. 1-10 (fictitious entities) and John Does 1-10 (fictitious persons), alleging as follows:

1. Plaintiffs, John and Jane Doe (fictitious, anonymous name), husband and wife, are the parents and legal guardians of plaintiff, James Doe, a minor who was sexually assaulted and whose identity and address are not disclosed because of Plaintiffs' desire to keep such information confidential pursuant to New Jersey's Child Sexual Abuse Act. Plaintiffs may be contacted by and through his undersigned counsel whose contact information is provided above.

2. Plaintiffs, Michael and Mary Doe (fictitious, anonymous name), husband and wife, are the parents and legal guardians of plaintiff, Margaret Doe, a minor who was sexually assaulted and whose identity and address are not disclosed because of the Plaintiffs' desire to keep such information confidential pursuant to New Jersey's Child Sexual Abuse Act. Plaintiffs may be contacted by and through their undersigned counsel whose contact information is provided above.

3. Plaintiffs, Kevin and Karen Doe (fictitious, anonymous name), husband and wife, are the parents and legal guardians of plaintiff, Kathryn Doe, a minor who was sexually assaulted and whose identity and address are not disclosed because of the Plaintiffs' desire to keep such

information confidential pursuant to New Jersey's Child Sexual Abuse Act. Plaintiffs may be contacted by and through their undersigned counsel whose contact information is provided above.

4. Plaintiffs, Thomas and Theresa Doe (fictitious, anonymous name), husband and wife, are the parents and legal guardians of plaintiff, Timothy Doe, a minor who was sexually assaulted and whose identity and address are not disclosed because of the Plaintiffs' desire to keep such information confidential pursuant to New Jersey's Child Sexual Abuse Act. Plaintiffs may be contacted by and through their undersigned counsel whose contact information is provided above.

5. Defendant, Evangelical Lutheran Church in America, Inc. is a non-profit organization or other business or religious entity with headquarters located at 8765 W. Higgins Road, Chicago, Illinois 60631-4101 and a registered office address of 1930 Highway 33, Trenton, New Jersey 08690-1714, regularly and continuously conducting business within Middlesex County, New Jersey. ELCA operates, manages, supervises, controls and/or is responsible for "more than 1,500 early childhood education programs, elementary schools and secondary schools. A large majority of these schools are early childhood centers, such as preschools and kindergartens,"¹ including, but not limited to Rejoyce Christian School located at 910 Marne Highway, Hainesport, NJ.

6. Defendant, Evangelical Lutheran Education Association is a non-profit organization or other business or religious entity with headquarters located at 905 E. Calle Adobe Lane, Goodyear, Arizona, 85338-1113, regularly and continuously conducting business within Middlesex County, New Jersey. Per ELCA, "The ELCA churchwide organization works through the association of ELCA Schools and Learning Centers — the Evangelical Lutheran Education

¹ <http://www.elca.org/Our-Work/Congregations-and-Synods/Schools>

Association — to support these schools and centers. The Association provides services to the schools and centers, including accreditation. The Association also supports the ELCA in the use of schooling for mission outreach. Programs of the Association include resources for congregations, pastors, school administrators, principals, directors, schools' boards, committees and parents.”² Upon information and belief, ELEA also trains employees of ELCA early childhood centers, preschools and kindergartens, including, but not limited to, employees working at St. Paul's Evangelical Lutheran Church and Rejoyce Christian School.

7. Defendant, New Jersey Synod of the Evangelical Lutheran Church (hereinafter “the New Jersey Synod”) is a New Jersey non-profit organization or other business or religious entity located at 1930 Highway 33, Trenton, New Jersey 08690-1714, regularly and continuously conducting business within Middlesex County, New Jersey. “The New Jersey Synod is a geographical grouping of Evangelical Lutheran Church in America (ELCA) congregations that share the mission and ministry of the Church on the New Jersey territory,”³ including, but not limited to St. Paul's Evangelical Lutheran Church and Rejoyce Christian School. “It is one of 65 synods in the ELCA. “The NJ Synod is comprised of 172 congregations, which include almost 60,000 baptized members.”⁴

8. Defendant, St. Paul's Evangelical Lutheran Church (hereinafter “St. Paul's”) is a non-profit organization or other business or religious entity located at 910 Marne Highway, Hainesport, New Jersey 08036-266. St. Paul's is a congregation operating under the supervision, control, management and/or authority of ELCA and the New Jersey Synod, as well as ELEA as it pertains to the operation and management of Rejoyce Christian School.

² *Id.*

³ <http://www.njsynod.org/>

⁴ *Id.*

9. Rejoyce Christian School (hereinafter “Rejoyce”) is “an educational and outreach ministry”⁵ of ELCA, ELEA, the New Jersey Synod and Saint Paul’s, operating as an early childhood center and/or preschool for children ages 2-6, located at 910 Marne Highway, Hainesport, New Jersey 08036-266. Rejoyce also provides a before and after-school program for children ages 3-13, as well as a summer camp. Per Rejoyce, Rejoyce has been “an educational pillar for the Hainesport community for 15 years . . . whose mission is to offer the good news of Jesus Christ to children of all faiths and denominations in a gentle and loving environment” where children “are treated with the care, respect, and gentle guidance every child deserves.”⁶

10. At all relevant times, Pastor David Jost served as lead pastor at St. Paul’s, working within the course and scope of his employment/agency with Defendants, ELCA, ELEA, New Jersey Synod and/or St. Paul’s.

11. At all relevant times, Karen M. Boettge was the Director of Rejoyce working within the course and scope of her employment/agency with Defendants ELCA, ELEA, New Jersey Synod and/or St. Paul’s, as well as the Mother of Christopher Evans, a teacher’s aide at Rejoyce who sexually abused numerous children who were under the care of St. Paul’s and/or Rejoyce, including, but not limited to, James Doe. Margaret Doe, Kathryn Doe and Timothy Doe, minor children.

12. At all relevant times, Christopher Evans was a teacher’s aide at Rejoyce working within the course and scope of his employment/agency with Defendants ELCA, ELEA, New Jersey Synod and/or St. Paul’s. Evans was also in charge of the after-school program at Rejoyce.

13. Defendants ABC, Inc. 1-10 are fictitious entities, which employed, supervised, controlled and/or oversaw the New Jersey Synod, St. Paul’s, Rejoyce, Pastor Jost, Karen Boettge

⁵ <http://www.rejoyceschool.org/Pages/default.aspx>

⁶ <http://www.rejoyceschool.org/Pages/aboutus.aspx>

and/or Christopher Evans and/or which otherwise owed a legal duty to Plaintiffs to prevent the incidents of sexual abuse of children at Rejoyce suffered by numerous children at Rejoyce, including, but not limited to, James Doe, Margaret Doe, Kathryn Doe and Timothy Doe, as is more fully alleged herein.

14. Defendants John Does 1-10 are fictitious persons who employed, supervised, controlled and/or oversaw the New Jersey Synod, St. Paul's, Rejoyce, Pastor Jost, Karen Boettge and/or Christopher Evans and/or which otherwise owed a legal duty to Plaintiffs to prevent the incidents of sexual abuse of children at Rejoyce, including the sexual abuse of James Doe, Margaret Doe, Kathryn Doe and Timothy Doe, as are more fully alleged herein.

15. In or around early 2014, upon information and belief, Defendants, ELCA, ELEA, the New Jersey Synod and/or St. Paul's, by and through their employee/agent, Pastor Jost, received numerous complaints from parents of children who were attending Rejoyce regarding Christopher Evans behavior and interaction with children at Rejoyce, including how Evans was "interacting with children on his lap."⁷

16. Because of parents' complaints and concerns regarding Evans' inappropriate behavior and interaction with children at Rejoyce, Defendants, ELCA, ELEA, the New Jersey Synod and/or St. Paul's, by and through their employee/agent, Pastor Jost, instituted a policy that Evans was not to be alone with children at any time at Rejoyce. However, neither Jost nor any of the Defendants or their employees/agents took any further action to enforce said policy or ensure that children would not be alone with Evans at Rejoyce.

17. In fact, Jost chose not to tell parents of children at Rejoyce and/or teachers/employees at Rejoyce about the complaints or the policy concerning Evans not being

⁷ This is a quote from Pastor Jost during a "parents meeting" held in December of 2016 subsequent to the acts of abuse committed by Evans being reported to authorities.

alone with children at Rejoyce. The only person at Rejoyce who Jost told about the complaints or the policy concerning Evans not being alone with children at Rejoyce was Evans' Mother, Karen Boettge, the director of Rejoyce. Thereafter, both Jost and Boettge decided not to report the complaints/behavior of Evans to daycare licensing authorities, local authorities, teachers at Rejoyce or parents of children at Rejoyce.

18. Incredibly, after deciding to conceal the information and policy pertaining to Evans, neither Jost nor Boettge took any action whatsoever to enforce the "policy" that Evans was not allowed to be alone with children, did not supervise Evans thereafter to ensure same, nor did they do anything at all to prevent Evans from harming children at Rejoyce, thereby affirmatively putting children at Rejoyce in imminent danger, all the while knowing that Evans was alone with children who were present at Rejoyce in the after-school program.

19. Furthermore, in May of 2014 as well as April of 2015, Rejoyce was cited by the New Jersey Department of Children and Families Office of Licensing for failing to ensure that Child Abuse Record Information (CARI) checks were completed as required for the sponsor/sponsor representative and all regularly scheduled staff in violation of the Manual of Requirements for Child Care Centers (N.J.A.C. 10:122).

20. Rejoyce was also cited in April of 2015 for failing to ensure that Criminal History Record Information (CHRI) checks were completed as required for the sponsor/sponsor representative and all regularly scheduled staff.

21. James Doe, Margaret Doe, Kathryn Doe and Timothy Doe attended Rejoyce in 2016.

22. James Doe is currently a five-year-old boy.

23. Margaret Doe is currently a five-year-old girl.

24. Kathryn Doe is currently a five-year-old girl.

25. Timothy Doe is currently a five-year-old boy.

26. Over the course of at least 2016 and/or prior to that date, due to the negligence and failures of Defendants ELCA, ELEA, the New Jersey Synod, St. Paul's, ABC, Inc. 1-10 (fictitious entities), and John Does 1-10 (fictitious persons or entities) as described herein, Christopher Evans improperly touched James Doe's genitals, including, but not limited to, touching and licking James Doe's penis.

27. Over the course of at least 2016 and/or prior to that date, due to the negligence and failures of Defendants ELCA, ELEA, the New Jersey Synod, St. Paul's, ABC, Inc. 1-10 (fictitious entities), and John Does 1-10 (fictitious persons or entities) as described herein, on numerous occasions, Christopher Evans improperly touched Margaret Doe's genitals, including, but not limited to putting his fingers inside Margaret Doe's vagina.

28. Over the course of at least 2016 and/or prior to that date, due to the negligence and failures of Defendants ELCA, ELEA, the New Jersey Synod, St. Paul's, ABC, Inc. 1-10 (fictitious entities), and John Does 1-10 (fictitious persons or entities) as described herein, on numerous occasions, Christopher Evans improperly touched Kathryn Doe's genitals, including, but not limited to touching Kathryn Doe's vagina.

29. Over the course of at least 2016 and/or prior to that date, due to the negligence and failures of Defendants ELCA, ELEA, the New Jersey Synod, St. Paul's, ABC, Inc. 1-10 (fictitious entities), and John Does 1-10 (fictitious persons or entities) as described herein, Christopher Evans sexually abused Timothy Doe, including, but not limited to, improperly touching Timothy Doe's genitals.

30. Plaintiffs do not know the precise dates of the abuse as the minor Plaintiffs are five-years-old respectively, and, therefore, cannot aver the specific dates of such events. However, said abuse was reported in December of 2016.

31. As a direct and proximate result of Defendants' negligence and failures, as further described herein, minor-Plaintiff James Doe was harmed and has sustained physical injuries and emotional injuries, including, but not limited to sexual abuse of the genitals, embarrassment, humiliation, stress, anxiety, mental anguish, pain and loss of enjoyment of life and life's pleasures.

32. As a direct and proximate result of Defendants' negligence and failures, as further described herein, minor-Plaintiff Margaret Doe was harmed and has sustained physical injuries and emotional injuries, including, but not limited to sexual abuse of the genitals, embarrassment, humiliation, stress, anxiety, enuresis, mental anguish, pain and loss of enjoyment of life and life's pleasures.

33. As a direct and proximate result of Defendants' negligence and failures, as further described herein, minor-Plaintiff Kathryn Doe was harmed and has sustained physical injuries and emotional injuries, including, but not limited to sexual abuse of the genitals, embarrassment, humiliation, stress, anxiety, mental anguish, pain and loss of enjoyment of life and life's pleasures.

34. As a direct and proximate result of Defendants' negligence and failures, as further described herein, minor-Plaintiff Timothy Doe was harmed and has sustained physical injuries and emotional injuries, including, but not limited to sexual abuse of the genitals, embarrassment, humiliation, stress, anxiety, mental anguish, pain and loss of enjoyment of life and life's pleasures.

35. In or around December of 2016, James Doe reported that he was sexually abused by Evans.

36. Following the reporting of abuse by James Doe, multiple other children, including, but not limited to, Margaret Doe and Kathryn Doe, confirmed that they also were sexually abused by Evans.

37. Upon learning that at least one child was sexually abused by Evans, Defendants, by and through their employees/agents Jost and/or Boettge, chose not to immediately contact parents of children at Rejoyce. Instead, Defendants waited almost a week before doing so.

38. Instead of sending out an emergency email or notification or contacting parents directly to inform them that there was a report that Evans had abused children at Rejoyce, Defendants merely left a letter in children's "cubby" for their parents to read.

39. Upon information and belief, following learning of the reports of Evans sexually abusing children at Rejoyce, Evans continued to have security access to Rejoyce.

40. Upon information and belief, following learning of reports of Evans sexually abusing children at Rejoyce and consistent with his culture of secrecy concerning Evans, Pastor Jost incredibly required teachers at Rejoyce to sign a non-disclosure agreement regarding the circumstances surrounding Evans such that they were prevented from talking to anyone, including parents of children at Rejoyce, concerning the circumstances surrounding Evans.

41. Shortly thereafter, Pastor Jost organized a "parents meeting" at St. Paul's in December of 2016.

42. At the meeting, Jost, for the first time, upon questioning and pressure from parents during the meeting, revealed that he had received complaints from parents of children back in early 2014 regarding Evans' interaction with children at Rejoyce, including, Evans' behavior with children while in his lap.

43. Jost also admitted that the only person at Rejoyce he informed about the complaints regarding Evans and his policy concerning Evans not being alone with children at Rejoyce was Evans' Mother, Director Karen Boettge. He also confirmed that he did not inform teachers at Rejoyce of either the complaints or the policy concerning Evans.

44. Jost also agreed at the meeting that Evans should have been removed from Rejoyce in 2014 following the complaints, that the abuse of children in 2016 could have been prevented if he did so and that he "screwed up big time" and that he was "very, very sorry."

COUNT I – NEGLIGENCE

Plaintiffs John, Jane and James Doe v. Defendants ELCA, ELEA, New Jersey Synod and St. Paul's

45. Plaintiffs incorporate herein by reference all the allegations contained in the above paragraphs and throughout this entire Complaint as if same were fully stated herein at length.

46. At all relevant times herein, Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's managed, controlled, operated and/or otherwise supervised a licensed child care center, namely, Rejoyce, and engaged in the business, inter alia, of providing child care services, early childhood education, before and after-school programs and preschool for children ages 2-13.

47. At all times relevant herein, Defendants stood *in loco parentis* for the children who were entrusted to their care, including, but not limited to, James Doe.

48. At all times relevant hereto, Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's were responsible for certifying the employees at St. Paul's and/or Rejoyce to perform their functions as employees/agents of Defendants, including but not limited to Jost, Boettge and Evans. Without the explicit authorization and sanction of Defendants, the individuals involved in the abuse/neglect described more fully above could not have been involved in the care of minor-Plaintiffs.

49. Upon information and belief, the conduct of Jost, Boettge and/or Evans as described more fully above was also was authorized, sanctioned, ratified, acquiesced in and/or approved by Defendants ELCA, ELEA, the New Jersey Synod and/or St. Paul's. All the employees'/agents' acts were performed within the scope of their authority and for the benefit of Defendants during the normal course of their routine and regular employee duties.

50. Upon information and belief, Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's had actual and/or constructive knowledge that several of their employees/agents were a danger to young children at Rejoyce and of the misconduct alleged herein which resulted in physical/metal injury to minor Plaintiff James Doe and they did nothing to stop it. Defendants had actual or constructive knowledge and/or actual notice of prior misconduct by their employees/agents which endangered young children at Rejoyce and subjected them to sexual abuse.

51. At all times relevant hereto, Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's were responsible for the management, operation, supervision and/or control of St. Paul's and/or Rejoyce, including its employees/agents and employees/agents involved in the abuse/neglect of minor Plaintiff James Doe.

52. At all times relevant hereto, Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's were also responsible for the construction, implementation and enforcement of policies to prevent sexual abuse of children at Rejoyce as well as the screening, supervising, training and/or hiring of employees/agents at St. Paul's and/or Rejoyce.

53. Thus, Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's and their officers owed a duty to children at Rejoyce which Plaintiff asserts was negligently breached, leading to minor-Plaintiffs' injuries, as are more fully described herein.

54. Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's and their officers owed a duty to children at Rejoyce, including but not limited to, minor-Plaintiffs, to exercise ordinary care by not causing unnecessary risk to their health and safety through personal interactions with Defendants.

55. The negligence of Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's includes, but is not limited to, *inter alia*, the following:

- a. Failing to adopt, enforce, and/or follow adequate policies and procedures for the protection and reasonable supervision of children who attended Rejoyce including, but not limited to, James Doe;
- b. Alternatively, failing to implement and comply with such policies and procedures that had been adopted;
- c. Negligently failing to train its employees/agents, pastor, director and/or teachers to provide reasonable supervision of children who attend Rejoyce;
- d. Negligently hiring, supervising, retaining and/or training Pastor Jost;
- e. Negligently hiring, supervising retaining and/or training Karen Boettge;
- f. Negligently hiring, supervising and/or retaining Christopher Evans;
- g. Failing to train officers and/or employees/agents of the New Jersey Synod and/or St. Paul's of the need to develop adequate policies for the safety of children, including the implementation for clear and strict guidelines for interactions with children;
- h. Failing to terminate, remove and/or limit Christopher Evans' contact with children after receiving complaints regarding his behavior and interaction with children at Rejoyce in 2014;

- i. Failing to warn and/or inform parents and/or children at Rejoyce of the danger posed by Christopher Evans;
- j. Failing to prevent the isolation of children at Rejoyce, including James Doe and other minors who were sexually assaulted by Christopher Evans;
- k. Failing to implement, enforce, and/or follow adequate protective and supervisory measures for the protection of children at Rejoyce, including but not limited to the New Jersey Manual for Requirements of Child Care Centers;
- l. Failing to exercise due care under all the circumstances;
- m. Violating assumed duties under its own procedures, policies, and protocols for sexual abuse, misconduct and reporting of same;
- n. Failing to provide adequate supervision of minor Plaintiffs while in Defendant's sole and exclusive custody, management and control at its facility;
- o. Failing to provide for the protection of health, safety, well-being, and positive development of minor Plaintiffs while they were in the sole and exclusive custody, management, and control at its facility;
- p. Failing to ensure that Defendants' agents or employees who were directly acting and/or providing care to minor Plaintiffs were qualified, competent, and/or adequately trained to effectively carry out its/their responsibilities;
- q. Failing to ensure that minor Plaintiffs would be reasonably safe and their physical and mental health would not be jeopardized when left alone with the Defendant's agents or employees, including, but not limited to, Christopher Evans;

- r. Failing to report reasonable suspicion of child abuse and/or inappropriate behavior to parents of children at Rejoyce, local authorities and/or the Department of Children and Families Office of Licensing;
- s. Failing to maintain an organized system of business and management and sufficient staff to adequately fulfill direct child care functions for minor Plaintiffs while they were in the sole and exclusive custody, management, and control of St. Paul's and/or Rejoyce;
- t. Failing to develop, adopt, follow, and maintain written policies and procedures for handling incidents of inappropriate behavior by staff, suspected child abuse or neglect which occurred before and while minor Plaintiffs were in the sole and exclusive custody, management, and control of the Defendants' child care center;
- u. Failing to provide a safe environment for minor Plaintiffs, instead they were subject to humiliation, fear and/or sexual abuse by the Defendant's staff, prohibited by and in direct violation of New Jersey requirements for child care centers;
- v. Failing to establish an organized system of communicating with the parents of minor Plaintiffs in terms of a proper procedure for making and handling complaints and concerns about the Defendants' center;
- w. Failing to protect minor Plaintiffs from physical and/or sexual abuse while under Defendants' sole and exclusive custody, management and control at its facility; and
- x. Failing to conduct and/or negligently conducting background checks or screenings of its employee/ agents working at St. Paul's and/or Rejoyce.

56. As a direct and proximate result of Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's negligence, minor Plaintiff James Doe was harmed and has sustained physical injuries, emotional injuries, mental anguish, embarrassment, humiliation, pain, diminished childhood, loss of life and life's pleasures, many of which are permanent and continuing in nature.

57. As a direct and proximate result of Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's negligence, minor Plaintiff James Doe has been and will into the future be caused to incur medical expenses, including counseling.

58. As a direct and proximate result of Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's negligence, minor Plaintiff James Doe will likely incur a loss of earning capacity in the future.

59. The injuries outlined herein were caused by the negligence of Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's, with the negligence and other tortious conduct of other Defendants further alleged throughout this Complaint, and was in no manner whatsoever due to any act or failure to act of Plaintiffs John, Jane or James Doe.

60. In the alternative, Defendants ABC, Inc. 1-10 (fictitious entities) and/or John Does 1-10 (fictitious persons), through its servants, agents, or employees, were negligent for the reasons outlined above and such violations directly and proximately caused minor Plaintiff James Doe's injuries and damages, also outlined above.

WHEREFORE, Plaintiffs John and Jane Doe, as parents and natural guardians of James Doe, a minor, and in their own right, demand judgment against Defendants ELCA, ELEA, the New Jersey Synod, St. Paul's, ABC, Inc. 1-10 (fictitious entities), and John Does 1-10 (fictitious persons), jointly and severally with all other defendants and individually and collectively for

damages, interest, cost of suit, punitive damages and such other remedies as this Honorable Court deems equitable, just and proper.

COUNT II – NEGLIGENCE

Plaintiffs Michael, Mary and Margaret Doe v. Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's

61. Plaintiffs incorporate herein by reference all the allegations contained in the above paragraphs and throughout this entire Complaint as if same were fully stated herein at length.

62. At all relevant times herein, Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's managed, controlled, operated and/or otherwise supervised a licensed child care center, namely, Rejoyce, and engaged in the business, inter alia, of providing child care services, early childhood education, before and after-school programs and preschool for children ages 2-13.

63. At all times relevant herein, Defendants stood *in loco parentis* for the children who were entrusted to their care, including, but not limited to, Margaret Doe.

64. At all times relevant hereto, Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's were responsible for certifying the employees at St. Paul's and/or Rejoyce to perform their functions as employees/agents of Defendants, including but not limited to Jost, Boettge and Evans. Without the explicit authorization and sanction of Defendants, the individuals involved in the abuse/neglect described more fully above could not have been involved in the care of minor-Plaintiffs.

65. Upon information and belief, the conduct of Jost, Boettge and/or Evans as described more fully above was also was authorized, sanctioned, ratified, acquiesced in and/or approved by Defendants ELCA, ELEA, the New Jersey Synod and/or St. Paul's. All the employees'/agents' acts were performed within the scope of their authority and for the benefit of Defendants during the normal course of their routine and regular employee duties.

66. Upon information and belief, Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's had actual and/or constructive knowledge that several of their employees/agents were a danger to young children at Rejoyce and of the misconduct alleged herein which resulted in physical/metal injury to minor Plaintiff Margaret Doe and they did nothing to stop it. Defendants had actual or constructive knowledge and/or actual notice of prior misconduct by their employees/agents which endangered young children at Rejoyce and subjected them to sexual abuse.

67. At all times relevant hereto, Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's were responsible for the management, operation, supervision and/or control of St. Paul's and/or Rejoyce, including its employees/agents and employees/agents involved in the abuse/neglect of minor Plaintiff Margaret Doe.

68. At all times relevant hereto, Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's were also responsible for the construction, implementation and enforcement of policies to prevent sexual abuse of children at Rejoyce as well as the screening, supervising, training and/or hiring of employees/agents at St. Paul's and/or Rejoyce.

69. Thus, Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's and their officers owed a duty to children at Rejoyce which Plaintiff asserts was negligently breached, leading to minor-Plaintiffs' injuries, as are more fully described herein.

70. Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's and their officers owed a duty to children at Rejoyce, including but not limited to, minor-Plaintiffs, to exercise ordinary care by not causing unnecessary risk to their health and safety through personal interactions with Defendants.

71. The negligence of Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's includes, but is not limited to, *inter alia*, the following:

- a. Failing to adopt, enforce, and/or follow adequate policies and procedures for the protection and reasonable supervision of children who attended Rejoyce including, but not limited to, Margaret Doe;
- b. Alternatively, failing to implement and comply with such policies and procedures that had been adopted;
- c. Negligently failing to train its employees/agents, pastor, director and/or teachers to provide reasonable supervision of children who attend Rejoyce;
- d. Negligently hiring, supervising, retaining and/or training Pastor Jost;
- e. Negligently hiring, supervising retaining and/or training Karen Boettge;
- f. Negligently hiring, supervising and/or retaining Christopher Evans;
- g. Failing to train officers and/or employees/agents of the New Jersey Synod and/or St. Paul's of the need to develop adequate policies for the safety of children, including the implementation for clear and strict guidelines for interactions with children;
- h. Failing to terminate, remove and/or limit Christopher Evans' contact with children after receiving complaints regarding his behavior and interaction with children at Rejoyce in 2014;
- i. Failing to warn and/or inform parents and/or children at Rejoyce of the danger posed by Christopher Evans;
- j. Failing to prevent the isolation of children at Rejoyce, including Margaret Doe and other minors who were sexually assaulted by Christopher Evans;

- k. Failing to implement, enforce, and/or follow adequate protective and supervisory measures for the protection of children at Rejoyce, including but not limited to the New Jersey Manual for Requirements of Child Care Centers;
- l. Failing to exercise due care under all the circumstances;
- m. Violating assumed duties under its own procedures, policies, and protocols for sexual abuse, misconduct and reporting of same;
- n. Failing to provide adequate supervision of minor Plaintiffs while in Defendant's sole and exclusive custody, management and control at its facility;
- o. Failing to provide for the protection of health, safety, well-being, and positive development of minor Plaintiffs while they were in the sole and exclusive custody, management, and control at its facility;
- p. Failing to ensure that Defendants' agents or employees who were directly acting and/or providing care to minor Plaintiffs were qualified, competent, and/or adequately trained to effectively carry out its/their responsibilities;
- q. Failing to ensure that minor Plaintiffs would be reasonably safe and their physical and mental health would not be jeopardized when left alone with the Defendant's agents or employees, including, but not limited to, Christopher Evans;
- r. Failing to report reasonable suspicion of child abuse and/or inappropriate behavior to parents of children at Rejoyce, local authorities and/or the Department of Children and Families Office of Licensing;

- s. Failing to maintain an organized system of business and management and sufficient staff to adequately fulfill direct child care functions for minor Plaintiffs while they were in the sole and exclusive custody, management, and control of St. Paul's and/or Rejoyce;
- t. Failing to develop, adopt, follow, and maintain written policies and procedures for handling incidents of inappropriate behavior by staff, suspected child abuse or neglect which occurred before and while minor Plaintiffs were in the sole and exclusive custody, management, and control of the Defendants' child care center;
- u. Failing to provide a safe environment for minor Plaintiffs, instead they were subject to humiliation, fear and/or sexual abuse by the Defendant's staff, prohibited by and in direct violation of New Jersey requirements for child care centers;
- v. Failing to establish an organized system of communicating with the parents of minor Plaintiffs in terms of a proper procedure for making and handling complaints and concerns about the Defendants' center;
- w. Failing to protect minor Plaintiffs from physical and/or sexual abuse while under Defendants' sole and exclusive custody, management and control at its facility; and
- x. Failing to conduct and/or negligently conducting background checks or screenings of its employee/ agents working at St. Paul's and/or Rejoyce.

72. As a direct and proximate result of Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's negligence, minor Plaintiff Margaret Doe was harmed and has sustained

physical injuries, emotional injuries, mental anguish, embarrassment, humiliation, pain, diminished childhood, loss of life and life's pleasures, many of which are permanent and continuing in nature.

73. As a direct and proximate result of Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's negligence, minor Plaintiff Margaret Doe has been and will into the future be caused to incur medical expenses, including counseling.

74. As a direct and proximate result of Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's negligence, minor Plaintiff Margaret Doe will likely incur a loss of earning capacity in the future.

75. The injuries outlined herein were caused by the negligence of Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's, with the negligence and other tortious conduct of other Defendants further alleged throughout this Complaint, and was in no manner whatsoever due to any act or failure to act of Plaintiffs Michael, Mary or Margaret Doe.

76. In the alternative, Defendants ABC, Inc. 1-10 (fictitious entities) and/or John Does 1-10 (fictitious persons), through its servants, agents, or employees, were negligent for the reasons outlined above and such violations directly and proximately caused minor Plaintiff Margaret Doe's injuries and damages, also outlined above.

WHEREFORE, Plaintiffs Michael and Mary Doe, as parents and natural guardians of Margaret Doe, a minor, and in their own right, demand judgment against Defendants ELCA, ELEA, the New Jersey Synod, St. Paul's, ABC, Inc. 1-10 (fictitious entities), and John Does 1-10 (fictitious persons), jointly and severally with all other defendants and individually and collectively for damages, interest, cost of suit, punitive damages and such other remedies as this Honorable Court deems equitable, just and proper.

COUNT III – NEGLIGENCE

Plaintiffs Kevin, Karen and Kathryn Doe v. Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's

77. Plaintiffs incorporate herein by reference all the allegations contained in the above paragraphs and throughout this entire Complaint as if same were fully stated herein at length.

78. At all relevant times herein, Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's managed, controlled, operated and/or otherwise supervised a licensed child care center, namely, Rejoyce, and engaged in the business, inter alia, of providing child care services, early childhood education, before and after-school programs and preschool for children ages 2-13.

79. At all times relevant herein, Defendants stood *in loco parentis* for the children who were entrusted to their care, including, but not limited to, Kathryn Doe.

80. At all times relevant hereto, Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's were responsible for certifying the employees at St. Paul's and/or Rejoyce to perform their functions as employees/agents of Defendants, including but not limited to Jost, Boettge and Evans. Without the explicit authorization and sanction of Defendants, the individuals involved in the abuse/neglect described more fully above could not have been involved in the care of minor-Plaintiffs.

81. Upon information and belief, the conduct of Jost, Boettge and/or Evans as described more fully above was also was authorized, sanctioned, ratified, acquiesced in and/or approved by Defendants ELCA, ELEA, the New Jersey Synod and/or St. Paul's. All the employees'/agents' acts were performed within the scope of their authority and for the benefit of Defendants during the normal course of their routine and regular employee duties.

82. Upon information and belief, Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's had actual and/or constructive knowledge that several of their employees/agents were a

danger to young children at Rejoyce and of the misconduct alleged herein which resulted in physical/metal injury to minor Plaintiff Kathryn Doe and they did nothing to stop it. Defendants had actual or constructive knowledge and/or actual notice of prior misconduct by their employees/agents which endangered young children at Rejoyce and subjected them to sexual abuse.

83. At all times relevant hereto, Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's were responsible for the management, operation, supervision and/or control of St. Paul's and/or Rejoyce, including its employees/agents and employees/agents involved in the abuse/neglect of minor Plaintiff Kathryn Doe.

84. At all times relevant hereto, Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's were also responsible for the construction, implementation and enforcement of policies to prevent sexual abuse of children at Rejoyce as well as the screening, supervising, training and/or hiring of employees/agents at St. Paul's and/or Rejoyce.

85. Thus, Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's and their officers owed a duty to children at Rejoyce which Plaintiff asserts was negligently breached, leading to minor-Plaintiffs' injuries, as are more fully described herein.

86. Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's and their officers owed a duty to children at Rejoyce, including but not limited to, minor-Plaintiffs, to exercise ordinary care by not causing unnecessary risk to their health and safety through personal interactions with Defendants.

87. The negligence of Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's includes, but is not limited to, *inter alia*, the following:

- a. Failing to adopt, enforce, and/or follow adequate policies and procedures for the protection and reasonable supervision of children who attended Rejoyce including, but not limited to, Kathryn Doe;
- b. Alternatively, failing to implement and comply with such policies and procedures that had been adopted;
- c. Negligently failing to train its employees/agents, pastor, director and/or teachers to provide reasonable supervision of children who attend Rejoyce;
- d. Negligently hiring, supervising, retaining and/or training Pastor Jost;
- e. Negligently hiring, supervising retaining and/or training Karen Boettge;
- f. Negligently hiring, supervising and/or retaining Christopher Evans;
- g. Failing to train officers and/or employees/agents of the New Jersey Synod and/or St. Paul's of the need to develop adequate policies for the safety of children, including the implementation for clear and strict guidelines for interactions with children;
- h. Failing to terminate, remove and/or limit Christopher Evans' contact with children after receiving complaints regarding his behavior and interaction with children at Rejoyce in 2014;
- i. Failing to warn and/or inform parents and/or children at Rejoyce of the danger posed by Christopher Evans;
- j. Failing to prevent the isolation of children at Rejoyce, including Kathryn Doe and other minors who were sexually assaulted by Christopher Evans;
- k. Failing to implement, enforce, and/or follow adequate protective and supervisory measures for the protection of children at Rejoyce, including

but not limited to the New Jersey Manual for Requirements of Child Care Centers;

- l. Failing to exercise due care under all the circumstances;
- m. Violating assumed duties under its own procedures, policies, and protocols for sexual abuse, misconduct and reporting of same;
- n. Failing to provide adequate supervision of minor Plaintiffs while in Defendant's sole and exclusive custody, management and control at its facility;
- o. Failing to provide for the protection of health, safety, well-being, and positive development of minor Plaintiffs while they were in the sole and exclusive custody, management, and control at its facility;
- p. Failing to ensure that Defendants' agents or employees who were directly acting and/or providing care to minor Plaintiffs were qualified, competent, and/or adequately trained to effectively carry out its/their responsibilities;
- q. Failing to ensure that minor Plaintiffs would be reasonably safe and their physical and mental health would not be jeopardized when left alone with the Defendant's agents or employees, including, but not limited to, Christopher Evans;
- r. Failing to report reasonable suspicion of child abuse and/or inappropriate behavior to parents of children at Rejoyce, local authorities and/or the Department of Children and Families Office of Licensing;
- s. Failing to maintain an organized system of business and management and sufficient staff to adequately fulfill direct child care functions for minor

Plaintiffs while they were in the sole and exclusive custody, management, and control of St. Paul's and/or Rejoyce;

- t. Failing to develop, adopt, follow, and maintain written policies and procedures for handling incidents of inappropriate behavior by staff, suspected child abuse or neglect which occurred before and while minor Plaintiffs were in the sole and exclusive custody, management, and control of the Defendants' child care center;
- u. Failing to provide a safe environment for minor Plaintiffs, instead they were subject to humiliation, fear and/or sexual abuse by the Defendant's staff, prohibited by and in direct violation of New Jersey requirements for child care centers;
- v. Failing to establish an organized system of communicating with the parents of minor Plaintiffs in terms of a proper procedure for making and handling complaints and concerns about the Defendants' center;
- w. Failing to protect minor Plaintiffs from physical and/or sexual abuse while under Defendants' sole and exclusive custody, management and control at its facility; and
- x. Failing to conduct and/or negligently conducting background checks or screenings of its employee/ agents working at St. Paul's and/or Rejoyce.

88. As a direct and proximate result of Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's negligence, minor Plaintiff Kathryn Doe was harmed and has sustained physical injuries, emotional injuries, mental anguish, embarrassment, humiliation, pain,

diminished childhood, loss of life and life's pleasures, many of which are permanent and continuing in nature.

89. As a direct and proximate result of Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's negligence, minor Plaintiff Kathryn Doe has been and will into the future be caused to incur medical expenses, including counseling.

90. As a direct and proximate result of Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's negligence, minor Plaintiff Kathryn Doe will likely incur a loss of earning capacity in the future.

91. The injuries outlined herein were caused by the negligence of Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's, with the negligence and other tortious conduct of other Defendants further alleged throughout this Complaint, and was in no manner whatsoever due to any act or failure to act of Plaintiffs Kevin, Karen or Kathryn Doe.

92. In the alternative, Defendants ABC, Inc. 1-10 (fictitious entities) and/or John Does 1-10 (fictitious persons), through its servants, agents, or employees, were negligent for the reasons outlined above and such violations directly and proximately caused minor Plaintiff Margaret Doe's injuries and damages, also outlined above.

WHEREFORE, Plaintiffs Kevin and Karen Doe, as parents and natural guardians of Kathryn Doe, a minor, and in their own right, demand judgment against Defendants ELCA, ELEA, the New Jersey Synod, St. Paul's, ABC, Inc. 1-10 (fictitious entities), and John Does 1-10 (fictitious persons), jointly and severally with all other defendants and individually and collectively for damages, interest, cost of suit, punitive damages and such other remedies as this Honorable Court deems equitable, just and proper.

COUNT IV – NEGLIGENCE

Plaintiffs Thomas, Theresa and Timothy Doe v. Defendants ELCA, ELEA, New Jersey Synod and St. Paul's

93. Plaintiffs incorporate herein by reference all the allegations contained in the above paragraphs and throughout this entire Complaint as if same were fully stated herein at length.

94. At all relevant times herein, Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's managed, controlled, operated and/or otherwise supervised a licensed child care center, namely, Rejoyce, and engaged in the business, inter alia, of providing child care services, early childhood education, before and after-school programs and preschool for children ages 2-13.

95. At all times relevant herein, Defendants stood *in loco parentis* for the children who were entrusted to their care, including, but not limited to, Timothy Doe.

96. At all times relevant hereto, Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's were responsible for certifying the employees at St. Paul's and/or Rejoyce to perform their functions as employees/agents of Defendants, including but not limited to Jost, Boettge and Evans. Without the explicit authorization and sanction of Defendants, the individuals involved in the abuse/neglect described more fully above could not have been involved in the care of minor-Plaintiffs.

97. Upon information and belief, the conduct of Jost, Boettge and/or Evans as described more fully above was also was authorized, sanctioned, ratified, acquiesced in and/or approved by Defendants ELCA, ELEA, the New Jersey Synod and/or St. Paul's. All the employees'/agents' acts were performed within the scope of their authority and for the benefit of Defendants during the normal course of their routine and regular employee duties.

98. Upon information and belief, Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's had actual and/or constructive knowledge that several of their employees/agents were a

danger to young children at Rejoyce and of the misconduct alleged herein which resulted in physical/metal injury to minor Plaintiff Timothy Doe and they did nothing to stop it. Defendants had actual or constructive knowledge and/or actual notice of prior misconduct by their employees/agents which endangered young children at Rejoyce and subjected them to sexual abuse.

99. At all times relevant hereto, Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's were responsible for the management, operation, supervision and/or control of St. Paul's and/or Rejoyce, including its employees/agents and employees/agents involved in the abuse/neglect of minor Plaintiff Timothy Doe.

100. At all times relevant hereto, Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's were also responsible for the construction, implementation and enforcement of policies to prevent sexual abuse of children at Rejoyce as well as the screening, supervising, training and/or hiring of employees/agents at St. Paul's and/or Rejoyce.

101. Thus, Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's and their officers owed a duty to children at Rejoyce which Plaintiff asserts was negligently breached, leading to minor-Plaintiffs' injuries, as are more fully described herein.

102. Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's and their officers owed a duty to children at Rejoyce, including but not limited to, minor-Plaintiffs, to exercise ordinary care by not causing unnecessary risk to their health and safety through personal interactions with Defendants.

103. The negligence of Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's includes, but is not limited to, *inter alia*, the following:

- a. Failing to adopt, enforce, and/or follow adequate policies and procedures for the protection and reasonable supervision of children who attended Rejoyce including, but not limited to, Timothy Doe;
- b. Alternatively, failing to implement and comply with such policies and procedures that had been adopted;
- c. Negligently failing to train its employees/agents, pastor, director and/or teachers to provide reasonable supervision of children who attend Rejoyce;
- d. Negligently hiring, supervising, retaining and/or training Pastor Jost;
- e. Negligently hiring, supervising retaining and/or training Karen Boettge;
- f. Negligently hiring, supervising and/or retaining Christopher Evans;
- g. Failing to train officers and/or employees/agents of the New Jersey Synod and/or St. Paul's of the need to develop adequate policies for the safety of children, including the implementation for clear and strict guidelines for interactions with children;
- h. Failing to terminate, remove and/or limit Christopher Evans' contact with children after receiving complaints regarding his behavior and interaction with children at Rejoyce in 2014;
- i. Failing to warn and/or inform parents and/or children at Rejoyce of the danger posed by Christopher Evans;
- j. Failing to prevent the isolation of children at Rejoyce, including Timothy Doe and other minors who were sexually assaulted by Christopher Evans;

- k. Failing to implement, enforce, and/or follow adequate protective and supervisory measures for the protection of children at Rejoyce, including but not limited to the New Jersey Manual for Requirements of Child Care Centers;
- l. Failing to exercise due care under all the circumstances;
- m. Violating assumed duties under its own procedures, policies, and protocols for sexual abuse, misconduct and reporting of same;
- n. Failing to provide adequate supervision of minor Plaintiffs while in Defendant's sole and exclusive custody, management and control at its facility;
- o. Failing to provide for the protection of health, safety, well-being, and positive development of minor Plaintiffs while they were in the sole and exclusive custody, management, and control at its facility;
- p. Failing to ensure that Defendants' agents or employees who were directly acting and/or providing care to minor Plaintiffs were qualified, competent, and/or adequately trained to effectively carry out its/their responsibilities;
- q. Failing to ensure that minor Plaintiffs would be reasonably safe and their physical and mental health would not be jeopardized when left alone with the Defendant's agents or employees, including, but not limited to, Christopher Evans;
- r. Failing to report reasonable suspicion of child abuse and/or inappropriate behavior to parents of children at Rejoyce, local authorities and/or the Department of Children and Families Office of Licensing;
- s. Failing to maintain an organized system of business and management and sufficient staff to adequately fulfill direct child care functions for minor Plaintiffs

while they were in the sole and exclusive custody, management, and control of St. Paul's and/or Rejoyce;

t. Failing to develop, adopt, follow, and maintain written policies and procedures for handling incidents of inappropriate behavior by staff, suspected child abuse or neglect which occurred before and while minor Plaintiffs were in the sole and exclusive custody, management, and control of the Defendants' child care center;

u. Failing to provide a safe environment for minor Plaintiffs, instead they were subject to humiliation, fear and/or sexual abuse by the Defendant's staff, prohibited by and in direct violation of New Jersey requirements for child care centers;

v. Failing to establish an organized system of communicating with the parents of minor Plaintiffs in terms of a proper procedure for making and handling complaints and concerns about the Defendants' center;

w. Failing to protect minor Plaintiffs from physical and/or sexual abuse while under Defendants' sole and exclusive custody, management and control at its facility; and

x. Failing to conduct and/or negligently conducting background checks or screenings of its employee/ agents working at St. Paul's and/or Rejoyce.

104. As a direct and proximate result of Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's negligence, minor Plaintiff Timothy Doe was harmed and has sustained physical injuries, emotional injuries, mental anguish, embarrassment, humiliation, pain, diminished childhood, loss of life and life's pleasures, many of which are permanent and continuing in nature.

105. As a direct and proximate result of Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's negligence, minor Plaintiff Timothy Doe has been and will into the future be caused to incur medical expenses, including counseling.

106. As a direct and proximate result of Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's negligence, minor Plaintiff Timothy Doe will likely incur a loss of earning capacity in the future.

107. The injuries outlined herein were caused by the negligence of Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's, with the negligence and other tortious conduct of other Defendants further alleged throughout this Complaint, and was in no manner whatsoever due to any act or failure to act of Plaintiffs Thomas, Theresa and Timothy Doe.

108. In the alternative, Defendants ABC, Inc. 1-10 (fictitious entities) and/or John Does 1-10 (fictitious persons), through its servants, agents, or employees, were negligent for the reasons outlined above and such violations directly and proximately caused minor Plaintiff Timothy Doe's injuries and damages, also outlined above.

WHEREFORE, Plaintiffs Thomas and Theresa Doe, as parents and natural guardians of Timothy Doe, a minor, and in their own right, demand judgment against Defendants ELCA, ELEA, the New Jersey Synod, St. Paul's, ABC, Inc. 1-10 (fictitious entities), and John Does 1-10 (fictitious persons), jointly and severally with all other defendants and individually and collectively for damages, interest, cost of suit, punitive damages and such other remedies as this Honorable Court deems equitable, just and proper.

COUNT V – VIOLATION OF THE CHILD SEXUAL ABUSE ACT, N.J.S.A. 2A:61B-1
Plaintiffs John, Jane and James Doe v. Defendants ELCA, ELEA, New Jersey
Synod and St. Paul's

109. Plaintiff incorporates herein by reference all the allegations contained in the above paragraphs and throughout this entire Complaint as if same were fully stated herein at length.

110. Defendants, by their operation of Rejoyce, a child care center, are considered “A parent, resource family parent, guardian or other person standing *in loco parentis* within the household” within the meaning of N.J.S.A. § 2A:61B-1.

111. Defendants, by their actions described more fully above, by way of constructive or actual knowledge, knowingly permitted or acquiesced to the sexual abuse committed by Christopher Evans upon James Doe within the meaning of the N.J.S.A. § 2A:61B-1.

112. Plaintiffs, John and Jane Doe, on behalf of their minor child, James Doe, seeks all damages available under N.J.S.A. § 2A:61B-1(h) against Defendants including, but not limited to, compensatory damages, punitive damages, costs of suit, reasonable attorney’s fees, and such other relief as this Honorable Court deems equitable, just, and proper.

WHEREFORE, Plaintiffs John and Jane Doe, as parents and natural guardians of James Doe, a minor, and in their own right, demand judgment against Defendants ELCA, ELEA, the New Jersey Synod, St. Paul’s, ABC, Inc. 1-10 (fictitious entities), and John Does 1-10 (fictitious persons), jointly and severally with all other defendants and individually and collectively for damages, interest, cost of suit, punitive damages and such other remedies as this Honorable Court deems equitable, just and proper.

COUNT VI – VIOLATION OF THE CHILD SEXUAL ABUSE ACT, N.J.S.A. 2A:61B-1
Plaintiffs Michael, Mary and Margaret Doe v. Defendants ELCA, ELEA, New Jersey Synod and St. Paul’s

113. Plaintiff incorporates herein by reference all the allegations contained in the above paragraphs and throughout this entire Complaint as if same were fully stated herein at length.

114. Defendants, by their operation of Rejoyce, a child care center, are considered “A

parent, resource family parent, guardian or other person standing *in loco parentis* within the household” within the meaning of N.J.S.A. § 2A:61B-1.

115. Defendants, by their actions described more fully above, by way of constructive or actual knowledge, knowingly permitted or acquiesced to the sexual abuse committed by Christopher Evans upon Margaret Doe within the meaning of the N.J.S.A. § 2A:61B-1.

116. Plaintiffs, Michael and Mary Doe, on behalf of their minor child, Margaret Doe, seeks all damages available under N.J.S.A. § 2A:61B-1(h) against Defendants including, but not limited to, compensatory damages, punitive damages, costs of suit, reasonable attorney’s fees, and such other relief as this Honorable Court deems equitable, just, and proper.

WHEREFORE, Plaintiffs Michael and Mary Doe, as parents and natural guardians of Margaret Doe, a minor, and in their own right, demand judgment against Defendants ELCA, ELEA, the New Jersey Synod, St. Paul’s, ABC, Inc. 1-10 (fictitious entities), and John Does 1-10 (fictitious persons), jointly and severally with all other defendants and individually and collectively for damages, interest, cost of suit, punitive damages and such other remedies as this Honorable Court deems equitable, just and proper.

COUNT VII – VIOLATION OF THE CHILD SEXUAL ABUSE ACT, N.J.S.A. 2A:61B-1
Plaintiffs Kevin, Karen and Kathryn Doe v. Defendants ELCA, ELEA, New Jersey Synod and St. Paul’s

117. Plaintiff incorporates herein by reference all the allegations contained in the above paragraphs and throughout this entire Complaint as if same were fully stated herein at length.

118. Defendants, by their operation of Rejoyce, a child care center, are considered “A parent, resource family parent, guardian or other person standing *in loco parentis* within the household” within the meaning of N.J.S.A. § 2A:61B-1.

119. Defendants, by their actions described more fully above, by way of constructive or

actual knowledge, knowingly permitted or acquiesced to the sexual abuse committed by Christopher Evans upon Kathryn Doe within the meaning of the N.J.S.A. § 2A:61B-1.

120. Plaintiffs, Kevin and Karen Doe, on behalf of their minor child, Kathryn Doe, seek all damages available under N.J.S.A. § 2A:61B-1(h) against Defendants including, but not limited to, compensatory damages, punitive damages, costs of suit, reasonable attorney's fees, and such other relief as this Honorable Court deems equitable, just, and proper.

WHEREFORE, Plaintiffs Kevin and Karen Doe, as parents and natural guardians of Kathryn Doe, a minor, and in their own right, demand judgment against Defendants ELCA, ELEA, the New Jersey Synod, St. Paul's, ABC, Inc. 1-10 (fictitious entities), and John Does 1-10 (fictitious persons), jointly and severally with all other defendants and individually and collectively for damages, interest, cost of suit, punitive damages and such other remedies as this Honorable Court deems equitable, just and proper.

COUNT VIII – VIOLATION OF THE CHILD SEXUAL ABUSE ACT, N.J.S.A. 2A:61B-1
Plaintiffs Thomas, Theresa and Timothy Doe v. Defendants ELCA, ELEA, New Jersey Synod and St. Paul's

121. Plaintiff incorporates herein by reference all the allegations contained in the above paragraphs and throughout this entire Complaint as if same were fully stated herein at length.

122. Defendants, by their operation of Rejoyce, a child care center, are considered "A parent, resource family parent, guardian or other person standing *in loco parentis* within the household" within the meaning of N.J.S.A. § 2A:61B-1.

123. Defendants, by their actions described more fully above, by way of constructive or actual knowledge, knowingly permitted or acquiesced to the sexual abuse committed by Christopher Evans upon Timothy Doe within the meaning of the N.J.S.A. § 2A:61B-1.

124. Plaintiffs, Thomas and Theresa Doe, on behalf of their minor child, Timothy Doe,

seeks all damages available under N.J.S.A. § 2A:61B-1(h) against Defendants including, but not limited to, compensatory damages, punitive damages, costs of suit, reasonable attorney's fees, and such other relief as this Honorable Court deems equitable, just, and proper.

WHEREFORE, Plaintiffs Thomas and Theresa Doe, as parents and natural guardians of Timothy Doe, a minor, and in their own right, demand judgment against Defendants ELCA, ELEA, the New Jersey Synod, St. Paul's, ABC, Inc. 1-10 (fictitious entities), and John Does 1-10 (fictitious persons), jointly and severally with all other defendants and individually and collectively for damages, interest, cost of suit, punitive damages and such other remedies as this Honorable Court deems equitable, just and proper.

COUNT IX – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

Plaintiffs John, Jane and James Doe v. Defendants ELCA, ELEA, New Jersey Synod and St. Paul's

125. Plaintiffs incorporate herein by reference all the allegations contained in the above paragraphs and throughout this entire Complaint as if same were fully stated herein at length.

126. Because of Defendants' negligence and failures, as herein described, Plaintiffs were caused to sustain severe emotional distress and suffering, which resulted from the sexual abuse of minor Plaintiff, James Doe, while under Defendants' care, custody and control.

127. In the alternative, Defendants ABC, Inc. 1-10 (fictitious entities) and/or John Does 1-10 (fictitious persons), through its servants, agents, or employees, were negligent for the reasons outlined above and such violations directly and proximately caused Plaintiffs' injuries and damages, including the severe emotional distress and suffering, also outlined above.

WHEREFORE, Plaintiffs John and Jane Doe, as parents and natural guardians of James Doe, a minor, and in their own right, demand judgment against Defendants ELCA, ELEA, the New Jersey Synod, St. Paul's, ABC, Inc. 1-10 (fictitious entities), and John Does 1-10 (fictitious

persons), jointly and severally with all other defendants and individually and collectively for damages, interest, cost of suit, punitive damages and such other remedies as this Honorable Court deems equitable, just and proper.

COUNT X – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

Plaintiffs Michael, Mary and Margaret Doe v. Defendants ELCA, ELEA, New Jersey Synod and St. Paul's

128. Plaintiff incorporates herein by reference all the allegations contained in the above paragraphs and throughout this entire Complaint as if same were fully stated herein at length.

129. Because of Defendants' negligence and failures, as herein described, Plaintiffs were caused to sustain severe emotional distress and suffering, which resulted from the sexual abuse of minor Plaintiff, Margaret Doe, while under Defendants' care, custody and control.

130. In the alternative, Defendants ABC, Inc. 1-10 (fictitious entities) and/or John Does 1-10 (fictitious persons), through its servants, agents, or employees, were negligent for the reasons outlined above and such violations directly and proximately caused Plaintiffs' injuries and damages, including the severe emotional distress and suffering, also outlined above.

WHEREFORE, Plaintiffs Michael and Mary Doe, as parents and natural guardians of Margaret Doe, a minor, and in their own right, demand judgment against Defendants ELCA, ELEA, the New Jersey Synod, St. Paul's, ABC, Inc. 1-10 (fictitious entities), and John Does 1-10 (fictitious persons), jointly and severally with all other defendants and individually and collectively for damages, interest, cost of suit, punitive damages and such other remedies as this Honorable Court deems equitable, just and proper.

COUNT XI– NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

Plaintiffs Kevin, Karen and Kathryn Doe v. Defendants ELCA, ELEA, New Jersey Synod and St. Paul's

131. Plaintiff incorporates herein by reference all the allegations contained in the above paragraphs and throughout this entire Complaint as if same were fully stated herein at length.

132. Because of Defendants' negligence and failures, as herein described, Plaintiffs were caused to sustain severe emotional distress and suffering, which resulted from the sexual abuse of minor Plaintiff, Kathryn Doe, while under Defendants' care, custody and control.

133. In the alternative, Defendants ABC, Inc. 1-10 (fictitious entities) and/or John Does 1-10 (fictitious persons), through its servants, agents, or employees, were negligent for the reasons outlined above and such violations directly and proximately caused Plaintiffs' injuries and damages, including the severe emotional distress and suffering, also outlined above.

WHEREFORE, Plaintiffs Kevin and Karen Doe, as parents and natural guardians of Kathryn Doe, a minor, and in their own right, demand judgment against Defendants ELCA, ELEA, the New Jersey Synod, St. Paul's, ABC, Inc. 1-10 (fictitious entities), and John Does 1-10 (fictitious persons), jointly and severally with all other defendants and individually and collectively for damages, interest, cost of suit, punitive damages and such other remedies as this Honorable Court deems equitable, just and proper.

COUNT XII – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

Plaintiffs Thomas, Theresa and Timothy Doe v. Defendants ELCA, ELEA, New Jersey Synod and St. Paul's

134. Plaintiffs incorporate herein by reference all the allegations contained in the above paragraphs and throughout this entire Complaint as if same were fully stated herein at length.

135. Because of Defendants' negligence and failures, as herein described, Plaintiffs were caused to sustain severe emotional distress and suffering, which resulted from the sexual abuse of minor Plaintiff, Timothy Doe, while under Defendants' care, custody and control.

136. In the alternative, Defendants ABC, Inc. 1-10 (fictitious entities) and/or John Does 1-10 (fictitious persons), through its servants, agents, or employees, were negligent for the reasons outlined above and such violations directly and proximately caused Plaintiffs' injuries and damages, including the severe emotional distress and suffering, also outlined above.

WHEREFORE, Plaintiffs Thomas and Theresa Doe, as parents and natural guardians of Timothy Doe, a minor, and in their own right, demand judgment against Defendants ELCA, ELEA, the New Jersey Synod, St. Paul's, ABC, Inc. 1-10 (fictitious entities), and John Does 1-10 (fictitious persons), jointly and severally with all other defendants and individually and collectively for damages, interest, cost of suit, punitive damages and such other remedies as this Honorable Court deems equitable, just and proper.

COUNT XIII – NEGLIGENT FAILURE TO RESCUE
Plaintiffs John, Jane and James Doe v. Defendants ELCA, ELEA, New Jersey Synod and St. Paul's

137. Plaintiff incorporates herein by reference all the allegations contained in the above paragraphs and throughout this entire Complaint as if same were fully stated herein at length.

138. Defendants ELCA, ELEA, the New Jersey Synod, St. Paul's placed minor Plaintiff James Doe in a position of peril.

139. The negligence of Defendants ELCA, ELEA, the New Jersey Synod, St. Paul's that caused and continue to cause minor Plaintiff James Doe's injuries, as described herein, include:

- a. Failing to take reasonable and necessary steps to rescue James Doe after placing him in a position of peril;

b. Failing to exercise reasonable care to prevent further harm to James Doe after placing him in a position of peril;

c. Failing to take reasonable and necessary steps to give aid or assistance to James Doe after placing him in danger of harm; and

d. Violating the duties set forth in the Restatement (Second) of Torts, §§ 314(a), 321, as adopted in New Jersey.

140. As a direct and proximate result of Defendant ELCA, ELEA, the New Jersey Synod, St. Paul's negligence, minor Plaintiff James Doe was harmed and has sustained physical injuries, emotional injuries, mental anguish, embarrassment, humiliation, pain, diminished childhood, loss of life and life's pleasures, many of which are permanent and continuing in nature.

141. As a direct and proximate result of Defendant ELCA, ELEA, the New Jersey Synod, St. Paul's negligence, minor Plaintiff James Doe has been and will into the future be caused to incur medical expenses, including counseling.

142. As a direct and proximate result of Defendant ELCA, ELEA, the New Jersey Synod, St. Paul's negligence, minor Plaintiff James Doe will likely incur a loss of earning capacity in the future.

143. In the alternative, Defendants ABC, Inc. 1-10 (fictitious entities) and/or John Does 1-10 (fictitious persons), through its servants, agents, or employees, were negligent for the reasons outlined above and such violations directly and proximately caused Plaintiffs' injuries and damages, also outlined above.

WHEREFORE, Plaintiffs John and Jane Doe, as parents and natural guardians of James Doe, a minor, and in their own right, demand judgment against Defendants ELCA, ELEA, the New Jersey Synod, St. Paul's, ABC, Inc. 1-10 (fictitious entities), and John Does 1-10 (fictitious

persons), jointly and severally with all other defendants and individually and collectively for damages, interest, cost of suit, punitive damages and such other remedies as this Honorable Court deems equitable, just and proper.

COUNT XIV – NEGLIGENT FAILURE TO RESCUE
Plaintiffs Michael, Mary and Margaret Doe v. Defendants ELCA, ELEA, New Jersey Synod and St. Paul's

144. Plaintiff incorporates herein by reference all the allegations contained in the above paragraphs and throughout this entire Complaint as if same were fully stated herein at length.

145. Defendants ELCA, ELEA, the New Jersey Synod, St. Paul's placed minor Plaintiff Margaret Doe in a position of peril.

146. The negligence of Defendants ELCA, ELEA, the New Jersey Synod, St. Paul's that caused and continue to cause minor Plaintiff Margaret Doe's injuries, as described herein, include:

- a. Failing to take reasonable and necessary steps to rescue Margaret Doe after placing him in a position of peril;
- b. Failing to exercise reasonable care to prevent further harm to Margaret Doe after placing him in a position of peril;
- c. Failing to take reasonable and necessary steps to give aid or assistance to Margaret Doe after placing him in danger of harm; and
- d. Violating the duties set forth in the Restatement (Second) of Torts, §§ 314(a), 321, as adopted in New Jersey.

147. As a direct and proximate result of Defendant ELCA, ELEA, the New Jersey Synod, St. Paul's negligence, minor Plaintiff Margaret Doe was harmed and has sustained physical injuries, emotional injuries, mental anguish, embarrassment, humiliation, pain, diminished childhood, loss of life and life's pleasures, many of which are permanent and continuing in nature.

148. As a direct and proximate result of Defendant ELCA, ELEA, the New Jersey Synod, St. Paul's negligence, minor Plaintiff Margaret Doe has been and will into the future be caused to incur medical expenses, including counseling.

149. As a direct and proximate result of Defendant ELCA, ELEA, the New Jersey Synod, St. Paul's negligence, minor Plaintiff Margaret Doe will likely incur a loss of earning capacity in the future.

150. In the alternative, Defendants ABC, Inc. 1-10 (fictitious entities) and/or John Does 1-10 (fictitious persons), through its servants, agents, or employees, were negligent for the reasons outlined above and such violations directly and proximately caused Plaintiffs' injuries and damages, also outlined above.

WHEREFORE, Plaintiffs Michael and Mary Doe, as parents and natural guardians of Margaret Doe, a minor, and in their own right, demand judgment against Defendants ELCA, ELEA, the New Jersey Synod, St. Paul's, ABC, Inc. 1-10 (fictitious entities), and John Does 1-10 (fictitious persons), jointly and severally with all other defendants and individually and collectively for damages, interest, cost of suit, punitive damages and such other remedies as this Honorable Court deems equitable, just and proper.

COUNT XV – NEGLIGENT FAILURE TO RESCUE
Plaintiffs Kevin, Karen and Kathryn Doe v. Defendants ELCA, ELEA, New Jersey Synod and St. Paul's

151. Plaintiff incorporates herein by reference all the allegations contained in the above paragraphs and throughout this entire Complaint as if same were fully stated herein at length.

152. Defendants ELCA, ELEA, the New Jersey Synod, St. Paul's placed minor Plaintiff Kathryn Doe in a position of peril.

153. The negligence of Defendants ELCA, ELEA, the New Jersey Synod, St. Paul's that caused and continue to cause minor Plaintiff Kathryn Doe's injuries, as described herein, include:

- a. Failing to take reasonable and necessary steps to rescue Kathryn Doe after placing him in a position of peril;
- b. Failing to exercise reasonable care to prevent further harm to Kathryn Doe after placing him in a position of peril;
- c. Failing to take reasonable and necessary steps to give aid or assistance to Kathryn Doe after placing him in danger of harm; and
- d. Violating the duties set forth in the Restatement (Second) of Torts, §§ 314(a), 321, as adopted in New Jersey.

154. As a direct and proximate result of Defendant ELCA, ELEA, the New Jersey Synod, St. Paul's negligence, minor Plaintiff Kathryn Doe was harmed and has sustained physical injuries, emotional injuries, mental anguish, embarrassment, humiliation, pain, diminished childhood, loss of life and life's pleasures, many of which are permanent and continuing in nature.

155. As a direct and proximate result of Defendant ELCA, ELEA, the New Jersey Synod, St. Paul's negligence, minor Plaintiff Kathryn Doe has been and will into the future be caused to incur medical expenses, including counseling.

156. As a direct and proximate result of Defendant ELCA, ELEA, the New Jersey Synod, St. Paul's negligence, minor Plaintiff Kathryn Doe will likely incur a loss of earning capacity in the future.

157. In the alternative, Defendants ABC, Inc. 1-10 (fictitious entities) and/or John Does 1-10 (fictitious persons), through its servants, agents, or employees, were negligent for the reasons

outlined above and such violations directly and proximately caused Plaintiffs' injuries and damages, also outlined above.

WHEREFORE, Plaintiffs Kevin and Karen Doe, as parents and natural guardians of Kathryn Doe, a minor, and in their own right, demand judgment against Defendants ELCA, ELEA, the New Jersey Synod, St. Paul's, ABC, Inc. 1-10 (fictitious entities), and John Does 1-10 (fictitious persons), jointly and severally with all other defendants and individually and collectively for damages, interest, cost of suit, punitive damages and such other remedies as this Honorable Court deems equitable, just and proper.

COUNT XVI – NEGLIGENT FAILURE TO RESCUE

Plaintiffs Thomas, Theresa and Timothy Doe v. Defendants ELCA, ELEA, New Jersey Synod and St. Paul's

158. Plaintiff incorporates herein by reference all the allegations contained in the above paragraphs and throughout this entire Complaint as if same were fully stated herein at length.

159. Defendants ELCA, ELEA, the New Jersey Synod, St. Paul's placed minor Plaintiff Timothy Doe in a position of peril.

160. The negligence of Defendants ELCA, ELEA, the New Jersey Synod, St. Paul's that caused and continue to cause minor Plaintiff Timothy Doe's injuries, as described herein, include:

- e. Failing to take reasonable and necessary steps to rescue Timothy Doe after placing him in a position of peril;
- f. Failing to exercise reasonable care to prevent further harm to Timothy Doe after placing him in a position of peril;

g. Failing to take reasonable and necessary steps to give aid or assistance to Timothy Doe after placing him in danger of harm; and

h. Violating the duties set forth in the Restatement (Second) of Torts, §§ 314(a), 321, as adopted in New Jersey.

161. As a direct and proximate result of Defendant ELCA, ELEA, the New Jersey Synod, St. Paul's negligence, minor Plaintiff Timothy Doe was harmed and has sustained physical injuries, emotional injuries, mental anguish, embarrassment, humiliation, pain, diminished childhood, loss of life and life's pleasures, many of which are permanent and continuing in nature.

162. As a direct and proximate result of Defendant ELCA, ELEA, the New Jersey Synod, St. Paul's negligence, minor Plaintiff Timothy Doe has been and will into the future be caused to incur medical expenses, including counseling.

163. As a direct and proximate result of Defendant ELCA, ELEA, the New Jersey Synod, St. Paul's negligence, minor Plaintiff Timothy Doe will likely incur a loss of earning capacity in the future.

164. In the alternative, Defendants ABC, Inc. 1-10 (fictitious entities) and/or John Does 1-10 (fictitious persons), through its servants, agents, or employees, were negligent for the reasons outlined above and such violations directly and proximately caused Plaintiffs' injuries and damages, also outlined above.

WHEREFORE, Plaintiffs Thomas and Theresa Doe, as parents and natural guardians of Timothy Doe, a minor, and in their own right, demand judgment against Defendants ELCA, ELEA, the New Jersey Synod, St. Paul's, ABC, Inc. 1-10 (fictitious entities), and John Does 1-10 (fictitious persons), jointly and severally with all other defendants and individually and collectively

for damages, interest, cost of suit, punitive damages and such other remedies as this Honorable Court deems equitable, just and proper.

**COUNT XVII - LAW AGAINST DISCRIMINATION, VIOLATION OF N.J.S.A. 10:5-1 ET. SEQ. SEXUALLY HOSTILE EDUCATIONAL ENVIRONMENT AND
DISCRIMINATION**

Plaintiffs John, Jane and James Doe v. Defendants ELCA, ELEA, New Jersey Synod and St. Paul's

165. Plaintiff incorporates herein by reference all the allegations contained in the above paragraphs and throughout this entire Complaint as if same were fully stated herein at length.

166. Despite Defendants' actual and/or constructive knowledge of sexually inappropriate and harassing conduct, Defendants ELCA, ELEA, the New Jersey Synod and/or St. Paul's failed to reasonably protect Plaintiff against harassing conduct on the basis of his sex, and permitted a hostile educational environment.

167. Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's violated New Jersey's Law Against Discrimination, contained within N.J.S.A. 10:5-1 et seq. and such failures created a hostile educational environment for minor Plaintiff James Doe and discriminated against Plaintiff based upon his sex.

168. Defendants ELCA, ELEA, the New Jersey Synod and/or St. Paul's knew or should have known of the harassment and failed to take effective remedial measures to stop it.

169. As a direct and proximate result of the breaches and failures outlined herein by Defendants ELCA, ELEA, the New Jersey Synod and/or St. Paul's, minor Plaintiff James Doe was caused to suffer bodily injury, emotional distress/injury, injuries which are likely to be permanent in nature and denial of the full education he was entitled to receive.

170. In the alternative, Defendants ABC Inc. 1-10 (fictitious entities), and/or Defendants John Doe 1-10 (fictitious names and/or fictitious entities) are liable for damages caused to minor

Plaintiff James Doe for the reasons outlined throughout this Complaint and within this Count and such violation caused Plaintiffs' damages.

WHEREFORE, Plaintiffs John and Jane Doe, as parents and natural guardians of James Doe, a minor, and in their own right, demand judgment against Defendants ELCA, ELEA, the New Jersey Synod, St. Paul's, ABC, Inc. 1-10 (fictitious entities), and John Does 1-10 (fictitious persons), jointly and severally with all other defendants and individually and collectively for damages, interest, cost of suit, punitive damages and such other remedies as this Honorable Court deems equitable, just and proper.

**COUNT XVIII - LAW AGAINST DISCRIMINATION, VIOLATION OF N.J.S.A.
10:5-1 ET. SEQ. SEXUALLY HOSTILE EDUCATIONAL ENVIRONMENT AND
DISCRIMINATION**

**Plaintiffs Michael, Mary and Margaret Doe v. Defendants ELCA, ELEA, New
Jersey Synod and St. Paul's**

171. Plaintiff incorporates herein by reference all the allegations contained in the above paragraphs and throughout this entire Complaint as if same were fully stated herein at length.

172. Despite Defendants' actual and/or constructive knowledge of sexually inappropriate and harassing conduct, Defendants ELCA, ELEA, the New Jersey Synod and/or St. Paul's failed to reasonably protect minor Plaintiff Margaret Doe against harassing conduct on the basis of her sex, and permitted a hostile educational environment.

173. Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's violated New Jersey's Law Against Discrimination, contained within N.J.S.A. 10:5-1 et seq. and such failures created a hostile educational environment for minor Plaintiff Margaret Doe and discriminated against Plaintiff based upon her sex.

174. Defendants ELCA, ELEA, the New Jersey Synod and/or St. Paul's knew or should have known of the harassment and failed to take effective remedial measures to stop it.

175. As a direct and proximate result of the breaches and failures outlined herein by Defendants ELCA, ELEA, the New Jersey Synod and/or St. Paul's, minor Plaintiff Margaret Doe was caused to suffer bodily injury, emotional distress/injury, injuries which are likely to be permanent in nature and denial of the full education he was entitled to receive.

176. In the alternative, Defendants ABC Inc. 1-10 (fictitious entities), and/or Defendants John Doe 1-10 (fictitious names and/or fictitious entities) are liable for damages caused to minor Plaintiff Margaret Doe for the reasons outlined throughout this Complaint and within this Count and such violation caused Plaintiffs' damages.

WHEREFORE, Plaintiffs Michael and Mary Doe, as parents and natural guardians of Margaret Doe, a minor, and in their own right, demand judgment against Defendants ELCA, ELEA, the New Jersey Synod, St. Paul's, ABC, Inc. 1-10 (fictitious entities), and John Does 1-10 (fictitious persons), jointly and severally with all other defendants and individually and collectively for damages, interest, cost of suit, punitive damages and such other remedies as this Honorable Court deems equitable, just and proper.

**COUNT XIX - LAW AGAINST DISCRIMINATION, VIOLATION OF N.J.S.A. 10:5-1
ET. SEQ. SEXUALLY HOSTILE EDUCATIONAL ENVIRONMENT AND
DISCRIMINATION
Plaintiffs Kevin, Karen and Kathryn Doe v. Defendants ELCA, ELEA, New Jersey
Synod and St. Paul's**

177. Plaintiff incorporates herein by reference all the allegations contained in the above paragraphs and throughout this entire Complaint as if same were fully stated herein at length.

178. Despite Defendants' actual and/or constructive knowledge of sexually inappropriate and harassing conduct, Defendanta ELCA, ELEA, the New Jersey Synod and/or St. Paul's failed to reasonably protect minor Plaintiff Kathryn Doe against harassing conduct on the basis of her sex, and permitted a hostile educational environment.

179. Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's violated New Jersey's Law Against Discrimination, contained within N.J.S.A. 10:5-1 et seq. and such failures created a hostile educational environment for minor Plaintiff Kathryn Doe and discriminated against Plaintiff based upon her sex.

180. Defendants ELCA, ELEA, the New Jersey Synod and/or St. Paul's knew or should have known of the harassment and failed to take effective remedial measures to stop it.

181. As a direct and proximate result of the breaches and failures outlined herein by Defendants ELCA, ELEA, the New Jersey Synod and/or St. Paul's, minor Plaintiff Kathryn Doe was caused to suffer bodily injury, emotional distress/injury, injuries which are likely to be permanent in nature and denial of the full education he was entitled to receive.

182. In the alternative, Defendants ABC Inc. 1-10 (fictitious entities), and/or Defendants John Doe 1-10 (fictitious names and/or fictitious entities) are liable for damages caused to minor Plaintiff Kathryn Doe for the reasons outlined throughout this Complaint and within this Count and such violation caused Plaintiffs' damages.

WHEREFORE, Plaintiffs Kevin and Karen Doe, as parents and natural guardians of Kathryn Doe, a minor, and in their own right, demand judgment against Defendants ELCA, ELEA, the New Jersey Synod, St. Paul's, ABC, Inc. 1-10 (fictitious entities), and John Does 1-10 (fictitious persons), jointly and severally with all other defendants and individually and collectively for damages, interest, cost of suit, punitive damages and such other remedies as this Honorable Court deems equitable, just and proper.

**COUNT XX - LAW AGAINST DISCRIMINATION, VIOLATION OF N.J.S.A. 10:5-1
ET. SEQ. SEXUALLY HOSTILE EDUCATIONAL ENVIRONMENT AND
DISCRIMINATION**

**Plaintiffs Thomas, Theresa and Timothy Doe v. Defendants ELCA, ELEA, New
Jersey Synod and St. Paul's**

183. Plaintiff incorporates herein by reference all the allegations contained in the above paragraphs and throughout this entire Complaint as if same were fully stated herein at length.

184. Despite Defendants' actual and/or constructive knowledge of sexually inappropriate and harassing conduct, Defendants ELCA, ELEA, the New Jersey Synod and/or St. Paul's failed to reasonably protect Plaintiff against harassing conduct on the basis of his sex, and permitted a hostile educational environment.

185. Defendants ELCA, ELEA, the New Jersey Synod and St. Paul's violated New Jersey's Law Against Discrimination, contained within N.J.S.A. 10:5-1 et seq. and such failures created a hostile educational environment for minor Plaintiff Timothy Doe and discriminated against Plaintiff based upon his sex.

186. Defendants ELCA, ELEA, the New Jersey Synod and/or St. Paul's knew or should have known of the harassment and failed to take effective remedial measures to stop it.

187. As a direct and proximate result of the breaches and failures outlined herein by Defendants ELCA, ELEA, the New Jersey Synod and/or St. Paul's, minor Plaintiff Timothy Doe was caused to suffer bodily injury, emotional distress/injury, injuries which are likely to be permanent in nature and denial of the full education he was entitled to receive.

188. In the alternative, Defendants ABC Inc. 1-10 (fictitious entities), and/or Defendants John Doe 1-10 (fictitious names and/or fictitious entities) are liable for damages caused to minor Plaintiff Timothy Doe for the reasons outlined throughout this Complaint and within this Count and such violation caused Plaintiffs' damages.

WHEREFORE, Plaintiffs Thomas and Theresa Doe, as parents and natural guardians of Timothy Doe, a minor, and in their own right, demand judgment against Defendants ELCA, ELEA, the New Jersey Synod, St. Paul's, ABC, Inc. 1-10 (fictitious entities), and John Does 1-10

(fictitious persons), jointly and severally with all other defendants and individually and collectively for damages, interest, cost of suit, punitive damages and such other remedies as this Honorable Court deems equitable, just and proper.

COUNT XXI – PER QUOD

Plaintiffs John and Jane Doe v. Defendants ELCA, ELEA, New Jersey Synod and St. Paul's

189. Plaintiff incorporates herein by reference all the allegations contained in the above paragraphs and throughout this entire Complaint as if same were fully stated herein at length.

190. As a direct and proximate result of Defendants' negligence and other tortious conduct that proximately caused injury to James Doe as described more fully herein, John and Jane Doe have suffered a loss of James Doe's earnings, services, companionship and/or contribution and are therefore, entitled to recover for same.

WHEREFORE, Plaintiffs John and Jane Doe, as parents and natural guardians of James Doe, a minor, in their own right, demand judgment against Defendants ELCA, ELEA, the New Jersey Synod, St. Paul's, ABC, Inc. 1-10 (fictitious entities), and John Does 1-10 (fictitious persons), jointly and severally with all other defendants and individually and collectively for per quod damages, interest, cost of suit and such other remedies as this Honorable Court deems equitable, just and proper.

COUNT XXII – PER QUOD

Plaintiffs Michael and Mary Doe v. Defendants ELCA, ELEA, New Jersey Synod and St. Paul's

191. Plaintiff incorporates herein by reference all the allegations contained in the above paragraphs and throughout this entire Complaint as if same were fully stated herein at length.

192. As a direct and proximate result of Defendants' negligence and other tortious conduct that proximately caused injury to Margaret Doe as described more fully herein, Michael

and Mary Doe have suffered a loss of Margaret Doe's earnings, services, companionship and/or contribution and are therefore, entitled to recover for same.

WHEREFORE, Plaintiffs Michael and Mary Doe, as parents and natural guardians of Margaret Doe, a minor, in their own right, demand judgment against Defendants ELCA, ELEA, the New Jersey Synod, St. Paul's, ABC, Inc. 1-10 (fictitious entities), and John Does 1-10 (fictitious persons), jointly and severally with all other defendants and individually and collectively for per quod damages, interest, cost of suit and such other remedies as this Honorable Court deems equitable, just and proper.

COUNT XXIII – PER QUOD

**Plaintiffs Kevin and Karen Doe v. Defendants ELCA, ELEA, New Jersey Synod
and St. Paul's**

193. Plaintiff incorporates herein by reference all the allegations contained in the above paragraphs and throughout this entire Complaint as if same were fully stated herein at length.

194. As a direct and proximate result of Defendants' negligence and other tortious conduct that proximately caused injury to Kathryn Doe as described more fully herein, Kevin and Karen Doe have suffered a loss of Kathryn Doe's earnings, services, companionship and/or contribution and are therefore, entitled to recover for same.

WHEREFORE, Plaintiffs Kevin and Karen Doe, as parents and natural guardians of Kathryn Doe, a minor, in their own right, demand judgment against Defendants ELCA, ELEA, the New Jersey Synod, St. Paul's, ABC, Inc. 1-10 (fictitious entities), and John Does 1-10 (fictitious persons), jointly and severally with all other defendants and individually and collectively for per quod damages, interest, cost of suit and such other remedies as this Honorable Court deems equitable, just and proper.

COUNT XXIV – PER QUOD
**Plaintiffs Thomas and Theresa Doe v. Defendants ELCA, ELEA, New Jersey
Synod and St. Paul's**

195. Plaintiff incorporates herein by reference all the allegations contained in the above paragraphs and throughout this entire Complaint as if same were fully stated herein at length.

196. As a direct and proximate result of Defendants' negligence and other tortious conduct that proximately caused injury to Timothy Doe as described more fully herein, Thomas and Theresa Doe have suffered a loss of Timothy Doe's earnings, services, companionship and/or contribution and are therefore, entitled to recover for same.

WHEREFORE, Plaintiffs Thomas and Theresa Doe, as parents and natural guardians of Timothy Doe, a minor, in their own right, demand judgment against Defendants ELCA, ELEA, the New Jersey Synod, St. Paul's, ABC, Inc. 1-10 (fictitious entities), and John Does 1-10 (fictitious persons), jointly and severally with all other defendants and individually and collectively for per quod damages, interest, cost of suit and such other remedies as this Honorable Court deems equitable, just and proper.

JURY DEMAND

Plaintiffs hereby demand a trial by jury as to all issues.

**DEMAND FOR COMPLIANCE WITH
N.J. COURT RULES 1:5-1(a) AND 4:17-4(c)**

TAKE NOTICE that the undersigned attorney, counsel for Plaintiffs, hereby demands, pursuant to the provisions of R.1:5-1(a) and 4:17-4(c), that each party serving pleadings or interrogatories and receiving responses thereto shall serve copies of all such pleadings, interrogatories, and responses thereto upon the undersigned, and further

TAKE NOTICE that this is a continuing demand.

DESIGNATION OF TRIAL COUNSEL

Brian D. Kent, Esquire is hereby designated trial counsel for Plaintiffs, John, Jane and James Doe, a minor, as well as trial counsel for Plaintiffs, Michael, Mary and Margaret Doe, a minor, Kevin, Karen and Kathryn Doe, a minor and Thomas, Theresa and Timothy Doe, a minor.

DEMAND FOR DISCOVERY OF INSURANCE COVERAGE

Pursuant to New Jersey Court Rule 4:10-2(b) demand is made that defendant(s) disclose to plaintiffs' attorney whether or not 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 indemnify or reimburse for payments made to satisfy the judgment and provide plaintiffs' attorney with true copies of those insurance agreements or policies, including, but not limited to, any and all declaration sheets. This demand shall include and cover not only primary coverage, but also any and all excess, catastrophe and umbrella policies.

DEMAND FOR ANSWERS TO INTERROGATORIES

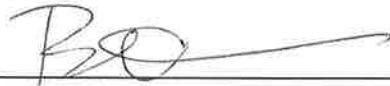
Demand is hereby made for fully responsive answers to Form C and Form C1 Interrogatories appearing in Appendix II to the Rules of Court.

RULE 4:5-1 CERTIFICATION

I, Brian D. Kent, of full age, do certify that I am the attorney for the plaintiffs herein and that to my knowledge there are no other actions or arbitrations pending as a result of the incidents described in the foregoing Complaint.

LAFFEY, BUCCI & KENT, LLP

BY:



BRIAN D. KENT, ESQUIRE

JEFFREY F. LAFFEY, ESQUIRE

Attorneys for Plaintiffs,

John and Jane Doe, h/w, and James Doe, a minor

Attorneys for Plaintiffs, Michael and Mary Doe, h/w,
and Margaret Doe, a minor

Attorneys for Plaintiffs, Kevin and Karen Doe, h/w,
and Kathryn Doe, a minor

Attorneys for Plaintiffs, Thomas and Theresa Doe,
h/w, and Timothy Doe, a minor

Date: February 9, 2017