

FIRST CAUSE OF ACTION
(Sexual Abuse Of A Minor)

1. Upon information and belief, in and about September 2015 through January 2018, the Defendants **Bergen Catholic High School, Newark Archdiocese, Brian Walsh, Wrestling Coach David Bell, Dominick “Donnie” Spataro, Timothy McElhinney, Jack McGovern** (individually and collectively, **JAMES ROES 1-100**, (said names being fictitious and presently unknown), **ABC Employer I-X** (said names being fictitious and presently unknown), and/or their respective agents, servants and/or employees owed a duty to protect Plaintiff² from sexual abuse, sexual assault, sexual harassment and any other harm under the reasonable, prudent, appropriate duty of care of the high school and other institutions. Plaintiff’s parent entrusted the administration of Bergen Catholic to keep the minor safe from sexual abuse, sexual harassment, and sexual assault. Bergen Catholic’s administration are duty bound under the laws of New Jersey, Federal Laws, and other laws to guard, make safe, and prevent the minor from being sexually assaulted, sexually harassed, and sexually abused by other students, wrestling coaches, teachers, and other members of the administration of Bergen Catholic High School. Bergen Catholic’s administration is lawfully duty bound to report any sexual abuse, sexual harassment, and sexual assault to the police department for appropriate and thorough investigation in order to prevent any future action to occur to minors. Bergen Catholic’s Administration is required by law, policy, and other legal obligations to report sexual assault of any kind and not cover up any sexual assault, sexual abuse, or sexual harassment.

2. Upon information and belief, Defendants breached their duty of care and subjected Plaintiff to verbal abuse, sexual abuse, sexual assault, sexual harassment, other

² Plaintiff was a minor at all relevant times herein through the date of filing of the original Complaint.

sexually inappropriate conduct, and other forms of inappropriate conduct endangering the welfare of a minor under their care. For instance, Defendant David Bell, Wrestling Head Coach at Bergen Catholic High School, inappropriately undressed with minors and watched wrestlers, including Plaintiff, change in the locker room, which they were completely nude or partially nude. In or about December 2017, Donnie Spataro, Assistant Wrestling Coach at Bergen Catholic High School, in an attempt to arouse himself and minors, inappropriately and in violation of church and school policies, state and federal laws, showed pornographic and nude photographs of himself and others on his mobile phone to Plaintiff and other minor wrestlers on the Bergen Catholic Wrestling Team, including photographs of his own nude body including his depictions of his penis. Such conduct constitutes a breach of duty to make minors under his authority such as wrestlers free of sexual misconduct.

3. Defendant Bergen Catholic High School's administration, including but not limited to, Athletic Director Jack McGovern, Principal Timothy McElhinney, and Brother Brian Walsh, President of Bergen Catholic High School, knew or should have known about the harassment, abuse, intimidation and bullying of Plaintiff, especially after Plaintiff's parents raised these concerns, which were expressed both verbally and in writing, on numerous occasions. In or about January 2018, Plaintiff's parent confronted the Defendant McElhinney about same. First, Plaintiff's parents both telephonically and in-person spoke to Defendant McElhinney and specifically raised concerns about the wrestling room at Bergen Catholic and Plaintiff's safety, well-being, and the potential damage to Plaintiff's psychological health. Concerned for the health and safety of his own child, Plaintiff's parents raised an issue with the Defendant McElhinney on more than one occasion, both in-person and telephonically, about the sexual assault of a minor that occurred under Defendants' authority in the wrestling room on or

about October 2016. The Defendant McElhinney did not confirm nor deny the sexual assault that occurred in the wrestling room. Rather, in a callous and indifferent fashion, stated to the Plaintiff's parents that they were "deflecting" from the issue at hand, which Defendant McElhinney claimed was the restriction of Plaintiff's father from accessing or visiting his son at the wrestling room or locker room to check on his son's well-being. However, Plaintiff's parents' concern about their son's safety and well-being turned out to be legitimate. For instance, Plaintiff's parents learned that wrestling coach Defendant Spataro did show nude photographs to Plaintiff. Further, Defendant Spataro showed pictures of himself allegedly nude to other wrestlers on his mobile telephone at the "Beast of the East" Tournament in Newark, Delaware. Plaintiff was shown nude pornographic photographs during a trip to Fresno, California at the Doc Buchanan Invitation 2018 wrestling tournament. In both cases, Defendant Spataro showed the pornographic photographs for the purposes of "grooming" minors. Defendant McGovern and Defendant McElhinney were on notice of such behavior due to the prior sexual unlawful acts that went unreported to the Oradell Police Department or other law enforcement agencies.

4. For instance, Plaintiff's parents were alarmed and increasingly concerned after learning about prior cases against Bergen Catholic High School involving multiple claimants. After further investigation, Plaintiff's parents learned of many more cases against Bergen Catholic High School involving sexual abuse with a minor. However, Defendants failed to properly investigate the complaints made by Plaintiff's parents, and the administration of Bergen Catholic High School failed to report multiple allegations of sexual abuse to law enforcement. In fact, Defendants McGovern and McElhinney were made aware of possible prior sexual abuse of a minor in the Bergen Catholic Wrestling room, which was not reported by the wrestling coaches, including Bell, to the proper authorities. Failure to report sexual abuse of a minor to law

enforcement is an unlawful act by a coach, athletic director, principal, teacher, and or president and other responsible parties. Moreover, Plaintiff's parents also raised concerns to Defendant McElhinney regarding the fact that Joseph Trause, the former assistant Bergen Catholic wrestling coach, who was let go for bullying and other violations, was back in the wrestling room with Plaintiff and other wrestlers, endangering their welfare. Defendant McElhinney failed to properly investigate any of these concerns raised to him by Plaintiff's parents in breach of his duty as a school administrator entrusted with keeping students safe from any harm.

5. Plaintiff's parents, clearly disturbed by such revelations and their pleas going unanswered, immediately via certified mail sent a letter to Defendant Brother Brian Walsh, President of Bergen Catholic High School, demanding an update on the investigation of harassment, abuse, intimidation and bullying against their son. A few days later, Defendant Brother Brian Walsh retaliated against the Plaintiff by stating the following **"as of this email your son is no longer a member of the Bergen Catholic wrestling team."** Defendant Walsh failed to conduct proper independent investigation and relied on the statements of the alleged sexual predators Defendant Bell, Defendant Spataro, and others. In fact, Defendant Walsh responded to Plaintiff's father **"ENOUGH IS ENOUGH"**. Defendant Walsh continues to cover up the alleged sexual crimes being committed against minors in the Bergen Catholic wrestling room by Defendants Bell, Spataro and others, to the detriment of the Bergen Catholic students.

6. Upon information and belief, Defendant Bell has a history of allowing bullying and sexual abuse to continue at the Bergen Catholic High School wrestling room under his command and control of the team, as well as intimidation of students and wrestlers, and has incited other wrestlers and students to bully, antagonize, engage in verbal abuse against the Plaintiff. In fact, Defendant Bell was aware that Joseph Trause was removed from the Bergen

Catholic Wrestling program for severely bullying another minor wrestler, but still negligently and intentionally invited and permitted Trause in the wrestling room with Plaintiff, who was targeted, harassed, intimidated and bullied. Moreover, upon knowledge and belief, Defendant Bell failed to report a sexual assault of another minor wrestler to the authorities and covered up same, endangering the welfare of the minor and other minor wrestlers. Defendant Bell had a duty to keep the Plaintiff minor safe from any harassment, abuse, intimidation, and bullying and he failed to do same.

7. Upon information and belief, Defendant Bell acted and made inappropriate comments to Plaintiff. He stated that Plaintiff was “shredded” (meaning extremely muscular and physically fit) and texted and emailed Plaintiff that he loved him, as well as other highly inappropriate and sexual predatory behavior on a minor child. Moreover, Defendant Bell inappropriately watched wrestlers change and strip naked in the Bergen Catholic High School locker rooms, including Plaintiff. Defendant Bell at all times maintained full control of the Plaintiff minor as he was a student/wrestler under his authority. Defendant Bell had a duty to keep Plaintiff safe from any sexual abuse, harassment, intimidation, and bullying. Defendant Bell breached his duty to keep Plaintiff safe from any and all physical and mental abuse. In fact, he abused his authority over the Plaintiff by engaging in harassment, abuse, intimidation, and bullying by him, his assistant Defendant Spataro, and other students. For instance, Defendant Bell encouraged, incited, and commandeered the active abuse, bullying, intimidation and harassment of the Plaintiff by his assistant Defendant Spataro, and prior assistant coach Joseph Trause, who was accused of bullying, other wrestlers and students of Bergen Catholic High School.

8. As a direct and proximate result of Defendants intentional, reckless, gross negligence, and negligent conduct, Plaintiff was caused to suffer extreme emotional distress, was

deprived of the opportunity to wrestle in tournaments, was academically compromised, and was forced to transfer schools due to the Defendants' smearing, slandering, and engaging in libel, as well as Defendants' "blackballing" of Plaintiff from transferring to St. Joseph Regional High School in Montvale and Paramus Catholic High School in Paramus, New Jersey. Defendants continue to retaliate against Plaintiff who they abused, intimidated, discriminated against, and violated while under their care. Defendants' unlawful actions continue to deprive Plaintiff from receiving a Christian education.

9. Defendants McElhinney, McGovern and Walsh, when informed by Plaintiff's parents of their knowledge of the unreported sexual assault of a minor in the wrestling room and the concerns of severe harassment, intimidation, bullying of Plaintiff minor not only failed to investigate, failed to contact the authorities, and failed to contact the parents in a meaningful way but retaliated against Plaintiff minor. In fact, Defendant McElhinney said, "you are deflecting," when he was informed via telephone and later in a letter by Plaintiff minor's father that he had concerns of the health and safety of his son especially because of the presence of Joseph Trause, who was known to have abused and bullied other minor wrestlers, and the past sexual abuse of minors in the Bergen Catholic wrestling room, which was covered-up by Defendant Bell and the Bergen Catholic administration. Defendants McElhinney and Walsh, instead of taking this matter seriously and fully investigating the facts, in accordance with their own "zero tolerance" policy, punished the victim of sexual abuse by retaliating and removing him from the wrestling team. Defendants McElhinney and Walsh acted maliciously and intentionally, having been previously informed that wrestling was very important to Plaintiff, as wrestling had allowed Plaintiff to regain his confidence and self-worth after years of bullying as a child which had destroyed Plaintiff's self-esteem. Defendants were also aware that Plaintiff's successful wrestling

career was positioning him as a potential candidate at top colleges and universities. Ignoring Plaintiff's father's pleas, Defendant Walsh, who has a history of covering up sexual abuse and assaults of minor students at this institution, did the same in this case. Defendant Walsh wholly ignored the numerous emails by the Plaintiff's father, his certified letter, and in-person meeting, where he pleaded for the administration to safeguard his son's health and safety at Bergen Catholic High School. Defendant Walsh instead chose to punish the minor victim rather than to investigate the serious allegations of sexual abuse in the wrestling room, harassment, intimidation and bullying of the minor Plaintiff. Once again, Defendant Walsh and the Bergen Catholic High School administration chose to sweep serious allegations of harassment, intimidation, bullying and even sexual abuse of a minor under the rug.

10. On January 29, 2018, Plaintiff's father, seeing his son's mental condition and growing distress, wrote a letter sent via certified letter demanding an update on his concerns of the ongoing harassment, intimidation and bullying investigation by Defendant McElhinney (See Exhibit A attached hereto), which Defendant Walsh was copied on. Furthermore, Plaintiff's father was alarmed that his telephone calls and emails had gone virtually unanswered. In addition, Plaintiff's father expressed concern about reprisals and retaliatory actions against his son and demanded an updated on the investigation and the handling of this matter.

11. On January 30, 2018, Defendant Walsh stated via email to Plaintiff's father "as you know, limited as I was with time, given my upcoming two week commitment in Lima, I did begin by speaking to Coach Bell". Defendant Walsh relied on statements by the very coach who allegedly failed to report past sexual abuse of minors, and who permitted the sexual abuse, harassment, intimidation and bullying of Plaintiff. Based on Defendant Bell's statements to Defendant Walsh, Defendant Walsh irresponsibly, recklessly and in retaliation stated "your son

is no longer on the team". (See Exhibit B attached hereto). Defendant Walsh allegedly and repeatedly covered up wrongdoing, sexual abuse, misconduct, sexual harassment, intimidation, and discrimination against Plaintiff minor.

12. As a result of the foregoing, Plaintiff has suffered severe emotional, financial and psychological damages.

WHEREFORE, Plaintiff demands judgment against the aforementioned Defendants, **Bergen Catholic High School, Newark Archdiocese, Brian Walsh, Wrestling Coaches David Bell, Donnie Spataro, Timothy McElhinney, Jack McGovern** (individually and collectively), **JAMES ROES 1-100**, (said names being fictitious and presently unknown), **ABC Employer I-X** (said names being fictitious and presently unknown), jointly, severally and/or in the alternative for money damages, interest and costs of suit including but not limited to:

1. Compensatory Damages;
2. Punitive Damages;
3. Attorney Fees, Costs of Suit, Expenses; and
4. Any Other Damages the Court Deems Fair and Just.

SECOND CAUSE OF ACTION
(Retaliation)

13. Plaintiffs reallege and incorporate herein by reference, as through fully hereinafter set forth at length, each and every allegation contained in paragraphs 1 through 12.

14. Defendant Walsh intentionally, recklessly, and negligently retaliated against Plaintiff for exercising his rights to be free from abuse, intimidation, harassment and enjoy to participation in a safe manner in athletics without harassment, intimidation and bullying.

Defendant Walsh dismissed the “HIB Complaint” and stated in Exhibit B “**Enough is Enough**” and threw Plaintiff off the wrestling team. It is important to note that Plaintiff is an outstanding wrestler who has achieved the highest levels in wrestling and is actively being recruited by numerous prestigious Ivy League colleges, including, New York University, Columbia University and Princeton University. Furthermore, Defendant Walsh and the administration at Defendant Bergen Catholic High School are further retaliating against Plaintiff by creating obstacles for his transfer to other Christian schools, including Paramus Catholic and/or St. Joseph’s High School. Upon information and belief, Defendant Walsh and Defendant Bergen Catholic administration are slandering, defaming and libeling Plaintiff, causing fictitious obstacles to his transfer depriving him of right to a Christian education.

15. As a direct and proximate result of Defendants’ retaliation against the Plaintiff, Plaintiff has suffered a significant and potentially irreparable disruption in his wrestling career and his Christian education, impacting his college recruiting, and has caused him to suffer extreme emotional distress, lose potential scholarships, and permanent psychological injuries.

16. As a result of the foregoing, Plaintiff has suffered extreme emotional distress and financial damages.

WHEREFORE, the Plaintiff minor demands judgment against the aforementioned Defendants, **Bergen Catholic High School, Newark Archdiocese, Brian Walsh, Wrestling Coaches David Bell, Donnie Spataro, Timothy McElhinney, Jack McGovern** (individually and collectively), **JAMES ROES 1-100**, (said names being fictitious and presently unknown), **ABC Employer I-X**, (said names being fictitious and presently unknown), jointly, severally and/or in the alternative for money damages, interest and costs of suit including but not limited to:

1. Compensatory Damages;
2. Punitive Damages;
3. Attorney Fees, Costs of Suit, Expenses; and
4. Any Other Damages the Court Deems Fair and Just.

THIRD CAUSE OF ACTION
(Emotional Distress)

17. Plaintiffs reallege and incorporate herein by reference, as through fully hereinafter set forth at length, each and every allegation contained in paragraphs 1 through 16.

18. Upon information and belief, Defendants intentionally, carelessly, negligently, and unreasonably retaliated against Plaintiff, causing his substantial economic damages and emotional distress.

19. As a direct and proximate result of Defendants outrageous, intentional, careless, and negligent conduct, Plaintiffs were caused to suffer extreme emotional distress, humiliation, loss of enjoyment of life, anxiety, and depression.

20. As a result of the foregoing, Plaintiff has suffered a damaged reputation, sustained economic damages, and was caused to suffer extreme emotional distress. Plaintiff's fear and embarrassment of returning to Bergen Catholic High School as a result of retaliation, humiliation, harassment and abuse further demonstrate the emotional and academic harm to the minor student.

WHEREFORE, Plaintiffs demand judgment against the aforementioned Defendants, **Bergen Catholic High School, Newark Archdiocese, Brian Walsh, Wrestling Coaches David Bell, Donnie Spataro, Timothy McElhinney, Jack McGovern** (individually and collectively),

JAMES ROES 1-100, (said names being fictitious and presently unknown), **ABC Employer I-X**, (said names being fictitious and presently unknown), jointly, severally and/or in the alternative for money damages, interest and costs of suit including but not limited to:

1. Compensatory Damages;
2. Punitive Damages;
3. Attorney Fees, Costs of Suit, Expenses; and
4. Any Other Damages the Court Deems Fair and Just.

FOURTH CAUSE OF ACTION
(Breach of a Fiduciary Duty To Keep Safe)

21. Plaintiffs reallege and incorporate herein by reference, as through fully hereinafter set forth at length, each and every allegation contained in paragraphs 1 through 20.

22. Upon information and belief, Defendants owed a duty of prudent, reasonable care and to ensure a safe school environment for Plaintiff.

23. Defendants breached their fiduciary duty of care to Plaintiff by exposing him and other wrestlers to pornographic photographs, inappropriate touching, massages and other inappropriate sexual acts. Furthermore, Defendants covered up prior sexual assaults that occurred in the wrestling room, offering scholarships for victims' silence.

24. Defendants breached their duty by entering the locker room and stripping naked in front of the wrestlers/students in order to arouse, excite and otherwise groom the wrestlers for future unwanted sexual advances and assaults.

25. As a result of the foregoing, Plaintiff has suffered emotional distress, loss of scholarship, wrongful termination from the wrestling team and obstruction to transfer to other Catholic school, as well as financial damages.

WHEREFORE, Plaintiffs demand judgment against the aforementioned Defendants, **Bergen Catholic High School, Newark Archdiocese, Brian Walsh, Wrestling Coaches David Bell, Dominick "Donnie" Spataro, Timothy McElhinney, Jack McGovern** (individually and collectively), **JAMES ROES 1-100**, (said names being fictitious and presently unknown), **ABC Employer I-X**, (said names being fictitious and presently unknown), jointly, severally and/or in the alternative for money damages, interest and costs of suit including but not limited to:

1. Compensatory Damages;
2. Punitive Damages;
3. Attorney Fees, Costs of Suit, Expenses; and
4. Any Other Damages the Court Deems Fair and Just.

FIFTH CAUSE OF ACTION
(Negligent Hiring/Negligent Supervision)

26. Plaintiffs reallege and incorporate herein by reference, as through fully hereinafter set forth at length, each and every allegation contained in paragraphs 1 through 25.

27. Defendants, by and through their president, board of trustees and principal, negligently hired Defendant Bell, Defendant Spataro, and other coaches who have covered up sexual assaults, exposed minor children/wrestlers to pornographic pictures, inappropriately touched the wrestlers, failed to make police reports when necessary, failed to investigate sexual assaults among other wrestlers under their supervision and control, and other negligent acts.

28. Defendants breached their duty to make responsible hires of the athletic director the wrestling coaches and their personnel. Defendants knew or should have known that Defendant Bell and Defendant Spataro were engaged in the cover-up of sexual assaults, the cover-up of sexual harassment, and allegedly induced a freshman wrestler to not make a police

report for being sexually attacked and assaulted by a senior wrestler in the wrestling room.

29. Numerous acts of concealment of inappropriate sexual conduct of the coaches have been concealed by the administration.

30. As a result of the foregoing, Plaintiff was caused to sustain extreme emotional distress, pain and suffering, loss of scholarship, blocked from transferring to another school, loss of reputation, and financial damages.

WHEREFORE, Plaintiffs demand judgment against the aforementioned Defendants, **Bergen Catholic High School, Newark Archdiocese, Brian Walsh, Wrestling Coaches David Bell, Dominick “Donnie” Spataro, Timothy McElhinney, Jack McGovern**, (individually and collectively), **JAMES ROES 1-100**, (said names being fictitious and presently unknown), **ABC Employer I-X**, (said names being fictitious and presently unknown), jointly, severally and/or in the alternative for money damages, interest and costs of suit including but not limited to:

1. Compensatory Damages;
2. Punitive Damages;
3. Attorney Fees, Costs of Suit, Expenses; and
4. Any Other Damages the Court Deems Fair and Just.

SIX CAUSE OF ACTION
(Breach of Contract)

31. Plaintiffs reallege and incorporate herein by reference, as through fully hereinafter set forth at length, each and every allegation contained in paragraphs 1 through 30.

32. Plaintiff and Defendants entered into an agreement at the time Plaintiff paid to Defendants the admission fee for attending Bergen Catholic (the “Agreement”). In consideration of the Plaintiff’s payment, Defendants promised to provide to Plaintiff proper education, athletic

opportunity and the use and access of facilities in a safe environment. Defendants' website touted these same benefits. Defendants materially breached this Agreement when they refused to provide these services as promised under such Agreement and refused to refund the money paid.

33. Defendants materially breached this Agreement by failing to provide a safe environment for Plaintiff by negligently hiring and negligently supervising Bergen Catholic's administration staff, including but not limited to the president, principal, athletic director, coaches, who retaliated against Plaintiff without proper notice or cause after Plaintiff reported a claim that he was being harassed, intimidated and bullied in the wrestling room, by suddenly terminating his participation on the wrestling team.

34. Defendants materially breached this Agreement by failing to provide a safe environment and endangering the welfare of Plaintiff, who was exposed to nude pornographic photographs by the coaching staff.

35. Plaintiff has performed all conditions, covenants, and promises required on his part in accordance with the Agreement, including paying tuition in full.

36. Defendants' breach has caused to Plaintiff past, present, and future damages, in an amount to be proved at trial.

WHEREFORE, Plaintiffs demand judgment against the aforementioned Defendants, **Bergen Catholic High School, Newark Archdiocese, Brian Walsh, Wrestling Coaches David Bell, Donnie Spataro, Timothy McElhinney, Jack McGovern** (individually and collectively), **JAMES ROES 1-100**, (said names being fictitious and presently unknown), **ABC Employer I-X** (said names being fictitious and presently unknown), jointly, severally and/or in the alternative for money damages, interest and costs of suit including but not limited to;

1. Compensatory Damages;
2. Punitive Damages;
3. Attorney Fees, Costs of Suit, Expenses; and
4. Any Other Damages the Court Deems Fair and Just.

SEVENTH CAUSE OF ACTION
(Promissory Estoppel)

37. Plaintiffs reallege and incorporate herein by reference, as through fully hereinafter set forth at length, each and every allegation contained in paragraphs 1 through 36.

38. Defendants. in their “mission statements,” made a clear and definite promise to Plaintiff to provide him with proper education by fostering a safe and structured learning environment and to “augment the academic, spiritual and social program of Bergen Catholic High School . . . to provide opportunities for those students who seek to continue their growth to Christian maturity through participation in a chosen sport.”

39. Plaintiffs expected that these promises published on their website under “Mission Statement” would be relied upon.

40. Plaintiffs reasonably relied on this promise.

41. Plaintiff’s reliance on the promise caused the Plaintiff to suffer a definite and substantial detriment when Plaintiff was exposed to pornographic photographs by Defendant Spataro and kicked off the wrestling team after notifying the Bergen Catholic administration of the unsafe conditions in the wrestling room, including sexual assaults that were being committed on wrestlers and not reported to the authorities.

WHEREFORE, Plaintiffs demand judgment against the aforementioned Defendants,

Bergen Catholic High School, Newark Archdiocese, Brian Walsh, Wrestling Coaches David Bell, Donnie Spataro, Timothy McElhinney, Jack McGovern (individually and collectively), **JOHN DOES 1-100**, (said names being fictitious and presently unknown), **ABC Employer I-X** (said names being fictitious and presently unknown), jointly, severally and/or in the alternative for money damages, interest and costs of suit including but not limited to;

1. Compensatory Damages;
2. Punitive Damages;
3. Attorney Fees, Costs of Suit, Expenses; and
4. Any Other Damages the Court Deems Fair and Just.

EIGHTH CAUSE OF ACTION
(Conversion)

42. Plaintiffs reallege and incorporate herein by reference, as through fully hereinafter set forth at length, each and every allegation contained in paragraphs 1 through 41.

43. As a result of Defendants' material breaches of the Agreement, Defendants had a duty to repay to Plaintiff the entire amounts paid to the Defendants under the express and implied terms of the Agreement. However, Defendants converted for itself or themselves the money due to Plaintiff, by refusing to issue a tuition refund to Plaintiff.

44. Plaintiff never consented to, approved, waived or ratified any such conversion by Defendants.

45. Plaintiff took all reasonable steps to ensure that he would be paid all sums due to him from Defendants, in accordance with the Agreement between Plaintiff and Defendants.

46. Defendants knowingly and intentionally converted Plaintiff's funds in order to further their personal business interests while ignoring Plaintiffs' repeated demands.

47. Plaintiff, as a result, has been damaged by such conversion.

WHEREFORE, Plaintiff demands judgment against the aforementioned Defendants, **Bergen Catholic High School, Newark Archdiocese, Brian Walsh, Wrestling Coaches David Bell, Donnie Spataro, Timothy McElhinney, Jack McGovern** (individually and collectively), **JAMES ROES 1-100**, (said names being fictitious and presently unknown), **ABC Employer I-X** (said names being fictitious and presently unknown), jointly, severally and/or in the alternative for money damages, interest and costs of suit including but not limited to;

1. Compensatory Damages;
2. Punitive Damages;
3. Attorney Fees, Costs of Suit, Expenses; and
4. Any Other Damages the Court Deems Fair and Just .

NINTH CAUSE OF ACTION
(Fraudulent Misrepresentation)

48. Plaintiffs reallege and incorporate herein by reference, as through fully hereinafter set forth at length, each and every allegation contained in paragraphs 1 through 47.

49. When Defendants made multiple representations to Plaintiff that he would receive a proper Christian education and participation in a chosen sport, as clearly stated in its mission statements, these and other representations were made with the intent to defraud and deceive Plaintiff and with the intent to induce Plaintiffs to pay a tuition for these services.

50. When Defendants entered into the Agreements with Plaintiff, Defendants knew that they in fact would use this arrangement to keep for themselves Plaintiff's tuition, regardless of whether Plaintiff was ever to receive the academic and athletic services promised to Plaintiff,

and concealed this information and other pertinent information regarding the concealment of sexual abuse of minors at Bergen Catholic High School and intimidation, harassment, bad faith and abuses of wrestling coaches of athletes.

51. At the time these representations were made, Plaintiff was ignorant of the falsity of the Defendants' representations.

52. In reliance upon these representations, Plaintiff was induced to enter into an Agreement with Defendants promising to services set forth therein.

53. Had Plaintiff known the actual facts, Plaintiff would not have entered into any such Agreement, and not acted in the manner alleged herein.

54. Plaintiff's reliance on the Defendants' representations was justified and reasonable because of its belief that Defendants were making representations to Plaintiff fairly, honestly and in good faith, and because there was nothing that led Plaintiff to believe that the Defendants would defraud and exploit Plaintiff.

55. As a proximate result of Defendants fraud and deceit, and the facts alleged herein, Plaintiff has been damaged in the amount according to proof at trial.

56. In doing the acts herein alleged, Defendants acted fraudulently, willfully, maliciously, oppressively and with callous and intentional disregard of Plaintiff's interests, and subjected Plaintiff to unjust hardship, knowing that Defendants' conduct was substantially likely to damage Plaintiffs

WHEREFORE, Plaintiff demands judgment against the aforementioned Defendants, **Bergen Catholic High School, Newark Archdiocese, Brian Walsh, Wrestling Coaches David Bell, Donnie Spataro, Timothy McElhinney, Jack McGovern** (individually and collectively),

JAMES ROES 1-100, (said names being fictitious and presently unknown), **ABC Employer I-X** (said names being fictitious and presently unknown), jointly, severally and/or in the alternative for money damages, interest and costs of suit including but not limited to;

1. Compensatory Damages;
2. Punitive Damages;
3. Attorney Fees, Costs of Suit, Expenses; and
4. Any Other Damages the Court Deems Fair and Just.

TENTH CAUSE OF ACTION
(Negligent Misrepresentation)

57. Plaintiffs reallege and incorporate herein by reference, as through fully hereinafter set forth at length, each and every allegation contained in paragraphs 1 through 56.

58. When Defendants made multiple representations to Plaintiffs that Plaintiff minor would receive the proper education and participate in a chosen sport at Bergen Catholic High School in a safe environment, Defendants knew or should have known them to be false, and hereby induced Plaintiff to purchase the services.

59. When Defendants entered into the Agreement with Plaintiff, Defendants knew or should have known that they in fact would use this arrangement to keep for themselves Plaintiff's money, regardless of whether Plaintiff was ever to receive the services promised to Plaintiff in a safe environment. Defendants concealed this information from Plaintiff. Because of Defendants negligent misrepresentations, Plaintiff suffered substantial damages.

60. Defendants had a duty to disclose facts they knew or should have known would materially and adversely affect Plaintiff's decision to enter into the Agreement with Defendants,

and breached this duty. Defendants are therefore liable for Plaintiff's damages proximately caused by their negligent misrepresentation.

WHEREFORE, Plaintiff demands judgment against the aforementioned Defendants, **Bergen Catholic High School, Newark Archdiocese, Brian Walsh, Wrestling Coaches David Bell, Donnie Spataro, Timothy McElhinney, Jack McGovern** (individually and collectively), **JAMES ROES 1-100**, (said names being fictitious and presently unknown), **ABC Employer I-X** (said names being fictitious and presently unknown), jointly, severally and/or in the alternative for money damages, interest and costs of suit including but not limited to;

1. Compensatory Damages;
2. Punitive Damages;
3. Attorney Fees, Costs of Suit, Expenses; and
4. Any Other Damages the Court Deems Fair and Just.

ELEVENTH CAUSE OF ACTION
(Defamation)

61. Plaintiffs reallege and incorporate herein by reference, as through fully hereinafter set forth at length, each and every allegation contained in paragraphs 1 through 60.

62. Plaintiff is an elite High School wrestler, who has been actively recruited by colleges including Columbia University, New York University, Brown University and as well as others.

63. Defendants have made false defamatory statements concerning Plaintiff, damaging Plaintiff's reputation.

64. Defendants have communicated these defamatory statements to at least one person other than Plaintiff, including to the administration of St. Joseph's Regional High School in Montvale, New Jersey in or about January 2018.

65. Defendants have communicated these false statements with the actual knowledge that these statements were false, or with reckless disregard by Defendants of the statement's truth or falsity, or with negligence in failing to determine the falsity of the statement.

66. The statements made by Defendants clearly denigrated Plaintiff's reputation and ability to obtain a Christian education and pursue his athletic career at St. Joseph's Regional High School.

67. As a direct and proximate cause of the Defendants' conduct, Plaintiff has been impaired in his ability to obtain a Christian education and has sustained and will continue to sustain damages including the loss of opportunity to participate in the 2018 post-season wrestling championship in New Jersey.

68. As a direct and proximate cause of the Defendants' conduct, Plaintiff has suffered and will continue to suffer extreme mental anguish and distress.

69. As a direct and proximate result of Defendants conduct, Plaintiff has suffered damages.

70. Defendants are therefore liable for the Plaintiff's damages proximately caused by their false and defamatory statements.

WHEREFORE, Plaintiff demands judgment against the aforementioned Defendants, **Bergen Catholic High School, Newark Archdiocese, Brian Walsh, Wrestling Coaches David Bell, Donnie Spataro, Timothy McElhinney, Jack McGovern** (individually and collectively),

JAMES ROES 1-100, (said names being fictitious and presently unknown), **ABC Employer I-X** (said names being fictitious and presently unknown), jointly, severally and/or in the alternative for money damages, interest and costs of suit including but not limited to;

1. Compensatory Damages;
2. Punitive Damages;
3. Attorney Fees, Costs of Suit, Expenses; and
4. Any Other Damages the Court Deems Fair and Just.

TWELVETH CAUSE OF ACTION
(Civil Conspiracy to Endanger Children)

71. Plaintiffs reallege and incorporate herein by reference, as through fully hereinafter set forth at length, each and every allegation contained in paragraphs 1 through 70.

72. Defendants, Archdiocese of Newark, Bergen Catholic, Walsh, Bell, Spataro, McElhinney and McGovern along with individuals at Bergen Catholic not presently named as defendants, acted with a common purpose and conspired to endanger the welfare of children, including the Plaintiff, in violation of State of New Jersey Law..

73. In New Jersey, there is an implied civil cause of action for endangering the welfare of children by a child whose welfare was endangered.

74. In New Jersey, there is a civil cause of action for negligence per se for violation of the statute against endangering the welfare of a child.

75. Plaintiff, who was a minor at all relevant times herein as well as the date of filing of the original Complaint, has standing to bring this claim because he was one of the children who was sexually abused as a result of this conspiracy to endanger the welfare of children.

76. Individuals at Bergen Catholic High School, Defendant Spataro and Defendant Bell, each had or should have had information about Spataro's sexual interest in children but maintained their silence, so as to enable Spataro to act on his sexual interest in children.

77. Individuals at Bergen Catholic High School and Archdiocese of Newark each had information or should have had information that its facilities and programs were not safe environments for children and that they had not have adequate measures in place to protect children. Despite this, each maintained silence.

78. The collective silence of various individuals in addition to the Defendants were overt acts committed in pursuance of the common purpose to endanger the welfare of children.

79. Defendants each concealed prior sexual assaults in the wrestling room and Defendant Spataro's sexual interest in children, its unsafe environment, and/or its inadequate measures to protect children.

80. This concealment directly injured Plaintiff minor because Bergen Catholic High School's and Archdiocese of Newark's unsafe environment and inadequate measures, prior unreported incidents of sexual assaults in the wrestling room permitted by Bell, the sexual abuse by Spataro, and the risk Bell and Spataro represented, were all hidden from Plaintiff and his family. Instead, Defendant Spataro was able to gain unsupervised access to Plaintiff and others to engage in numerous acts of sexual abuse as a result. The concealment also directly injured Plaintiff because the concealment by the Defendants and third parties created a false public impression that Defendant Spataro was a person who could safely be around children, when he, in fact, was not. It also created the impression that Bergen Catholic High School and the Archdiocese of Newark were safe environments with adequate measures to protect children. This

active concealment caused the Plaintiff and his family to allow Defendant Spataro to gain unsupervised access to Plaintiff and ultimately sexually abuse the Plaintiff.

81. When reports of prior sexual assaults in the wrestling room were made to the Defendants, including the Principal and Athletic Director of Bergen Catholic High School, the reports were ignored and no adequate investigation was done by Bergen Catholic High School or Archdiocese of Newark to ascertain if there were other victims of sexual misconduct at Bergen Catholic Wrestling Program.

82. Instead of protecting children, including Plaintiff, from sexual abuse by Defendant Spataro, Defendants Bergen Catholic High School, Archdiocese of Newark and third parties, shielded Defendants Bell and Spataro from criminal detection, shielded the hierarchy and the leadership of Bergen Catholic High School from scandal, attempted to shield Bergen Catholic High School because it was a "Nationally Ranked Wrestling Team," as expressed by Defendant McGovern, when concerns of prior sexual assaults in the wrestling room. Defendants also attempted to shield Bergen Catholic High School from financial liability, and attempted to protect their reputations rather than protecting and helping children. These acts of shielding directly injured Plaintiff because Defendants' unsafe environment, inadequate child protection measures, and prior concealment of sexual assaults and sexual abuse in the wrestling room by Defendants Bell and Spataro were hidden from Plaintiff, and therefore Defendant Spataro was able to gain unsupervised access to Plaintiff as a result. The concealment by the Defendants and others created a false public impression that Bergen Catholic High School wrestling room was a safe place for children, when it in fact was not. This caused Plaintiff and his family to allow Defendant Spataro to gain unsupervised access to the Plaintiff and ultimately sexually abuse the Plaintiff.

83. Said acts were committed with malice and with the intention that the welfare of children within Bergen Catholic High School and Archdiocese of Newark be endangered.

84. As a result of the above-described conduct, Plaintiff has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and lose of enjoyment of life; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of opportunity to achieve life-long goal of becoming a state champion; and/or has incurred and will incur expenses for medical and psychological treatment, therapy and counseling.

WHEREFORE, Plaintiff demands judgment against the aforementioned Defendants, **Bergen Catholic High School, Newark Archdiocese, Brian Walsh, Wrestling Coaches David Bell, Donnie Spataro, Timothy McElhinney, Jack McGovern** (individually and collectively), **JAMES ROES 1-100**, (said names being fictitious and presently unknown), **ABC Employer I-X** (said names being fictitious and presently unknown), jointly, severally and/or in the alternative for money damages, interest and costs of suit including but not limited to;

5. Compensatory Damages;
6. Punitive Damages;
7. Attorney Fees, Costs of Suit, Expenses; and
8. Any Other Damages the Court Deems Fair and Just.

JURY DEMAND

Pursuant to R. 1:8-2(b), plaintiff hereby demands a Trial by Jury on all of the issues raised in the within Pleadings.

Dated: March 26, 2018

Respectfully submitted,



Diana R. Warshow, Esq. (021582008)
Andrew T. Miltenberg, Esq. (*pro hac vice*
pending)
NESENOFF & MILTENBERG, LLP
363 Seventh Avenue, Fifth Floor
New York, New York 10001
Telephone: (212) 736-4500

-and-



Martin V. Asatryan, Esq. (003542001)
ASATRIAN LAW GROUP, LLC
1047 Anderson Avenue
Fort Lee, New Jersey, 07024
(201) 592-0500

ATTORNEYS FOR PLAINTIFF

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, DIANA R. WARSHOW, ESQ. is designated as trial counsel.

CERTIFICATION

I hereby certify that, to the best of my knowledge at this time, the matter in controversy is not the subject of any other action pending in any Court or of a pending arbitration proceeding, nor is any such action or proceeding presently contemplated.

Dated: March 26, 2018

ASATRIAN LAW GROUP, LLC

By 
MARTIN V. ASATRIAN, ESQ.

NESENOFF & MILTENBERG, LLP

By 
DIANA R. WARSHOW, ESQ.

DEMAND FOR DISCOVERY OF INSURANCE COVERAGE

Pursuant to N.J.R. 4:10-2 (b), demand is hereby made that you disclose to the undersigned whether there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or to indemnify or reimburse for payments made to satisfy the judgment.

Attach a copy of each or in the alternative state, under oath or certification (a) number (b) name and address of insurer or issuer (c) inception and expiration dates (d) names and addresses of all persons insured thereunder (e) personal injury limits (f) name and address of person who has custody and possession thereof (g) where and when each policy or agreement can be inspected and copied.

NOTICE PURSUANT TO RULE 1:7-1

Pursuant to Rule 1:7-1, the plaintiff may, at the time of trial, suggest to the trier of fact, with respect to any element of damages, that unliquidated damages be calculated on a time-unit basis.