

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ERIE

-----X

MOHAMMED KHAN,

Plaintiff,

-against-

DARUL-ULOOM AL-MADANIA, INC. AND JOHN  
DOES 1-5,

Defendants.

-----X

TO THE ABOVE-NAMED DEFENDANT:

You are hereby summoned and required to serve upon Plaintiff's attorney an answer to the complaint in this action within 20 days after the service of this summons, exclusive of the day of service, or within 30 days after service is complete if this summons is not personally delivered to you within the State of New York. In case of your failure to answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, NY  
August 6, 2021

The Law Firm of Andrew M. Stengel, P.C.  
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*Attorneys for Plaintiff Mohammed Khan*



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SUPREME COURT OF THE STATE OF NEW YORK  
ERIE COUNTY

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MOHAMMED KHAN,

Plaintiff,

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DARUL-ULOOM AL-MADANIA, INC. AND JOHN  
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Index No.

**VERIFIED COMPLAINT**

Jury Trial Demanded

**NATURE OF ACTION**

1. Pursuant to CPLR 214-g, New York’s Child Victims Act (the “CVA”), Plaintiff brings this revival action to vindicate his rights. The CVA historically opened a period for victims and survivors of childhood sexual abuse in the State of New York to pursue claims that would otherwise be untimely.

2. Plaintiff Mohammed Khan is a 39-year-old resident of Ontario, Canada.

3. From or about 1992 to or about 1996, Plaintiff attended and lived at Defendant Darul-Uloom Al-Madania, Inc.’s Boys’ School in East Aurora and Buffalo, New York, during the academic years.

4. During his time as a Boys’ School student from the approximate ages of 10 to 14 years old, Plaintiff was physically abused multiple times a week by Ibrahim Memon, Mansoor Memon and Sayyed Sabh, who were members of the Boys’ School administration, to such a severe degree that the abuse was tantamount to torture.

5. Beginning when Plaintiff was approximately 13 years old, Ibrahim Memon required Plaintiff to attend private tutoring sessions with a 16-year-old Boys’ School student.

6. The Boys' School student met with Plaintiff alone in a classroom and multiple times a week for a period of approximately six months he sexually abused and sexually assaulted Plaintiff, including forcing Plaintiff into anal sex, performing oral sex on Plaintiff, manipulating Plaintiff's penis and touching Plaintiff all over Plaintiff's body.

7. After approximately six weeks, Plaintiff complained to Ismail Memon that he was raped and inappropriately touched by the student.

8. Instead of taking immediate action to protect Plaintiff, Ibrahim Memon laughed, stating in substance the student was probably playing with him and trying to teach him, and he continued to require Plaintiff to attend one-on-one meetings with the student without supervision.

9. Plaintiff feared making additional complaints to Ibrahim Memon as the sexual abuse and sexual assaults continued due to the continuing violent physical abuse that he and others inflicted upon Plaintiff.

10. The sexual abuse and sexual assaults of Plaintiff continued for approximately four and half months before Plaintiff broke down to his mother who intervened to remove Plaintiff from the Boys' School.

#### **PARTIES, JURISDICTION AND VENUE**

11. Plaintiff Mohammed Khan is a citizen of Ontario, Canada, and at all relevant times to this complaint, he was living in East Aurora and Buffalo, New York, in the care and custody of Darul-Uloom Al-Madania, Inc. and its Boys' School.

12. At all times relevant, and to the present day, Darul-Uloom Al-Madania, Inc. is and was a domestic religious corporation organized under Article 9 of the Religious Corporation Law of the State of New York that offers Islamic education to students. Darul-Uloom Al-Madania Boys' School is owned, operated and controlled by Defendant Darul-Uloom Al-Madania, Inc.

13. Defendant John Doe 1 (“Student Doe”), a male whose first name is Fadlullah and whose last name is unknown to Plaintiff, is the individual who committed the illegal, heinous and immoral acts described herein that give rise to Plaintiff’s allegations.

14. Defendants John Doe 2-5 are fictitious names intended to represent the names of any and all employees, contractors, or other organizations or persons who should have done something to stop or prevent the abuse.

15. This Court has jurisdiction over the subject matter of this action and the parties pursuant to CPLR 301.

16. 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.

17. Venue is proper in Erie County pursuant to CPLR 503 because Defendant Darul-Uloom Al-Madania, Inc.’s principal office is located in Erie County and/or resides in Erie County and/or a substantial part of the events giving rise to the claims occurred in Erie County.

#### **CHILD VICTIMS ACT**

18. Each of Plaintiff’s causes of action is timely pursuant to New York’s Child Victims Act (CPLR 214-g), which was enacted on February 14, 2019. Plaintiff alleges that Defendants committed intentional or negligent acts or omissions that resulted in Plaintiff suffering physical, psychological or other injuries or conditions as a direct and proximate result of conduct that constitutes sexual offenses committed against a child less than 18 years of age, as defined in Article 130 of the New York State Penal Law. This action is commenced within the time limits of CPLR 214-g.

**JURY DEMAND**

19. Plaintiff demands a trial by jury on all issues so triable.

**FACTUAL ALLEGATIONS**

20. At all times relevant and material hereto, Defendant Darul-Uloom Al-Madania, Inc. was responsible for providing for the care, protection and safety of students enrolled and living at and within its Boys' School in East Aurora and Buffalo, New York.

21. At all times relevant and material hereto, Ismail Memon was the founder of Defendant Darul-Uloom Al-Madania, Inc.'s Boys' School and its principal and/or headmaster.

22. At all times relevant and material hereto, Ibrahim Memon and Mansoor Memon, the sons of Ismail Memon, were either part of the administration and/or on the staff of, acted as agents and/or served as employees of Defendant Darul-Uloom Al-Madania, Inc. and worked at the Boys School that Plaintiff attended.

23. From or about September 1992 to or about August 1996, from the approximate ages of 10 to 14 years old, Plaintiff was a student at the Boys' School of Defendant Darul-Uloom Al-Madania, Inc.

24. At all relevant times throughout the academic year Plaintiff lived at the school located in East Aurora and Buffalo, New York.

25. Beginning in 1992 when Plaintiff was approximately 10 years old and continuing throughout Plaintiff's attendance of the Boys' School until 1996 when Plaintiff was approximately 14 years old, Plaintiff was severely physically abused by Ibrahim Memon, Mansoor Memon and Sayyed Sabh on the Boys' School premises.

26. As a purported excuse for the severe physical abuse of Plaintiff, Ibrahim Memon, Mansoor Memon and Sayyed Sabh accused Plaintiff of not studying or tardiness and punished

him by beating Plaintiff with their fists as well as such weapons as a hanger, rubber hose, a wood cane and a ruler.

27. During such beatings by Ibrahim Memon, Plaintiff often collapsed to the ground and Ibrahim Memon would typically kick Plaintiff in his ribs.

28. The physical abuse of Plaintiff caused him substantial pain, frequent bruising and bleeding, especially when Ibrahim Memon hit Plaintiff on his head with a weapon.

29. The physical injury to Plaintiff's head was so severe that he could not touch his head for years without feeling pain.

30. In addition, beginning when Plaintiff was approximately 11 years old, Ibrahim Memon required Plaintiff to sit with his back to the wall in with his body elevated above the ground, so his lower legs formed a 90-degree angle with his upper legs, and to hold a heavy book in his hands with his palms facing up. When Plaintiff's body moved, which was inevitable due to the uncomfortable position and the weight of the book, Ibrahim Memon beat Plaintiff with a wood cane on Plaintiff's head, feet and hands.

31. On one occasion, Plaintiff complained to Ismail Memon that he was being bullied. Rather than acting on Plaintiff's complaint, Ibrahim Memon threatened Plaintiff with a beating if he were to make a complaint to Ismail Memon in the future.

32. In or about late 1995 when Plaintiff was 13 years old Ibrahim Memon required Plaintiff to meet with Defendant Student Doe, who was approximately 16 years old, for one-on-one instruction in Islamic education.

33. During some weeks Plaintiff was required to meet with Student Doe daily and in other weeks Plaintiff was required to meet with Student Doe at least three times during the week.

34. The purported tutoring sessions with Defendant Student Doe, who was physically

imposing for his age, took place in a Boys' School classroom during lunch and dinner hours and on Saturdays and without supervision.

35. Multiple times every week during the purported tutoring sessions Defendant Student Doe sexually abused and sexually assaulted Plaintiff by forcing Plaintiff to submit and receive anal sex, performing oral sex on Plaintiff, manipulating Plaintiff's penis and touching Plaintiff all over Plaintiff's body.

36. Plaintiff feared complaining about the sexual abuse and sexual assaults because of the ongoing physical abuse and threat of additional physical abuse.

37. However, after approximately six weeks of sexual abuse and sexual assaults by Defendant Student Doe, Plaintiff gained the courage to complain to Ibrahim Memon.

38. Plaintiff told Ibrahim Memon in unambiguous terms that Defendant Student Doe was raping him and touching him inappropriately.

39. Ibrahim Memon laughed at Plaintiff and told Plaintiff that Defendant Student Doe was probably playing with him and trying to teach him.

40. Ibrahim Memon continued to require Plaintiff to meet with Defendant Student Doe one-on-one on the property of the Boys' School without supervision.

41. The sexual abuse and sexual assaults of Plaintiff by Defendant Student Doe continued with Student Doe penetrating Plaintiff's anus with his penis, performing oral sex on Plaintiff and manipulating Plaintiff's penis.

42. Plaintiff feared making an additional complaint because of the ongoing physical abuse.

43. In or about early the summer of 1996, approximately four and half months after Plaintiff complained to Ibrahim Memon during which time the sexual abuse and sexual assaults

continued, Plaintiff broke down to his mother and asked her to remove him from the school.

44. Plaintiff's mother arranged for an adult to escort him from the Boys' School to his home in Canada.

45. Plaintiff was subsequently expelled from the Boys' School because he was labeled a "troublemaker."

46. The acts of Student Doe against Plaintiff constitute the crimes of Criminal Sexual Act in the First Degree, Penal Law § 130.50(1), Sexual Abuse in the First Degree, Penal Law § 130.65(1), Sexual Abuse in the Second Degree, Penal Law § 130.60(2), Sexual Abuse in the Third Degree, Penal Law § 130.55, and Forcible Touching, Penal Law § 130.52(1), and attempts to commit all of the foregoing, against Plaintiff.

47. As a result of the sexual abuse and sexual assaults, Plaintiff has engaged in self-harm and suicidal ideation, and he has symptoms that are consistent with anxiety and depression.

48. Darul-Uloom Al-Madania, Inc. either failed to perform a background check on or otherwise vet Student Doe prior to allowing him to interact one-on-one with students, or it did so and ignored the results.

49. Members of Defendant Darul-Uloom Al-Madania, Inc.'s administration and faculty oversaw, supervised, and directed the manner in which Student Doe engaged with students.

50. Upon information and belief, Defendant Darul-Uloom Al-Madania, Inc. relied upon its agents, employees and/or staff to ensure the safety and maintenance of the school premises and, in particular, the Boys' School.

51. Upon information and belief, Defendant Darul-Uloom Al-Madania, Inc. did not have any security to protect students and/or minors, like Plaintiff, from harm.



52. Defendant Darul-Uloom Al-Madania, Inc. intentionally put Defendant Student Doe in direct contact with minor children including Plaintiff.

53. Defendant Student Doe used his position at Defendant Darul-Uloom Al-Madania, Inc. to sexually exploit Plaintiff.

54. Defendant Student Doe sexually abused Plaintiff inside of Defendant Darul-Uloom Al-Madania, Inc.'s facilities.

55. Upon information and belief, members of Defendant Darul-Uloom Al-Madania, Inc.'s administrators condoned and/or covered up Defendant Student Doe's unlawful sexual acts.

56. Upon information and belief, Defendant Student Doe molested other students at Darul-Uloom Al-Madania.

57. Upon information and belief, it was well known among the students and employees and staff that Defendant Student Doe was sexually inappropriate with students, including Plaintiff.

58. Upon information and belief, students knew that if they reported the sexual abuse to Darul-Uloom Al-Madania's officials, they would be punished with physical assaults and nothing would be done to stop the abuse from occurring.

59. Upon information and belief, the physical abuse of students by Ibrahim Memon and Mansoor Memon and others was known to the administrators of the Boys' School.

60. The administrators of Defendant Darul-Uloom Al-Madania, Inc. had the legal and moral responsibility to prevent Defendant Student Doe from sexually abusing and sexually assaulting Plaintiff and had the legal and moral responsibility to stop Defendant Student Doe from molesting Plaintiff.

61. Darul-Uloom Al-Madania, Inc. had the legal and moral responsibility to manage,

supervise, control and direct their employees and agents, including Defendant Student Doe, and to prevent them from harming the students including Plaintiff entrusted to their care.

62. Defendant Student Doe's acts were brazen and Defendant Darul-Uloom Al-Madania, Inc. knew or should have known about the sexual abuse and sexual assaults of Plaintiff.

63. Defendant Darul-Uloom Al-Madania, Inc. failed to properly monitor Defendant Student Doe or otherwise supervise their interactions with students including Plaintiff.

**FIRST CAUSE OF ACTION:  
(Negligent Hiring/Retention/Supervision/Direction)**

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

65. Darul-Uloom Al-Madania, Inc., at all relevant times, indicated to its students and to the parents of students that minor children would be physically safe in the presence of their teachers at Darul-Uloom Al-Madania, Inc.

66. Darul-Uloom Al-Madania, Inc. entered into an express and/or implied duty to provide that when Plaintiff was a minor and left in the presence of teachers, that he would be kept reasonably safe and not be sexually abused.

67. Darul-Uloom Al-Madania, Inc. owed a duty of care to all minor persons, including Plaintiff, who was likely to come in contact with Defendant Student Doe to ensure that he did not use his assigned positions to injure minors by sexual assault, sexual abuse or sexual contact in violation of the laws of the State of New York.

68. Darul-Uloom Al-Madania, Inc. knew or should have known of Defendant Student Doe's propensity for conduct that caused Plaintiff's injuries prior to, or at the time, that he sexually abused and sexually assaulted Plaintiff.

69. The sexual abuse of children by Defendant Student Doe was a foreseeable result

of Darul-Uloom Al-Madania, Inc.'s negligence. Darul-Uloom Al-Madania, Inc.'s negligence lies in, among other things, having placed Defendant Student Doe in a position to cause foreseeable harm, harm which would have been spared, had it taken reasonable care in making appropriate decisions respecting the hiring and retention of Defendant Student Doe.

70. Darul-Uloom Al-Madania, Inc. negligently hired, retained, directed, oversaw, and supervised Defendant Student Doe and knew or should have known that he posed a threat of sexual abuse to children and that their conduct did not comport with regular and customary teaching practices at Darul-Uloom Al-Madania, Inc.

71. Upon information and belief, Darul-Uloom Al-Madania, Inc. did not provide a minimum or adequate training to Defendant Student Doe regarding the care of children, including Plaintiff, within his control.

72. At all relevant times, Darul-Uloom Al-Madania, Inc. was willful, wanton, reckless, malicious and/or outrageous in its disregard for the rights and safety of the Plaintiff.

73. As a direct and proximate result of Darul-Uloom Al-Madania, Inc.'s conduct, Plaintiff sustained and will continue to sustain damages.

74. As a direct result of the foregoing, Plaintiff was injured solely and wholly as a result of the negligence, carelessness, and recklessness of Darul-Uloom Al-Madania, Inc. and/or its agents, servants, employees, without any negligence on the part of the Plaintiff contributing thereto.

75. 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.

**SECOND CAUSE OF ACTION:  
(Negligence)**

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

77. At all relevant times, Defendant Student Doe was under the supervision, employ, direction and/or control of Darul-Uloom Al-Madania, Inc.

78. Darul-Uloom Al-Madania, Inc. owed a duty to protect its students, including Plaintiff, lawfully within the school's premises, from Defendant Student Doe's propensity to molest children. Darul-Uloom Al-Madania, Inc. knew, or was negligent in not knowing, that Defendant Student Doe posed a threat of sexual abuse to children. Darul-Uloom Al-Madania, Inc. also failed to take appropriate measures to evaluate Defendant Student Doe's employment and fitness at the time he was allowed to teach and thereafter remain at the school.

79. Defendant Student Doe's conduct was undertaken and/or enabled during the course and/or within the scope of their employment, appointment, assignment, and/or agency with Darul-Uloom Al-Madania, Inc. At all relevant times, Darul-Uloom Al-Madania, Inc. failed to have appropriate procedures in place for students or faculty to report sexual abuse.

80. Darul-Uloom Al-Madania, Inc. also failed to adequately supervise Defendant Student Doe and permitted him to go into rooms alone with Plaintiff.

81. During the time of the sexual abuse alleged herein, while lawfully upon Darul-Uloom Al-Madania, Inc.'s premises, Plaintiff was caused to be repeatedly injured solely and wholly due to the negligence and carelessness of Darul-Uloom Al-Madania, Inc.

82. As a direct and proximate result of Darul-Uloom Al-Madania, Inc.'s conduct, Plaintiff sustained and will continue to sustain damages.

83. As a direct result of the foregoing, Plaintiff was injured solely and wholly as a result of the negligence, carelessness, and recklessness of Darul-Uloom Al-Madania, Inc. and/or its agents, servants, employees, without any negligence on the part of the Plaintiff contributing thereto.

84. 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.

**THIRD CAUSE OF ACTION:  
(Breach of Non-Delegable Duty)**

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

86. Plaintiff, as a minor, was placed in the care and supervision of Darul-Uloom Al-Madania, Inc. for the purpose of, among other things, providing him with a safe environment to participate in educational, religious, youth, and recreational activities.

87. There existed a non-delegable duty of trust between Plaintiff and Darul-Uloom Al-Madania, Inc.

88. Darul-Uloom Al-Madania, Inc. was in the best position to prevent Defendant Student Doe from sexually abusing children under its care, to learn of the sexual abuse, to stop it, and to take prompt action so that Plaintiff could receive the proper therapy to address what had happened to him. Such prompt steps would have prevented the abuse from occurring and/or mitigated the extent of life suffering that Plaintiff has endured.

89. Darul-Uloom Al-Madania, Inc. breached its non-delegable duty to Plaintiff by not stopping the sexual assault and sexual abuse of Defendant Student Doe, allowing Defendant Student Doe to abuse Plaintiff, failing to recognize that Defendant Student Doe was abusing Plaintiff, and/or turning a blind eye to it.

90. During the time of the sexual abuse alleged herein, while lawfully upon Defendant's premises, Plaintiff was caused to be repeatedly injured solely and wholly due to the negligence and carelessness of Darul-Uloom Al-Madania, Inc.

91. As a direct and proximate result of Darul-Uloom Al-Madania, Inc.'s conduct, Plaintiff sustained and will continue to sustain damages.

92. As a direct result of the foregoing, Plaintiff was injured solely and wholly as a result of the negligence, carelessness, and recklessness of Darul-Uloom Al-Madania, Inc. and/or its agents, servants, employees, without any negligence on the part of the Plaintiff contributing thereto.

93. 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.

**FOURTH CAUSE OF ACTION:  
(Breach of Fiduciary Duty)**

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

95. Plaintiff's parents entrusted Darul-Uloom Al-Madania, Inc. to supervise and protect their minor child while he was at school. During such time, Darul-Uloom Al-Madania, Inc. assigned Defendant Student Doe as a teacher and/or tutor. At all times, Defendant Student Doe was under the supervision and control of Darul-Uloom Al-Madania, Inc.

96. Darul-Uloom Al-Madania, Inc. failed to monitor Defendant Student Doe or otherwise supervise Defendant Student Doe's interactions with students including Plaintiff.

97. There existed a relationship of trust, confidence and reliance between Darul-Uloom Al-Madania, Inc. and Plaintiff.

98. This relationship was based on the entrustment that Darul-Uloom Al-Madania, Inc. would properly care for and supervise minor children in its presence, custody and control.

99. Darul-Uloom Al-Madania, Inc. was required to act in the best interests of Plaintiff

and to protect him due to his infancy and vulnerability.

100. Based upon the fiduciary relationship, Darul-Uloom Al-Madania, Inc. was entrusted with the wellbeing, care, and safety of Plaintiff and assumed a duty to act in his best interests while he was at school.

101. Darul-Uloom Al-Madania, Inc. breached its fiduciary duty to Plaintiff.

102. Darul-Uloom Al-Madania, Inc.'s conduct was willful, wanton, reckless, malicious and outrageous in its disregard for the rights and safety of Plaintiff.

103. As a direct and proximate result of Darul-Uloom Al-Madania, Inc.'s conduct, Plaintiff sustained and will continue to sustain damages.

104. 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.

**FIFTH CAUSE OF ACTION:  
(Negligent Infliction of Emotional Distress)**

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

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

107. 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 and sexually assaulted by Defendant Student Doe.

108. 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 Defendant Student Doe sexually abusing Plaintiff.

109. Darul-Uloom Al-Madania, Inc.'s acts and omissions endangered Plaintiff's safety and well-being and caused him to suffer, inter alia, fear, anxiety, shame, humiliation, physical and emotional pain.

110. 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.

111. 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 CAUSE OF ACTION:  
(Breach of Duty *In Loco Parentis*)**

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

113. While he was a minor, Plaintiff was entrusted by his parents to the control, custody and supervision of Darul-Uloom Al-Madania, Inc. During that time, Darul-Uloom Al-Madania, Inc. placed Plaintiff in contact with Defendant Student Doe, who repeatedly sexually abuse and sexually assaulted him.

114. Darul-Uloom Al-Madania, Inc. knew or should have known that Defendant Student Doe was sexually abusing and sexually assaulting Plaintiff

115. Darul-Uloom Al-Madania, Inc. owed a duty to the students, including Plaintiff, entrusted to it to act in loco parentis and to prevent foreseeable and known injuries.

116. Darul-Uloom Al-Madania, Inc.'s supervision and protection of Plaintiff at school fell far below that of a parent of ordinary prudence placed in the same situation and armed with the same information.



117. At all times material hereto, Darul-Uloom Al-Madania, Inc.'s actions were willful, wanton, malicious, reckless, negligent, grossly negligent and/or outrageous in their disregard for the rights and safety of Plaintiff.

118. As a direct result of Darul-Uloom Al-Madania, Inc.'s actions, Plaintiff has suffered injuries and damages described herein.

119. 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.

**SEVENTH CAUSE OF ACTION:  
(Intentional Infliction of Emotional Distress)**

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

121. Darul-Uloom Al-Madania, Inc. engaged in reckless, extreme, and outrageous conduct by providing Defendant Student Doe with access to children, including Plaintiff, despite knowing that they would likely use their position to sexually abuse them, including Plaintiff.

122. Darul-Uloom Al-Madania, Inc.'s conduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by it of the consequences that would follow.

123. As a result of this reckless, extreme, and outrageous conduct, Defendant Student Doe gained access to Plaintiff and sexually assaulted and abused him.

124. Darul-Uloom Al-Madania knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and Plaintiff did in fact suffer severe emotional and psychological distress and

personal physical injury as a result, including severe mental anguish, humiliation, and emotional physical distress.

125. 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.

**EIGHTH CAUSE OF ACTION:  
(Vicarious Liability in Respondeat Superior)**

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

127. Darul-Uloom Al-Madania, Inc. staffed the Boys' School at Darul-Uloom Al-Madania to educate, care for, and monitor the children enrolled thereat, including Plaintiff.

128. Darul-Uloom Al-Madania, Inc. is and was vicariously liable in respondeat superior to Plaintiff for Defendant Student Doe's foregoing unlawful conduct in that the sexual abuse of Plaintiff by Defendant Student Doe was reasonably foreseeable by Darul-Uloom Al-Madania, Inc. and occurred within the general scope of employment.

129. Darul-Uloom Al-Madania, Inc. is and was vicariously liable in respondeat superior to Plaintiff for Defendant Student Doe's foregoing unlawful conduct given prior instances of similar conduct by Defendant Student Doe, other employees, agents and/or servants, as well as Darul-Uloom Al-Madania, Inc.'s failure to respond accordingly, such unlawful conduct was reasonably foreseeable and occurred within the general scope of the Darul-Uloom Al-Madania, Inc.'s business in that due to prior known instances of similar conduct on the part of Defendant Student Doe, the herein actions of same could have been reasonably foreseen by the Darul-Uloom Al-Madania, Inc.

130. 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.

**NINTH CAUSE OF ACTION:  
(Inadequate Security)**

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

132. Darul-Uloom Al-Madania, Inc. negligently failed to provide adequate security to Plaintiff while Plaintiff was lawfully within the Boys' School at Darul-Uloom Al-Madania and while Darul-Uloom Al-Madania, Inc. had knowledge of its employee's or agent's, Student Doe's, propensities for the type of behavior which resulted in Plaintiff's injuries in this action.

133. Darul-Uloom Al-Madania, Inc. negligently failed to safeguard Plaintiff, a minor.

134. Darul-Uloom Al-Madania, Inc. knew or should have known of their employee's or agent's, Defendant Student Doe's, propensities for the conduct that caused Plaintiff's injuries and negligently failed to take reasonable measures to protect and provide security to the Plaintiff.

135. That as a result of the foregoing, Plaintiff was seriously and permanently injured.

136. Said occurrences and the resulting injuries to Plaintiff were caused solely and wholly by reason of the negligence and carelessness of Darul-Uloom Al-Madania, Inc. in their ownership, operation, management, maintenance, control, security and supervision of the Boys' School at Darul-Uloom Al-Madania and employees therewithin.

137. As a result of the foregoing, Plaintiff was injured solely and wholly as a result of the negligence, carelessness, and recklessness of Darul-Uloom Al-Madania, Inc. without any negligence on the part of the Plaintiff contributing thereto.

138. 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.

**TENTH CAUSE OF ACTION:  
(Intentional Sexual Abuse; Violations of Article 130 of the New York State Penal Law:  
Defendant Student Doe)**

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

140. Defendant Student Doe's acts against Plaintiff constitute criminal violations of Article 130 of the New York State Penal Law.

141. Defendant Student Doe engaged in anal sexual conduct with Plaintiff by forcible compulsion in violation of Penal Law § 130.50(1).

142. Defendant Student Doe subjected Plaintiff to sexual contact by forcible compulsion in violation of Penal Law § 130.65(1).

143. Defendant Student Doe subjected Plaintiff to sexual contact when Plaintiff was less than 14 years old in violation of Penal Law § 130.60(2).

144. Defendant Student Doe subjected Plaintiff to sexual contact without Plaintiff's consent in violation of Penal Law § 130.55(2).

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

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

**DAMAGES DEMAND**

WHEREFORE, PLAINTIFF demands judgment against Defendants in the sum of no less than \$20,000,000 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.

Dated: New York, New York  
August 6, 2021

Respectfully submitted,



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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ERIE

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MOHAMMED KHAN,

Plaintiff,

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-against-

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Defendants.

-----X

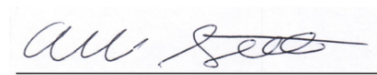
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SUMMONS AND VERIFIED COMPLAINT

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Pursuant to 22 NYCRR 130-1.1, the undersigned, attorneys admitted to practice in the courts of New York State, certify that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: August 6, 2021



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