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Attorneys for Plaintiff

JANE DOE

Plaintiff,

v.

DARUL-ULOOM AL-MADANIA, INC.,
as Owners and Operators of DARUL-
ULOOM AL-MADANIA INSTITUTE OF
HIGHER ISLAMIC LEARNING;
SHENAZ PATEL; JOHN DOES 1-5,
JANE DOES 1-5, and/or DOE
CORPORATION 1-5,

Defendant.

SUPREME COURT OF THE STATE OF
NEW YORK – ERIE COUNTY

Index No.:

CIVIL ACTION

SUMMONS

TO: THE ABOVE-NAMED DEFENDANTS:

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 the complaint.

Date: August 12, 2021

ALSAIDI & CHANG, LLC
Attorney for Plaintiff,



By: Joseph A. Chang, Esq.
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Paterson, NJ 07503

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COMPLAINT

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The Plaintiff, “Jane Doe” (“the Plaintiff”), complaining of the Defendants, Darul-Uloom Al Madania, Inc. (“the Corporation”), as owners and operators of Darul-Uloom Al Madania Institute of Higher Islamic Learning (“the School”), Shenaz Patel (“Patel”), Hafiz Sahib (“Sahib”), and John Does 1-5, Jane Does 1-5, and/or Doe Corporation 1-5 (collectively, “the Doe Defendants”), alleges:

NATURE OF ACTION

1. The Plaintiff brings action pursuant to CPLR §214-g, New York’s Child Victims Act (the “CVA”), as a result of physical and sexual abuse she suffered as a minor when she attended the School. During those years, the Plaintiff was abused by Patel and Sahib, both teachers.

2. As a result of the abuse, the Plaintiff suffered severe psychological and emotional trauma and been diagnosed with PTSD and Major Depressive Disorder.

PARTIES JURISDICTION AND VENUE

3. The Plaintiff is a citizen of New York, who was, at all relevant times, living in Buffalo, New York, on the premises, and as a student, of the School and in the care and custody of Darul-Uloom Al-Madania, Inc. and its Girls' School. Plaintiff Doe brings this action under a pseudonym because of the sensitive nature of the allegations of child sexual abuse in this Complaint, which is a matter of the utmost intimacy. Plaintiff Doe fears embarrassment and further psychological damage if her identity as a victim of child sexual abuse were to become publicly known.
4. At all times relevant, the Corporation was and is a domestic religious corporation organized under Article 9 of the Religious Corporation Law of the State of New York.
5. The Corporation, upon information and belief, owns and operates the School, which includes both a Boys' and a Girls' residential, or boarding, School.
6. Patel was, at all relevant times, employed at the School by the School and/or Corporation as a teacher.
7. Sahib was, at all relevant times, employed at or by the School and/or Corporation as a teacher.
8. The Doe Defendants are fictitious names intended to represent any and all employees, contractors, or other organizations or persons who are responsible for all or part of the acts and omissions herein; and whose identities are presently unknown to the Plaintiff.

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- 9. This Court has jurisdiction over the subject matter of this action and the parties pursuant to CPLR 301.
- 10. This Court has jurisdiction over this action because the amount of damages Plaintiff seeks exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.
- 11. Venue is proper pursuant to CPLR 503 because the School is located in Erie County, and a substantial portion of the facts complained of occurred in Erie County.
- 12. The Plaintiff's causes of action are timely under to New York's Child Victims Act (CPLR 214-g), enacted February 14, 2019. The Plaintiff alleges that the Defendants committed acts of abuse against her when she was a child of less than 18 years of age, as defined in Article 130 of the New York State Penal Law. This action is timely commenced within the time limits of CPLR 214-g.

JURY DEMAND

Defendant hereby demands a trial by jury on all issues.

FACTUAL ALLEGATIONS

- 13. At the age of 14, the Plaintiff was living, and a fulltime student, at the School.
- 14. The Plaintiff was assigned to live in a dorm room with approximately twelve (12) other female students. Patel was assigned to, and in fact did, reside at the dorm to watch out for and take care of the students.
- 15. In or about the school year of 2000, the Plaintiff became extremely ill following surgery; however, Patel failed and refused to call for medical attention.

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16. The Plaintiff was unable to get out of bed and pled with Patel to call a doctor. After one week of the Plaintiff suffering, Patel finally permitted her to see a doctor.
17. The doctor was shocked that the situation had gone on for such a duration of time; the Plaintiff insisted that she wanted to visit earlier.
18. After they left the doctor's office, Patel physically assaulted the Plaintiff by slapping her across the face multiple times as "punishment" for telling the doctor that she wanted to come earlier.
19. Following this incident, Patel began bullying, name-calling, assaulting, and berating the Plaintiff in front of her peers, and other teachers.
20. During those years, the Plaintiff found the School hostile, humiliating, embarrassing, and traumatic.
21. During the Plaintiff's Fourth Year at the School, Sahib was assigned to teach the Plaintiff a class. Sahib was one of the few male teachers assigned to the All-Girls' School.
22. During her time as a student from the approximate age of 14 years old, Plaintiff Doe was physically assaulted, by Defendant Shehnaz Patel (hereinafter "Patel") and sexually assaulted and abused by Defendant Sahib (Herein after "Sahib") who were both adult teachers employed by Defendant Darul-Uloom AL-Madania, Inc.
23. Plaintiff Doe, lived at an assigned dormitory room that was shared amongst approximately 12 female students of the same age group.
24. During her stay in the dormitory, Defendant Patel was assigned as a live-in teacher. She was to be responsible for the kids' well-being and had attended to their needs.

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25. In or about 2000, Defendant Patel neglected care for Plaintiff Doe. Specifically, once Plaintiff Doe had undergone surgery and had become extremely ill.
26. Defendant Patel was extremely careless and unconcerned of the health and well-being of Plaintiff Doe.
27. Plaintiff Doe could not get out of bed, was sick, and was hurting and began to cry and plead Defendant Patel to let her see a doctor. After the situation got much worse and lasted for over a week, Plaintiff Doe was then allowed to see a doctor.
28. The doctor was shocked that it took so long for Defendant Patel to bring Plaintiff Doe to a doctor and had a serious conversation with the Defendant and Plaintiff in which the Plaintiff had stated that she did in fact want to come to the doctor earlier. After they left the doctor's office, Defendant Patel physically assaulted Plaintiff Doe for telling the doctor that she wanted to be seen days ago and threatened Plaintiff Doe.
29. This led to an entire year of continuous bullying, name-calling, physical assault, and emotional abuse toward Plaintiff Doe in front of all her colleagues and peers.
30. Throughout the course of the year, Plaintiff Doe found life at School to be embarrassing, hostile, and unbearable.
31. Then, during her 4th year, Defendant Sahib was assigned to teach Plaintiff Doe a class.
32. He was one of very few male teachers who were assigned to teach an all-girls class.
33. On multiple occasions, Sahib isolated the Plaintiff and then made sexual advances by inappropriately touching her and threatened her that she had been not tell anyone.

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34. As a young Muslim woman, the Plaintiff was particularly traumatized, ashamed, and afraid. As those types of things were not talked about or believed, and in light of Sahib's threats, the Plaintiff did not tell friends, staff, or her family aside from her sister, who she trusted.
35. Virginity and chastity were not only desired in the Muslim culture but required and expected of every girl and woman. Women were not desired as wives for young men unless they were virginal and chaste. As a result, the Plaintiff's being sexually touched—even if unwillingly—degraded her desirability as a woman within her community.
36. Over the years, Sahib began stalking and harassing the Plaintiff through continuous phone calls and messages—even after she was married. The Plaintiff pleaded with Sahib to stop, but he didn't. For years after this chain of events unfolded, by stalking the Plaintiff and through his continuous phone calls and messages to Plaintiff Doe even after she had been married. Plaintiff Doe made it clear many times that she wanted nothing to do with him and begged that he stop trying to reach out to her, but it never stopped From Sahib's end.
37. Sahib would go to the Plaintiff's porch, look through her windows, and attempt to enter the home without permission. would go on Plaintiff Doe's porch, look through her windows and attempted to enter her house without permission. Even while living in Ontario, Canada and Panama, and traveling overseas, Plaintiff Doe was continuously pursued by Defendant Sahib. Sahib also tracked and contacted the Plaintiff when she was traveling outside of the state and country.

38. As a result of the physical and emotional abuse by Patel, and the sexual and psychological abuse by Sahib, the Plaintiff suffered severe shame, emotional distress, trauma, panic attacks, depression, and outbursts.

FIRST COUNT
(Negligent Hiring/Supervision/the Corporation/School)

39. The Plaintiff repeats, reiterates and realleges the facts of this Complaint as if set forth at length herein.

40. The Corporation had the responsibility of hiring competent, safe, and competent teachers at the School, including teachers without any known, believed, or reported history of inappropriate conduct with and toward children.

41. The Corporation and School owed a duty of care to its students, including the Plaintiff, to ensure that the teachers and adults who taught and oversaw them were safe, competent, and would not endanger them.

42. The Corporation and School knew or should have known that Patel and Sahib each had a propensity for, and/or history of, inappropriate conduct, including, but not limited to, student neglect, physical and mental abuse of students, and sexual interest in or abuse of girls.

43. The abuses that the Plaintiff sustained by Patel and Sahib were a foreseeable result of the Corporation's and School's negligent hire, and investigation into the backgrounds, of Patel and Sahib.

44. The Corporation's and School's negligence includes, *inter alia*, having placed Patel and Sahib in positions of power over, and with access to, the minor students.

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- 45. The Corporation and School negligently hired, retained, directed, oversaw, and supervised Patel and Sahib, and knew or should have known that these persons posed a threat to children.
- 46. The Corporation and School failed to provide a minimal degree of training to or oversight of Patel and Sahib.
- 47. The Corporation and School were willful, wanton, reckless, malicious, and/or grossly negligent in their disregard for the rights and safety of the Plaintiff.
- 48. As a direct and proximate result of these acts and omissions, the Plaintiff sustained and will continue to sustain damages.
- 49. As a direct result of the foregoing, the Plaintiff was injured .
- 50. By reason of the foregoing, the Corporation and School are liable to the Plaintiff for compensatory damages and for punitive damages, together with interests and costs.

SECOND COUNT
(Negligence/Corporation and School)

- 51. The Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.
- 52. At all relevant times, Patel and Sahib were under the supervision, employ, direction, and/or control of the Corporation and School.
- 53. The Corporation and School owed a duty to protect its students, including the Plaintiff, from physical, emotional, and sexual abuse, particularly by staff and teachers.

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54. The Corporation and School failed to meet that duty in providing a safe place for the Plaintiff to live and learn, where she was free of physical, mental, and sexual abuses by Patel and Sahib.
55. The Corporation and School also failed to offer or employ any channels through which students such as the Plaintiff could complain about such abuses if they occurred.
56. The Corporation and School permitted Sahib to be alone with students, including the Plaintiff, on a regular basis, even in spite of the fact that women and men were to be well separated in the religious community; and despite the fact that having a male teacher was inappropriate.
57. As a result of the negligence of the Corporation and School, the Plaintiff suffered injury.
58. As a direct result of the foregoing, Plaintiff was injured solely and wholly as a result of the negligence, carelessness, and recklessness of the Corporation and School and/or its agents, servants, employees, without any negligence on the part of the Plaintiff contributing thereto.
59. By reason of the foregoing, the Corporation and School, are liable to Plaintiff for compensatory damages and for punitive damages, together with interests and costs.

THIRD COUNT
(Intentional Assault & Battery; Defendant Patel)

60. The Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.
61. On or about 2000, Patel placed the Plaintiff in reasonable apprehension of suffering an offensive bodily contact when the two were leaving the doctor's office.

- 62. The Plaintiff was placed in reasonable fear of imminent, offensive bodily contact by Patel.
- 63. Patel caused harmful and offensive bodily contact of the Plaintiff.
- 64. As a result of the assault and battery, the Plaintiff suffered damages.
- 65. Patel acted with actual malice, or reckless disregard for the Plaintiff's rights.
- 66. WHEREFORE, Patel is liable for damages, including punitive damages.

FIFTH COUNT
Intentional Infliction of Emotional Distress (Patel)

- 67. The Plaintiff repeats the foregoing.
- 68. Patel set out on an intentional course to deprive the Plaintiff of proper care and inflict physical and emotional suffering upon her.
- 69. The intentional course included ignoring the Plaintiff's requests for medical attention when she fell ill, depriving her without reason the right to speak with or see a doctor.
- 70. Patel refused to let the Plaintiff see a doctor until she had already been suffering for an extended period and clearly needed assistance
- 71. After the Plaintiff innocently told the doctor that she wanted to see him earlier, Patel – in anger – physically assaulted the Plaintiff, and then set on a deliberate pattern of harassment, bullying, and emotional abuse.
- 72. Patel physically and emotionally abused the Plaintiff by publicly disparaging her in front of other children.
- 73. On numerous occasions, the Plaintiff feared for her life due to Patel's conduct of constant physical assault whenever she was upset.

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74. Patel's conduct was designed to, and did, cause extreme humiliation in the infant Plaintiff.

75. Patel's conduct toward the Plaintiff was so extreme in character, and unreasonable in degree, as to be utterly intolerable in a civilized society. Specifically, no School child should be expected to endure abuse and harassment from a teacher.

76. Patel's conduct was designed and calculated to cause the Plaintiff severe emotional distress.

77. As a result of Patel's conduct, the Plaintiff suffered severe emotional distress that no reasonable child can be expected to endure.

78. Patel acted with actual malice.

79. By reason of the foregoing, Patel, is liable to the Plaintiff for compensatory damages and for punitive damages, together with interests and costs.

FOURTH COUNT
(Breach of Fiduciary Duty)

80. The Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.

81. The Plaintiff's parents, on behalf of and for the Plaintiff, entrusted the Corporation and School to supervise and protect the Plaintiff while at School, and keep her safe from negligent and intentional harm.

82. The Corporation and School failed in their duties whereby they permitted and allowed the Plaintiff to be subject to repeated bullying, harassment, and abuse by teachers at the School.

83. The Plaintiff, through her parents, had a special relationship of trust and confidence in and with the School and Corporation, which the School and Corporation violated.

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84. The Corporation and School were required to act in the best interests of and for the Plaintiff and to protect her due to her infancy and vulnerability.

85. Based upon the fiduciary relationship, The Corporation and School, was entrusted with the wellbeing, care, and safety of Plaintiffs and assumed a duty to act in her best interests while she was at School.

86. The Corporation and School breached its fiduciary duty to the Plaintiff.

87. The aforesaid breach was willful, wanton, reckless, malicious, and outrageous in its disregard for the rights and safety of the Plaintiff.

88. As a direct and proximate result of the breach, the Plaintiff sustained and will continue to sustain damages.

89. By reason of the foregoing, the Corporation and the School are liable to the Plaintiff for compensatory damages and for punitive damages, together with interests and costs.

FIFTH COUNT

(Negligent Infliction of Emotional Distress)

90. Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.

91. As set forth above, Darul-Uloom Al-Madania, Inc.'s acted in a negligent and/or grossly negligent manner.

92. Darul-Uloom Al-Madania, Inc. had the power, ability, authority, and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Sahib.

93. Despite Darul-Uloom Al-Madania, Inc.'s knowledge, power, and duty, Darul-Uloom Al-Madania, Inc. negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted in Sahib sexually abusing Plaintiff.
94. Darul-Uloom Al-Madania, Inc.'s acts and omissions endangered Plaintiff's safety and well-being and caused them to suffer, inter alia, fear, anxiety, shame, humiliation, physical and emotional pain.
95. As a direct and proximate cause of Darul-Uloom Al-Madania, Inc 's conduct, Plaintiff suffered severe damages including but not limited to physical, mental and emotional distress.
96. By reason of the foregoing, Darul-Uloom Al-Madania, Inc. is liable to Plaintiff for compensatory damages and for punitive damages, together with interests and costs.

SIXTH COUNT

(Intentional Infliction of Emotional Distress; Defendant SAHIB)

97. The Plaintiff repeats and realleges each and every allegation as if fully set forth above as set forth herein.
98. Sahib engaged in conduct so outrageous in character, and extreme in degree, as to be utterly intolerable in a civilized society.
99. Sahib engaged in conduct that was designed or certain to result in severe emotional distress to the minor Plaintiff.
100. Sahib isolated and sexually preyed upon the Plaintiff while she was in a position of vulnerability and inability to resist or consent.
101. Sahib continued his behavior for years.

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102. After the Plaintiff left the School and moved on, Sahib continued to stalk and harass her, which actions subjected the Plaintiff to humiliation, emotional distress, and fear.
103. Sahib's actions were certain or calculated to result in severe emotional distress to the Plaintiff.
104. The Plaintiff suffered emotional distress so severe that no reasonable person should be expected to endure it.
105. Sahib acted with actual malice, or in reckless disregard for the Plaintiff's rights.
106. Wherefore, Sahib is liable for damages, including punitive damages, interests, costs, and attorney fees, and any other relief that the Court deems just and proper.

SEVENTH COUNT
(Vicarious Liability in Respondent Superior)

107. The Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.
108. The Corporation and School created and ran the School to educate, care for, and monitor the children seeking a religiously based education, including the Plaintiff.
109. The Corporation and School were and are vicariously liable in as supervisors for Patel's and Sahib's actions, undertaken in the normal course and scope of their duties.
110. The Corporation and School are vicariously liable as respondent superior to the Plaintiff for the conduct of Patel and Sahib, foregoing conduct.
111. As a result of the conduct and the Corporation's and School's failure to protect, the Plaintiff sustained damage.
112. By reason of the foregoing, the School and Corporation are liable to the Plaintiff for compensatory and punitive damages, together with interests and costs.

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EIGHTH COUNT
(Inadequate Security)

113. The Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.
114. The Corporation and School negligently failed to provide adequate security to students in general and the Plaintiff in particular while School was in session and students were lawfully on School grounds.
115. Among other things, the School and Corporation negligently permitted Sahib to be “in charge,” and prevent the Plaintiff from receiving necessary medical attention; to use physical violence; and to engage on a pattern of bullying over a sustained period of time.
116. The School and Corporation further allowed Patel – a male person with obvious built-in proclivities toward young girls – to have repeated and uninterrupted “alone time” with the Plaintiff.
117. It was the Corporation’s and School’s failure to provide adequate security on School property that resulted in the Plaintiff’s injuries.
118. The Corporation and School knew or should have known of their employees’ propensities for the conduct that caused Plaintiff’s injuries and should have taken precautions to provide her adequate security.
119. As a result of the foregoing, the Plaintiff was seriously and permanently injured.
120. These occurrences and the resulting injuries to the Plaintiff were caused solely and wholly by reason of the negligence and carelessness of the Corporation and School in their ownership, operation, management, maintenance, control, security, and supervision of their employees therewithin.

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121. As a result of the foregoing, the Plaintiff was injured solely and wholly as a result of the negligence, carelessness, and recklessness of the School and Corporation, without any negligence on the part of the Plaintiff contributing thereto.

122. By reason of the foregoing, the School and Corporation are liable to the Plaintiff for compensatory damages and for punitive damages, together with interests and costs.

NINTH COUNT
(Intentional Sexual Abuse; Violations of Article 130 of (the New York State Penal Law: Defendant Sahib)

123. The Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.

124. The Defendant Sahib, acts against Plaintiff Doe constitute criminal violations of Article 130 the New York State Penal Law.

125. Defendant Sahib, subjected Plaintiff Doe to sexual contact m violation of Penal Law § 130.60(2).

126. Defendant Sahib intentionally, and for no legitimate purpose, forcibly touched the sexual or other intimate parts of Plaintiff Doe for the purpose of degrading or abusing Plaintiff Doe, or for the purpose of gratifying Sahib’s sexual desire in violation of Penal Law§ 130.52(1).

127. By reason of the foregoing, Defendant Sahib, is liable to Plaintiff Doe for compensatory damages and for punitive damages, together with interests and costs.

TENTH COUNT:
Failure to Report (Social Services Law 413; 420)

128. The Plaintiff repeats the foregoing.

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129. Social Services Law 413, School officials, including, *inter alia*, teachers and administrators, are required to report “when they have reasonable cause to suspect that a child coming before them in their professional or official capacity is an abused or maltreated child.”
130. Social Services Law 420(2) states that “Any person, official, or institution required by this title to report a case of suspected child abuse or maltreatment who knowingly and willfully fails to do so shall be civilly liable for the damages proximately caused by such failure.”
131. The Defendants each and all failed to report suspected or probable abuse of the Plaintiff as set forth above, though they were required to do so given their positions with and at the School, and the Plaintiff’s presentation.
132. As a result of the Defendants’ failings, the Plaintiff sustained damages, and the Defendants are liable, jointly and severally, for damages.

ELEVENTH COUNT:
Negligent Failure to Train (Corporation; School)

133. The Plaintiff repeats the foregoing.
134. The Corporation and School had a duty to train their staff, teachers, students, and parents about the dangers and symptoms of child abuse within the School setting.
135. The Corporation and School specifically had a duty to train teachers as to both the bounds of appropriateness with students, and how to recognize signs of abuse in such students.
136. The Corporation and School specifically had a duty to train students on standards for appropriate and inappropriate behavior in teachers, staff, and others in positions of authority at the School.

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137. The Corporation and School also had a duty to train parents of students about signs to look for in abused children.

138. The Corporation and School had a duty to put into place measures to ensure that children being abused by staff or teachers would be recognized, interviewed, and protected.

139. The Corporation and School failed to put into place any and all of these trainings.

140. As a direct result of said failure, the Plaintiff suffered damages.

141. Wherefore, the Corporation and School are liable, jointly and severally, for damages.

DAMAGES DEMAND

142. WHEREFORE, PLAINTIFF DOE demands judgment against Defendants in the sum of no less than \$10,000,000 in compensatory damages, plus punitive damages, interest, costs, disbursements, and attorneys' fees together with such other and further relief as the Court deems just and proper.

143.

TRIAL COUNSEL DESIGNATION

Please take notice that pursuant to the Rules of Court, Defendant designates Joseph Chang, Esq. as trial counsel in this matter.

ALSAIDI & CHANG, LLC
Attorneys for Plaintiff,

Dated: 8/10/2021

BY: s/ Joseph Chang
Joseph A. Chang, Esq.

VERIFICATION

STATE OF NEW JERSEY)
) ss.:
COUNTY OF PASSAIC)

The undersigned, an attorney duly admitted to practice in the courts of the State of New York, states that deponent is an attorney at Alsaiddi & Chang, LLC, the attorneys of record for the plaintiffs, herein, and that deponent has read the foregoing Verified Complaint and knows the contents thereof, that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes them to be true. Deponent further states that the reason this verification is made by deponent and not by Plaintiffs is that Plaintiff intends to remain anonymous and has followed this filing with an Order to Show Cause to use a pseudonym throughout this litigation.

The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are from information received from the Plaintiffs, and in the course of investigation, as well as from records and things received from the parties. The undersigned affirms that the foregoing statements are true under penalties of perjury.

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Joseph A. Chang, Esq.

Sworn to before me this

13th day of August, 2021



Notary Public

