

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

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PATRICIA ADAMCHEK,

Plaintiff,

-against-

YONKERS PUBLIC SCHOOLS a/k/a YONKERS CITY
SCHOOL DISTRICT, JOHN AND JANE DOE 1-30,
as members of THE YONKERS BOARD OF
EDUCATION, teachers, supervisors, employees,
in their official and individual capacities, whose identities
are presently unknown to Plaintiff,

Defendants.

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Index No.

Date Purchased:

Plaintiff designates
WESTCHESTER

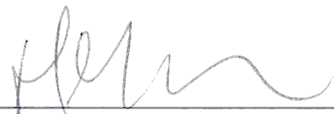
County as the place of trial.

The basis of the venue is
Defendants' place of
business.

To the above-named Defendant(s)

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in this complaint.

Dated: Lake Success, New York
February 7, 2020



MICHAEL G. DOWD
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(212) 751-1640

SWEENEY, REICH & BOLZ, LLP
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Attorneys for Plaintiff

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

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PATRICIA ADAMCHEK,

Plaintiff,

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YONKERS PUBLIC SCHOOLS a/k/a YONKERS CITY
SCHOOL DISTRICT, JOHN AND JANE DOE 1-30,
as members of THE YONKERS BOARD OF
EDUCATION, teachers, supervisors, employees,
in their official and individual capacities, whose identities
are presently unknown to Plaintiff,

VERIFIED COMPLAINT

Defendants.

-----X

PLAINTIFF, PATRICIA ADAMCHEK, by her attorney, MICHAEL G. DOWD,
complaining of DEFENDANTS, hereby alleges the following:

JURISDICTION AND VENUE

1. This action is timely commenced pursuant to the New York State Child Victims Act, dated February 14, 2019, and CPLR § 214-g.
2. This Court has jurisdiction pursuant to CPLR § 301 as DEFENDANTS' principal place of business is in New York and because much of the unlawful conduct complained of herein occurred in New York.
3. Venue is proper pursuant to CPLR § 503 because Westchester County is the principal place of business of DEFENDANTS. In addition, many of the events giving rise to this action occurred in Westchester County.

AS AND FOR A FIRST CAUSE OF ACTION:

NEGLIGENT SUPERVISION

4. The PLAINTIFF, PATRICIA ADAMCHEK (hereinafter “PLAINTIFF”) was born on November 25, 1970. At the time of the abuse, PLAINTIFF’S last name was Pugliese. She is a resident of Monroe, New York.
5. PLAINTIFF attended LINCOLN HIGH SCHOOL from 1984, when she entered the 9th grade, through 1988 when she graduated from 12th grade.
6. DEFENDANT YONKERS PUBLIC SCHOOLS a/k/a YONKERS CITY SCHOOL DISTRICT (hereinafter “DISTRICT”) is at all material times a public school district existing under the laws of the State of New York.
7. LINCOLN HIGH SCHOOL (hereinafter “SCHOOL”) is at all material times a public school existing in Westchester County, New York. LINCOLN HIGH SCHOOL is a public school for grades 9 through 12. LINCOLN HIGH SCHOOL is a high school located at 375 Kneeland Avenue, Yonkers, New York 10704 and is a part of DISTRICT.
8. DEFENDANT THE YONKERS BOARD OF EDUCATION (hereinafter “BOARD OF EDUCATION”) is at all material times a municipal corporation duly organized and existing under, and by virtue of the State of New York. BOARD OF EDUCATION is located at One Larkin Center, Yonkers, New York 10701 and is a part of DISTRICT.
9. JOHN AND JANE DOE 1-30, whose names are presently unknown, were members of BOARD OF EDUCATION during all material times herein. JOHN AND JANE DOE 1-30 are the persons and/or entities who run, manage, operate,

supervise, oversee, fund, are joint venturers, parent organizations, are the subsidiaries, are contractually related and/or are principals and/or agents of the business, entities, and/or principals, who owed a duty of care to PLAINTIFF and breached that duty of care. JOHN AND JANE DOE 1-30 are the persons and/or entities who were responsible for the oversight and administration of SCHOOL, including but not limited to hiring SCHOOL'S administrators, teachers and department heads.

10. DEFENDANTS DISTRICT, BOARD OF EDUCATION and JOHN AND JANE DOE 1-30 will be referred to collectively as "DEFENDANTS".
11. Upon information and belief, LOUIS DIRIENZO (hereinafter "DIRIENZO") was hired by DEFENDANTS as a Health Teacher and Varsity Football Coach at SCHOOL.
12. Upon information and belief, when DIRIENZO met PLAINTIFF in approximately 1986, he was an employee and agent of DEFENDANTS acting within the course and scope of his authority as a SCHOOL teacher. DIRIENZO continued acting as an employee and agent of DEFENDANTS through the entire period when DIRIENZO sexually abused PLAINTIFF.
13. PLAINTIFF first met DIRIENZO in around the fall of 1986 when she was 15 years old in the 11th grade.
14. Upon information and belief, DIRIENZO'S class was held on the property owned by the SCHOOL.
15. Commencing in around the fall of 1986, DIRIENZO began a process of grooming PLAINTIFF with the goal of sexually abusing her.

16. The acts of grooming included, but were not limited to, DIRIENZO giving PLAINTIFF money, allowing PLAINTIFF to skip class with no consequences, giving PLAINTIFF his car keys so she could drive DIRIENZO'S car to the store during school hours and buy breakfast for PLAINTIFF and DIRIENZO, and telling PLAINTIFF he wanted her to be his girlfriend.
17. This grooming behavior occurred on SCHOOL property.
18. The above-mentioned grooming behavior was done in the presence of or within the observation of SCHOOL teachers and administrators.
19. At all material times, PLAINTIFF was aware of no SCHOOL rules or regulations or policies concerning or addressing sexual abuse, sexual harassment, and sexual misconduct of SCHOOL students, such as PLAINTIFF, by teachers/employees such as DIRIENZO.
20. During all material times, PLAINTIFF received no training or information in any form, including but not limited to, classroom instruction or oral presentation, through video or written document on how to deal with sexual misconduct, sexual abuse, sexual boundary violations or sexually harassing behavior by SCHOOL teachers/staff on students like herself.
21. Between about 1986 and 1988, DIRIENZO sexually abused PLAINTIFF.
22. During the pendency of the sexual abuse, PLAINTIFF informed one of her teachers during regular school hours, Ms. Katzenberg, an employee and agent of DEFENDANTS, that she was "sexually involved" with DIRIENZO.
23. Upon information and belief, following this report of sexual abuse to the above-referenced teacher, no corrective action was taken by DEFENDANTS to protect

PLAINTIFF from further sexual abuse.

24. PLAINTIFF was a cheerleader at SCHOOL and a student of DIRIENZO'S. DIRIENZO instructed PLAINTIFF to meet him during school hours or after cheerleading and football practice. During said times, DIRIENZO kissed PLAINTIFF on the mouth, fondled her vagina over her clothes, fondled her vagina skin-to-skin, and digitally penetrated her vagina.
25. DIRIENZO also used his position of authority vested in him by DEFENDANTS as Varsity Football Coach and PLAINTIFF'S Health Teacher to cajole and otherwise require PLAINTIFF to masturbate him, orally copulate him and engage in vaginal intercourse with him.
26. PLAINTIFF was sexually abused by DIRIENZO in DIRIENZO'S car while on property of SCHOOL, in SCHOOL'S weight room during school hours, and at DIRIENZO'S friend's house.
27. In total, PLAINTIFF believes she was sexually abused about 12 (twelve) times between about 1986 and 1988.
28. Upon information and belief, during all material times herein, when PLAINTIFF was enrolled in school and communicating and otherwise interacting with DIRIENZO, she was entrusted by her parents to the care of DEFENDANTS and during such periods the DEFENDANTS were acting in the capacity of *in loco parentis* because DEFENDANTS assumed custody and control over her as a minor child and as a student at SCHOOL.
29. Upon information and belief, DIRIENZO used his position of trust and authority vested in him by the DEFENDANTS for the purpose of sexually abusing

PLAINTIFF.

30. Upon information and belief, the sexual abuse of PLAINTIFF by DIRIENZO was foreseeable.
31. Upon information and belief, at all material times, DEFENDANTS had the duty to exercise the same degree of care and supervision over the students, including PLAINTIFF, under their control as a reasonably prudent parent would have exercised under the same circumstances. This means that DEFENDANTS assumed a duty of care to protect the safety and welfare of PLAINTIFF as a student at SCHOOL. At all material times, DEFENDANTS owed a duty to PLAINTIFF to provide a safe and nurturing educational environment, where she would be protected from TEACHERS/STAFF like DIRIENZO who were under the employment and control of the DEFENDANTS.
32. Upon information and belief, during DIRIENZO'S employment by DEFENDANTS and while PLAINTIFF was a student in DEFENDANTS' care, DEFENDANTS failed to exercise the degree of care that a reasonably prudent parent would have exercised under similar circumstances.
33. During all material times, DEFENDANTS owed a special duty to PLAINTIFF that required DEFENDANTS to take reasonable steps to anticipate such behavior from its employees like DIRIENZO, which threatened the safety of students including PLAINTIFF.
34. At all material times, DEFENDANTS had a duty to properly supervise DIRIENZO as their employee and because of their duty of care to PLAINTIFF.

35. At all material times, PLAINTIFF reposed her trust and confidence as a student and minor child in DEFENDANTS, who occupied a superior position of influence and authority over PLAINTIFF to provide PLAINTIFF with a safe and secure educational environment.
36. Upon information and belief, at all material times, DEFENDANTS knew or should have known of DIRIENZO'S propensity to sexually abuse minor students.
37. Upon information and belief, the DEFENDANTS negligently failed to adequately implement a reasonable or effective supervisory system, plan, protocol or procedure for supervising personnel so as to prevent inappropriate, offensive, sexual and/or abuse or contact of students by DEFENDANTS' employees.
38. Upon information and belief, the failure to supervise, includes but is not limited to, failure to supervise DIRIENZO'S classroom during instructional time and non-instructional time when he associated with students, failure to supervise DIRIENZO'S football practices, failure to supervise DIRIENZO while he interacted with students on SCHOOL property and the failure to adequately supervise students during non-instructional time on SCHOOL'S campus.
39. Upon information and belief, the injury to PLAINTIFF resulted from DEFENDANTS' failure to provide PLAINTIFF the supervision of a parent of ordinary prudence under the same circumstances.
40. Upon information and belief, the injuries to PLAINTIFF were a foreseeable consequence of DEFENDANTS' negligent failure to supervise DIRIENZO and PLAINTIFF. Said injuries were caused by or contributed to by the carelessness, recklessness and the grossly negligent conduct of the DEFENDANTS, their

agents, servants and/or employees, in failing to properly and adequately supervise the conduct of DIRIENZO as it related to the PLAINTIFF.

41. DEFENDANTS were wanton, reckless, officially tolerant and deliberately indifferent to abuse of PLAINTIFF by DIRIENZO.
42. By reason of the foregoing, PLAINTIFF sustained physical and psychological injuries, including but not limited to, severe emotional distress, depression, humiliation, embarrassment, fright, anger, anxiety, and loss of educational opportunity and has been caused to suffer pain and mental anguish, emotional and psychological damage as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature; and PLAINTIFF has become and will continue to be obligated to expend sums of money for medical expenses.
43. That by reason of the foregoing, DEFENDANTS are liable to PLAINTIFF for punitive and exemplary damages.
44. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(7).
45. That the amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A SECOND CAUSE OF ACTION:

NEGLIGENT RETENTION

46. PLAINTIFF repeats and realleges the above paragraphs of this Complaint as if fully set forth herein.

47. Upon information and belief, as more fully alleged above, DEFENDANTS' duty of care to the PLAINTIFF included a duty not to retain an employee like DIRIENZO who would use his position of authority and influence to harm students such as PLAINTIFF.
48. Upon information and belief, DEFENDANTS knew or should have known that DIRIENZO was grooming PLAINTIFF for the purpose of sexually abusing her and failed to take any steps to stop the abuse or prevent harm to PLAINTIFF.
49. Upon information and belief, DEFENDANTS knew or should have known that DIRIENZO was sexually abusing PLAINTIFF and/or knew or should have known of his propensity to sexually abuse minor students with whom he came in contact.
50. When PLAINTIFF was in their care, said DEFENDANTS failed to exercise the degree of care that a reasonably prudent parent would have exercised under similar circumstances.
51. DEFENDANTS were wanton, reckless, officially tolerant and deliberately indifferent to abuse of PLAINTIFF by DIRIENZO.
52. DEFENDANTS are liable to PLAINTIFF as a result of their recklessness, official tolerance and deliberate indifference to the harm caused to PLAINTIFF by DIRIENZO.
53. By reason of the foregoing, PLAINTIFF sustained physical and psychological injuries, including but not limited to, severe emotional distress, depression, humiliation, embarrassment, fright, anger, anxiety, and loss of educational opportunity and has been caused to suffer pain and mental anguish, emotional and

psychological damage as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature; and PLAINTIFF has become and will continue to be obligated to expend sums of money for medical expenses.

54. That by reason of the foregoing, DEFENDANTS are liable to PLAINTIFF for punitive and exemplary damages.
55. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(7).
56. That the amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A THIRD CAUSE OF ACTION:

NEGLIGENT FAILURE TO TRAIN TEACHERS AND ADMINISTRATORS RELATED TO SEXUAL ABUSE AND TRAIN STUDENTS RELATING TO SEXUAL ABUSE

57. PLAINTIFF repeats and realleges the above paragraphs of this Complaint as if fully set forth herein.
58. Upon information and belief, DEFENDANTS, their agents, servants and employees owed a duty of care to PLAINTIFF as more fully alleged above. That duty included the duty to train and educate employees and administrators and establish adequate and effective policies and procedures calculated to detect, prevent and address inappropriate TEACHER/EMPLOYEE behavior and conduct including TEACHER/EMPLOYEE-student boundary violations, sexually inappropriate TEACHER/EMPLOYEE behavior and conduct and the sexual

abuse of students by TEACHERS/EMPLOYEES for the purpose of preventing the sexual abuse of students like PLAINTIFF.

59. Upon information and belief, DEFENDANTS did not establish effective training and education programs, policies and procedures for their administrators, teachers and employees calculated to detect, prevent and address the problem of the inappropriate TEACHER/EMPLOYEE behavior and conduct including TEACHER/EMPLOYEE-student boundary violations, sexually inappropriate TEACHER/EMPLOYEE behavior and conduct and the sexual abuse of students by employees.
60. Upon information and belief, in failing to establish such training and education programs, policies and procedures for employees and administrators, DEFENDANTS failed to exercise the degree of care that a reasonably prudent parent would have exercised under similar circumstances.
61. Upon information and belief, DEFENDANTS had a duty to train and educate students including PLAINTIFF on inappropriate TEACHER/EMPLOYEE behavior and conduct including TEACHER/EMPLOYEE-student boundary violations, sexually inappropriate TEACHER/EMPLOYEE behavior and conduct and the sexual abuse of students by TEACHERS/EMPLOYEE and to establish effective policies and procedures to address said problems.
62. Upon information and belief, DEFENDANTS did not train and educate PLAINTIFF on the problem of inappropriate TEACHER/EMPLOYEE behavior and conduct including TEACHER/EMPLOYEE-student boundary violations, sexually inappropriate TEACHER/EMPLOYEE behavior and conduct and the

sexual abuse of students by TEACHERS/EMPLOYEE and did not establish effective policies and procedures to address said problems.

63. Upon information and belief, in failing to establish such training and education programs, policies and procedures for students like PLAINTIFF, DEFENDANTS failed to exercise the degree of care that a reasonably prudent parent would have exercised under similar circumstances.
64. Upon information and belief, DEFENDANTS are liable to PLAINTIFF, as the result of their negligent failure to establish effective training and education programs, policies and procedures for their administrators, teachers and employees calculated to detect and prevent inappropriate TEACHER/EMPLOYEE behavior and conduct and the including TEACHER/EMPLOYEE-student boundary violations, sexually inappropriate TEACHER/EMPLOYEE behavior and conduct and the sexual abuse of students by TEACHERS/EMPLOYEE. DEFENDANTS are also liable to PLAINTIFF for their failure to train and educate PLAINTIFF as a student on the problem of inappropriate TEACHER/EMPLOYEE behavior and conduct including TEACHER/EMPLOYEE-student boundary violations, sexually inappropriate TEACHER/EMPLOYEE behavior and conduct and the sexual abuse of students by TEACHERS/EMPLOYEE and to establish effective policies and procedures to address said problems.
65. DEFENDANTS were wanton, reckless, officially tolerate and deliberately indifferent by their failure to develop such effective training and education programs, policies and procedures for employees, administrators and students.

66. DEFENDANTS, their agents, servants and employees were negligent, careless and reckless and acted willfully, wantonly and were grossly negligent in failing to establish adequate and effective professional training and education programs and procedures for their employees calculated to prevent abuse of youth.
67. By reason of the foregoing, PLAINTIFF sustained physical and psychological injuries, including but not limited to, severe emotional distress, depression, humiliation, embarrassment, fright, anger, anxiety, and loss of educational opportunity and has been caused to suffer pain and mental anguish, emotional and psychological damage as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature; and PLAINTIFF has become and will continue to be obligated to expend sums of money for medical expenses.
68. That by reason of the foregoing, DEFENDANTS are liable to PLAINTIFF for punitive and exemplary damages.
69. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(7) and 1602(11).
70. That the amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A FOURTH CAUSE OF ACTION:

NEGLIGENT FAILURE TO PROVIDE A SAFE AND SECURE ENVIRONMENT

71. PLAINTIFF repeats and realleges the above paragraphs of this Complaint as if fully set forth herein.
72. At all material times, as more fully set forth above, DEFENDANTS had the duty to exercise the same degree of care and supervision over the students under their control as a reasonably prudent parent would have exercised under similar circumstances.
73. During all material times, DEFENDANTS owed a special duty to PLAINTIFF as a student. This special duty required DEFENDANTS to take reasonable steps to anticipate such threats from its employees like DIRIENZO which threatened the safety of PLAINTIFF.
74. Upon information and belief, by virtue of both their duty of care to PLAINTIFF and the positions of authority and influence they exercised over her, DEFENDANTS had a duty to PLAINTIFF to provide her a reasonably safe and secure environment at SCHOOL.
75. Upon information and belief, DEFENDANTS failed to provide a reasonably safe environment to PLAINTIFF by failing to exercise the degree of care that a reasonably prudent parent would have exercised under similar circumstances.
76. As a result, DEFENDANTS are liable to PLAINTIFF for their negligent failure to provide a reasonably safe and secure environment.
77. By reason of the foregoing, PLAINTIFF sustained physical and psychological injuries, including but not limited to, severe emotional distress, depression,

humiliation, embarrassment, fright, anger, anxiety, and loss of educational opportunity and has been caused to suffer pain and mental anguish, emotional and psychological damage as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature; and PLAINTIFF has become and will continue to be obligated to expend sums of money for medical expenses.

78. That by reason of the foregoing, DEFENDANTS are liable to PLAINTIFF for punitive and exemplary damages.
79. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(7) and 1602(11).
80. That the amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A FIFTH CAUSE OF ACTION:

FAILURE TO REPORT CHILD ABUSE

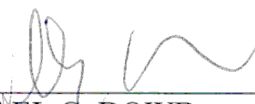
81. PLAINTIFF repeats and realleges the above paragraphs of this Complaint as if fully set forth herein.
82. Upon information and belief, DEFENDANTS had actual and/or implied knowledge of DIRIENZO'S sexually abusive actions and knowingly and willfully failed to report and to prevent further abuse of PLAINTIFF pursuant to Section 413 of the Social Services Law.

83. Upon information and belief, in not reporting suspicions of DIRIENZO'S sexually abusive behavior towards PLAINTIFF and other students, DEFENDANTS failed to exercise the degree of care that a reasonably prudent person would have exercised under similar circumstances.
84. DEFENDANTS are jointly and severally liable to PLAINTIFF for damages as a result of this failure pursuant to Section 420 of the Social Services Law.
85. DEFENDANTS their agents, servants and employees were careless, reckless and grossly negligent in failing to report suspected child abuse by DIRIENZO.
86. By reason of the foregoing, PLAINTIFF sustained physical and psychological injuries, including but not limited to, severe emotional distress, depression, humiliation, embarrassment, fright, anger, anxiety, and loss of educational opportunity and has been caused to suffer pain and mental anguish, emotional and psychological damage as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature; and the PLAINTIFF has become and will continue to be obligated to expend sums of money for medical expenses.
87. That by reason of the foregoing, DEFENDANTS are liable to PLAINTIFF for punitive and exemplary damages.
88. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(7) and 1602(11).

89. That the amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, the PLAINTIFF demands judgment against the DEFENDANTS, together with compensatory and punitive damages, and the interest, costs and disbursements pursuant to the causes of action herein.

Dated: Lake Success, New York
February 7, 2020



MICHAEL G. DOWD
1981 Marcus Avenue, Suite 200
Lake Success, NY 11042
(212) 751-1640

SWEENEY, REICH & BOLZ, LLP
By: Gerard J. Sweeney, Esq.
1981 Marcus Avenue, Suite 200
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Attorneys for Plaintiff


VERIFICATION BY ATTORNEY

MICHAEL G. DOWD, an attorney being duly admitted before the courts of the State of New York, hereby affirms the following under penalties of perjury:

That he is an attorney for the Plaintiff in the above-entitled action with offices located at 1981 Marcus Avenue, Suite 200, Lake Success, New York; that he has read the foregoing VERIFIED COMPLAINT and knows the contents thereof; that the same is true to his knowledge, except as to the matters stated to be alleged upon information and belief, and that as to those matters he believes them to be true.

That the reason why this verification is made by deponent instead of Plaintiff is because Plaintiff is not within the County of Nassau where deponent has his office. Deponent further says that the grounds of his belief as to all matters in the VERIFIED COMPLAINT not stated to be upon his knowledge are based upon conversations with the Plaintiff and other writings relevant to this action.

Dated: Lake Success, New York
February 7, 2020



MICHAEL G. DOWD
Attorney for Plaintiff
1981 Marcus Avenue, Suite 200
Lake Success, NY 11042
(212) 751-1640