

S.R.

and

JOHN DOE

Plaintiffs,

v.

THOMAS J. KILKENNY, JR.
15 Laurel Cove Road
Byram Township, New Jersey 07821-3612

and

ROGER BRAUCHLI
44 Clinton Avenue
Maplewood, New Jersey 07040-2129

Defendants.

Superior Court of New Jersey
Law Division: Essex County

Docket No.:

Civil Action

COMPLAINT AND JURY DEMAND

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiffs S.R. and John Doe (“J.D.”),¹ by their undersigned counsel, files this complaint against Thomas Kilkenny and Roger Brauchli, in their individual capacities, and alleges the following:

INTRODUCTION

1. This year marks the 30th and 31st anniversaries of the canoeing trips during which Defendants Roger Brauchli and Thomas Kilkenny—as Scoutmaster and Assistant Scoutmaster of Plaintiffs’ Boy Scout Troop—drugged and sexually assaulted 13-year-old J.D. and 12-year-old S.R., causing them a lifetime of trauma, depression, and marred relationships.

¹ Pursuant to N.J. Stat. § 2A:61B-1(f), Plaintiff S.R. is proceeding using his initials and Plaintiff John Doe is proceeding with the use of a fictitious name due to their desire to avoid further trauma, stigma, and mental, emotional, and physical harm.

2. In 2019, New Jersey amended the Child Sex Abuse Act² (“CSAA”) to extend the statute of limitations for civil child sex abuse actions, enabling survivors like S.R. and J.D. to seek long overdue redress. *See Governor Murphy Signs Legislation Extending the Civil Statute of Limitations for Sexual Abuse Claims in New Jersey*, Governor Phil Murphy (May 13, 2019), <https://www.nj.gov/governor/news/news/562019/approved/20190513c.shtml> (“Because those who have been sexually abused often suppress their memories for years or don’t connect their injuries to their abuse, they need much more time to file a civil action. This new law gives them that time.” (quoting Assemblymember Annette Quijano)).

3. In the early 1990s, Defendants Kilkenny and Brauchli—as the leaders of Boy Scouts of America (“BSA”) Troop #5 in Maplewood, New Jersey—led overnight camping and canoe trips. Defendants used these opportunities and their positions of power to facilitate their pattern of coordinated child sex abuse.

4. The canoe trips took place at Camp Munsee, 71 Flatbrook Road, Sandyston, New Jersey, on a property owned by the Newark Abbey and affiliated with St. Benedict’s Preparatory School—the alma mater of Kilkenny—and 22 miles past Kilkenny’s lake house in Byram Township. Catholic Priest Father Robert “Lucien” Donnelly—a former priest at St. Benedict’s who was affiliated with Troop #5 and passed away on March 17, 2001—was the caretaker of the property and, upon information and belief, lived in the cabin on the campgrounds.

5. Each year, Defendants conspired to isolate and abuse at least one boy. In 1993, their target was Plaintiff J.D. They repeated this pattern with Plaintiff S.R. in 1994.

² N.J.S.A. 2A:14-2a(a)(1).

6. In 1993 and 1994, Defendants targeted J.D. and S.R., both new to Troop #5, separated them from the rest of the Troop, brought them to Kilkenny's lake house or the campground cabin, and drugged and sexually abused them.

7. J.D.—now 43 years old—and S.R.—now 42—seek to hold Defendants accountable for the lifetime of trauma they have endured and to ensure that no more children are harmed at the hands of their abusers.

PARTIES AND VENUE

8. Plaintiff S.R. is under 55 years of age and currently resides in Jersey City, New Jersey.

9. Plaintiff J.D. is under 55 years of age.

10. Defendant Thomas J. Kilkenny, Jr., an adult, is currently a citizen and resident of New Jersey, residing at 15 Laurel Cove Road, Byram Township, New Jersey.

11. Defendant Roger Brauchli, an adult, is currently a citizen and resident of New Jersey, residing at 44 Clinton Avenue, Maplewood, New Jersey.

12. Venue is properly laid in the Superior Court of Essex County, New Jersey pursuant to R.4:3-2(a)(3).

FACTUAL ALLEGATIONS

KILKENNY AND BRAUCHLI CONSPIRE TO DRUG AND ABUSE J.D.

13. In 1993, Plaintiff J.D. joined BSA Troop #5 in Maplewood, New Jersey, at the age of 13. J.D.—a small, timid boy—was new to town. Neither he nor his parents knew anyone or had any friends in Maplewood yet. They hoped J.D. would make friends through the BSA.

14. J.D. was invited to attend the Troop's annual canoe trip in June of 1993. He showed up to the parking lot of Seth Boyden Elementary to meet the group, was assigned to a vehicle to travel to the campsite with other troop members, and packed his bags into his assigned car.

15. As J.D. attempted to enter the car, then-Scoutmaster Brauchli grabbed J.D. by his shoulders and told him to ride with Kilkenny, alone, to keep him company.

16. Disappointed that he would not get to ride with his fellow troop members, J.D. gently protested, but ultimately complied—as Brauchli and Kilkenny were figures of authority.

17. J.D. got in the car with Kilkenny despite BSA rules prohibiting counselors from being alone with scouts.

18. On the drive to the campsite, Kilkenny told J.D. that he had to stop at his lake house in Bryam Township to pick up his canoe. Kilkenny told J.D. that J.D. could stay at the lake house that night “as a favor” so that J.D. did not have to set up his tent that night. When Kilkenny and J.D. arrived at Kilkenny's lake house, Kilkenny instructed J.D. to enter the house, and J.D. heard other voices inside as he approached.

19. When J.D. entered the house, Brauchli and Father Lucien were sitting inside. Brauchli said, “Hey, there he is!” as though he anticipated J.D.'s arrival. Kilkenny told Brauchli that he was going to let J.D. sleep at the lake house that night, and Brauchli responded, “Of course!”

20. Thirteen and confused, J.D. followed Kilkenny into a room with a small wooden cot. Kilkenny left briefly and returned with a small plastic cup, gave it to J.D., and instructed him to drink the contents. Kilkenny then left the room. J.D. followed orders, almost immediately felt incoherent, laid down in bed, and Kilkenny, Brauchli, and Father Lucien then entered the room.

21. Although disoriented from the liquid Kilkenny gave him, J.D. recalls Kilkenny asking Brauchli if J.D. was asleep yet. Brauchli put his hand on J.D.'s chest and directed him to drink more from the plastic cup.

22. Kilkenny, Brauchli, and Father Lucien then began touching J.D. all over his body and on his genitals. J.D. recalls being given different commands such as “roll over,” “sit up,” “bend over,” and “put this in your mouth.” The three adult assailants rubbed their bodies and genitals against J.D. and put their fingers in his mouth and anus. They told J.D. to kneel on all fours, at which time he was anally penetrated. He was also forced to perform oral sex.

23. Although J.D. was numb and had no control over his body, he remained aware of what was happening and recalls the pressure of the penetration and the feeling of being grabbed.

24. At some point as the sexual abuse progressed, J.D. blacked out.

25. Following his blackout, the next thing J.D. recalls is sitting in Kilkenny's car the following morning near the lake. Kilkenny said, “Did you have a nice nap?” and made J.D. help put a canoe on the car as he eyed J.D. suspiciously.

26. Kilkenny drove J.D. to the campsite where the other scouts were already in canoes on the water with their chosen canoe-buddies. There, Kilkenny forced J.D. to ride with Kilkenny alone in his canoe, which he kept at a significant distance from the others. J.D. recalls feeling quiet and confused, with his whole body remaining numb for the entire day. Brauchli was also present, in another canoe, overseeing the other scouts.

27. When it was time to leave the campsite, Brauchli said he was going to drive J.D. home—again against Troop rules and after J.D. had already been assigned to a vehicle.

28. During the drive back, Brauchli told J.D. not to tell anyone that he stayed in the lake house because he did not want others to think that J.D. got “special treatment.”

29. Following the trip, J.D. began to have recurring nightmares of being in bed with Kilkenny, Brauchli, and Father Lucien standing over him, causing him significant emotional trauma.

KILKENNY AND BRAUCHLI CONSPIRE TO DRUG AND ABUSE S.R.

30. One year later, Defendants repeated their premeditated sexual abuse with S.R. as their target.

31. Like J.D., Kilkenny preyed upon 12-year-old S.R., who was also new to the BSA and attending his first canoe trip. It was well known that S.R.'s father was not around. He and his younger brother were encouraged to get involved with the BSA by friends and by Brauchli, who recruited new members for the Troop.

32. At the start of the trip, S.R. arrived at the parking lot of Seth Boyden Elementary to meet the other scouts going on the trip, was assigned to a vehicle with other scouts, and placed his bags and camping gear in his assigned vehicle.

33. Kilkenny and Brauchli prevented S.R. from getting into his assigned vehicle, instead forcing S.R. to ride with Kilkenny. As with J.D., Kilkenny drove S.R. to his lake house under the guise that Kilkenny needed to pick up his canoe. S.R.'s bags remained in his originally-assigned vehicle.

34. Once at the lake house, Kilkenny stalled so that they would not arrive to the campsite until after dark. He instructed S.R. to help load the canoe onto the car. Once the canoe was secured, Kilkenny drove S.R. to the campgrounds.

35. When they arrived at the campgrounds, Kilkenny told S.R. that he could not set up his tent, despite his requests, because he was late and his camping gear was in the other vehicle. Instead, Kilkenny told S.R. that they had to go into the cabin to see Father Lucien.

36. S.R. protested, as he wanted to sleep in a tent like the other scouts on the trip.

37. Once inside the cabin, Kilkenny directed S.R. to sit at the table with him and Father Lucien and was given a drink. After drinking the contents, S.R. began to feel drowsy.

38. Kilkenny then led S.R. to a small room with two small beds that did not have any sheets, pillows, or lights. Kilkenny told S.R. to lay down on the bed.

39. After drinking the liquid Kilkenny provided, S.R. recalls coming in and out of consciousness at first, and then blacked out.

40. Eventually, S.R. woke up with Kilkenny laying in the second twin bed, which S.R. noticed had been pushed closer together than the beds were when S.R. originally laid down.

41. At the end of the trip, Brauchli drove S.R. home, like he did for J.D., and, repeated to S.R. that he should not tell anyone that he stayed in the cabin because Brauchli did not want others to think S.R. got “special treatment.”

42. J.D. was also on the canoe trip this year. He recalled being in a canoe with other Troops and seeing another Troop member, Trooper #1³ in a canoe with Kilkenny, and noticing that Trooper #1 did not look right.

43. After the canoe ride, Trooper #1 was largely absent from the rest of the weekend’s activities, and the Troops were told it was because he was receiving counseling from Father Lucien. Troops recall Trooper #1 crying on any overnight trips moving forward, always asking to go home.

³ To maintain his anonymity, Plaintiffs refer to this individual as Trooper #1.

**DEFENDANTS EVADE LIABILITY FOR YEARS AFTER ABUSE AND CONTINUE TO
ENDANGER CHILDREN**

44. Defendants Kilkenny and Brauchli attempted to conceal their abuse in a variety of ways. For example, they removed the names of scouts from trip rosters after the abuse despite witnesses acknowledging their attendance and, more notably, their absences, from the tents on the nights the abuse occurred.

45. Years after Kilkenny and Brauchli abused J.D. and S.R., in approximately 1998, Kilkenny was asked to step away from his duties with Troop #5 for a period of years. Members of the Troop recall that Kilkenny was distraught over his removal. In the fall following Kilkenny's removal, members of Troop #5 were required to participate in a training about sexual abuse.

46. Kilkenny later returned to being a leader of Troop #5.

47. Trooper #1 took his own life in June of 2021, on the anniversary of the 1994 canoe trip. Several other members of Troop #5 also took their lives over the course of the past twenty years.

48. J.D. and S.R. filed a police report with the Maplewood Police Department in August 2022 and gave testimony about the sexual abuse they endured at the hands of Defendants and Father Lucien. Within days, a detective informed J.D. and S.R. that the case was sent to Sussex County. The detective further informed J.D. that the Maplewood police lost the recording of J.D.'s testimony, but not to worry because they took good notes. Nothing ever came of the police report.

49. Despite those reports, Defendants continue, through this day, to remain active in young, vulnerable children's lives. Brauchli recently founded and runs a children's summer swim league and continues working in education. He retired from his role with BSA only three years ago. Kilkenny remains involved in St. Benedict's Prep.

THE ABUSE PLAINTIFFS SUFFERED CAUSED DEVASTATING LIFE-LONG HARM

50. The abuse Defendants perpetrated upon J.D. and S.R. as children caused them unimaginable harm that have impacted their education, work, relationships, and virtually every area of their lives.

51. Plaintiffs developed insomnia, flashbacks, and anxiety attacks shortly after the abuse that continue to this day.

52. Because of the abuse, and despite familial support and high intelligence, both Plaintiffs dropped out of college. As a result, they accumulated unnecessary student loans and significant lifetime lost earnings.

53. The abuse impacted the way Plaintiffs interacted with other people, harming friendships and family relationships.

54. As is typical for child sexual abuse survivors, Plaintiffs struggled for years to understand appropriate boundaries and to know who they can trust. They both sought out and endured unhealthy relationships compounding their emotional distress.

55. Plaintiffs frequently relocated, spending unnecessary money on moving.

56. Plaintiffs have required psychotherapy to help them recover from the trauma they endured on the canoeing trip. The therapy has, and continues, to result in significant financial cost.

57. Despite Plaintiffs' fortitude and tremendous resilience, they have suffered irreparable harm caused by the sexual abuse Defendants inflicted upon them, resulting in substantial economic loss in addition to the extreme emotional distress they will be forced to endure for their lifetimes.

58. As a direct and proximate result of Defendants' abuse, Plaintiffs have suffered and continue to suffer physical injury, severe emotional distress, humiliation, embarrassment, anxiety, economic harm, and other consequential injuries and damages.

CAUSES OF ACTION

COUNT I

Sexual Abuse

(N.J. Stat. § 2A:61B-1)

(On behalf of all Plaintiffs against all Defendants)

59. S.R. and J.D. re-allege and incorporate herein all previously alleged paragraphs of the Complaint.

60. Under the CSAA, sexual abuse is an act of sexual contact or sexual penetration between an adult and a child under the age of 18.

61. “A parent, resource family parent, guardian or other person standing in *loco parentis* who knowingly permits or acquiesces in sexual abuse by any other person also commits sexual abuse” under N.J. Stat. § 2A:61B-1(a)(1).

62. Defendants, as adults, made sexual contact with minor Plaintiffs.

63. Defendants, as adults, sexually penetrated minor J.D.

64. Defendants, standing in *loco parentis* as a caregiver of the minor Plaintiffs, knowingly permitted and acquiesced in the sexual abuse of minor Plaintiffs.

65. As a result of Defendants’ sexual abuse of Plaintiffs, Plaintiffs have suffered and continue to suffer physical injury, severe emotional distress, humiliation, embarrassment, anxiety, economic harm, and other consequential injuries and damages.

COUNT II
Battery⁴

(On behalf of all Plaintiffs against all Defendants)

66. S.R. and J.D. re-allege and incorporate herein all previously alleged paragraphs of the Complaint.

67. Battery is the nonconsensual touching of another person.

68. In performing the conduct described above, Defendants committed battery against S.R. and J.D. because they intentionally engaged in unlawful, intentional, and offensive touching of Plaintiffs.

69. Plaintiffs did not consent to the actions of Defendants.

70. The battery was committed without legal justification.

71. The actions herein constitute intentional, nonconsensual touching.

72. As a direct and proximate result of Defendants' intentional, nonconsensual touching, Plaintiffs have suffered and continue to suffer physical injury, severe emotional distress, humiliation, embarrassment, anxiety, economic harm, and other consequential injuries and damages.

COUNT III
Assault

(On behalf of all Plaintiffs against all Defendants)

73. S.R. and J.D. re-allege and incorporate herein all previously alleged paragraphs of the Complaint.

⁴ The CSAA amendment also tolls any civil action based on sexual abuse, so the common law claims raised in Counts II-XI are also timely. *See Hardwicke v. Am. Boychoir Sch.*, 188 N.J. 69, 100 (2006) (citing N.J.S.A. 2A:61B-1b).

74. Assault is an action intending to cause a harmful or offensive contact or place a person in imminent apprehension of such contact and that the person is placed in imminent apprehension.

75. Defendants acted with the intention of causing offensive contact by drugging and sexually abusing J.D. and S.R., causing J.D. and S.R. imminent apprehension of that contact.

76. The foregoing actions of Defendants were done by Defendants with the intention to cause harmful or offensive contact with Plaintiffs.

77. Defendants, through the foregoing actions, placed Plaintiffs in imminent apprehension of physical contact.

78. Defendants' assault of Plaintiffs was done without legal justification.

79. Defendants' assault of Plaintiffs was done against Plaintiffs' will and without consent.

80. As a direct and proximate result of Defendants' intentional, offensive contact placing Plaintiffs in imminent apprehension of such contact, Plaintiffs have suffered and continue to suffer physical injury, severe emotional distress, humiliation, embarrassment, anxiety, economic harm, and other consequential damages.

COUNT IV

False Imprisonment

(On behalf of all Plaintiffs against all Defendants)

81. S.R. and J.D. re-allege and incorporate herein all previously alleged paragraphs of the Complaint.

82. False imprisonment is an arrest or detention against a person's will without legal authority or justification for such arrest or detention.

83. As authority figures, directed S.R. and J.D.—as minors—to stay in the lake house and cabin against their will with no option for retreat, and drugged them, causing them to slip in and out of consciousness and making it so they were unable to move while they were assaulted.

84. In performing the conduct described above, Defendants detained J.D. and S.R. against their will without legal authority or justification, with the intention of causing Plaintiffs to be confined.

85. As a direct and proximate result of Defendants' illegal and unjustified detention of Plaintiffs against their will, Plaintiffs have suffered and continue to suffer physical injury, severe emotional distress, humiliation, embarrassment, anxiety, economic harm, and other consequential damages.

COUNT V

Intentional Infliction of Emotional Distress (On behalf of all Plaintiffs against all Defendants)

86. S.R. and J.D. re-allege and incorporate herein all previously alleged paragraphs of the Complaint.

87. Intentional Infliction of Emotional Distress occurs when a person acts intentionally or recklessly with conduct so extreme and outrageous it goes beyond all possible bounds of decency, and that conduct proximately causes severe emotional distress beyond which a reasonable person should be expected to endure.

88. In performing the conduct described above, Defendants intentional and reckless drugging and sexual abuse of Plaintiffs constituted conduct so extreme and outrageous as to go beyond all possible bounds of decency. That intentional and reckless conduct proximately caused J.D. and S.R. lifelong and severe emotional distress beyond what a reasonable person may be expected to endure.

89. As a direct and proximate result of Defendants' intentional and reckless conduct, Plaintiffs have suffered and continue to suffer permanent injury, severe emotional distress, humiliation, embarrassment, anxiety, economic harm, and other consequential damages.

COUNT VI
Conspiracy to Commit Sexual Abuse
(N.J. Stat. § 2A:14-2a61B-1)
(On behalf of all Plaintiffs against all Defendants)

90. S.R. and J.D. re-allege and incorporate herein all previously alleged paragraphs of the Complaint.

91. A conspiracy involves two or more persons acting in concert to commit an unlawful act, and an overt act that results in damage.

92. Defendants were standing in *loco parentis* as a caregiver of the minor Plaintiffs.

93. Defendants planned in advance to separate Plaintiffs from other members of the Troop to bring them to an isolated place, acted in concert to acquire drugs to be used on Plaintiffs, and acted in concert to sexually abuse Plaintiffs as defined by N.J. Stat. § 2A:14-2a61B-1(a)(1), and overtly acted to sexually abuse Plaintiffs through touch and penetration.

94. In performing the conduct described above, Defendants agreed to and acted in concert to engage in sexual contact with J.D. and S.R., as minors, in violation of the Child Sex Abuse Act, and overtly acted to sexually abuse them in a way that directly and proximately caused permanent injury, severe emotional distress, humiliation, embarrassment, anxiety, economic harm, and other consequential damages.

COUNT VII
Conspiracy to Commit Battery
(On behalf of all Plaintiffs against all Defendants)

95. S.R. and J.D. re-allege and incorporate herein all previously alleged paragraphs of the Complaint.

96. A conspiracy involves two or more persons acting in concert to commit an unlawful act, and an overt act that results in damage.

97. In performing the conduct described above, Defendants agreed to and acted in concert to drug and intentionally touch J.D. and S.R., without their consent, and overtly committed battery against them in a way that directly and proximately caused permanent injury, severe emotional distress, humiliation, embarrassment, anxiety, economic harm, and other consequential damages.

COUNT VIII
Conspiracy to Falsely Imprison Plaintiffs
(On behalf of all Plaintiffs against all Defendants)

98. S.R. and J.D. re-allege and incorporate herein all previously alleged paragraphs of the Complaint.

99. A conspiracy involves two or more persons acting in concert to commit an unlawful act, and an overt act that results in damage.

100. In performing the conduct described above, Defendants agreed to and acted in concert to isolate and detain J.D. and S.R. against their will without legal authority or justification, and conspired to ensure Plaintiffs had no option for retreat.

101. As a direct and proximate result of Kilkenny and Brauchli's illegal and unjustified detention of J.D. and S.R. against their will, Plaintiffs have suffered and continue to suffer physical injury, severe emotional distress, humiliation, embarrassment, anxiety, economic harm, and other consequential damages.

COUNT IX

Aiding the Commission of a Tort

(On behalf of all Plaintiffs against all Defendants)

102. S.R. and J.D. re-allege and incorporate herein all previously alleged paragraphs of the Complaint.

103. Defendants pursued a common plan to Falsely Imprison, Sexually Abuse, and commit Assaults and Batteries upon the Plaintiffs, by active participation, aid, encouragement, or ratification of the wrong done to Plaintiff.

104. As a direct and proximate result of Defendants' conduct, Plaintiffs have suffered and continue to suffer physical injury, severe emotional distress, humiliation, embarrassment, anxiety, economic harm, and other consequential damages.

COUNT X

Negligence and/or Gross Negligence

(On behalf of all Plaintiffs against all Defendants)

105. S.R. and J.D. re-allege and incorporate herein all previously alleged paragraphs of the Complaint.

106. Defendants are responsible by their knowledge, action, and/or inaction, as if all allegations set forth in this Complaint pertain to all Defendants, and they are jointly and severally liable.

107. Defendants owed each Plaintiff a duty of reasonable care to protect each Plaintiff from injury.

108. Defendants owed each Plaintiff a duty of care because each Defendant has a special relationship with each Plaintiff.

109. Defendants owed each Plaintiff a duty to protect each Plaintiff because each Defendant also had a special relationship with each Plaintiff.

110. Defendants owed each Plaintiff a duty of reasonable care because they each held themselves out as being safe to work with children, and/or was/were commonly known to spend time interacting with children.

111. Further, Defendants, by each holding themselves out as being able to provide a safe environment for children, solicited and/or accepted this position of power. In doing so each Defendant entered into a fiduciary relationship with each Plaintiff. Each Defendant exploited their position of power, putting each Plaintiff at risk to be sexually assaulted.

112. Defendants entered into an express and/or implied duty to properly supervise each Plaintiff and to provide a reasonably safe environment for each Plaintiff, who were children at the time. Defendants had the duty to properly supervise each Plaintiff and to prevent harm from foreseeable dangers. Each Defendant had the duty to exercise the same degree of care over minors under their control as a reasonably prudent person would have exercised under similar circumstances.

113. Defendants owed each Plaintiff a duty to protect each Plaintiff from harm, because each Defendant invited Plaintiffs on to Defendant Kilkenny's property, which posed a dangerous condition to each Plaintiff.

114. Defendants breached their duty to each Plaintiff by failing to use reasonable care. Each Defendants' failures include, but are not limited to, failing to properly protect Plaintiffs from foreseeable dangers.

115. As a direct and proximate result of each Defendants breaching their duties, Plaintiffs have suffered and continue to suffer physical, emotional, and psychological injuries, along with pain and suffering, humiliation, embarrassment, anxiety, economic harm, and other

consequential damages. The sexual abuse and resulting injuries to Plaintiffs were caused by reason of the negligent and/or grossly negligent failures, actions, and inactions of each Defendant.

COUNT XI
Negligent Infliction of Emotional Distress
(On behalf of all Plaintiffs against all Defendants)

116. S.R. and J.D. re-allege and incorporate herein all previously alleged paragraphs of the Complaint.

117. Defendants are responsible by their knowledge, action, and/or inaction, as if all allegations set forth in this Complaint pertain to all Defendants, and they are jointly and severally liable.

118. Defendants knew, or in the exercise of reasonable care should have known, that their acts and omissions would result in serious emotional distress to Plaintiffs.

119. Defendants each owed a duty to each Plaintiff to refrain from sexually assaulting or abusing each Plaintiff while in their care.

120. Defendants' negligent and careless breach of that duty was utterly reprehensible behavior and was taken with disregard for the likelihood that each Plaintiff would suffer severe emotional distress as a direct result.

121. As a direct and proximate result of Defendants' conduct, Plaintiffs have suffered and continue to suffer physical injury, severe emotional distress, humiliation, embarrassment, anxiety, economic harm, and other consequential damages.

122. As a result of Defendants' conduct, each Plaintiff has and will become obligated to expend significant sums of money for medical treatment, including mental health treatment.

123. By reason of the foregoing, Defendants are also liable to Plaintiffs for punitive and exemplary damages.

COUNT XII
Punitive Damages

(On behalf of all Plaintiffs against all Defendants)

124. S.R. and J.D. re-allege and incorporate herein all previously alleged paragraphs of the Complaint.

125. The foregoing conduct of Defendants was malicious, willful, and wanton. Defendants acted with knowledge that Plaintiffs would be harmed.

126. Defendants' acts and omissions constitute an intentional, blatant, willful, and wanton disregard for the safety of Plaintiff and boys in general.

127. Defendants could have, and should have, reasonably foreseen that Plaintiffs would be harmed by their actions.

128. Plaintiffs seek punitive damages from Defendants.

129. Plaintiffs also seek damages pursuant to New Jersey Revised Statutes, Section 2A:15-5.9, *et seq.*, also known as the Punitive Damages Act.

DEMAND FOR RELIEF

Whereas, Plaintiffs respectfully requests that this Court:

- a) Award S.R. and J.D. compensatory and punitive damages;
- b) Award S.R. and J.D. their reasonable attorneys' fees and costs; and
- c) Award such other further relief as justice may require.

DEMAND FOR JURY TRIAL

The Plaintiffs demand a trial by jury on all of the triable issues of this Complaint, pursuant to Rules 1:8-2(b) and 4:35-1(a).

Dated: December 19, 2024

Respectfully submitted,



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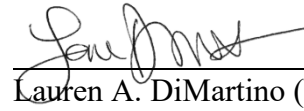
Attorneys for Plaintiffs

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:5-1(c), please take notice that Plaintiff designates Lauren A. DiMartino as trial counsel in this matter.

Dated: December 19, 2024

Respectfully submitted,



Lauren A. DiMartino (N.J. Bar 395792023)

CERTIFICATION PURSUANT TO RULE 1:38-7(b)

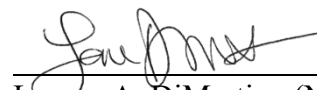
I certify that confidential personal identifiers have been redacted from documents now submitted to the Court and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

CERTIFICATION PURSUANT TO RULE 4:5-1

I certify that the dispute that Plaintiffs are suing is not the subject of any other action pending in any other court or a pending arbitration proceeding to the best of my knowledge and belief. Also, to the best of my knowledge and belief, no other action or arbitration proceeding is contemplated. Further, other than the parties set forth in this complaint, I know of no other parties that should be made a part of this lawsuit. In addition, I recognize my continuing obligation to file and serve on all parties and the Court an amended certification if there is a change in the facts stated in this original certification.

Dated: December 19, 2024

Respectfully submitted,



Lauren A. DiMartino (N.J. Bar 395792023)

