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IRIS Y. MARTINEZ
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**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

**JANE DOE 2 and JOHN DOE, as Parents)
and Next Friends of JANE DOE, a minor,)**

Plaintiffs,)

vs.)

2024L000318

**LOCKPORT TOWNSHIP HIGH SCHOOL)
DISTRICT 205, DR. ROBERT McBRIDE Jr.,)
individually, and as agent and employee of)
LOCKPORT TOWNSHIP HIGH SCHOOL)
DISTRICT 205, and ANTHONY CUNDARI,)
individually and as agent and employee of)
LOCKPORT TOWNSHIP HIGH SCHOOL)
DISTRICT 205;)**

Defendants.)

**CONSOLIDATED HIGH SCHOOL)
DISTRICT 230,)**

Respondent in Discovery.)

COMPLAINT AT LAW

NOW COME Plaintiffs, JANE DOE 2 and JOHN DOE, as Parents and Next Friends of JANE DOE¹, a minor, by and through their attorneys, GWC Injury Lawyers, LLC, and complaining of the Defendants, LOCKPORT TOWNSHIP HIGH SCHOOL DISTRICT 205; DR. ROBERT McBRIDE, JR., both individually and in his capacity as agent and employee of LOCKPORT TOWNSHIP HIGH SCHOOL DISTRICT 205; and ANTHONY CUNDARI, both individually and in his capacity as agent and employee of LOCKPORT TOWNSHIP HIGH SCHOOL DISTRICT 205, do hereby state as follows:

¹ Plaintiffs Petition to Proceed under a Fictitious Name was granted on January 5, 2024 and is attached hereto as Exhibit A.

FILED DATE: 1/8/2024 4:16 PM 2024L000318

FACTS COMMON TO ALL COUNTS

The Parties

1. Plaintiff, Jane Doe (“Doe”), a minor, at all times relevant hereto, was a fourteen (14) year-old freshman student at Lockport Township High School and resided in Lockport, Will County, Illinois.

2. Plaintiffs, Jane Doe 2 and John Doe are the parents of Jane Doe 1 and also reside in Lockport, Will County, Illinois.

3. Lockport Township High School District 205 (“District 205”) is a unit area school district headquartered in Lockport, IL.

4. District 205 is comprised of two high schools: Central Campus and East Campus.

5. District 205 serves approximately 4,000 students, grades 9 through 12.

6. At all times relevant hereto, the alleged Assailant of Jane Doe (“Assailant”) was a sophomore District 205 student.

7. At all times relevant hereto, Dr. Robert McBride Jr. (“McBride”) was District 205’s Superintendent.

8. At all times relevant hereto, Anthony Cundari (“Cundari”) was District 205’s Assistant Superintendent for Personnel and Title IX Coordinator.

9. Victor J. Andrew High School is a high school located in Tinley Park, Illinois, Cook County; and is part of Consolidated High School District 230.

10. Jurisdiction and venue are proper as a substantial portion of the events at issue, including the sexual assault giving rise to Plaintiffs’ claims, occurred in Cook County, Illinois.

Factual Background and Prior Misconduct

11. At all times relevant hereto, Assailant was a member of Lockport's Junior Varsity ("JV") basketball team.

12. Prior to December 9, 2022, Assailant had a significant history of sexual misconduct and sexual abuse towards fellow students.

13. Prior to December 9, 2022, District 205 was aware of at least two prior instances of sexual misconduct by Assailant towards his fellow students.

14. In fall of 2021, a 14-year-old minor student, Prior Victim 1, reported to a District 205 teacher that Assailant had touched her inappropriately in a school stairwell.

15. Members of local law enforcement investigated this incident and took statements of relevant persons affiliated with District 205.

16. Complaints of sexual misconduct are disseminated to numerous District 205 personnel, including Defendants, McBride and Cundari.

17. Upon information and belief, as well as District 205's existing custom and practice, McBride, Cundari, and others were promptly notified of Prior Victim 1's complaints about Assailant's conduct.

18. As a result of this first instance of alleged sexual misconduct, Assailant² received minimal, if any, discipline and was not subjected to additional supervision or monitoring from District 205.

19. On or about March 10, 2022, another minor female student at Lockport, Prior Victim 2, informed a District 205 employee that Assailant had violently sexually assaulted her one day prior.

² Plaintiffs' counsel has learned of additional specific facts surrounding Assailant's prior conduct. However, the Illinois School Records Act, 105 ILCS 10/1 *et seq.*, precludes Plaintiff from expressly pleading additional specific facts at this time. Plaintiff will provide evidence of Assailant's behavioral history under seal upon entry of a protective order.

20. Members of local law enforcement investigated this incident and took statements of relevant persons at a District 205 school.

21. Upon information and belief, as well as District 205's existing custom and practice, McBride, Cundari, and others were promptly notified of Prior Victim 2's complaints about Assailant's conduct.

22. Despite knowledge of two prior sexual attacks, District 205 permitted Assailant to continue living an otherwise normal high school experience. He attended classes, participated in school sports, and was permitted to regularly interact with vulnerable female students.

23. District 205 did not advise Jane Doe, or any other students, of Assailant's history of sexual misconduct.

24. No restrictions or other preventative measures were implemented by District 205 for the protection of students interacting with Assailant, including Jane Doe.

25. No restrictions or other preventative measures were implemented by District 205 to ensure additional supervision of Assailant or to prevent him from isolated and unsupervised interactions with other female students.

26. After two separate incidents of reported sexual assaults committed by Assailant, he remained on the Lockport boys' J.V. basketball team.

27. After two separate incidents of reported sexual assaults committed by Assailant, he received little or no additional supervision, monitoring or oversight from District 205.

28. After two separate incidents of reported sexual assaults committed by Assailant, District 205 gave no warning to female students regarding his sexually violent and aggressive behavior.

29. After two separate reports of alleged sexual assaults committed by Assailant, District 205 permitted him to interact with vulnerable female students without supervision.

30. Prior to December 9, 2022, Defendants knew Assailant exhibited a pattern of sexually violent and aggressive behavior.

Events of December 9, 2022

31. On December 9, 2022, the Lockport boys' basketball teams were playing at Victor J. Andrew High School in Tinley Park, Cook County, Illinois.

32. Both Jane Doe and Assailant traveled to Victor J. Andrew on a bus provided by District 205.

33. While traveling for athletic events off school property, both Jane Doe and Assailant were under the supervision, guidance, and control of District 205 personnel.

34. After the JV game concluded and the varsity game was in progress, Assailant and Jane Doe left the gym, without the supervision of District 205 staff.

35. Jane Doe and Assailant then walked, unescorted, unaccompanied, and unsupervised, throughout Victor J. Andrew High School.

36. Eventually, Assailant coerced Jane Doe into an empty stairwell and began fondling her breast and genitals.

37. After Jane Doe resisted, Assailant forced himself upon her and forcibly made her perform oral sex upon him.

38. Assailant then held Jane Doe against the ground – face down - while he removed her pants and underwear.

39. Thereafter, Assailant penetrated Jane Doe's vagina with his penis.

40. At no time did Jane Doe consent to any sexual activity.

41. While being assaulted, Jane Doe cried out for help but was repeatedly told to “shut the f*** up.”

42. Doe’s efforts were unsuccessful against the larger and stronger Assailant, who forcibly held her down while sexually assaulting her.

43. Despite repeated cries for help, no District 205 personnel came to Jane Doe’s aid or made any effort to learn of her whereabouts.

44. Assailant stopped sexually assaulting Doe only after hearing the approaching footsteps of a Victor J. Andrew employee in a nearby hallway.

45. After observing Assailant pulling up his pants, this Victor J. Andrew employee called school security, who responded immediately.

46. No District 205 employee realized either Jane Doe or Assailant had left the gymnasium until learning of the incident from Victor J. Andrew’s school security.

47. At all times relevant hereto, both Doe and Assailant were expected to be present in the gym and observing the varsity basketball game.

48. At no time before the violent assault were Jane Doe or Assailant released to their parents for the duration of the evening.

49. After the completion of the varsity game between Lockport and Victor J. Andrew, school personnel were looking for Assailant and Jane Doe since they were expected to return on the school’s bus with their teammates.

50. District 205 had immediate and direct control of Jane Doe and Assailant at the time of the injury.

51. Jane Doe and Assailant had planned to ride the Lockport bus back to school when the basketball game concluded.

52. Assailant did not return on the Lockport bus with his teammates because he was apprehended by law enforcement and taken into custody.

53. Assailant transferred schools without undergoing formal expulsion proceedings.

COUNT I: Willful and Wanton Misconduct
Plaintiffs vs. McBride, Cundari and Lockport Township High School District 205

54. Plaintiffs restate and re-allege prior paragraphs as though fully set forth herein.

55. All defendants, both individually, and by and through their various agents and employees, had a duty to follow and enforce District 205's and Lockport's policies and standard operating procedures.

56. Standing *in loco parentis*, the District 205 Defendants owed a duty to all students at Lockport, including Jane Doe, to act in a reasonably prudent manner when executing their duties as employees of Lockport to supervise and monitor students who pose a real and immediate danger to their fellow students and to protect all students from harassment, intimidation, and sexual assault.

57. Board Policy 7:20, Harassment of Students Prohibited, requires District 205 to provide an educational environment free of verbal, physical, or other conduct or communications constituting harassment on the basis of sex as defined and otherwise prohibited by State and federal law.

58. Board Policy 7:20, Harassment of Students Prohibited, requires District 205 not tolerate harassing, intimidating conduct, or bullying whether verbal, physical, sexual, or visual, that affects the tangible benefits of education, that unreasonably interferes with a student's educational performance, or that creates an intimidating, hostile, or offensive educational environment.

59. Board Policy 7:20, Harassment of Students Prohibited, requires that any District 205 student who is determined, after an investigation, to have engaged in conduct prohibited by this policy will be subject to disciplinary action, including but not limited to, suspension and expulsion consistent with the behavior policy.

60. Board policy 7:190, Student Behavior, prohibits students from engaging in any sexual activity, including without limitation, offensive touching, sexual harassment, indecent exposure, and sexual assault.

61. Board policy 7:190, Student Behavior, prohibits bullying or aggressive behavior that does physical or psychological harm to another student including, without limitation, any use of violence, intimidation, force, noise, coercion, threats, stalking, harassment, or sexual harassment.

62. Board Policy 7:240, Conduct Code for Participants in Extracurricular Activities, states that participants in extracurricular activities must abide by the conduct code for the activity and Board policy 7:190, Student Behavior.

63. Board Policy 7:240, Conduct Code for Participants in Extracurricular Activities, requires participants in extracurricular activities to conduct themselves as good citizens and exemplars of their school at all times, including after school, on days when school is not in session, and whether on or off school property.

64. Each of the aforementioned policies were in effect at all times relevant hereto. Adherence to all policies was not discretionary; but rather ministerial, mandatory, enforceable, and required of all employees and agents of District 205.

65. Prior to December 9, 2022, Assailant's propensity for sexual violence and history of harming other minor female students was a safety risk known to Defendants.

66. At the aforesaid time and place, Defendants, both individually and by and through their agents and employees, exhibited an utter indifference and conscious disregard for Jane Doe's safety by willfully and wantonly committing one or more of the following acts or omissions:

- a. Recklessly and carelessly failed to follow District 205's Harassment of Students Prohibited Policies;
- b. Recklessly and carelessly failed to follow District 205's Student Behavior Policies;
- c. Recklessly and carelessly failed to follow District 205's Conduct Code for Participants in Extracurricular Activities Policies;
- d. Recklessly and carelessly failed to implement any safeguards to prevent Assailant from committing further instances of sexual assault when Defendants knew or should have known safeguards were necessary;
- e. Recklessly and carelessly ignored complaints and reports regarding Assailant's substantial risk of sexually abusing female students, including Jane Doe, or being deliberately indifferent thereto;
- f. Recklessly and carelessly failed to investigate the many reports of Assailant's sexual misconduct, or being deliberately indifferent thereto;
- g. Recklessly and carelessly created a climate that tolerated sexual harassment against Jane Doe, or being deliberately indifferent thereto;
- h. Recklessly and carelessly failed to prevent or deter Assailant for his sexual misconduct against female students, including Jane Doe, or being deliberately indifferent thereto;
- i. Recklessly and carelessly failed to increase supervision or monitoring of Assailant after his sexual misconduct was reported or being deliberately indifferent thereto;
- j. Recklessly and carelessly failed to supervise or monitor Assailant on or before December 9, 2022, despite their knowledge of his habit and practice of harassing, intimidating, and sexually aggressive behavior;
- k. Recklessly and carelessly allowed a student with known propensities for sexual assault to be alone with other female students when Defendants knew or should have known that doing so was highly likely to result in a violation of one or more sections of the student code of conduct;
- l. Recklessly and carelessly allowed a student with known propensities for sexual assault to remain on the Lockport basketball team;

67. For each of the above willful and wanton acts or omissions, Defendants, both individually and collectively, deviated from the District 205's standard operating procedures.

68. Defendants' willful and wanton acts and omissions during the period between Assailant's prior reported instances of sexual assault and Doe's assault on December 9, 2022, represent an unjustifiably lengthy response time.

69. Defendants' willful and wanton acts and omissions during the period between Assailant's prior reported instances of sexual assault and December 9, 2022, are an unjustifiably inadequate response to a known danger.

70. Defendants, both individually and by and through their agents and employees, willfully and wantonly exhibited an utter indifference and conscious disregard for the safety of other students, including Jane Doe.

71. That Defendants, by and through their employees, had sufficient time to implement specific interventions to protect Jane Doe and other students from being assaulted by Assailant.

72. That Defendants' response to Assailant's known risk to student safety, both individually and by and through their agents and employees, willfully and wantonly exhibited an utter indifference and conscious disregard for the safety of Jane Doe and other students.

73. As a direct and proximate result of the Defendants' recklessness and/or wantonness, Jane Doe was sexually assaulted, which has caused her personal injury and emotional distress.

WHEREFORE, the Plaintiffs, JANE DOE 2 and JOHN DOE, as Parents and Next Friends of JANE DOE, a minor, demand judgment against the Defendants LOCKPORT TOWNSHIP HIGH SCHOOL DISTRICT 205, DR. ROBERT McBRIDE, JR., in his capacity as agent and employee of LOCKPORT TOWNSHIP HIGH SCHOOL DISTRICT 205, and ANTHONY CUNDARI, in his capacity as agent and employee of LOCKPORT TOWNSHIP HIGH SCHOOL

DISTRICT 205, in a sum in excess of FIFTY THOUSAND DOLLARS (\$50,000.00), and costs of this suit.

Count IV: 735 ILCS 5/2-402 Respondent in Discovery

74. Plaintiffs restate and re-allege all prior paragraphs as though fully set forth herein.

75. 735 ILCS 5/2-402 of the Illinois Compiled Statutes provides that a plaintiff may name one or more parties as “Respondents in Discovery” for the purpose of issuing discovery against said party to the extent that said party controls information which may disclose the basis for claims against additional defendants.

76. Consolidated High School District 230, and specifically, Victor J. Andrew High School, is believed by Plaintiffs to control information which may disclose the basis for claims against additional defendants since the incident in question occurred on the grounds of Victor J. Andrew High School and was discovered by a Victor J. Andrew High School employee.

WHEREFORE, the Plaintiffs, JANE DOE 2 and JOHN DOE, as Parents and Next Friends of JANE DOE, a minor, plead against CONSOLIDATED HIGH SCHOOL DISTRICT 230, as a Respondent in Discovery, seeking depositions, answers to written interrogatories, and document production, at which time the Plaintiffs may convert one or more entities to Defendant in this matter.

Respectfully Submitted,

/s/ Timothy J. Keiser
One of Plaintiff's Attorneys

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DISTRICT 205;**)

Defendants.)

**CONSOLIDATED HIGH SCHOOL
DISTRICT 230,**)

Respondent in Discovery.)

2024L000318

**AFFIDAVIT OF DAMAGES
SUPREME COURT RULE 222**

Pursuant to Supreme Court Rule 222(b) the damages sought by the Plaintiff is in excess of \$50,000.00.

/s/ Timothy J. Keiser_____

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[X] Under penalties as provided by law pursuant to 735 ILCS 5/1-109(1993), I certify that the statements set forth herein are true and correct.

