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**STATE OF NEW YORK
SUPREME COURT: COUNTY OF ORLEANS**

AB 511 DOE,

Plaintiff,

v.

LYNDONVILLE CENTRAL SCHOOL
DISTRICT; LYNDONVILLE ELEMENTARY
SCHOOL,

Defendant(s).

Index No. 20-46602

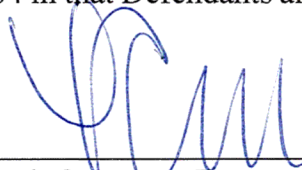
SUMMONS

TO THE ABOVE-NAMED DEFENDANTS:

PLEASE TAKE NOTICE THAT YOU ARE HEREBY SUMMONED to answer the Complaint, a copy of which is hereby served upon you, and to serve a copy of your Answer to the Complaint upon the undersigned attorneys listed below within twenty (20) days after the service of this Summons, exclusive of the day of service (or within thirty (30) days after the service is complete if this Summons is not personally delivered to you within the State of New York); and in the case of your failure to appear or answer, judgment by default will be taken against you for the relief demanded herein.

Venue is proper pursuant to CPLR §504 in that Defendants are situated in Orleans County.

Dated: June 2, 2020



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COMPLAINT

DEMAND FOR JURY TRIAL¹

Plaintiff, by and through Plaintiff's attorneys, states and alleges as follows:

PSEUDONYM

1. Plaintiff is authorized to file the instant action under a pseudonym and defendants are barred from disclosing Petitioner's true identity to the general public pursuant to an Amended Order of the Honorable Deborah A. Chimes, J.S.C. dated August 13, 2018 which is attached hereto.

PARTIES

2. At all times material to this Complaint, Plaintiff resided in the State of New York.

3. Whenever reference is made to any Defendant entity, such reference includes that entity, affiliates, predecessors, and successors. In addition, whenever reference is made to any act, deed, or transaction of any entity, the allegation means that the entity engaged in the act, deed, or transaction by or through its officers, directors, agents, employees, or representatives while they were actively engaged in the management, direction, control, or transaction of the entity's business or affairs.

¹ Pursuant to §4 of the New York Child Victims Act, Plaintiff is entitled to a trial preference.

4. At all times material, Defendant Lyndonville Central School District (“Lyndonville C.S.D.”) was and continues to be a public-school district located in the County of Orleans and State of New York.

5. At all times material, Defendant Lyndonville Elementary School was and continues to be a public school owned, controlled, supervised, operated and managed by Defendant Lyndonville C.S.D.

6. At all times material, Terry E. Houseman was an employee of Defendant Lyndonville C.S.D.

JURISDICTION

7. This Court has jurisdiction pursuant to C.P.L.R. § 301 as Defendant Lyndonville C.S.D. is a quasi-municipal corporation created and organized by state legislatures and charged with the administration of public schools in the State of New York, including Defendant Lyndonville Elementary School, and because the unlawful conduct complained of herein occurred in New York.

8. Venue is proper pursuant to C.P.L.R. §504 in that Defendant Lyndonville C.S.D. is situated in Orleans County.

9. This complaint is brought under the Child Victims Act and, as such, the filing of a Notice of Claim is not required.

FACTS

10. At all times material, Houseman was employed by Defendant Lyndonville C.S.D. and remained under the direct supervision, employ, and control of Defendant Lyndonville C.S.D.

11. Defendant Lyndonville C.S.D. placed Houseman in positions where he had access to and worked with children as an integral part of his work. Specifically, Defendant Lyndonville

C.S.D. placed and retained Houseman at Lyndonville Elementary School as an elementary school teacher.

12. At all times material, Plaintiff was a student at Lyndonville Elementary School.

13. Plaintiff, as a minor and vulnerable child, was dependent on Defendant Lyndonville C.S.D. and Houseman. Defendant Lyndonville C.S.D. and Houseman had custody of Plaintiff and were entrusted with the safety of Plaintiff and, therefore, had responsibility for and authority over Plaintiff.

14. From approximately 1986 to 1987, when Plaintiff was approximately 11 to 12 years old, Houseman engaged in unpermitted sexual contact with Plaintiff.

15. Defendant Lyndonville C.S.D. knew or should have known that Houseman was a danger to children before Houseman sexually assaulted Plaintiff.

16. Prior to the sexual abuse of Plaintiff, Defendant Lyndonville C.S.D. learned or should have learned that Houseman was not fit to work with children. Defendant Lyndonville C.S.D., by and through their agents, servants and/or employees, became aware, or should have become aware of Houseman's propensity to commit sexual abuse and of the risk to Plaintiff's safety. At the very least, Defendant Lyndonville C.S.D. knew or should have known that they did not have sufficient information about whether or not its employees, more specifically, Houseman, were fit to work with children.

17. Defendant Lyndonville C.S.D. knew or should have known that there was a risk of the sexual abuse of children attending Lyndonville Elementary School. At the very least, Defendant Lyndonville C.S.D. knew or should have known that they did not have sufficient information about whether or not there was a risk of child sex abuse for children attending Lyndonville Elementary School.

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