

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**MOTHER MILLER, as Parent and
Natural Guardian of BILLY MILLER,
and CHARLIE JONES**, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

**THE GLEN MILLS SCHOOLS and JOHN
DOES 1-100**, in their official and individual
capacities,

Defendants.

CLASS ACTION COMPLAINT

DEMAND FOR JURY TRIAL

Plaintiffs Mother Miller, as Parent and Natural Guardian of Billy Miller, and Charlie Jones (“Plaintiffs”),¹ individually and on behalf of all others similarly situated, allege as follows against Defendants The Glen Mills Schools (the “School”) and John Does 1-100, in their official and individual capacities (the “John Doe Defendants”) (collectively, “Defendants”):

INTRODUCTION

1. Defendant The Glen Mills Schools is a residential school located in Glen Mills, Pennsylvania that employs managers, administrators, supervisors, teaching staff, medical staff,

¹ Pseudonyms have been used in place of Plaintiffs’ real names due to privacy concerns. Local Rule 5.1.3 permits modification of Plaintiff Billy Miller’s name as a minor child, and to preserve his privacy, his mother may use a pseudonym as well. In addition, all Plaintiffs may proceed using pseudonyms, at least at this stage of the case, because they have a reasonable fear of severe harm in their real names being disclosed, based upon the facts alleged and nature of this case. *See Doe v. Megless*, 654 F.3d 404, 408-9 (3d. Cir. 2011) (endorsing a non-comprehensive balancing test, which balances, “...whether a litigant has a reasonable fear of severe harm that outweighs the public’s interest in open litigation,” and identifying the “refusal to pursue the case at the price of being publicly identified” as an example where courts have permitted plaintiffs to proceed with pseudonyms).

and others who have for a long period of time assaulted, mistreated, and otherwise abused children and young adults who were committed to that facility as a result of adjudications in juvenile courts, or who were otherwise at risk and placed there for treatment and educational purposes. This abuse has occurred on a routine and systematic basis.

2. The School, by contract and legislation in Pennsylvania, has been delegated a critical and legislatively mandated public function: (a) to provide a custodial setting for children adjudicated delinquent in juvenile court proceedings, as well as children at risk for delinquency or criminal conduct; and (b) to carry out legislatively mandated control and related services, and to provide appropriate sanctions and rehabilitation under the laws governing punishment and treatment of juveniles for criminal acts.

3. Thus, the School acts as an arm of the Commonwealth, providing a core public function, and is a state actor for purposes of liability under 42 U.S.C. Section 1983.

4. The Pennsylvania Juvenile Court Judges Commission adopted the “Balanced and Restorative Justice” (BARJ) philosophy which requires that “youth committing delinquent acts are provided with supervision, care, and rehabilitation (the legal basis for treatment of those adjudicated in the juvenile court system in Pennsylvania) in a manner that is balanced to include (1) community protection, (2) personal and legal responsibility, and (3) competency development.” Available at <http://www.glenmillsschool.org/admissions/regulatory-compliance/>.

5. The School also professes to employ a “Balanced and Restorative Justice (BARJ) compliant, residential program utilizing a Sociological Model, designed to effectuate long-term behavioral change and enhance life skills development.” Available at <http://www.glenmillsschool.org/admissions/regulatory-compliance/>.

6. The School program includes room and board, clothing, behavior management, individual and group counseling, academic and vocational programming, medical and dental services, as well as athletic and recreational opportunities.” Available at <http://www.glenmillsschool.org/admissions/programs-offered>.

7. The School offers services for court-adjudicated youth and non-delinquent youth.

8. Defendants violated the clearly established federal Constitutional and statutory rights of Plaintiffs and those similarly situated under the Fourth, Eighth, and Fourteenth Amendments, and committed tortious conduct under state law, by subjecting Plaintiffs and those similarly situated to harmful and degrading physical and mental abuse, including the use of excessive and unreasonable physical force, and by failing to protect them from harm and injuries at the hands of others.

9. The School caused the injuries and harms to Plaintiffs and those similarly situated by failing to properly train, supervise, and discipline the John Doe Defendants and, as a result, the John Doe Defendants, as a matter of practice and custom, engaged in the prohibited conduct on a systematic basis with the expectation that their conduct would not be subject to discipline or sanctions.

10. Further, the School failed to protect Plaintiffs and those similarly situated from assaults and abuse by fellow students at the School.

11. The School has failed to properly protect Plaintiffs, and those similarly situated, and has shown a reckless disregard and deliberate indifference to the widespread violations of their rights, despite being aware for decades of the conduct of the John Doe Defendants, including the physical assaults and abuse, and the corresponding lack of protection for Plaintiffs and the children residing at the School.

12. *The Philadelphia Inquirer*, other news outlets, and both governmental and private organizations that have conducted investigations, have documented this pattern of misconduct, the culture of violence at the School, and the official cover-ups.²

13. In fact, two days ago, on March 25, 2019, the Pennsylvania Department of Health and Human Services ordered an emergency removal of all children still residing at the School. The children will be relocated as soon as possible. In the meantime, the Office of Children, Youth and Families will maintain a presence at the School “to monitor conditions and ensure student safety.” Press Release, Pennsylvania Department of Human Services, March 25, 2019, *Department of Human Services Orders Emergency Removal of Students Remaining at Glen Mills School*, available at https://www.media.pa.gov/Pages/DHS_details.aspx?newsid=362.

14. Because of Defendants’ conduct, Plaintiffs and those similarly situated have suffered and continue to suffer harm, including emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life, all of which adversely affects their daily activities and the full enjoyment of life. Plaintiffs and others similarly situated have and will in the future sustain loss of earnings and earning capacity and have, and will, incur expenses for medical and psychological treatment, therapy, and counseling.

² See, e.g., <https://www.philly.com/news/glen-mills-schools-pa-abuse-letter-philadelphia-pittsburgh-remove-students-investigation-20190302.html>; <https://www.philly.com/news/glen-mills-schools-pa-abuse-letter-philadelphia-pittsburgh-remove-students-investigation-20190302.html>; and <https://www.philly.com/crime/a/glen-mills-schools-pa-abuse-juvenile-investigation-20190220.html>.

JURISDICTION AND VENUE

15. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1343 and 42 U.S.C. 1983. At all relevant times, all Defendants acted under the color of state law.

16. This Court also has jurisdiction pursuant to the Class Action Fairness Act, 28 U.S.C. § 1332(d)(2) (“CAFA”). One Plaintiff and Defendants are citizens of different states. The amount in controversy exceeds \$5,000,000, and there are more than 100 members in the Class defined below.

17. This Court has supplemental jurisdiction over Plaintiffs’ state law claims pursuant to 28 U.S.C. § 1367.

18. Venue is proper in this district under 28 U.S.C. § 1391(b) as a substantial part of the events giving rise to Plaintiffs’ claims occurred in this judicial district, and Defendants are located in this district.

PARTIES

19. Plaintiff Mother Miller, as Parent and Natural Guardian of Billy Miller, is a resident of Muskegon County, Michigan, and the mother and guardian of Billy Miller, who is a resident of Muskegon County, Michigan. Billy Miller is currently 17 years old.

20. Plaintiff Charlie Jones is a resident of Wilkes-Barre, Pennsylvania who is currently 18 years old.

21. Defendant The Glen Mills Schools is a registered Non-Profit (Non Stock) Pennsylvania Corporation, located at 185 Glen Mills Road, Glen Mills, Pennsylvania 19342.

22. Defendants John Does 1-100 are current and former managers, administrators, supervisors, teaching staff, medical staff, and others who have been employed by or were under the control of the School, who abused and/or facilitated the abuse of children at the School.

FACTS

A. Defendants Had A Duty To Provide A Safe And Secure Facility For Juveniles Committed Or Otherwise Housed At The School Pursuant To Constitutional and State Law Mandates.

23. The School serves as a custodial facility for the placement of juvenile court-adjudicated male youths, aged 12-18, and other at-risk youth. Founded in 1826, the School is the oldest such school in the United States. It claims to “assess the unique needs of each student, teach tools for success and offer meaningful opportunities for personal growth.”³

24. The School is funded in large part by the Commonwealth of Pennsylvania and other government jurisdictions to provide services mandated by state law for children who have been adjudicated as delinquent in juvenile court. “Glen Mills receives taxpayer money, including a tuition of \$52,000 per year for each boy from Philadelphia. . . . [with] annual revenues of around \$40 million.”⁴

25. The School asserts that it provides a rehabilitative as opposed to a punishment-based program for juvenile offenders and delinquent youth, including Plaintiffs. The School further states that it provides evidence-based programs such as “Positive Behavioral Intervention Supports, Moral Reconation and Coping with Anger” to turn its students away from crime. Available at <http://www.glenmillsschool.org/admissions/regulatory-compliance/>.

³ See the School’s website at <http://www.glenmillsschool.org/about/>.

⁴ See <https://www.philly.com/crime/a/glen-mills-schools-pa-abuse-juvenile-investigation-20190220.html>.

26. The School has been the recipient of placements and commitments of juveniles from Pennsylvania and other states by virtue of its promise of a progressive and effective program for delinquent children, with proven services. The School has assiduously sought recognition as a model reform school, and has achieved that status, at least for some, as “the Harvard of reform schools.” For example, California, Texas, Ohio, and Michigan, and many Pennsylvania counties placed juveniles at the School.⁵

27. Defendants have the duty to provide treatment, supervision, and rehabilitation in accordance with Constitutional standards, standards under the Pennsylvania Juvenile Act, and prevailing standards for the care and custody of juveniles in need of treatment and supervision. As detailed in this Complaint, Defendants have failed to provide these services in accord with Constitutional, statutory and community standards of care.

B. Facts As To Plaintiff Mother Miller, as Parent and Natural Guardian of Billy Miller

28. In 2016, Billy Miller was sent to live at the School as a result of a court adjudication. At the time, he was 16 years old.

29. Billy remained at the School for several months during which he was routinely and severely abused.

30. The abuse that Billy experienced at the School included frequent beatings, slamming against walls, and punching by staff and fellow residents.

31. For example, one night when Billy was asleep in the top level of a two-level bunk bed, he had a dream that he was falling out of bed. He awoke when he realized that staff members

⁵ See <https://www.philly.com/crime/a/glen-mills-schools-pa-abuse-juvenile-investigation-20190220.html>.

of the School were pulling him off the top bunk and slamming him onto the floor, where they proceeded to jump on him and spit in his face.

32. Billy wanted to share this incident with his mother but was unable to do so because the School's staff monitored his telephone calls and disconnected them if he attempted to describe the abusive environment that he was experiencing.

33. Further, School staff told Billy prior to each telephone call that they would "make it worse" for him if he ever told anyone about the abuse that he was suffering.

34. During the telephone calls with her son, Mother Miller began to notice that her son was exhibiting a different personality than she had observed at home, and she became frightened for his safety.

35. Mother Miller contacted Billy's parole officer and requested the parole officer to have Billy transferred to a different program. The request was granted and when Mother Miller arrived at the School to pick up her son, Billy had a newly-broken nose, which was the result of being punched in the face by School staff.

C. Facts As To Plaintiff Charlie Jones

36. In 2018, at age 17, Plaintiff Charlie Jones was sent to reside at the School when Charlie violated his probation.

37. The subsequent abuse that Charlie experienced or saw at the School included beatings, slamming against walls, and punching by staff and fellow residents.

38. For example, one day shortly after Charlie arrived at the School, he used the restroom facilities in the morning, supposedly in violation of a "rule" prohibiting use of the bathroom before 10:00 a.m., yet no such official rule was in effect.

39. When Charlie left the restroom, three School staff members proceeded to assault him, breaking three of his ribs.

40. On another occasion, School staff members encouraged Charlie to engage in a physical altercation with another student, and as a result, Charlie was beaten, had difficulty breathing, developed large bruises and welts, and suffered additional pain from his already broken ribs.

41. The School staff members also denied Charlie's request for medical attention and advised him that he should lie and tell anyone who asked about his injuries that they occurred during a football practice.

D. Defendants' Violations Of The Constitutional Rights Of Plaintiffs And The Class, Abuse of Trust, And Violation Of The Standard Of Care Under State Law

42. The School is situated in a pastoral setting with historic buildings and has been marketed as a sought-after placement for juvenile detention, due to its campus, professed commitment to humane and evidence-based treatment, and successful athletic program.

43. In reality, the School is not idyllic, nor does it provide the services and programs it has advertised. To the contrary, it has for decades failed to provide a safe and secure facility and has abetted and tolerated practices and customs of negligent, reckless, and unconstitutional force and other abuses of those committed for treatment and education.

44. Under its veneer of civility, there is a Dickensian "culture of violence" and intimidation at the School that has severely impacted Plaintiffs and other children through systematic excessive force, threats of longer sentences for those who report the abuse, and

detention beyond commitment dates for those students with injuries that would be noticed upon release from the School.⁶

45. In December 2018, the Children's Rights and the Education Law Center-PA published a report titled *Unsafe and Uneducated: Indifference to Dangers in Pennsylvania's Residential Child Welfare Facilities*.⁷ The Report revealed that the School "not only has a large number of incidents of staff physical maltreatment," but has refused access to PA-DHS staff and state police and, as a PA-DHS's violation report noted, were 'belligerent' and 'aggressive' with PA-DHS staff and state police who were investigating allegations of child abuse.

46. The Report documents a significant number of incidents of physical maltreatment of children by staff at the School from March 2014 to January 2017, including the systematic use of unreasonable force:

- During a restraint, a School staff member used his elbow to strike a child in the face. (June 2, 2014 report);
- A School staff member slapped a child in the face when he/she felt the child was disrespectful. Another staff member intervened, but when the child refused to move, the intervening staff member grabbed the child and pushed the child onto the counter-top and slammed the child's head against the counter two times. (July 3, 2014 report);
- A School staff member grabbed a child's face and pushed it, causing the child's head to hit the corner of a fire extinguisher cabinet. (December 10, 2014 report);
- A School staff member struck a child in the torso twice. When the child ran from the staff member, the staff member pursued the child and hit the child in the head with a pillow and then pushed him to the ground. (September 20, 2016 report);

⁶ <https://www.philly.com/crime/a/glen-mills-schools-pa-abuse-juvenile-investigation-20190220.html>.

⁷ https://www.childrensrights.org/wp-content/uploads/2018/12/2018_Pennsylvania-Residential-Facilities_Childrens-Rights_Education-Law-Center.pdf.

- A School staff member grabbed a child by the shirt and shoved the child through a chair. (December 5, 2016 report); and
- During a restraint, a School staff member punched the child in the ribs. (January 12, 2017 report).

47. There are other reports of the assaults and abuses suffered by students at the School:

- A 17-year-old boy told the *Philadelphia Inquirer* and *Philadelphia Daily News* “that he was hit in the head, power-slammed to the floor, and choked for several minutes during which he repeatedly told Schools’ counselors, ‘I can’t breathe.’”⁸
- A 1998 Glen Mills graduate stated that during his stay, the staff “slammed me against the refrigerator, punched me in the stomach, slapped me in the face, took me in the office; at this point, I’m crying, and they said, ‘Do you know why I did that? That’s what happens when you disrespect staff.’”⁹ The staff member referenced the ‘Touch for Attention’ program at the School that would, according to the reporting, “allow staff to physically abuse the students if they were not obedient.”¹⁰

48. *The Philadelphia Inquirer* reported that at least nine boys told the chief of the juvenile unit at the Defender Association of Philadelphia that “Glen Mills staffers encouraged Philadelphia students to sign [] pretyped letters by falsely claiming their sentences would restart if they left Glen Mills for another program.”¹¹

49. The School has known for many years of its culture of violence and abuse. As early as 2001, the Utah Division of Youth Corrections (“Utah DYC”) engaged the Criminal and Juvenile Justice Consortium of the Graduate School of Social Work at the University of Utah to evaluate out-of-state placements for juvenile offenders. Russell K. Van Vleet, M. S. W., Matthew J. Davis,

⁸ *The Inquirer*, available at <https://www.philly.com/philly/news/city-council-helen-gym-glen-mills-assault-kenyatta-johnson-20180906.html-2>.

⁹ <https://www.yourerie.com/news/local-news/alleged-victim-of-glen-mills-reform-school-abuse-speaks-out/1826521243>.

¹⁰ <https://www.yourerie.com/news/local-news/alleged-victim-of-glen-mills-reform-school-abuse-speaks-out/1826521243>.

¹¹ <https://www.philly.com/news/glen-mills-schools-pa-abuse-letter-philadelphia-pittsburgh-remove-students-investigation-20190302.html>.

B. S., Edward C. Byrnes, Ph.D. and John DeWitt, Ph.D., The Impact of Out-of-State Residential Placements for Juvenile Offenders: Final Report, February 2, 2002 (“Utah Report”). The Utah Report evaluated each of the six out-of-state placements where the Utah DYC sent juvenile offenders.

50. The Utah Report documented physical abuse at the School under the guise of discipline. Further, the School refused to provide taped interviews of staff and, unlike all the other out-of-state schools, the School refused to give the evaluators access to case files. Of the seventeen Utah offenders who reported abuse at any placement facility, fifteen attended the School. The Utah Report at 29, 50, 51 and Appendix C.

51. The Utah juveniles described the abuse they and others suffered at the School. A representative sample of these allegations follow:

Interviewer: “Did you ever see anyone hurt really bad? Like seriously injured from it?”

Youth: “The person [name of the offender], they broke his leg.”

Interviewer: “What did they do? They broke his legs?”

Youth: “Ya. Knocked him down some stairs.”

Interviewer: “Do you know why? What the situation was?”

Youth: “Um ya, he actually.. he had to go to the refs in front of me cause I give everybody feedback if they do something wrong on Campus, so it was basically just disrespect to the staff.” Utah Report Appendix C.

52. A Utah youth reported:

Youth: “Ya. They had treatment. It was harsh.”

Interviewer: “It was harsh?”

Youth: “Oh, ya.”

Interviewer: "Why?"

Youth: "Cause you get in one big circle, and it's...sucks...it's called "Group." And like...you would get in a circle...we all sit in circles in chairs, and whoever messes up, like gets in trouble, not doing their job...someone could sit right next to them, and just spit all up in their face, and you can't do nothing about it. *Id.*

53. The students, with the knowledge of, and in the presence of the School staff, would fill their lower lips with saliva and spit on another student until his face was covered. *Id.*

54. Another student described the fear his coach inspired:

"[Name withheld] ...that was the one I was most afraid of... He was just a big... coach. He don't take nothing. He's like...he could snap whenever he wants. He'd always say, 'I'm *****, and I'm crazy. I can snap whenever I want.' And everybody would square up and just talk to him. That school sucks when it comes down to being scared like that. Because nobody wants to be scared like that. You just want to go to a school...that's what...when I first went there, it was like, 'Yeah, this is a good school. This is a good school.' And then when it gets behind like 5 o'clock to 'after hours,' when nobody else could come on campus, like the visitors and stuff, that's when it gets all... yeah, the staff really touch you from there, and stuff like that." *Id.*

55. Another Utah student described being taken to the bathroom and told to "scrub", yelled at by a School staff member using abusive, foul language and then being pushed to the floor and the staff member who:

grabbed me by my head, cause he pushed me all the way...like I'm on the floor, so he grabbed me by my head and twisted me by my head, and picked me up and throws me on the washer and dryer and then he pulled me off, and then I like fall and hit my head on the ground and everything...and then he grabbed me by my head and twisted me all the way to the other wall...and he stands me up against the wall and he starts hitting me in my chest and he's like, "You understand me now? Can you hear me now. Are you gonna scrub or what?" And I'm like "No, man. I'm not gonna scrub." He starts knocking my brains out. *Id.*

56. The students also reported lying about the abuse and systematic attempt by the School and its staff to hide the abuse, going so far as intercepting letters and students getting “beat down” for reporting the abuse to Utah. The Utah students were often too afraid to report the abuse because they feared retaliation.

57. Another Utah youth explained that the abuse at the School was just something he had to deal with, telling the Utah evaluator:

that during his stay at Glen Mills he was hit in the face by a staff member, explained that when instances such as these arose, the abuse was done behind closed doors. If anyone else was in the room, they had to turn away and stare at the wall until they were done. If you were caught looking, then you would also be “dealt with.” This youth concluded by stating that you could not do anything about the abuse, you just had to deal with it. *Id.*

58. There is further evidence of the School’s full knowledge of its systemic abuse of children. In 2018, the Philadelphia Department of Human Services (DHS) accepted a ‘corrective action plan’ from the School after counselors attacked a Philadelphia child. DHS identified the same set of abusive conduct that has been reported in the media. In response, the School informed DHS that it would make “significant changes to campus operations.”

59. The pattern of assaults and abuse was at various times abetted and promoted by threats to students who were prepared to report the abuses, that they would have to go to a worse placement and do their time all over again, as reported in *The Philadelphia Inquirer*.¹²

60. Further evidence of the widespread culture of abuse at the School is provided by the arrest in 2018 of two School counselors who were charged by the Pennsylvania State Police

¹² <https://www.philly.com/news/glen-mills-schools-pa-abuse-letter-philadelphia-pittsburgh-remove-students-investigation-20190302.html>.

with aggravated assault, simple assault, recklessly endangering another person, and endangering the welfare of a student at the School.¹³

CLASS ACTION ALLEGATIONS

61. Plaintiffs bring this action, on behalf of themselves and all others similarly situated, as a class action under Rules 23(a), (b)(2) and/or (b)(3) of the Federal Rules of Civil Procedure.

62. Plaintiffs will request that the Court certify the following class:

All persons who have attended The Glen Mills Schools and who suffered physical abuse or are at risk of suffering physical abuse (the “Class”).

63. The Class excludes all School employees and contractors.

64. Plaintiffs reserve the right to amend or modify the Class definition or create a subclass(es) upon further investigation and following discovery.

65. This action, in part, seeks declaratory and injunctive relief, and a writ of mandamus to compel Defendants to meet their obligations under 23 Pa. C. S. § 6311 and 49 Pa. C. S § 45.402 (“Mandatory Reporting Obligations”) on both a historical and going-forward basis, and require the School to provide sufficient evidence to the Court that they have and will do so, and to compel Defendants to make a complete disclosure of all records and information in their possession, custody or control during the time period from January 1, 2000 to the present pertaining to the abuse of children and students at the School. Plaintiffs request that the Court appoint a special master or undertake other appropriate measures to ensure that sensitive information about the victims of Defendants’ abuse remains confidential (unless authorized by a victim/survivor) and, additionally, provide a mechanism for the victims of abuse to review records pertaining to them to

¹³ See <http://www.wfmz.com/news/southeastern-pa/2-glen-mills-school-counselors-arrested-for-assaulting-a-student/791895040>.

verify that they exist, are accurate and complete, and are available to be reviewed by Pennsylvania government officials and law enforcement. As such, class certification under FED. R. CIV. P. 23(b)(2) is appropriate.

66. All Class members were subject to a pattern or practice of similar abuse. Defendants acted on grounds generally applicable to all Class members, making final equitable relief to the Class as a whole appropriate.

67. The members of the Class are so numerous that joinder of all members in one action is impracticable. Hundreds, and possibly thousands of boys have attended the School and been subjected to the widespread abuse occurring at the School. The Class members can be identified in the discovery process through Defendants' records and the records of the jurisdictions that placed students at the School. Furthermore, notice can be provided by the Court to all persons who have attended the School so that those who have been abused will have the opportunity to report the abuse in a safe environment.

68. Plaintiffs' and the claims of Class members have a common origin and share a common basis. All Class members suffered from the same pattern or practice of abuse described herein. Common questions of law exist and predominate as to all members of the Class which include, without limitation:

- a. Whether Defendants violated 42 U.S.C. Section 1983;
- b. Whether Defendants violated the Fourth, Eighth and Fourteenth

Amendments to the United States Constitution;

c. Whether Defendants violated 23 Pa. C. S. § 6311 and 49 Pa. C. S § 45.402;

- d. Whether Defendants are liable for negligence;
- e. Whether Defendants acted in a manner of reckless indifference;
- f. Whether Defendants knew of the pattern of abuse at the School;
- g. Whether the School is liable for negligent supervision; and
- h. Whether there was a pervasive environment of abuse at the School that

can be remedied by an injunction and/or declaratory relief.

69. Plaintiffs' claims are typical of the claims of the members of the Class. Plaintiffs and all Class members were harmed in a similar fashion by Defendants' wrongful and abusive conduct while attending the School.

70. Plaintiffs seek to hold Defendants accountable for the wrongs they have committed and to make the Class whole. Plaintiffs are committed to fairly, adequately, and vigorously representing and protecting the interests of the Class. Plaintiffs have retained the undersigned counsel who are qualified and experienced in class action litigation of this kind. Neither Plaintiffs nor their counsel have any interests that might cause them to refrain from vigorously pursuing the claims in this action. In addition, Defendants have no defenses unique to Plaintiffs.

71. Class certification is appropriate under FED. R. CIV. P. 23(b)(3) because questions of law and fact common to the Class predominate over any questions affecting only individual members of the Class, and because a class action is superior to other available methods for the fair

and efficient adjudication of this litigation. Defendants' conduct described in this Complaint stems from common and uniform conduct and practices, resulting in common violations.

72. It would be difficult for many of Class members to pursue individual relief due to the nature of the harm, distance from Pennsylvania and because they were court-reported to the School as adjudicated youths. In addition, many of the Class members come from low income homes, lack resources, and consequently, are particularly vulnerable to Defendants' abuse, especially without means of redress via a class action.

73. It would be virtually impossible for individual Class members to obtain effective relief, including, without limitation, effective injunctive and declaratory relief, from Defendants' actions absent certification of a class action.

74. Individual litigation of multiple cases would be highly inefficient and a waste of judicial and party resources. Moreover, the prosecution of separate actions by individual members of the Class would create a risk of inconsistent results.

75. Class members do not have an interest in pursuing separate actions against Defendants, as the amount of each Class member's individual claim is small compared to the expense and burden of individual prosecution.

76. Plaintiffs are aware of no difficulties regarding the management of this litigation which would preclude its maintenance as a class action.

77. In the interests of justice and judicial efficiency, it would be desirable to concentrate the litigation of all Class members' claims in a single forum where the School resides and where the acts of abuse alleged herein took place.

CAUSES OF ACTION

Federal Claims Under the U.S. Constitution

COUNT I

Violations of 42 U.S.C. § 1983 and the Fourth, Eighth, and Fourteenth Amendments

78. Plaintiffs incorporate by reference each allegation stated above.

79. The Fourth, Eighth, and Fourteenth Amendments to the United States Constitution protect Plaintiffs and the Class from physical abuse and unreasonable or excessive force from Defendants. These Amendments also require Defendants to establish policies and practices to protect Plaintiffs and the Class from known harms and known patterns of constitutional deprivations.

80. The School failed, with deliberate indifference, to provide a safe custodial setting for Plaintiffs and the Class, by failing to properly train, supervise, and discipline the staff at the School, including all John Does. As a proximate result of the School's policies, practices, and customs, the John Doe Defendants subjected Plaintiffs and the Class to excessive and unreasonable force, a failure to protect from harm, and other abuses alleged in this Complaint.

81. Defendants are liable to Plaintiffs and the Class under 42 U.S.C. § 1983 and the Fourth, Eighth, and Fourteenth Amendments.

State Law Claims

COUNT II

Negligence

82. Plaintiffs incorporate by reference each allegation stated above.

83. All Defendants had a duty to act reasonably and to maintain a safe environment for Plaintiffs and the Class.

84. All Defendants breached this duty by subjecting Plaintiffs and the Class to unreasonable and excessive force and other unwarranted abuse.

85. Plaintiffs and the Class were injured as a direct and proximate cause of Defendants' negligence, and as a result of being subjected to Defendants' conduct.

86. The injuries to Plaintiffs and Class members were reasonably foreseeable.

87. Defendants are liable to Plaintiffs and the Class for their abusive conduct.

COUNT III
Intentional Infliction of Emotional Distress

88. Plaintiffs incorporate by reference each allegation stated above.

89. All Defendants' conduct is extreme and outrageous.

90. All Defendants acted intentionally in their assaults and other abuses and this course of conduct caused severe emotional distress to Plaintiffs and Class members.

91. Defendants' conduct was the proximate cause of Plaintiffs' and Class members' injuries.

COUNT IV
Negligent Infliction of Emotional Distress

92. Plaintiffs incorporate by reference each allegation stated above.

93. While in Defendants' custody and control, Defendants had a contractual and/or fiduciary duty of care to Plaintiffs and the Class.

94. Plaintiffs and the Class suffered physical injury as a result of Defendants' conduct.

95. All Defendants breached that duty by failing to provide a safe environment for Plaintiffs and Class members and thereby caused them emotional distress.

96. Defendants' negligence was the proximate cause of Plaintiffs' and Class members' injuries.

COUNT V
Negligent Supervision
(Against the School)

97. Plaintiffs incorporate by reference each allegation stated above.

98. The School failed to exercise ordinary care and negligently and recklessly caused harm to Plaintiffs and Class members by failing to properly supervise Defendants John Does. The School had reason to know of the necessity to control employees who had access to and were tasked with supervising, educating, training and caring for Plaintiffs and the Class.

99. The School's negligence in hiring, supervising and retention of its employees and staff was the proximate cause of Plaintiffs' and Class members' injuries.

PRAYER FOR RELIEF

Plaintiffs, individually and on behalf of the Class, respectfully request the Court to enter judgment on their behalf and on behalf of the Class as follows:

A. Certifying the Class under Rule 23 of the Federal Rules of Civil Procedure, as requested above, appointing Plaintiffs as Class representatives, and appointing Plaintiffs' counsel as counsel for the Class;

B. Issuing appropriate notice to the Class at Defendants' expense;

C. Declaring that Defendants have violated their Mandatory Reporting Obligations;

D. Ordering Defendants to meet their obligations under 23 Pa. C. S. § 6311 and 49 Pa. C. S § 45.402 on both a historical and going-forward basis and provide sufficient evidence to the Court that they have and will continue to do so;

E. Ordering Defendants to make a complete disclosure of all records and information in their possession, custody, or control during the time period from January 1, 2000

to the present pertaining to the abuse of students at the School. Plaintiffs request that the Court appoint a special master or take other appropriate measures to ensure that sensitive information about the victims of Defendants' abuse remains confidential (unless authorized by a victim/survivor) and, additionally, provide a mechanism for the victims of abuse to review records pertaining to them to verify that they exist, are accurate, and complete, and are available to be reviewed by Pennsylvania government officials and law enforcement;

F. Ordering appropriate injunctive, declaratory, and other equitable relief;

G. Issuing a writ of mandamus commanding Defendants to report, as required by 23 Pa. C. S. § 6311, all child abuse presently known or suspected by them, and to submit proof of compliance with such order to the Court within 10 days of such order;

H. Awarding Plaintiffs and Class members compensatory, restitutionary, general, consequential, punitive, and exemplary damages in an amount to be determined at trial;

I. Awarding pre-judgment and post-judgment interest as permitted by law;

J. Awarding reasonable attorneys' fees and costs, including expert fees as provided for by law; and

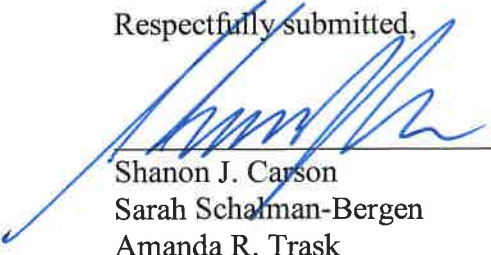
K. Granting such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiffs demand a trial by jury on all claims triable as a matter of right.

Dated: March 27, 2019

Respectfully submitted,



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