

**STATE OF NEW YORK
SUPREME COURT COUNTY OF FULTON**

ANTHONY N. CHAMBERS,

Plaintiff,

-against-

**BROADALBIN-PERTH CENTRAL SCHOOL
DISTRICT AND BROADALBIN-PERTH CENTRAL
SCHOOL DISTRICT BOARD OF EDUCATION,**

Defendants.

SUMMONS

Index No.:

08421

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FULTON COUNTY
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To the above-named Defendants:

You are summoned and required to serve upon Plaintiff's attorneys, at the address stated below, an Answer to the attached Complaint.

If this Summons was personally served upon you in the State of New York, the Answer must be served within twenty (20) days after such service of the Summons, excluding the date of service. If the Summons was not personally delivered to you within the State of New York, the Answer must be served within thirty (30) days after the service of the Summons is complete as provided by law.

If you do not serve an Answer to the attached Complaint within the applicable time limitation stated above, a judgment may be entered against you, by default, for the relief demanded in the Complaint, without further notice to you.

THE ACTION WILL BE HEARD IN THE SUPREME COURT OF THE STATE OF NEW YORK, IN AND FOR THE COUNTY OF FULTON. THIS ACTION IS BROUGHT IN THE COUNTY OF FULTON BECAUSE IT IS THE COUNTY IN WHICH THE DEFENDANTS RESIDED WHEN THIS ACTION WAS COMMENCED AND BECAUSE IT IS THE COUNTY IN WHICH A SUBSTANTIAL PART OF THE EVENTS OR OMISSIONS GIVING RISE TO THIS CLAIM OCCURRED.

Dated: July 28, 2020


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for: LaFave, Wein & Frament, PLLC
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**STATE OF NEW YORK
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Plaintiff,

-against-

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Defendants.

COMPLAINT

Index No.:

08421

Plaintiff, by and through his attorneys, LaFave, Wein & Frament, PLLC, complains against the Defendants Broadalbin-Perth Central School District and Broadalbin-Perth Central School District Board of Education, as follows:

1. At all times mentioned herein, Plaintiff resided in the County of Montgomery, State of New York.
2. At all times mentioned herein, Defendant Broadalbin-Perth Central School District was and is a governmental entity, subdivision, agency, and/or administrative body organized and existing under and by virtue of the laws of the State of New York.
3. At all times mentioned herein, Defendant Broadalbin-Perth Central School District Board of Education was and is a governmental entity, subdivision, agency, and/or administrative body organized and existing under and by virtue of the laws of the State of New York.
4. This is a revival action brought pursuant to the New York Child Victim's Act, CPLR 214-g. This action alleges physical, psychological, and emotional injuries suffered

as a result of conduct which would constitute a sexual offense on a minor as defined in Article 130 and/or section 263.05 of the New York Penal Law, or a predecessor statute that prohibited such conduct at the time which conduct was committed against a child less than eighteen years of age. As a civil cause of action was previously time barred prior to August 14, 2019, the terms of the Child Victims Act, CPLR section 214-g, revive the claims set forth herein.

5. Defendants are both headquartered at 20 Pine Street, Broadalbin, County of Fulton, State of New York.

6. At all times mentioned herein there existed a middle school located at 1870 County Route 107, Amsterdam, New York, more commonly known as Broadalbin-Perth Middle School.

7. At all times mentioned herein, defendants operated, maintained and/or owned Broadalbin-Perth Middle School.

8. At all times mentioned herein, Elizabeth Munn was a teacher employed by Defendants.

9. At all times mentioned herein, Elizabeth Munn was a teacher at Broadalbin-Perth Middle School.

10. At all times mentioned herein, Elizabeth Munn remained under the direct supervision, employ and control of the Defendants. Defendants placed Elizabeth Munn in positions where she had access to and worked with children as an integral part of her work.

11. At all times mentioned herein, Plaintiff was a student at Broadalbin-Perth

Middle School. Plaintiff came into contact with Elizabeth Munn as an agent and representative of Defendants.

12. Through his involvement and attendance at Broadalbin-Perth Middle School, Plaintiff developed great admiration, trust and respect for the school district, and came to know and trust Elizabeth Munn as his teacher, mentor, agent of the district and authority figure.

13. During and throughout his attendance at Broadalbin-Perth Middle School, Plaintiff, as a minor and vulnerable child, was dependent on Defendants and Elizabeth Munn. Defendants had custody of Plaintiff and accepted the entrustment of Plaintiff and, therefore, had responsibility for Plaintiff and authority over Plaintiff.

14. From approximately 2006-2007, when Plaintiff was approximately 14 to 15 years old, Elizabeth Munn engaged in unpermitted sexual contact with Plaintiff.

15. Elizabeth Munn engaged in unpermitted sexual contact with Plaintiff on numerous occasions on Defendants' property, specifically Broadalbin-Perth Middle School, and/or accomplished the sexual abuse through the use of Defendants' chattels.

16. Prior to the sexual abuse of Plaintiff, Defendants learned or should have learned that Elizabeth Munn was not fit to work with children.

17. Defendants knew or should have known that Elizabeth Munn was a danger to children before she sexually molested Plaintiff.

AS AND FOR A FIRST CAUSE OF ACTION

18. Plaintiff repeats and realleges all prior paragraphs of this Complaint as if fully set forth herein.

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