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 Attorneys for Plaintiffs

E. DIANNE GROSSMAN and SETH	:	SUPERIOR COURT OF NEW JERSEY
GROSSMAN, as Administrators ad	:	MORRIS COUNTY: LAW DIVISION
Prosequendum of The Estate of	:	DOCKET NO.:
Mallory Grossman and E. DIANNE:	:	
GROSSMAN and SETH GROSSMAN,	:	
Individually,	:	
	:	Civil Action
	:	
Plaintiffs,	:	
	:	
v.	:	COMPLAINT AND JURY DEMAND
	:	
ROCKAWAY TOWNSHIP; ROCKAWAY	:	
TOWNSHIP BOARD OF EDUCATION;	:	
GREG MCCANN; ALFONSO A.	:	
GONNELLA; JENNIFER KLAK;	:	
SONYA PATEL; CHRISTINE CIAMPI;	:	
TEACHERS A-C; LUNCH AIDES	:	
A-C; SCHOOL NURSES A-C;	:	
LIBRARIANS A-C; JOHN DOES	:	
1-20; ABC ENTITIES 1-20	:	
	:	
Defendants.	:	
	:	

Plaintiffs, E. Dianne Grossman ("Dianne") and Seth Grossman, ("Seth") (collectively, "The Grossmans") as Administrators ad Prosequendum of the Estate of Mallory Grossman, and E. Dianne Grossman and Seth Grossman, individually, residing in the county of Morris, New Jersey, complaining against the defendants, says as follows:

INTRODUCTION

1. Since 2007, the suicide rates for adolescent boys and girls is steadily rising. According to the U.S. Centers for Disease Control and Prevention, the suicide rate for young girls doubled from 2007 to 2015. This is an alarming reminder that suicide is a significant and growing global health issue among children.

2. In recent news and media, numerous cases have been reported in which suicide or attempted suicide is attributed to cyber-bullying. This ongoing publicity concerning a number of high-profile bullying cases has created a public awareness of bullying incidents and their consequences. Bullying among school-age children is now recognized as a major public health problem in the western world. In fact, in 2001 the Surgeon General of the United States published a report emphasizing the importance of focusing attention to this epidemic.

3. Generally, bullying is known to fall into 4 categories: physical, verbal, relational (i.e. social exclusion, spreading rumors), and the newest form, cyberbullying - which has seen a drastic increase with the advancement of mobile phones and the internet.

4. Exposure to bullying is considered a public health issue due to the substantial negative mental health effects on a young girl or boy. Among them are low self-regard, depression,

anxiety and suicidal ideation. The most devastating result, however, is the loss of life through suicide.

5. For educators, the incidence of bullying is a critical issue as it affects a significant proportion of school students. The 2015 Youth Risk Behavior Survey of students in grades 9 through 12 in the United States indicated that during the 12 months before the survey, 20.2% of students were bullied on school property, 15.5% of students were electronically bullied, and 5.6% students had not gone to school on at least 1 day during the 30 days prior to the survey because they felt unsafe at school or on their way to or from school.¹

6. Moreover, because, victims of bullying and cyberbullying experience a higher risk of depression and suicidal ideation due to the low self-esteem that develops from bullying, this in turn creates both academic and peer group difficulties in the school setting. Lower school performance and school attachment has been associated with the substantial distress experienced by those victimized by bullying. Other negative consequences experienced by victims of bullying include greater difficulty establishing friendships, humiliation from

¹ See Centers for Disease Control and Prevention. Youth Risk Behavior Surveillance-United States, 2015. https://www.cdc.gov/healthyyouth/data/yrbs/pdf/2015/ss6506_updated.pdf (Last viewed on May 10, 2018).

peer knowledge of bullying incidents, and a greater risk of abuse of drugs or alcohol.

7. Thus, schools have a fundamental duty to employ successful mechanisms to prevent bullying and cyber-bullying. Tragically, when educators fail to take action to prevent these foreseeable harms, significant numbers of children, who might otherwise have been protected from bullies, will suffer serious and often life-long harms and in worst-case scenarios, the senseless loss of life through suicide. That is in fact what happened to young Mallory Grossman, who killed herself in June of 2017, after months of being harassed and bullied.

PLAINTIFFS

8. In 2016, plaintiff Mallory Grossman was a minor student at Copeland Middle School located at 100 Lake Shore Drive, Rockaway, New Jersey 07866.

9. The Grossmans are the parents of Mallory and Administrators *ad Prosequendum* of their daughter's Estate. They reside at 4 Country Side Drive, Rockaway, NJ 07866.

FACTS COMMON TO ALL COUNTS

10. At all times pertinent to the complaint, the Defendant Rockaway Township Board of Education ("Rockaway Board of Education") had a duty to provide for the safety and security of students within the school district and to adhere to and provide the protections and other requirements under the New Jersey

Anti-Bullying Statute, N.J.S.A. 18A:37-1 et. seq. It was also responsible for supervising and monitoring the design, implementation, dissemination, training and/or supervision of staff, maintenance of records regarding procedures to prevent and/or address abusive student to student behavior and/or to propound and disseminate anti-harassment, intimidation, and bullying policies and programs consistent with the New Jersey Anti-Bullying Statute, N.J.S.A. 18A:37-1 et. seq.

11. At all times pertinent to the complaint, the Defendant Rockaway Township had a duty to provide for the safety and security of students within the school district and to adhere to and provide the protections and other requirements under the New Jersey Anti-Bullying Statute, N.J.S.A. 18A:37-1 et. seq. It was also responsible for supervising and monitoring the design, implementation, dissemination, training and/or supervision of staff, maintenance of records regarding procedures to prevent and/or address abusive student to student behavior and/or to propound and disseminate anti-harassment, intimidation, and bullying policies and programs consistent with the New Jersey Anti-Bullying Statute, N.J.S.A. 18A:37-1 et. seq.

12. At all times pertinent to this complaint, Defendant Mr. Greg McGann was the Superintendent of Schools for the Rockaway Township Board of Education and had a duty to provide a safe and secure environment for pupils at the school and to

adhere to and provide the protections and other requirements under the New Jersey Anti-Bullying Statute, N.J.S.A. 18A:37-1 et. seq. He was also responsible for designing, implementation, dissemination, training and/or supervision of staff, maintenance of records regarding procedures to prevent and/or address abusive student to student behavior and/or to propound and disseminate anti-harassment, intimidation, and bullying policies and programs consistent with the New Jersey Anti-Bullying Statute, N.J.S.A. 18A:37-1 et. seq.

13. At all times pertinent to this complaint, Defendant Alfonso A. Gonnella was the Principal of the Copeland Middle School, a school within Rockaway Township. He had a duty to provide a safe and secure environment for pupils at the school and to adhere to and provide the protections and other requirements under the New Jersey Anti-Bullying Statute, N.J.S.A. 18A:37-1 et. seq. He was also responsible for designing, implementation, dissemination, training and/or supervision of staff, maintenance of records regarding procedures to prevent and/or address abusive student to student behavior and/or to propound and disseminate anti-harassment, intimidation, and bullying policies and programs consistent with the New Jersey Anti-Bullying Statute, N.J.S.A. 18A:37-1 et. seq.

14. At all times pertinent to this complaint, Defendant Ms. Jennifer Klak was the sixth grade vice principal at Copeland

Middle School and had a duty to provide a safe and secure environment for pupils at the school and to adhere to and provide the protections and other requirements under the New Jersey Anti-Bullying Statute, N.J.S.A. 18A:37-1 et. seq. She was also responsible for designing, implementation, dissemination, training and/or supervision of staff, maintenance of records regarding procedures to prevent and/or address abusive student to student behavior and/or to propound and disseminate anti-harassment, intimidation, and bullying policies and programs consistent with the New Jersey Anti-Bullying Statute, N.J.S.A. 18A:37-1 et. seq.

15. At all times pertinent to this complaint, Defendant Ms. Sonya Patel was a guidance counselor at Copeland Middle School and had a duty to provide a safe and secure environment for pupils at the school and to adhere to and provide the protections and other requirements under the New Jersey Anti-Bullying Statute, N.J.S.A. 18A:37-1 et. seq.

16. At all times pertinent to this complaint, Defendant Ms. Christine Ciampi was the Harrassment, Intimidation and Bullying Coordinator ("HIB") at Copeland Middle School and had a duty to provide a safe and secure environment for pupils at the school and to adhere to and provide the protections and other requirements under the New Jersey Anti-Bullying Statute, N.J.S.A. 18A:37-1 et. seq. She was also responsible for

responsible for designing, implementation, dissemination, training and/or supervision of staff, maintenance of records regarding procedures to prevent and/or address abusive student to student behavior and/or to propound and disseminate anti-harassment, intimidation, and bullying policies and programs consistent with the New Jersey Anti-Bullying Statute, N.J.S.A. 18A:37-1 et. seq.

17. At all times pertinent to this complaint, Defendant Teachers A-C were teachers at Copeland Middle School whose identity is currently unknown and who had a duty to provide a safe and secure environment for pupils at the school and to adhere to and provide the protections and other requirements under the New Jersey Anti-Bullying Statute, N.J.S.A. 18A:37-1 et. seq.

18. At all times pertinent to this complaint, Defendant Lunch Aides A-C were lunch aides at Copeland Middle School whose identity is currently unknown and who had a duty to provide a safe and secure environment for pupils at the school and to adhere to and provide the protections and other requirements under the New Jersey Anti-Bullying Statute, N.J.S.A. 18A:37-1 et. seq.

19. At all times pertinent to this complaint, Defendant School Nurses A-C are nurses at Copeland Middle School whose names are currently unknown and who had a duty to provide a safe

and secure environment for pupils at the school and to adhere to and provide the protections and other requirements under the New Jersey Anti-Bullying Statute, N.J.S.A. 18A:37-1 et. seq.

20. At all times pertinent thereto, Defendant School Librarians A-C were school librarians whose identities are currently unknown and who had a duty to provide a safe and secure environment for pupils at the school and to adhere to and provide the protections and other requirements under the New Jersey Anti-Bullying Statute, N.J.S.A. 18A:37-1 et. seq.

21. At all times relevant hereto, defendants, John Does 1-20, were individuals, whose identities are not currently known, who were responsible for the safety and care of students at the Copeland Middle School or responsible for designing, implementation, dissemination, training and/or supervision of staff, maintenance of records regarding procedures to prevent and/or address abusive student to student behavior and/or to propound and disseminate anti-harassment, intimidation, and bullying policies and programs consistent with the New Jersey Anti-Bullying Statute, N.J.S.A. 18A:37-1 et. seq.

22. All or some of the John Does 1-20 were principals, agents, ostensible agents, servants and/or employees of defendants Rockaway Board of Education and/or Rockaway Township.

23. As such, defendants, Rockaway Board of Education and Rockaway Township are vicariously liable and vicariously

responsible for any negligent acts, grossly negligent acts and/or omissions on the part of defendants, John Does 1-20.

24. At all times relevant hereto, defendants, ABC ENTITIES 1-20, whose identities are not currently known, were responsible, directly or by and through their principals, agents, ostensible agents, servants and/or employees for the safety and care of students at the Copeland Middle School or responsible for designing, implementation, dissemination, training and/or supervision of staff, maintenance of records regarding procedures to prevent and/or address abusive student to student behavior and/or to propound and disseminate anti-harassment, intimidation, and bullying policies and programs consistent with the New Jersey Anti-Bullying Statute, N.J.S.A. 18A:37-1 et. seq.

25. This action is brought pursuant to the Wrongful Death Act and the Survivorship Act.

26. On June 14, 2017 in early evening, Mallory, age 12 committed suicide in her home.

27. This suicide took place after an extended, persistent period of bullying that took place during the 2016-2017 school year in or around the Copeland Middle School.

28. Indeed, her death came on the heels of a meeting, initiated by Mallory's parents, that took place earlier in the day at the Copeland Middle School between Mallory, her parents,

and school officials, Defendants Gonnella and Patel regarding ongoing and systemic bullying that Mallory was suffering at the school.

29. This repeated pattern of bullying and abuse took place despite ongoing complaints lodged by Mrs. Grossman and others to school officials about the bullying.

BULLYING INCIDENTS IN THE TOWNSHIP OF ROCKAWAY

30. The number of bullying incidents in Rockaway Township schools more than tripled during the last school year, records show, as parents of a 12-year-old girl said they implored education officials to protect their daughter in the months leading to her suicide.²

31. There were 14 confirmed bullying incidents in the district during 2016-17, up from three the prior year, based on an examination of school board meeting minutes over the past two years.

32. The number reported in Rockaway Township last year equaled the total reported during the four previous years. And until this past school year, the district never had more than four confirmed bullying incidents in a year.

² See Abbott Koloff, Bullying in Rockaway Township spiked as parents sought help before daughter's suicide (2017), <https://www.northjersey.com/story/news/watchdog/2017/08/07/bullying-rockaway-township-spiked-parents-sought-help-before-daughters-suicide/541916001/> (last visited May 10, 2018).

33. A review of Rockaway Board of Education minutes show administrators reporting a total of 33 bullying investigations during the 2016-17 school year, with 14 of the incidents confirmed to be bullying and conforming to the state law's definition. The schools involved were not specified in the minutes.

34. In 2015-16, administrators reported 13 investigations and three confirmed bullying incidents. State records show all three confirmed incidents were related to students at Copeland Middle School.

THE ACTS OF BULLYING OF MINOR CHILDREN AGAINST MALLORY

35. The minor children, A.B., C.D., E.F. and G.H.,³ acting together and individually engaged in bullying behavior against Mallory that took place during the 2016-2017 school year. Some of these behaviors were done through cyberbullying via cell phones.

36. For instance, G.H. engaged in multiple acts of abusive behavior towards Mallory:

- a) She participated with A.B., C.D. and E.F. in taunting Mallory.

³ These individuals are juveniles and the use of initials are utilized to protect their privacy.

- b) While on school property she was a recipient of a text message sent by A.B., with a photo of Mallory walking alone with the message, "You have no friends."
- c) She acquiesced when A.B. told Mallory, she could not sit at the lunch room table where Mallory sought to join, resulting in Mallory being ostracized and forced to eat her lunch day in and day out in the guidance office.
- d) She was present when A.B., taunted Mallory, "When are you going to kill yourself?"

37. A.B. engaged in ongoing and systematic bullying activity against Mallory, including, but not limited to:

- a) She participated with G.H., C.D. and E.F. in taunting Mallory.
- b) She sent the text message of a snap chat sent to many others at the school, saying "Poor Mal, You have no friends."
- c) She said to Mallory in front of others, "When are you going to kill yourself?"
- d) When Mallory, frustrated with the constant bullying, sent a message to A.B. to "leave me alone," it was met with a nasty response.

38. C.D. engaged in ongoing and systematic bullying activity against Mallory, including, but not limited to:

a) She participated with G.H., A.B. and E.F. in taunting Mallory.

b) She was in choir class with E.F. and engaged in verbal taunting and ultimately consistently kicking the back of Mallory's chair, ultimately resulting in Mallory being removed from the class due to the ongoing emotional harm caused by the harassment of C.D. and others.

39. E.F. engaged in ongoing and systematic bullying against Mallory, including, but not limited to:

a) She participated with G.H., A.B. and C.D. in taunting Mallory.

b) She called Mallory abusive names, including "a bitch".

c) She refused to allow Mallory to sit in the lunch room at a table with her and others resulting in Mallory being ostracized and forced to eat her lunch day in and day out in the guidance office.

d) She was present in choir room with C.D. and participated in taunting and kicking the back of Mallory's chair on a continuous basis when she was in choir class, resulting in Mallory being removed from the class due the severity of the harassment.

OTHER ACTS OF BULLYING
AGAINST MALLORY

40. In the months preceding her death, Mallory was subjected to persistent and systematic abusive actions against her by fellow students.

41. These actions include fellow students telling her she was "ugly", "fat", "jiggly", "[had] no friends", "a rich white girl", "a bitch" and that she had "frizzy hair."

42. It also included students kicking the back of her chair in choir class while verbally demeaning her, resulting in emotional harm and her being transferred out of the music class, a subject she loved, and into another class as a means to avoid the abuse.

43. A student sending Snapchat photos to Mallory and other students, with a picture of Mallory by herself, with the titles, "U have no friends" and "Poor Mal". When Mallory responded to the Snapchat photos telling the offending student to "delete" the photos, the student responded, "never".

44. In the weeks before Mallory's death, one student taunted, in the presence of others, "when are you going to kill yourself?"

45. On the day before Mallory's death, while trying to find a seat in the lunch room, one of the students who

consistently engaged in bullying told Mallory, "you can't sit here, you have no friends".

PLEAS MADE TO THE SCHOOL ON BEHALF OF MALLORY

46. During the course of the school year, Dianne had numerous communications with school officials complaining of the harassing behavior of the students toward Mallory.

47. School officials advised the Grossman's NOT to file a formal complaint under the Harassment Intimidation and Anti-Bully Policy in place under the state statute, N.J.S.A. 18A:37-13, et. seq.

48. After witnessing or being informed of multiple instances of bullying in the lunch room, a school official suggested Mallory eat lunch in the guidance office, thus further isolating Mallory from the student body.

49. In another instance when school officials were made aware of yet additional bullying, instead of taking corrective measures against the offenders, the school officials made the offenders and Mallory "hug each other."

50. On the day of her death, school officials, including Alfonso A. Gonnella, met with the Grossmans and Mallory, and advised that he agreed that Mallory should not remain at school that day as she was "not safe." He further acknowledged that he would "get in a lot of trouble" for advising them to keep

Mallory at home. He did not view the school as safe for Mallory while the claims were being investigated.

51. At the same meeting Mr. Gonnella irretrievably humiliated Mallory by requiring that she: a) answer a phone call made to the Principal by Defendant McGann, President of the Board of Education after Mallory was directed by the Principal to sit at the Principal's desk; and b) engage in a meeting lasting over three hours that lacked any suggestions to punish the offenders, but instead, placed the bulk of the responsibility on Mallory to rectify the situation.

52. In the course of the meeting, the Principal, incomprehensibly, handed Mallory a "poker chip" in which he directed her to inscribe her initials and the date. Thereafter, obviously referring to a "poker game" metaphor, he asked her, "are you all in?"

53. Hours later, Mallory took her life.

FIRST COUNT

NEGLIGENCE

(Against Defendant Rockaway Board of Education and
Rockaway Township)

54. Plaintiffs repeat and restate the allegations of all the preceding paragraphs as if set forth at length herein.

55. Defendants had actual and/or constructive knowledge that Mallory had been and was continually being bullied, tormented and harassed.

56. Plaintiff Dianne had multiple communications with the school authorities relative to the bullying her daughter endured since the beginning of the school year.

57. The school district and school had been the subject of numerous complaints lodged by parents relative to bullying going on in the district.

58. In the 2014-2015 school year, the Rockaway Board of Education, Rockaway Township and school had been made aware of the bullying of another student by one of the children who was engaged in the ongoing and systematic bullying of Mallory.

59. Indeed, the number of bullying complaints in the district had increased significantly during the 2016-2017 school year.

60. The Rockaway Board of Education, Rockaway Township and/or its employees did not prevent the bullying or take steps to immediately stop the persistent abusive behavior.

61. As a direct and proximate result of the negligence and carelessness of the defendants Rockaway Board of Education, Rockaway Township, John Does 1-20 and ABC ENTITIES 1-20, Mallory sustained severe and permanent injuries until the time of her death.

62. As a direct and proximate result of the negligence and carelessness of the defendants, Rockaway Board of Education, Rockaway Township, John Does 1-20 and ABC ENTITIES 1-20, medical, hospital and funeral expenses were incurred on behalf of Mallory Grossman.

63. As a direct and proximate result of the negligence and carelessness of the defendants Rockaway Board of Education, Rockaway Township, John Does 1-20 and ABC ENTITIES 1-20, those who would eventually be dependent upon Mallory for financial support, financial contribution, assistance, advice, guidance, counsel, household services and other matters have been, and will in the future continue to be, deprived of same.

WHEREFORE, plaintiffs, The Grossmans, *administratix ad prosequendum* of the Estate of Mallory Grossman, and Seth and Dianne Grossman individually, demand judgment against defendants Rockaway Board of Education, Rockaway Township, John Does 1-20 and ABC ENTITIES 1-20 jointly, severally or in the alternative for damages, punitive damages, damages pursuant to the Wrongful Death Act, damages pursuant to the Survivorship Act, interest, costs of suit, attorney's fees, and such other relief as the Court deems just and equitable.

SECOND COUNT

(Against the Defendants McGann, Gonnella and Klak
and Ciampi)

64. Plaintiffs repeat and restate the allegations of the First Count as if set forth at length herein.

65. At all times relevant Defendants McGann, Gonnella, Klak and Ciampi had the duty to properly train, oversee, and supervise all teachers and other employees of Copeland Middle School.

66. Defendants McGann, Gonnella, Klak and Ciampi were negligent, breached the aforesaid duty, and their actions and inactions damaged plaintiffs.

67. As a result, Mallory, Seth and Dianne suffered temporary and permanent harm, including but not limited to pain, suffering, emotional and psychological trauma and humiliation.

WHEREFORE, plaintiffs, The Grossmans, *administratix ad prosequendum* of the Estate of Mallory Grossman, and Seth and Dianne Grossman individually, demand judgment against Defendants McGann, Gonnella, Klak and Ciampi jointly, severally or in the alternative for damages, punitive damages, damages pursuant to the Wrongful Death Act, damages pursuant to the Survivorship Act, interest, costs of suit, attorney's fees, and such other relief as the Court deems just and equitable.

THIRD COUNT

(Against the Defendants Rockaway Board of Education,
Rockaway Township, McGann, Gonnella, Klak and Ciampi)

68. Plaintiffs repeat and restate the allegations of the First and Second Counts as if set forth at length herein.

69. At all times relevant the defendants Rockaway Board of Education, Rockaway Township, McGann, Gonnella, Klak and Ciampi failed to exercise reasonable care and failed to take reasonable precautions for the safety and well-being of the students of Copeland Middle School, including, but not limited to Mallory.

70. At all times relevant the defendants Rockaway Board of Education, Rockaway Township, McGann, Gonnella, Klak and Ciampi failed to enact and/or enforce adequate written and/or verbal policies, procedures, and regulations to provide for the safety and well-being of the students of Copeland Middle School, including but not limited to, Mallory.

71. Defendants Rockaway Board of Education, Rockaway Township, McGann, Gonnella, Klak and Ciampi were negligent, breached the aforesaid duties, and their actions and inactions were unreasonable.

72. Defendants Rockaway Board of Education, Rockaway Township, McGann, Gonnella, Klak and Ciampi's actions and inactions, including but not limited to their failure to take appropriate remedial action to prevent and/or address the

aforesaid conduct, failure to have an appropriate written procedure to prevent and/or address said conduct, and failure to propound and disseminate anti-harassment, intimidation, and bullying policies and programs violates the New Jersey Anti-Bullying Statute, N.J.S.A. 18A:37-1 et. seq.

73. As a result of the aforesaid conduct, Mallory, Seth and Dianne have suffered temporary and permanent harm, including but not limited to pain, suffering, emotional and psychological trauma and humiliation.

WHEREFORE, plaintiffs, The Grossmans, *administratix ad prosequendum* of the Estate of Mallory Grossman, and Seth and Dianne Grossman individually, demand judgment against Defendants Rockaway Board of Education, Township of Rockaway, McGann, Gonnella, Klak and Ciampi jointly, severally or in the alternative for damages, punitive damages, damages pursuant to the Wrongful Death Act, damages pursuant to the Survivorship Act, interest, costs of suit, attorney's fees, and such other relief as the Court deems just and equitable.

FOURTH COUNT

(Against the Defendants Rockaway Board of Education, Rockaway Township, McGann, Gonnella, Klak, Patel, Ciampi, Teachers A-C, Teacher's Aides, A-C, Lunch Aides A-C, School Nurses A-C, Librarians A-C, John Does 1-20)

74. Plaintiffs repeat and restate the allegations of the First, Second and Third Counts as if set forth at length herein.

75. At all times relevant hereto, defendant Rockaway Board of Education, Rockaway Township, McGann, Gonnella, Klak, Patel, and Ciampi, Teachers A-C, Teacher's Aides A-C, Lunch Aides A-C, School Nurses A-C, Librarians A-C, and John Does A-C all knew or should have known of the harassing actions against Mallory.

76. At all times relevant the defendants failed to exercise reasonable care and failed to take reasonable precautions for the safety and well-being of the students of Copeland Middle School, including but not limited to Mallory.

77. Specifically, Defendant Patel had numerous conversations with Dianne and Mallory regarding the bullying Mallory was experiencing in the school, yet Patel failed to properly address the complaints; failed to properly escalate the complaints; and failed to properly follow policy regarding the complaints. Indeed, Patel discouraged Plaintiff Dianne and Seth from filing a formal bullying complaint and refused to file same.

78. In a school meeting in approximately March 2017 that was arranged at the insistence of Mallory's parents with Mallory's core teachers⁴ due to concerns expressed by Mallory's parents to the school relative to Mallory's academic and emotional status, there was no acknowledgment by the teachers of

⁴ Mallory's core teachers were Ms. Bosworth, Ms. Van Scoy, Mr. Hartmann, Ms. Vespar and Ms. Elling.

knowledge of the parents' prior reports of bullying to the school. Hence, there was never any action by these teachers to prevent further bullying and remediate the effects of the prior bullying.

79. At all times relevant the defendants failed to enact and/or enforce adequate written and/or verbal policies, procedures, and regulations to provide for the safety and well-being of the students of Copeland Middle School, including but not limited to, Mallory.

80. The defendants were negligent, breached the aforesaid duties, and their actions and inactions were unreasonable.

81. Defendants' actions and inactions, including but not limited to their failure to take appropriate remedial action to prevent and/or address the aforesaid conduct, failure to have an appropriate written procedure to prevent and/or address said conduct, and failure to propound and disseminate anti-harassment, intimidation, and bullying policies and programs violates the New Jersey Anti-Bullying Statute, N.J.S.A. 18A:37-1 et. seq.

82. As a result of the aforesaid conduct, Mallory and her parents have suffered temporary and permanent harm, including but not limited to pain, suffering, emotional and psychological trauma and humiliation.

WHEREFORE, plaintiffs, The Grossmans, *administratix ad prosequendum* of the Estate of Mallory Grossman, and Seth and Dianne Grossman, individually, demand judgment against Defendants Rockaway Township, Rockaway Board of Education, McGann, Gonnella, Klak, Ciampi, Patel, Teachers A-C, Teacher's Aides A-C, Lunch Aides A-C, School Nurses A-C, Librarians A-C, and John Does 1-20 jointly, severally or in the alternative for damages, punitive damages, damages pursuant to the Wrongful Death Act, damages pursuant to the Survivorship Act, interest, costs of suit, attorney's fees, and such other relief as the Court deems just and equitable.

COUNT FIVE

(Against the Defendants Rockaway Board of Education
and Rockaway Township)

83. Plaintiffs repeat and restate the allegations of the First, Second, Third and Fourth Counts at set forth at length herein.

84. Defendant Rockaway Board of Education and/or the Township of Rockaway is liable for the conduct of all individual defendants employed by the Rockaway Township Board of Education and/or Copeland Middle School, pursuant to respondeat superior, vicarious liability, agency principles, and all applicable laws.

WHEREFORE, plaintiffs, The Grossmans, *administratix ad prosequendum* of the Estate of Mallory Grossman, and Seth and

Dianne Grossman individually, demand judgment against Defendants Rockaway Board of Education and Rockaway Township jointly, severally or in the alternative for damages, punitive damages, damages pursuant to the Wrongful Death Act, damages pursuant to the Survivorship Act, interest, costs of suit, attorney's fees, and such other relief as the Court deems just and equitable.

COUNT SIX

(Against Defendants John Does 1-20 and ABC
ENTITIES 1-20)

85. Plaintiffs repeat and reallege every preceding paragraph of this Complaint.

86. At all times relevant hereto, defendants, John Does 1-20, were individuals, whose identities are not currently known, were responsible for maintaining a safe and protective environment for students of Copeland Middle School.

87. At all times relevant hereto some of the John Does 1-20 were principals, agents, ostensible agents, servants and/or employees of defendants Rockaway Board of Education or Rockaway Township.

88. As such, defendants, Rockaway Board of Education and Rockaway Township are vicariously liable and vicariously responsible for any negligent acts, grossly negligent acts and/or omissions on the part of defendants, John Does 1-20.

89. At all times relevant hereto, defendants, ABC ENTITIES 1-20 whose identity is not currently known, were responsible directly or by and through its principals, agents, ostensible agents, servants and/or employees for the well-fare and safety of Copeland Middle School students during the school year 2016-2017.

90. As a result of the negligence and carelessness of the defendants, John Does 1-20 and ABC ENTITIES 1-20, Mallory was damaged and sustained catastrophic injuries and The Grossmans were damaged and sustained severe and permanent injury.

WHEREFORE, plaintiffs, The Grossmans, *administratix ad prosequendum* of the Estate of Mallory Grossman, and Dianne and Seth Grossman individually, demand judgment against Defendants John Does 1-20 and ABC ENTITIES 1-20 jointly, severally or in the alternative for damages, punitive damages, damages pursuant to the Wrongful Death Act, damages pursuant to the Survivorship Act, interest, costs of suit, attorney's fees, and such other relief as the Court deems just and equitable.

COUNT SEVEN

(Portee Claim of Seth)

91. Plaintiffs repeat and restate the allegations of Count One through Count Six as if set forth at length herein.

92. Mallory suffered death caused by defendants' negligence.

93. Plaintiff Seth was Mallory's father.

94. On the day of her death, Seth discovered his daughter Mallory minutes after she attempted suicide and was present during her last moments of life.

95. As a proximate result of the aforesaid wrongful and negligent conduct of the defendants, Seth suffered severe, permanent injuries, pain, suffering, severe emotional distress, disability, impairment, loss of enjoyment of life, medical bills, and economic damages.

WHEREFORE, plaintiff Seth demands judgment of compensatory damages, punitive damages, attorneys' fees, interest, costs and such further relief as the Court deems equitable and just.

COUNT EIGHT

(Portee Claim of Dianne)

96. Plaintiffs repeat and restate the allegations of Count One through Count Seven as if set forth at length herein.

97. Mallory suffered death caused by defendants' negligence.

98. Plaintiff Dianne was Mallory's mother.

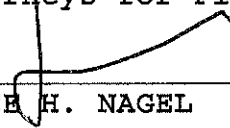
99. On the day of her death, Dianne saw her daughter within two hours of her death.

100. As a proximate result of the aforesaid wrongful and negligent conduct of the defendants, Dianne suffered severe, permanent injuries, pain, suffering, severe emotional distress,

disability, impairment, loss of enjoyment of life, medical bills, and economic damages.

WHEREFORE, plaintiff Dianne demands judgment of compensatory damages, punitive damages, attorneys' fees, interest, costs and such further relief as the Court deems equitable and just.

NAGEL RICE, LLP
Attorneys for Plaintiffs

By: 
BRUCE H. NAGEL

Dated: June 19, 2018

JURY DEMAND

Plaintiffs hereby demand a trial by jury on all issues herein.

DEMAND FOR INTERROGATORIES

Plaintiffs hereby demand that each defendant provide Answers to the Form C interrogatories as set forth in the Rules Governing the Courts of the State of New Jersey, Appendix II, Interrogatory Forms.

DEMAND FOR DOCUMENTS

Plaintiffs hereby demand that each defendant produce within 10 days a complete and legible copy of all documents in any form which constitute the complete record of the investigation into the bullying perpetrated on Mallory, and of all minutes,

recommendations, resolutions, budgets and expenses of Rockaway Township, the Rockaway Board of Education and Copeland Middle School regarding bullying behavior from 2013 forward.

DESIGNATION OF TRIAL COUNSEL

Bruce H. Nagel is hereby designated as trial counsel pursuant to Rule 4:25-4.

CERTIFICATION PURSUANT TO RULE 4:5-1

It is hereby certified pursuant to Rule 4:5-1 as follows:

1. The matter in controversy is not the subject of any other action pending in any Court or of a pending arbitration proceeding and no such other action or arbitration is contemplated to the knowledge of this party.

2. This party knows at this time of no other parties that should be joined in this action at this time. This party intends to conduct discovery to identify any other parties that should be joined in this action.

NAGEL RICE, LLP
Attorneys for Plaintiffs

Dated: June 19, 2018

By: _____

BRUCE H. NAGEL

Civil Case Information Statement

Case Details: MORRIS | Civil Part Docket# L-001173-18

Case Caption: GROSSMAN E. VS ROCKAWAY
TOWNSHIP

Case Initiation Date: 06/19/2018

Attorney Name: BRUCE H NAGEL

Firm Name: NAGEL RICE LLP

Address: 103 EISENHOWER PKWY

ROSELAND NJ 07068

Phone:

Name of Party: PLAINTIFF : GROSSMAN, E. DIANNE

Name of Defendant's Primary Insurance Company

(if known): None

Case Type: PERSONAL INJURY

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Hurricane Sandy related? NO

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same transaction or occurrence)? YES

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? YES

If yes, is that relationship: Other(explain) parent/school

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

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)

06/19/2018

Dated

/s/ BRUCE H NAGEL

Signed