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A.S.

Plaintiff,

v.

Ocean County Fire Academy, Ocean
County Fire and First Aid Training
Center, John Syers Jr., Ocean
County Board of Chosen
Freeholders, John Does (1-
10)(Fictitious Individuals); A-Z
OWNER CORPORATIONS (1-
10)(Fictitious Corporations)

Defendant(s).

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Civil Action

Case No.:

COMPLAINT AND DEMAND FOR JURY
TRIAL; DESIGNATION OF TRIAL
COUNSEL; PLAINTIFF'S DEMAND
FOR DAMAGES; DEMAND FOR
ANSWERS TO INTERROGATORIES;
NOTICE TO PRODUCE; NOTICE OF
TORT CLAIM; LATE NOTICE OF
TORT CLAIM

The Plaintiff A.S.'s identity has been concealed due to the allegations of sexual abuse; as a result, Plaintiff A.S. will be identified by her initials, A.S., Pursuant to N.J.S.A. 2A:61B-1(5)(f)(1). Plaintiff, A.S., may choose at some point in the future to reveal her full name and reserves the right to amend the complaint for that purpose.

A.S. (hereinafter "Plaintiff") resides in Toms River, New Jersey. By way of Complaint through the undersigned attorneys, Plaintiff hereby states the following:

PARTIES

1. A.S. (at times referred to as "Plaintiff") resides in Toms River, New Jersey and at all times relevant was a volunteer firefighter for the Seaside Heights Fire Department.
2. Plaintiff A.S. is currently 26 years old.
3. Plaintiff A.S. currently resides in Toms River, N.J. 08753.
4. Plaintiff A.S. is currently employed as an Emergency Department Technician.
5. As part of her training as a volunteer firefighter, A.S. was enrolled in the Fire Academy at the Ocean County Fire and First Aid Training Center from August 2017 through January 2018.
6. At all times material, Defendant, John Syers, Jr. was, and remains, an instructor of the Ocean County Fire Academy.
7. At all times material, the Defendant, Ocean County Fire Academy is located at the Defendant, Ocean County Fire and First Aid Training Center located at 200 Volunteer Way, Waretown, NJ 08758. The Defendant, Ocean County Fire and First Aid Training Center, provides training and learning for men and women who serve as firefighters, emergency medical technicians, and law enforcement in Ocean County.
8. Defendant, Ocean County Board of Chosen Freeholders owns and/or operates the Ocean County Fire Academy and the Ocean County Fire and First Aid Training Center.

JURISDICTION AND VENUE

1. This Court has jurisdiction of Plaintiffs' federal law claims pursuant to 28 U.S.C. §1331, as this case involves questions of federal law.
2. This action stems from violations of Section 1983 which includes the violations by the Ocean County Fire Academy, Ocean County Fire and First Aid Training Center, and the Ocean County Board of Chosen Freeholders and other named government employees acting within the scope of their employment as Defendants, conferring exclusive jurisdiction upon the United States District Court pursuant to 28 U.S.C. §1331.
3. This Court has jurisdiction of Plaintiff's Federal Law claims pursuant to Title VII of the Civil Rights Act of 1964, as amended, which makes it unlawful for an employer, "(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to her compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or (2) to limit, segregate, or classify her employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect her status as an employee, because of such individual's race, color, religion, sex, or national origin." 42 U.S.C. § 2000e-2(a).

4. This Court has supplemental jurisdiction over the related state law claims pursuant to 28 U.S.C. § 1367(a) because those claims form part of the same case or controversy under Article III of the United States Constitution. Plaintiffs' state law claims share all common operative facts with their federal law claims, and the parties are identical. Resolving Plaintiffs' federal and state claims in a single action serves the interests of judicial economy, convenience, consistency, and fairness to the parties.
5. All parties (including the Defendants) are domiciled and/or conduct substantial operations/business in the State of New Jersey. Moreover, the subject incident which gave rise to the violations occurred in the State of New Jersey, rendering the District of New Jersey an appropriate venue pursuant to 28 U.S.C. §1391.
6. Venue is proper in, and Defendants are subject to the personal jurisdiction of, this Court because Defendants maintain facilities and business operations in this District 28 U.S.C. § 1391(b); 42 U.S.C. § 2000e-5(f)(3).
7. Pursuant to 28 U.S.C. §2675 and N.J.S.A. 59:8-9, Plaintiff simultaneously served a Notice of Claim upon Defendants John Syers, Ocean County Fire Academy, Ocean County Fire and First Aid Training Center, and the Ocean County Board of Chosen Freeholders.
8. Pursuant to N.J.S.A. 59:8-9, Plaintiff simultaneously served a Late Notice of Tort Claim upon Defendants John Syers, Ocean County

Fire Academy, Ocean County Fire and First Aid Training Center, and the Ocean County Board of Chosen Freeholders.

STATEMENT OF FACTS

1. On May 25, 2017: In the middle of the night, Plaintiff, A.S.'s home in Lavallette, New Jersey caught fire. At approximately 1:30 A.M., the 10 unit condominium building was engulfed in flames. As the only exit from the second floor was blocked by fire, Plaintiff, A.S., had no choice but to exit through a back window. Being able to escape a fire that could have cost Plaintiff A.S. her life, inspired her to become a firefighter, in hopes that she could be there to help others who are faced with the same fate. Plaintiff had no idea that while healing from one traumatic event, she would be confronted by an even worse trauma.
2. In July 2017 Plaintiff, A.S., applied to the Seaside Heights Fire Department. Plaintiff, A.S., entered the Ocean County Training Center the following month.
3. In August 2017, Plaintiff, A.S., first met Defendant, Syers. She was enrolled in her first firefighting class, and Defendant, Syers was an instructor at the Ocean County Training Center. (See Exhibit "A").
4. While in class at the Ocean County Training Center, Defendant, Syers was the instructor of the portion of class for learning

how to utilize ropes and knots in firefighting. Defendant, Syers, made a comment to Plaintiff, A.S., with sexual implications that you are to use "restrictor" knots on people for reasons other than firefighting. This to Plaintiff A.S. was a sexual reference to use them to tie someone down during sexual intercourse. Plaintiff, A.S., confided in another student that Defendant, Syers, had made inappropriate sexual comments that made Plaintiff feel uncomfortable. (EXHIBIT B)

5. In January 2018, Plaintiff, A.S., took part in a formal graduation from Ocean County Training Center. Defendant, Syers was the keynote speaker during the graduation.
6. In March 8, 2018, Plaintiff, A.S., was still an active student of the Ocean County Training Center in the Firefighter 1 class. Although Plaintiff, A.S., participated in graduation, she had outstanding hours that needed to be completed. Plaintiff, A.S., remained an active student in the Firefighter 1 class until April 2018.
7. After completion of this course, Plaintiff, A.S., remained an active firefighter with the Seaside Heights Fire Department. Plaintiff's department continues to participate in ongoing training at the Ocean County Training Center but she has been precluded from attending additional training due to the Defendant, Syers, being employed at the Ocean County Training Center.

8. During March through April 2018, Defendant, Syers, contacted Plaintiff, A.S., through Facebook, text messages, Snapchat, and Instagram. Plaintiff, A.S., and Defendant, Syers, had a brief romantic encounter in April of 2018.
9. During April 2018 through September 26, 2018, Defendant, Syers and Plaintiff, A.S., had on again/off again conversations. There was a period of time that Defendant, Syers, had a girlfriend and the Plaintiff, A.S. and Defendant, Syers, did not have contact. Contact resumed once Defendant, Syers, was not dating this person anymore. Defendant, Syers, continued to contact Plaintiff, A.S., and started to become more persistent in wanting to see her. Approximately a week before being raped on September 26, 2018, Plaintiff, A.S. and Defendant, Syers, had made plans to meet each other. Plaintiff, A.S., chose not to see Defendant, Syers, and ignored his calls and texts. Plaintiff, A.S., received multiple missed calls and texts messages stating that "he was angry with her for ignoring him." The next few days Plaintiff, A.S., and Defendant, Syers, talked and Defendant, Syers, stated that he missed Plaintiff, A.S. Defendant, Syers, asked that Plaintiff, A.S., come visit him and see his new house he just purchased. Plaintiff, A.S., agreed to go to Defendant, Syers' house on September 26, 2018, but Plaintiff, A.S., informed Defendant, Syers, that she did not have a lot of time. Plaintiff, A.S., agreed to stop by briefly since she had other

plans that day. Plaintiff, A.S., planned to visit her parent's home in Bayville since their family dog was ill.

10. On September 26, 2018, Plaintiff, A.S., arrived at Defendant, Syers' house around 9:45 A.M. Plaintiff, A.S. and Defendant, Syers, communicated via text before Plaintiff, A.S., arrived. Defendant, Syers, stated that he was on his way home from work (at the Elizabeth Fire Department) and had to stop at the Ocean County Fire Academy to wash his turnout gear. Plaintiff, A.S. and Defendant, Syers, agreed that 9:45 A.M. would be a good time to meet. When Plaintiff, A.S., arrived at Defendant, Syers' house, he was outside talking to a neighbor that lived across the street. They finished up their conversation and Defendant, Syers, and Plaintiff, A.S., went inside. As Defendant, Syers, had planned, Plaintiff, A.S. and Defendant, Syers, had casual conversation while having breakfast. Plaintiff, A.S., and Defendant, Syers, stood in Defendant's kitchen and ate. Defendant, Syers, had bought Plaintiff, A.S., a bagel and orange juice. Defendant, Syers, showed Plaintiff, A.S., around his house, and explained his future plans for the ongoing renovations he was working on. The last room that Defendant, Syers, showed Plaintiff, A.S., was his bedroom. Unlike the rest of the house that was mostly under construction, Defendant, Syers' bedroom was neat and clean. The bed was made, it was well

lit, and it was free of clutter. At this point, there was nothing that had yet raised a red flag to Plaintiff, A.S.

[Everything seemed normal and then things turned dark and evil]

11. Plaintiff, A.S., sat down on Defendant, Syers' bed, and Plaintiff, A.S., noticed on the clock on Defendant, Syers' dresser that it was exactly 10 A.M. Plaintiff, A.S., told Defendant, Syers, that she would have to get going soon. Defendant, Syers, sat on the bed next to Plaintiff, A.S., and very briefly Plaintiff, A.S. and Defendant, Syers, kissed. Plaintiff, A.S. and Defendant, Syers, were both still fully clothed. The events over the next few minutes happened very quickly, abruptly and unwillingly to Plaintiff, A.S.

12. As Plaintiff, A.S., pulled away from kissing Defendant, Syers, (Plaintiff, A.S. decided not to do this), Defendant, Syers, decided that he was not yet done. Defendant, Syers, then proceeded to forcefully pin Plaintiff, A.S., face down in the middle of his bed. Plaintiff, A.S., was wearing a turquoise t-shirt, a pink hooded sweatshirt, and black and pink yoga pants. Defendant, Syers, pulled Plaintiff, A.S.' sweatshirt and shirt up over her head then quickly pulled out handcuffs and handcuffed Plaintiff, A.S. While Plaintiff, A.S., could not see them, Plaintiff, A.S., could feel them being attached. Defendant, Syers, handcuffed Plaintiff, A.S., behind her back

and then violently jerked Plaintiff, A.S.' arms all the way up her back towards her shoulder blades. Plaintiff, A.S., "yelped" in pain and told Defendant, Syers, to stop. (As Plaintiff, A.S., had shoulder surgeries, the jerking motion of lifting her arms that high was beyond her range of motion). Plaintiff, A.S., told Defendant, Syers, "my arms can't bend like that, take them off." Defendant, Syers, did not. Using his body weight to hold Plaintiff, A.S., down, Defendant, Syers, retrieved a rope from somewhere close to his bed. Defendant, Syers, secured the rope to the bed. Defendant, Syers, took the rope and wrapped it around Plaintiff, A.S.'s right biceps, looped it around her neck, looped it around her left biceps, and then secured it to the other side of the bed. The more Plaintiff, A.S., struggled, the tighter the rope got. Plaintiff, A.S., feared that she would be strangled to death by the rope if she continued to fight. At this point, Plaintiff, A.S., was completely physically unable to escape. Plaintiff, A.S., cried and begged for Defendant, Syers, "to let her go." Defendant, Syers, then secured Plaintiff, A.S.' legs in the same way he did on her upper body. Defendant, Syers, said "If you don't stop struggling, I'm going to tie these ropes so tight that they'll have to be cut off." The rope on Plaintiff, A.S.' legs was not quite as tight, but she was still unable to free herself. "Plaintiff, A.S., continued to cry as she realized that she was completely helpless. Plaintiff, A.S.,

thought about voice dialing 911 but her phone was away from her and Plaintiff, A.S., didn't know if it would work." Plaintiff, A.S., knew that this would anger Defendant, Syers, and that he would probably just inflict more pain on her. Defendant, Syers, stated, "This is your punishment for making me wait." Defendant, Syers, was referring to the days that Plaintiff, A.S. and Defendant, Syers, had made plans, but Plaintiff, A.S., cancelled instead. This was the unprovoked retaliation against Plaintiff, A.S.

13. Defendant, Syers, then got off the bed for a moment, and Plaintiff, A.S., thought that maybe he realized he needed to untie her and what he was doing to her. Plaintiff, A.S., was able to turn her head just far enough to the left to see Defendant, Syers, standing at the end of the bed. "Defendant, Syers, was naked. He had his phone in his hand, and he was taking pictures of Plaintiff, A.S., bound, tied and naked. Plaintiff, A.S., asked, "What are you doing?" Defendant, Syers, replied, "I'm taking a picture." Plaintiff, A.S., asked why, and Defendant, Syers, said "So I can use it later." Plaintiff, A.S., cowered in an attempt to cover as much of her fully exposed body as she could. Plaintiff, A.S., told Defendant, Syers, not to take pictures of her. Defendant, Syers, said, "Fine, I'll delete it. It's blurry anyway." Plaintiff, A.S., doesn't know for sure if Defendant, Syers, ever deleted the photos. Defendant, Syers,

then got on the bed and approached Plaintiff, A.S., from behind. Defendant, Syers, grabbed Plaintiff, A.S.' legs and moved them into a way that her backside was raised off the bed so Defendant, Syers, could rape Plaintiff, A.S. With an open hand, Defendant, Syers, struck Plaintiff, A.S.' backside with such force that her entire body shuttered. In an attempt to hit Plaintiff, A.S.' buttocks, Defendant, Syers, directly struck her tailbone instead. Plaintiff, A.S., yelled from the pain. Defendant, Syers, said, "I missed, I guess I'll have to try that again." So Defendant, Syers, hit Plaintiff, A.S., again. Defendant, Syers, hit Plaintiff, A.S., so hard that his handprint was bruised into her buttocks with markings. Defendant, Syers, then approached Plaintiff, A.S., on her right side. Defendant, Syers, grabbed Plaintiff, A.S., by her ponytail, and jerked her head so violently to the side that he ripped hair from her head and Plaintiff, A.S., felt her neck crack with the jolt. Defendant, Syers, then forced his penis inside Plaintiff, A.S.' mouth and down her throat as she gasped for air. Plaintiff, A.S., thought about trying to bite Defendant, Syers' penis off but then Plaintiff, A.S., thought Defendant, Syers, would kill her if she did that so Plaintiff, A.S., complied.

14. Defendant, Syers, then raped Plaintiff, A.S., vaginally. Defendant, Syers, asked Plaintiff, A.S., "Have you ever tried

anal?" Plaintiff, A.S., told Defendant, Syers, NO. Then Defendant, Syers, said, "Do you want to?" Plaintiff, A.S., said NO. Defendant, Syers, then attempted to sodomize Plaintiff, A.S., anally, but was physically unable to fully complete it. Defendant, Syers, then penetrated his fingers in Plaintiff, A.S.' rectum. As Plaintiff, A.S., was laying with her face between the pillows, Defendant, Syers, placed some type of blindfold on her. Defendant, Syers, didn't fully cover Plaintiff, A.S.' eyes, but it felt to be of a silky material. Plaintiff, A.S., didn't tell Defendant, Syers, that she could still see a little bit, because Plaintiff, A.S., knew that Defendant, Syers, would just adjust it in a way that wouldn't allow her to see what was going on.

15. From behind Plaintiff, A.S., Defendant, Syers, poured a hot substance on her back. Plaintiff, A.S., asked, "what is that? It's hurting me!" Defendant, Syers, said it would get better. Defendant, Syers, put it onto another spot on her back and Plaintiff, A.S., shook to try and get whatever it was burning off of her. It got hotter as Defendant, Syers, put more of it on her back, leaving burn marks. As "Plaintiff, A.S., cried and whimpered, Defendant, Syers, said, "What? You're a firefighter, you can't handle a little heat?" The more pain and embarrassment Defendant, Syers, caused Plaintiff, A.S., the more he continued to become sexually aroused.

16. Defendant, Syers, then took a belt and wrapped it around Plaintiff, A.S.' neck. At this point, Plaintiff, A.S., came to the realization that Defendant, Syers, may kill her during this rape. Plaintiff, A.S., had been physically beaten, her body was exhausted from fighting for her life. Plaintiff, A.S., had difficulty breathing. With Plaintiff, A.S.' airway constricted and a rope and belt around it, Plaintiff, A.S., struggled to get the words out of her mouth to beg for mercy. All that came out were high pitched gasps. Plaintiff, A.S., felt all her senses fading. Plaintiff, A.S.' ability to hear started slipping away from her, her vision blurred and then faded to black. At this moment, Plaintiff, A.S., accepted the fact that she was going to die. "Plaintiff, A.S., then blacked out.

17. Plaintiff, A.S., doesn't know how long she was unconscious for, but she woke up to Defendant, Syers, holding her by her hair again and smacking her face. Confused, Plaintiff, A.S., just asked Defendant, Syers, why he was doing this to mher? and why he would allow her to become unconscious? Defendant, Syers' sick answer was, "That's the best part."

18. Defendant, Syers, continued to rape, torture and sexually abuse Plaintiff, A.S., until he finally ejaculated on her and her clothes. Defendant, Syers, got off the bed, and Plaintiff, A.S., knew that she had to try to free herself. Plaintiff, A.S., ripped her hand through the handcuff, unaware at the moment it

caused injury to her hand, wrist, and shoulder. With one hand free, Plaintiff, A.S., was finally able to unravel the rope that was around her arms, neck and legs. Plaintiff, A.S., was in a severe state of shock, she couldn't think of words to say. Defendant, Syers, asked, "Are you okay?" Plaintiff, A.S., just stared blankly for a moment until she could say, "No, I'm not. I didn't want any of this." Defendant, Syers, replied, "Well, yeah I could tell you were pretty freaked out, I'm sorry. I'll have to make it up to you next time with dinner and a movie." Speechless, Plaintiff, A.S., gathered her clothes off the floor and went to the bathroom in Defendant, Syers' bedroom. There was a towel hanging on top of the door, which Plaintiff, A.S., threw on the floor so that she would be able to shut and lock the door. Before Plaintiff, A.S., shut the door, Defendant, Syers, asked her to shower at his house. This was another indication to Plaintiff, A.S., that Defendant, Syers, immediately realized that everything that had just happened was "against Plaintiff, A.S.' will and a rape". It was an odd request. Plaintiff, A.S., felt Defendant, Syers, was trying to cover himself and Plaintiff, A.S., declined. Plaintiff, A.S., shut and locked the door as she dressed herself.

19. When Plaintiff, A.S., exited the bathroom, Defendant, Syers, was still naked. Plaintiff, A.S., made her way to the front door to leave. Still naked, Defendant, Syers, opened the door and let

Plaintiff, A.S., finally go. While Defendant, Syers, mustered up some insincere apologies for what he had just done, he believed that it could be overlooked. Plaintiff, A.S., noticed that the time was 10:46 A.M. Plaintiff, A.S., immediately called someone, but she couldn't get all the words out about what she had just experienced.

20. When Plaintiff, A.S., got home, she took her clothes off and placed them in a bag. At this time Plaintiff, A.S., saw the injuries and marks she sustained and took photographs. (Exhibit "C", Exhibit "D", Exhibit "E", Exhibit "F", Exhibit "G", Exhibit "H", Exhibit "I",). Plaintiff, A.S., knew she would have to report this to the authorities. Plaintiff, A.S., wasn't sure if she would be able to find the courage to report this rape and sexual assault, but Plaintiff, A.S., knew that her clothes would hold evidence of the attack. Shocked, Beaten, Bruised, and Exhausted, Plaintiff, A.S., returned home and slept the rest of the day. As much as Plaintiff, A.S., wanted to, she did not shower.

21. On September 27, 2018, Plaintiff, A.S., reported to the Emergency Department at Community Medical Center to report a rape and have a rape exam done. (Exhibit "J"). Plaintiff, A.S., was treated by Dr. Liju Philip and Dr. Gregory Neyman. The hospital staff made her aware of the resources available to her through the Sexual Assault Response Team. "Plaintiff, A.S., told

her that she would like to utilize all of the resources, including a police response." Detective Stephanie Bayha from the Ocean County Prosecutor's Office was the responding officer. A police officer from Lacey Township never arrived. Plaintiff, A.S., told Detective Bayha that she absolutely wanted to move forward with prosecution, and gave her a summary of the events that had transpired. Detective Bayha told Plaintiff, A.S., that she could sign a waiver of prosecution, which would allow her to leave that night and take Plaintiff, A.S.' statement at a later date. Since Plaintiff, A.S., would have to have her exam done first anyway, Detective Bayha told Plaintiff, A.S., that it would be fine to move forward in the next few days. Plaintiff, A.S., signed the waiver, but called Detective Bayha the next day during business hours to inform her that Plaintiff, A.S., was ready to move forward with an investigation. Plaintiff, A.S., was discharged from the hospital in the early hours of September 28, 2018.

22. On September 29, 2018, Plaintiff, A.S., spoke to Detective Bayha when she returned her call. Plaintiff, A.S., and Detective Bayha set up an appointment to meet at the Lacey Township Police Department on October 3, 2018, the soonest that she would be available.

23. On October 3, 2018, Plaintiff, A.S., met with Detective Bayha and Detective Gudgeon at the Lacey Township Police Department.

Plaintiff, A.S., gave her formal statement, allowed them to download her phone to retrieve any messages between Defendant, Syers and Plaintiff, A.S., and agreed to conduct a consensual phone intercept. Plaintiff, A.S., was told that a successful consensual intercept with the Defendant, Syers, was her best chance at being able to prosecute him. Plaintiff, A.S., agreed with all of the instructions from the detectives. Plaintiff, A.S., and the Detectives were not able to make the phone call that day since Defendant, Syers was at work, so we arranged to do it the following day.

24. On October 4, 2018, at Lacey Township Police Department, Detective Kymberly Gudgeon conducted the consensual phone intercept between Defendant, Syers and Plaintiff, A.S. During the phone call, "Defendant, Syers admitted to hearing Plaintiff, A.S., say NO to the sexual assault yet continued anyway. Defendant, Syers, admitted to the force he used, ignoring Plaintiff, A.S.' pleas to stop, and said that he was "100% wrong." In his own words, Defendant, Syers, corroborated the statement that Plaintiff, A.S., had given the police admitting the allegations of the rape and torture. Defendant, Syers, admitted in great detail about what transpired, exposing more than the detective and Plaintiff, A.S., anticipated. Defendant, Syers knew that Plaintiff, A.S., did not consent with what transpired, yet Defendant, Syers, continued to contact

Plaintiff, A.S., in the days to come in an effort to cover his conduct.

25. On October 1, 2018, from the traumatic events, Plaintiff, A.S., had to meet with her therapist, Sharon, at Ocean Mental Health to obtain treatment for what happened. Plaintiff, A.S., told her and explained what had occurred.

26. On October 2, 2018, Plaintiff, A.S., met with her psychiatrist, Courtney Wuss APN for medication management. Plaintiff, A.S., was diagnosed with Rape Trauma Syndrome, and at a later date, PTSD, Depression, and Generalized Anxiety Disorder. Plaintiff, A.S., also had an appointment with her OB/GYN, Dr. Fekry, at North Dover OB/GYN to follow up on her physical injuries. Plaintiff, A.S., was given a note excusing her absences from college with a tentative return date of October 10, 2018. Plaintiff, A.S., was advised that if she was not ready to return to school at that time, it would be appropriate to take more time off. Plaintiff, A.S., never got to a point of being ready to return to school, resulting in her failure for that semester.

27. On October 12, 2018, Defendant, Syers, after all that had happened continued to send Plaintiff, A.S., text messages in an attempt to make contact. Plaintiff, A.S., also had a message on Snapchat from Defendant, Syers, which she did not open. Plaintiff, Syers, did not respond to any of Defendant, Syers' attempts to contact her.

28. On October 16, 2018, Defendant, Syers sent Plaintiff, A.S., a text message attempting to make contact. Again, Plaintiff, A.S., ignored his message. Later that day, Defendant, Syers is called in for an interview. With his attorney present, Defendant, Syers, declined to answer any questions. To Plaintiff, A.S.' knowledge, there were never any further interviews attempted.
29. On January 29, 2019, Plaintiff, A.S., filed a Complaint with the Lacey Township Municipal Court. (Exhibit "K").
30. On February 21, 2019, Plaintiff, A.S., obtained a Final Restraining Order against Defendant, Syers. (Exhibit "L").
31. By Correspondence dated January 30, 2019, Plaintiff, A.S., was informed by the Ocean County Prosecutor's Office that the investigation in this matter remained open. (Exhibit "M").

COUNT ONE
COMMON LAW TORTURE

1. Plaintiff A.S. repeats and reiterates each and every allegation contained in the statement of facts as if each were set forth at length herein.
2. Defendant Syers, tortured the painfully bound Plaintiff, A.S., for 46 minutes straight, sexually abusing the Plaintiff, A.S., raping the Plaintiff, A.S., orally, anally, and vaginally, burning the Plaintiff, A.S., and strangling the Plaintiff, A.S., throughout this agonizing ordeal, Plaintiff, A.S., who was fully restrained, contemplated whether or not she was going to be able

to leave the residence, or if Defendant Syers, was going to kill her.

3. Defendant Syers, as evidenced by his actions, specifically intended to inflict severe physical pain and mental suffering upon the Plaintiff, A.S.
4. By prolonging his abusive acts, Defendant Syers, caused the Plaintiff, A.S., to suffer severe mental pain, including but not limited to, contemplating death as a result of Defendant Syers' acts.
5. Plaintiff, A.S., is not an individual who normally contemplates such morbid inclinations, and it is only as a result of Defendant Syers' unconscionable actions that she began to do so.
6. Following this horrific incident, Plaintiff, A.S., was diagnosed with Rape Trauma Syndrome, PTSD, depression, and anxiety.
7. As a direct and proximate result of the conduct described herein above, Plaintiff, A.S., has and will continue to suffer severe physical injury; severe emotional distress and anguish; diminished enjoyment of life; difficulty and an inability to focus; difficulty and an inability to perform work-related tasks; anxiety; depression; humiliation; pain in mind and body; severe embarrassment; is having and has had difficulty living a normal life; has not and will not engage in normal activities; will suffer from behavior patterns and will continue to do so in the future; will in the future be caused to endure severe pain

in mind and body; has endured interference with and will continue to endure interference with engaging in her full normal daily activities. Plaintiff, A.S.'s, self-esteem and ability to trust others has been substantially impaired, needing to obtain help and treatment from professionals and health care professionals in general and will incur medical, hospital and psychiatric expenses in amounts yet to be determined.

8. Defendant Syers and all defendants are responsible for the torture of Plaintiff, A.S. All Defendants acted carelessly, recklessly, negligently, and grossly negligent, and purposely caused or allowed to be caused great harm to Plaintiff A.S. by allowing the torture of the Plaintiff, A.S.

WHEREFORE, Plaintiff, A.S., respectfully requests judgment in her favor and against all Defendants for compensatory damages for Plaintiff, A.S.'s, psychological and emotional distress and damages, loss of standing in her community, damage to her reputation, and her unreimbursed out of pocket expenses incurred in response to these circumstances; Punitive damages; Injunctive relief requiring Defendant Academy to take effective steps to prevent sex-based discrimination and harassment, including prohibitions against instructors dating students, in its education programs; fully investigate conduct that may constitute sex-based harassment and/or sexual assault; appropriately respond to all conduct that may constitute sex-

based harassment and/or sexual assault; and mitigate the effects of harassment and/or assault including by eliminating any hostile environment that may arise from or contribute to it; statutory interest; Costs; and Reasonable attorney fees.

COUNT TWO

**Sex-Based Discrimination in Violation of
Title VII of the Civil Rights Act of 1964 42 U.S.C. § 2000e-2(a)**

9. Plaintiff repeats and reiterates all of the allegations contained in the previous counts and/or paragraphs as if set forth at length herein.
10. Title VII of the Civil Rights Act of 1964, as amended, makes it unlawful for an employer, "(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to her compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or (2) to limit, segregate, or classify her employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect her status as an employee, because of such individual's race, color, religion, sex, or national origin." 42 U.S.C. § 2000e-2(a).
11. Defendants discriminated against Plaintiff by treating her differently from her male coworkers because of their sex.

12. Plaintiff's sex was the determining factor and/or a motivating factor in Defendants' actions.
13. As a direct, legal and proximate result of the discrimination, Plaintiff has sustained, and will continue to sustain, economic damages to be proven at trial. As a result of Defendants' actions, Plaintiff has suffered emotional distress, resulting in damages in an amount to be proven at trial. Plaintiff further seeks compensatory and punitive damages and all other injunctive, declaratory, and monetary relief available for discrimination at trial.
14. All Defendants' unlawful actions were intentional, willful, malicious, and/or done with reckless disregard to Plaintiff's right to be free from discrimination based on her sex.
15. Plaintiff is entitled to reasonable attorneys' fees and costs of suit.

WHEREFORE, Plaintiff hereby demands judgment against Defendants for compensatory and punitive damages, interest, costs of suit, attorneys' fees and such other relief as the Court or Jury may deem proper.

COUNT THREE
Sex-Based Discrimination in Violation of
New Jersey Law Against Discrimination
N.J.S.A. § 10:5-12

16. Plaintiff repeats and reiterates all of the allegations contained in the previous counts and/or paragraphs as if set forth at length herein.
17. New Jersey's Law Against Discrimination makes it unlawful for an employer to discriminate against an individual "in compensation or in terms, conditions or privileges of employment" because of sex.
18. Defendants discriminated against Plaintiff by treating them differently from their male coworkers, because of their sex.
19. Plaintiff's sex was the determining factor and/or a motivating factor in Defendants' actions toward her.
20. As a direct, legal and proximate result of the discrimination, Plaintiff has sustained, and will continue to sustain, economic damages to be proven at trial. As a result of Defendants' actions, Plaintiff has suffered emotional distress, resulting in damages in an amount to be proven at trial. Plaintiff further seeks compensatory and punitive damages and all other injunctive, declaratory, and monetary relief available for discrimination at trial.

21. Defendants' unlawful actions were intentional, willful, malicious, and/or done with reckless disregard to Plaintiff's right to be free from discrimination based on sex.

22. Plaintiff is entitled to reasonable attorneys' fees and costs of suit.

WHEREFORE, Plaintiff hereby demands judgment against Defendants for compensatory and punitive damages, interest, costs of suit, attorneys' fees and such other relief as the Court or Jury may deem proper.

COUNT FOUR

**Sex-Based Discrimination (Hostile Work Environment) in Violation of Title VII of the Civil Rights Act of 1964, as amended,
42 U.S.C. § 2000e-2(a)**

23. Plaintiff repeats and reiterates all of the allegations contained in the previous counts and/or paragraphs as if set forth at length herein.

24. Plaintiff was subjected to harassment by Defendants' agents and employees, including John Syers, Jr., because of her sex as a woman.

25. Defendant's agents and employee's conduct was not welcomed by Plaintiff.

26. Defendant's agent and employee conduct was undertaken because of Plaintiff' sex as a woman.

27. The conduct was so severe or pervasive that reasonable persons in Plaintiff's positions would find their work environment to be hostile or abusive.
28. Plaintiff believes their work environment to be hostile or abusive as a result of Defendants' agent and employee conduct.
29. Management and Supervisory level employees/managers knew, or should have known, of the abusive conduct. These employees had or should have had information sufficient to raise a probability of sex-based harassment in the mind of a reasonable employer.
30. Moreover, the harassment was so pervasive and open that a reasonable employer would have and/or should have had to be aware of it. Indeed, management level employees were themselves complicit in the abusive conduct.
31. Defendants did not exercise reasonable care to prevent harassment in the workplace on the basis of sex, and did not exercise reasonable care to promptly correct any harassing behavior that did occur.
32. As a direct, legal and proximate result of the discrimination, Plaintiff has sustained, and will continue to sustain, economic and emotional injuries, resulting in damages in an amount to be proven at trial.
33. Defendants' unlawful actions were intentional, willful, malicious, and/or done with reckless disregard to Plaintiff's right to be free from discrimination based on sex.

34. Plaintiff is entitled to their reasonable attorneys' fees and costs of suit.

WHEREFORE, Plaintiff hereby demands judgment against Defendants for compensatory and punitive damages, interest, costs of suit, attorneys' fees and such other relief as the Court or Jury may deem proper.

COUNT FIVE

**1983 VIOLATION AS TO DEFENDANTS OCEAN COUNTY FIRE ACADEMY
AND OCEAN COUNTY FIRE AND FIRST AID TRAINING CENTER
(42 U.S.C. § 1983)**

35. Under the Fourteenth Amendment, Plaintiff had the right as a volunteer firefighter enrolled in a Public County Fire Academy to personal security and bodily integrity, as well as Equal Protection of Laws.

36. Defendants Ocean County Fire Academy Employees were all Ocean County actors acting under the color of state and local law.

37. Defendants each subjected Plaintiff to violations of her right to personal security and bodily integrity and Equal Protection of Laws by: failing to investigate John Syers, Jr. and Ocean County Fire Academy's misconduct; failing to appropriately discipline John Syers, Jr. and Ocean County Fire Academy; failing to adequately train and supervise Ocean County Fire Academy Employees; and manifesting deliberate indifference to the sexual assault and ongoing harassment of Plaintiff by John

Syers, Jr. of the Ocean County Fire Academy and Ocean County Training Center.

38. Ocean County Fire Academy and Ocean County Training Center has and/or had unconstitutional customs or policies of a) failing to investigate evidence of criminal and tortious misconduct against Ocean County Fire Academy employees in the nature of violations of their right to personal security and bodily integrity and b) failing to adequately train and supervise Academy and Training Center employees with regard to maintaining, preserving and protecting employees from violations of their right to personal security, bodily integrity, and Equal Protection of the Laws.
39. On information and belief, the Fire Academy has followed these unconstitutional customs and policies not only with regard to Plaintiff but also with regard to criminal and tortious misconduct committed against other Ocean County Fire Academy employees.
40. The Fire Academy and Training Center's policies and/or practices constituted disparate treatment of females and had a disparate impact on female employees and/or academy students.
41. Defendants Ocean County Fire Academy and John Syers, Jr. are or were at the time of events complained of within, policymakers for the purpose of implementing the Fire Academy's unconstitutional policies or customs.

42. As a direct and proximate result of the conduct described herein above, Plaintiff has and will continue to suffer physical injury; severe emotional distress and anguish; diminished enjoyment of life; difficulty and an inability to focus; difficulty and an inability to perform educational and/or work-related tasks; anxiety; depression; humiliation; pain in mind and body; severe embarrassment; is having and has had difficulty living a normal life; has not and will not engage in normal activities; will suffer from behavior patterns and will continue to do so in the future; will in the future be caused to endure severe pain in mind and body; has endured interference with and will continue to endure interference with engaging in her full normal daily activities. Plaintiff's self-esteem and ability to trust others has been substantially impaired, needing to obtain help and treatment from professionals and health care professionals in general and may incur medical, hospital and psychiatric expenses in amounts yet to be determined.

43. All defendants are responsible for sexual assault of Plaintiff. All defendants acted carelessly, recklessly, negligently, and grossly negligent, and caused or allowed to be caused great harm to plaintiff by allowing the assault of the plaintiff.

44. Plaintiff has suffered severe physical injuries, emotional distress, and psychological damage, and her character and standing in her community have suffered from the harassment

fostered as a direct and proximate result of Defendants Fire Academy, Training Center, and County Freeholder's deliberate indifference to her rights under the Fourteenth Amendment.

WHEREFORE, Plaintiff respectfully requests judgment in her favor and against all defendants for compensatory damages for Plaintiff's physical injuries, psychological and emotional distress and damages, loss of standing in her community, damage to her reputation, and her family's unreimbursed out of pocket expenses incurred in response to these circumstances; Punitive damages; Injunctive relief requiring Defendant Fire Academy to take effective steps to prevent sex-based discrimination and harassment, including sexual assault, in its education programs; fully investigate conduct that may constitute sex-based harassment and/or sexual assault; appropriately respond to all conduct that may constitute sex-based harassment and/or sexual assault; and mitigate the effects of harassment and/or assault including by eliminating any hostile environment that may arise from or contribute to it; statutory interest; Costs; and Reasonable attorney fees.

COUNT SIX

**LIABILITY FOR FAILURE TO TRAIN, SUPERVISE, AND PROTECT EMPLOYEES
FROM SEXUAL ASSAULT AS TO DEFENDANT OCEAN COUNTY FIRE ACADEMY
AND OCEAN COUNTY FIRE AND FIRST AID TRAINING CENTER
(42 U.S.C. § 1983)**

45. Plaintiff repeats and reiterates all of the allegations contained in the previous counts and/or paragraphs as if set forth at length herein.
46. Defendant Ocean County Fire Academy and Ocean County Training Center Employees, were "state actors" working for the Ocean County Board of Chosen Freeholders, a locally elected board.
47. Defendant Ocean County Fire Academy and Ocean County Employees acted under "color of law" when refusing to respond to Plaintiff's sexual assault on academy premises.
48. Defendant Ocean County Fire Academy and Ocean County Training Center Employees failed to preserve Plaintiff's constitutional right to equal protection as guaranteed by the Fourteenth Amendment.
49. Under the Equal Protection Clause of the Fourteenth Amendment, Plaintiff had the right to equal access to an employment and educational environment free from harassment and discrimination.
50. Defendant Ocean County Fire Academy and Training Center Employees should have known that their response to sexual assault allegations must comply with federal law, particularly as outlined in Title VII's published and widely promulgated implementing regulations.

51. Defendant Ocean County Fire Academy and Training Center Employees each violated Plaintiff's right to equal access by:

- a. Failing to take immediate and appropriate action to investigate or otherwise determine what occurred once informed of possible sexual violence;
- b. Failing to take prompt and effective steps to end the sexual violence, prevent its recurrence, and address its effects, whether or not the sexual violence is the subject of a criminal investigation;
- c. Failing to take steps to protect the Plaintiff as necessary, including interim steps taken prior to the final outcome of the investigation;
- d. Failing to provide a grievance procedure for employees to file complaints of sexual discrimination, including complaints of sexual violence. The procedures must include an equal opportunity for both parties to present witnesses and other evidence and the same appeal rights;
- e. Failing to use a preponderance of the evidence standard to resolve complaints of sex discrimination in grievance procedures; and
- f. Failing to notify both parties of the outcome of the complaint.

52. Defendant Ocean County Fire Academy and Ocean County Training Center violated Plaintiff's Fourteenth Amendment right to equal

protection by failing to properly train and supervise its employees as to these mandated investigative requirements.

53. These policies and/or practices constituted disparate treatment of females and had a disparate impact on female employees and/or academy students.

54. As a direct and proximate result of the conduct described herein above, Plaintiff has and will continue to suffer physical injury; severe emotional distress and anguish; diminished enjoyment of life; difficulty and an inability to focus; difficulty and an inability to perform educational and/or work-related tasks; anxiety; depression; humiliation; pain in mind and body; severe embarrassment; is having and has had difficulty living a normal life; has not and will not engage in normal activities; will suffer from behavior patterns and will continue to do so in the future; will in the future be caused to endure severe pain in mind and body; has endured interference with and will continue to endure interference with engaging in her full normal daily activities. Plaintiff's self-esteem and ability to trust others has been substantially impaired, needing to obtain help and treatment from professionals and health care professionals in general and may incur medical, hospital and psychiatric expenses in amounts yet to be determined.

55. All defendants are responsible for sexual assault of Plaintiff. All defendants acted carelessly, recklessly, negligently, and

grossly negligent, and caused or allowed to be caused great harm to plaintiff by allowing the assault of the plaintiff.

56. Plaintiff has suffered severe physical injuries, emotional distress, and psychological damage, and her character and standing in her community have suffered from the harassment fostered as a direct and proximate result of Defendants Fire Academy, Training Center, and County Freeholder's deliberate indifference to her rights under the Fourteenth Amendment.

WHEREFORE, Plaintiff respectfully requests judgment in her favor and against all defendants for compensatory damages for Plaintiff's physical injuries, psychological and emotional distress and damages, loss of standing in her community, damage to her reputation, and her family's unreimbursed out of pocket expenses incurred in response to these circumstances; Punitive damages; Injunctive relief requiring Defendant Fire Academy to take effective steps to prevent sex-based discrimination and harassment, including sexual assault, in its education programs; fully investigate conduct that may constitute sex-based harassment and/or sexual assault; appropriately respond to all conduct that may constitute sex-based harassment and/or sexual assault; and mitigate the effects of harassment and/or assault including by eliminating any hostile environment that may arise from or contribute to it; statutory interest; Costs; and Reasonable attorney fees.

COUNT SEVEN
SEXUAL ASSAULT/SEXUAL ABUSE

57. Plaintiff repeats and reiterates all of the allegations contained in the previous counts and/or paragraphs as if set forth at length herein.
58. At all times relevant, John Syers, Jr., was an employee of Ocean County Fire Academy and Ocean County Fire and First Aid Training Center.
59. Defendant, John Syers, Jr. used his position of authority to gain access to Plaintiff, to engage in unlawful sexual contact with the Plaintiff without her consent.
60. All Defendants acted with the purposeful, knowing, reckless, negligent intent to cause harm and/or offensive contact to the Plaintiff A.S. and thereby put her in imminent apprehension and fear for her life and well-being.
61. All Defendants' actions would be offensive to a person with a reasonable sense of personal dignity.
62. Plaintiff did not and could not consent to the acts, and any purported consent was secured through fraud, deception and undue influence, coercion and duress thereby rendering it void.
63. Defendants' actions were outrageous, and constituted a wanton and reckless disregard to Plaintiff's health and well-being.
64. As a direct and proximate result of the conduct described herein above, Plaintiff has and will continue to suffer physical

injury; severe emotional distress and anguish; diminished enjoyment of life; difficulty and an inability to focus; difficulty and an inability to perform educational and/or work-related tasks; anxiety; depression; humiliation; pain in mind and body; severe embarrassment; is having and has had difficulty living a normal life; has not and will not engage in normal activities; will suffer from behavior patterns and will continue to do so in the future; will in the future be caused to endure severe pain in mind and body; has endured interference with and will continue to endure interference with engaging in her full normal daily activities. Plaintiff's self-esteem and ability to trust others has been substantially impaired, needing to obtain help and treatment from professionals and health care professionals in general and may incur medical, hospital and psychiatric expenses in amounts yet to be determined.

65. All defendants are responsible for sexual assault of Plaintiff. All defendants acted carelessly, recklessly, negligently, and grossly negligent, and caused or allowed to be caused great harm to plaintiff by allowing the assault of the plaintiff.

WHEREFORE, Plaintiff hereby demands judgment against Defendants for compensatory and punitive damages, interest, costs of suit, attorneys' fees and such other relief as the Court or Jury may deem proper.

COUNT EIGHT
AGGRAVATED ASSAULT

66. Plaintiff A.S. repeats and reiterates each and every allegation of the previous counts as if each were set forth at length herein.
67. Under New Jersey Law, a person commits aggravated assault if he attempts to cause significant bodily injury to another or causes significant bodily injury purposely or knowingly or, under circumstances manifesting extreme indifference to the value of human life recklessly causes such significant bodily injury.
68. Defendant Syers used his position of authority to gain access to the Plaintiff, for the purpose of unlawfully causing injury to the plaintiff.
69. Defendant Syers, by painfully binding the Plaintiff A.S., burning the Plaintiff A.S., sexually abusing the Plaintiff A.S., raping the Plaintiff A.S. orally, anally, and vaginally, for 46 minutes straight, and strangling the Plaintiff A.S. to the point of unconsciousness for an extended period of time, knowingly or recklessly caused or attempted to cause significant bodily injury to the Plaintiff A.S.
70. Defendant Syers, as evidenced by his actions, specifically intended to inflict severe physical pain and mental suffering upon the Plaintiff A.S.

71. By prolonging his abusive acts, Defendant Syers caused the Plaintiff A.S. to suffer severe mental pain, including but not limited to, contemplating death as a result of Defendant Syers' acts.
72. Plaintiff A.S. is not an individual who normally contemplates such morbid inclinations, and it is only as a result of Defendant Syers' unconscionable actions that she began to do so.
73. Following this horrific incident, Plaintiff A.S. was diagnosed with Rape Trauma Syndrome, PTSD, depression, and anxiety.
74. As a direct and proximate result of the conduct described herein above, Plaintiff A.S. has and will continue to suffer physical injury; severe emotional distress and anguish; diminished enjoyment of life; difficulty and an inability to focus; difficulty and an inability to perform work-related tasks; anxiety; depression; humiliation; pain in mind and body; severe embarrassment; is having and has had difficulty living a normal life; has not and will not engage in normal activities; will suffer from behavior patterns and will continue to do so in the future; will in the future be caused to endure severe pain in mind and body; has endured interference with and will continue to endure interference with engaging in her full normal daily activities. Plaintiff A.S.'s self-esteem and ability to trust others has been substantially impaired, needing to obtain help and treatment from professionals and health care professionals

in general and will incur medical, hospital and psychiatric expenses in amounts yet to be determined.

75. Defendant Syer and all defendants are responsible for aggravated assault of the Plaintiff A.S. All Defendants acted carelessly, recklessly, negligently, and grossly negligent, and caused or allowed to be caused great harm to Plaintiff A.S. by allowing the aggravated assault to occur.

WHEREFORE, Plaintiff A.S. respectfully requests judgment in her favor and against all Defendants for compensatory damages for Plaintiff A.S.'s psychological and emotional distress and damages, loss of standing in her community, damage to her reputation, and her unreimbursed out of pocket expenses incurred in response to these circumstances; Punitive damages; Costs; and Reasonable attorney fees.

COUNT NINE
AGGRAVATED ASSAULT
IN VIOLATION OF N.J.S.A. §2C:12-1(b)(1)

76. Plaintiff A.S. repeats and reiterates each and every allegation of the previous counts as if each were set forth at length herein.
77. At all times relevant, Defendant Syers, was an employee of Ocean County Fire Academy and Ocean County Fire and First Aid Training Center

78. Pursuant to N.J. Stat. Ann. §2C:12-1(b)(1): A person is guilty of aggravated assault if he: (1) Attempts to cause serious bodily injury to another, or causes such injury purposely or knowingly or under circumstances manifesting extreme indifference to the value of human life recklessly causes such injury.

79. Defendant Syers used his position of authority to gain access to Plaintiff, to unlawfully injure the Plaintiff without her consent.

80. Defendant Syers, by painfully binding the Plaintiff A.S., burning the Plaintiff A.S., sexually abusing the Plaintiff A.S., raping the Plaintiff A.S. orally, anally, and vaginally, for 46 minutes straight, and strangling the Plaintiff A.S. to the point of unconsciousness for an extended period of time, knowingly or recklessly caused or attempted to cause serious bodily injury to the Plaintiff A.S.

81. Defendant Syers, as evidenced by his actions, specifically intended to inflict severe physical pain and mental suffering upon the Plaintiff A.S.

82. By prolonging his torturous and abusive acts, Defendant Syers caused the Plaintiff A.S. to suffer severe mental pain, including but not limited to, contemplating death as a result of Defendant Syers' acts.

83. Plaintiff A.S. is not an individual who normally contemplates such morbid inclinations, and it is only as a result of Defendant Syers' unconscionable actions that she began to do so.

84. Following this horrific incident, Plaintiff A.S. was diagnosed with Rape Trauma Syndrome, PTSD, depression, and anxiety.

85. As a direct and proximate result of the conduct described herein above, Plaintiff A.S. has and will continue to suffer physical injury; severe emotional distress and anguish; diminished enjoyment of life; difficulty and an inability to focus; difficulty and an inability to perform work-related tasks; anxiety; depression; humiliation; pain in mind and body; severe embarrassment; is having and has had difficulty living a normal life; has not and will not engage in normal activities; will suffer from behavior patterns and will continue to do so in the future; will in the future be caused to endure severe pain in mind and body; has endured interference with and will continue to endure interference with engaging in her full normal daily activities. Plaintiff A.S.'s self-esteem and ability to trust others has been substantially impaired, needing to obtain help and treatment from professionals and health care professionals in general and will incur medical, hospital and psychiatric expenses in amounts yet to be determined.

86. Defendant Syer and all defendants are responsible for aggravated assault of the Plaintiff A.S. All Defendants acted carelessly,

recklessly, negligently, and grossly negligent, and caused or allowed to be caused great harm to Plaintiff A.S. by allowing the aggravated assault to occur.

WHEREFORE, Plaintiff A.S. respectfully requests judgment in her favor and against all Defendants for compensatory damages for Plaintiff A.S.'s psychological and emotional distress and damages, loss of standing in her community, damage to her reputation, and her unreimbursed out of pocket expenses incurred in response to these circumstances; Punitive damages; Injunctive relief requiring Defendant Academy to take effective steps to prevent sex-based discrimination and harassment, including prohibitions against instructors dating students, in its education programs; fully investigate conduct that may constitute sex-based harassment and /or sexual assault; appropriately respond to all conduct that may constitute sex-based harassment and /or sexual assault; and mitigate the effects of harassment and/or assault including by eliminating any hostile environment that may arise from or contribute to it; statutory interest; Costs; and Reasonable attorney fees.

COUNT TEN
AGGRAVATED ASSAULT
IN VIOLATION OF N.J.S.A. §2C:12-1(b)(2)

87. Plaintiff A.S. repeats and reiterates each and every allegation of the previous counts as if each were set forth at length herein.

88. At all times relevant, Defendant Syers, was an employee of Ocean County Fire Academy and Ocean County Fire and First Aid Training Center

89. Pursuant to N.J. Stat. Ann. §2C:12-1(b)(2): A person is guilty of aggravated assault if he: Attempts to cause or purposely or knowingly causes bodily injury to another with a deadly weapon.

90. Defendant Syers used his position of authority to gain access to Plaintiff, to unlawfully injure the Plaintiff without her consent.

91. Defendant Syers used both rope and a belt in manners which were likely to cause significant bodily harm, including but not limited to, death.

92. Defendant Syers, through the use of a rope tied around the Plaintiff A.S.'s neck and through the use of a belt tied around the Plaintiff A.S.'s neck, strangled the Plaintiff A.S. to the point of unconsciousness for an extended period of time, did attempt to or did purposely or knowingly cause significant injury to the Plaintiff A.S. through the use of deadly weapons.

93. Defendant Syers, as evidenced by his actions, specifically intended to inflict severe physical pain and mental suffering upon the Plaintiff A.S.
94. By prolonging his abusive acts, Defendant Syers caused the Plaintiff A.S. to suffer severe mental pain, including but not limited to, contemplating death as a result of Defendant Syers' acts.
95. Plaintiff A.S. is not an individual who normally contemplates such morbid inclinations, and it is only as a result of Defendant Syers' unconscionable actions that she began to do so.
96. Following this horrific incident, Plaintiff A.S. was diagnosed with Rape Trauma Syndrome, PTSD, depression, and anxiety.
97. As a direct and proximate result of the conduct described herein above, Plaintiff A.S. has and will continue to suffer physical injury; severe emotional distress and anguish; diminished enjoyment of life; difficulty and an inability to focus; difficulty and an inability to perform work-related tasks; anxiety; depression; humiliation; pain in mind and body; severe embarrassment; is having and has had difficulty living a normal life; has not and will not engage in normal activities; will suffer from behavior patterns and will continue to do so in the future; will in the future be caused to endure severe pain in mind and body; has endured interference with and will continue to endure interference with engaging in her full normal daily

activities. Plaintiff A.S.'s self-esteem and ability to trust others has been substantially impaired, needing to obtain help and treatment from professionals and health care professionals in general and will incur medical, hospital and psychiatric expenses in amounts yet to be determined.

98. Defendant Syer and all defendants are responsible for aggravated assault of the Plaintiff A.S. All Defendants acted carelessly, recklessly, negligently, and grossly negligent, and caused or allowed to be caused great harm to Plaintiff A.S. by allowing the aggravated assault to occur.

WHEREFORE, Plaintiff A.S. respectfully requests judgment in her favor and against all Defendants for compensatory damages for Plaintiff A.S.'s psychological and emotional distress and damages, loss of standing in her community, damage to her reputation, and her unreimbursed out of pocket expenses incurred in response to these circumstances; Punitive damages; Injunctive relief requiring Defendants Academy to take effective steps to prevent sex-based discrimination and harassment, including prohibitions against instructors dating students, in its education programs; fully investigate conduct that may constitute sex-based harassment and /or sexual assault; appropriately respond to all conduct that may constitute sex-based harassment and /or sexual assault; and mitigate the effects of harassment and/or assault including by eliminating

any hostile environment that may arise from or contribute to it; statutory interest; Costs; and Reasonable attorney fees.

COUNT ELEVEN
AGGRAVATED ASSAULT
IN VIOLATION OF N.J.S.A. §2C:12-1(b) (3)

99. Plaintiff A.S. repeats and reiterates each and every allegation of the previous counts as if each were set forth at length herein.
100. At all times relevant, Defendant Syers, was an employee of Ocean County Fire Academy and Ocean County Fire and First Aid Training Center.
101. Pursuant to N.J. Stat. Ann. §2C:12-1(b) (3): A person is guilty of aggravated assault if he: Recklessly causes bodily injury to another with a deadly weapon.
102. Defendant Syers used his position of authority to gain access to the Plaintiff, for the purpose of unlawfully causing injury to the Plaintiff without her consent.
103. Defendant Syers used both rope and a belt in manners which were likely to cause significant bodily harm, including but not limited to, death.
104. Defendant Syers, through the use of a rope tied around the Plaintiff A.S.'s neck and through the use of a belt around the Plaintiff A.S.'s neck, strangled the Plaintiff A.S. to the point of unconsciousness for an extended period of time, recklessly

causing injury to the Plaintiff A.S. through the use of deadly weapons.

105. Defendant Syers, as evidenced by his actions, specifically intended to inflict severe physical pain and mental suffering upon the Plaintiff A.S.

106. By prolonging his abusive acts, Defendant Syers caused the Plaintiff A.S. to suffer severe mental pain, including but not limited to, contemplating death as a result of Defendant Syers' acts.

107. Plaintiff A.S. is not an individual who normally contemplates such morbid inclinations, and it is only as a result of Defendant Syers' unconscionable actions that she began to do so.

108. Following this horrific incident, Plaintiff A.S. was diagnosed with Rape Trauma Syndrome, PTSD, depression, and anxiety.

109. As a direct and proximate result of the conduct described herein above, Plaintiff A.S. has and will continue to suffer physical injury; severe emotional distress and anguish; diminished enjoyment of life; difficulty and an inability to focus; difficulty and an inability to perform work-related tasks; anxiety; depression; humiliation; pain in mind and body; severe embarrassment; is having and has had difficulty living a normal life; has not and will not engage in normal activities; will suffer from behavior patterns and will continue to do so in the future; will in the future be caused to endure severe pain in

mind and body; has endured interference with and will continue to endure interference with engaging in her full normal daily activities. Plaintiff A.S.'s self-esteem and ability to trust others has been substantially impaired, needing to obtain help and treatment from professionals and health care professionals in general and will incur medical, hospital and psychiatric expenses in amounts yet to be determined.

110. Defendant Syer and all defendants are responsible for aggravated assault of the Plaintiff A.S. All Defendants acted carelessly, recklessly, negligently, and grossly negligent, and caused or allowed to be caused great harm to Plaintiff A.S. by allowing the aggravated assault to occur.

WHEREFORE, Plaintiff A.S. respectfully requests judgment in her favor and against all Defendants for compensatory damages for Plaintiff A.S.'s psychological and emotional distress and damages, loss of standing in her community, damage to her reputation, and her unreimbursed out of pocket expenses incurred in response to these circumstances; Punitive damages; Injunctive relief requiring Defendant Academy to take effective steps to prevent sex-based discrimination and harassment, including prohibitions against instructors dating students, in its education programs; fully investigate conduct that may constitute sex-based harassment and /or sexual assault; appropriately respond to all conduct that may constitute sex-

based harassment and /or sexual assault; and mitigate the effects of harassment and/or assault including by eliminating any hostile environment that may arise from or contribute to it; statutory interest; Costs; and Reasonable attorney fees.

COUNT TWELVE
AGGRAVATED ASSAULT
IN VIOLATION OF N.J.S.A. §2C:12-1(b)(7)

111. Plaintiff A.S. repeats and reiterates each and every allegation of the previous counts as if each were set forth at length herein.
112. Pursuant to N.J. Stat. Ann. §2C:12-1(b)(7): A person is guilty of aggravated assault if he: Attempts to cause significant bodily injury to another or causes significant bodily injury purposely or knowingly or, under circumstances manifesting extreme indifference to the value of human life recklessly causes such significant bodily injury.
113. Defendant Syers used his position of authority to gain access to the Plaintiff, for the purpose of unlawfully causing injury to the plaintiff.
114. Defendant Syers, by painfully binding the Plaintiff A.S., burning the Plaintiff A.S., sexually abusing the Plaintiff A.S., raping the Plaintiff A.S. orally, anally, and vaginally, for 46 minutes straight, and strangling the Plaintiff A.S. to the point of unconsciousness for an extended period of time, knowingly or

recklessly caused or attempted to cause significant bodily injury to the Plaintiff A.S.

115. Defendant Syers, as evidenced by his actions, specifically intended to inflict severe physical pain and mental suffering upon the Plaintiff A.S.

116. By prolonging his abusive acts, Defendant Syers caused the Plaintiff A.S. to suffer severe mental pain, including but not limited to, contemplating death as a result of Defendant Syers' acts.

117. Plaintiff A.S. is not an individual who normally contemplates such morbid inclinations, and it is only as a result of Defendant Syers' unconscionable actions that she began to do so.

118. Following this horrific incident, Plaintiff A.S. was diagnosed with Rape Trauma Syndrome, PTSD, depression, and anxiety.

119. As a direct and proximate result of the conduct described herein above, Plaintiff A.S. has and will continue to suffer physical injury; severe emotional distress and anguish; diminished enjoyment of life; difficulty and an inability to focus; difficulty and an inability to perform work-related tasks; anxiety; depression; humiliation; pain in mind and body; severe embarrassment; is having and has had difficulty living a normal life; has not and will not engage in normal activities; will suffer from behavior patterns and will continue to do so in the future; will in the future be caused to endure severe pain in

mind and body; has endured interference with and will continue to endure interference with engaging in her full normal daily activities. Plaintiff A.S.'s self-esteem and ability to trust others has been substantially impaired, needing to obtain help and treatment from professionals and health care professionals in general and will incur medical, hospital and psychiatric expenses in amounts yet to be determined.

120. Defendant Syer and all defendants are responsible for aggravated assault of the Plaintiff A.S. All Defendants acted carelessly, recklessly, negligently, and grossly negligent, and caused or allowed to be caused great harm to Plaintiff A.S. by allowing the aggravated assault to occur.

WHEREFORE, Plaintiff A.S. respectfully requests judgment in her favor and against all Defendants for compensatory damages for Plaintiff A.S.'s psychological and emotional distress and damages, loss of standing in her community, damage to her reputation, and her unreimbursed out of pocket expenses incurred in response to these circumstances; Punitive damages; Injunctive relief requiring Defendant Academy to take effective steps to prevent sex-based discrimination and harassment, including prohibitions against instructors dating students, in its education programs; fully investigate conduct that may constitute sex-based harassment and /or sexual assault; appropriately respond to all conduct that may constitute sex-

based harassment and /or sexual assault; and mitigate the effects of harassment and/or assault including by eliminating any hostile environment that may arise from or contribute to it; statutory interest; Costs; and Reasonable attorney fees.

COUNT THIRTEEN
AGGRAVATED ASSAULT
IN VIOLATION OF N.J.S.A. §2C:12-1(b) (12)

121. Plaintiff A.S. repeats and reiterates each and every allegation of the previous counts as if each were set forth at length herein.

122. Pursuant to N.J. Stat. Ann. §2C:12-1(b) (12): A person is guilty of aggravated assault if he: Attempts to cause significant bodily injury or causes significant bodily injury purposely or knowingly or, under circumstances manifesting extreme indifference to the value of human life, recklessly causes significant bodily injury to a person who, with respect to the actor, meets the definition of a victim of domestic violence.

123. Defendant Syers used his position of authority to gain access to the Plaintiff, for the purpose of unlawfully causing injury to the plaintiff.

124. Defendant Syers, by painfully binding the Plaintiff A.S., burning the Plaintiff A.S., sexually abusing the Plaintiff A.S., raping the Plaintiff A.S. orally, anally, and vaginally, for 46 minutes straight, and strangling the Plaintiff A.S. to the point

of unconsciousness for an extended period of time, knowingly or recklessly caused or attempted to cause significant bodily injury to the Plaintiff A.S.

125. Defendant Syers, as evidenced by his actions, specifically intended to inflict severe physical pain and mental suffering upon the Plaintiff A.S.

126. By prolonging his abusive acts, Defendant Syers caused the Plaintiff A.S. to suffer severe mental pain, including but not limited to, contemplating death as a result of Defendant Syers' acts.

127. Plaintiff A.S. is not an individual who normally contemplates such morbid inclinations, and it is only as a result of Defendant Syers' unconscionable actions that she began to do so.

128. Following this horrific incident, Plaintiff A.S. was diagnosed with Rape Trauma Syndrome, PTSD, depression, and anxiety.

129. As a direct and proximate result of the conduct described herein above, Plaintiff A.S. has and will continue to suffer physical injury; severe emotional distress and anguish; diminished enjoyment of life; difficulty and an inability to focus; difficulty and an inability to perform work-related tasks; anxiety; depression; humiliation; pain in mind and body; severe embarrassment; is having and has had difficulty living a normal life; has not and will not engage in normal activities; will suffer from behavior patterns and will continue to do so in the

future; will in the future be caused to endure severe pain in mind and body; has endured interference with and will continue to endure interference with engaging in her full normal daily activities. Plaintiff A.S.'s self-esteem and ability to trust others has been substantially impaired, needing to obtain help and treatment from professionals and health care professionals in general and will incur medical, hospital and psychiatric expenses in amounts yet to be determined.

130. Defendant Syer and all defendants are responsible for aggravated assault of the Plaintiff A.S. All Defendants acted carelessly, recklessly, negligently, and grossly negligent, and caused or allowed to be caused great harm to Plaintiff A.S. by allowing the aggravated assault to occur.

WHEREFORE, Plaintiff A.S. respectfully requests judgment in her favor and against all Defendants for compensatory damages for Plaintiff A.S.'s psychological and emotional distress and damages, loss of standing in her community, damage to her reputation, and her unreimbursed out of pocket expenses incurred in response to these circumstances; Punitive damages; Injunctive relief requiring Defendant Academy to take effective steps to prevent sex-based discrimination and harassment, including prohibitions against instructors dating students, in its education programs; fully investigate conduct that may constitute sex-based harassment and /or sexual assault;

appropriately respond to all conduct that may constitute sex-based harassment and /or sexual assault; and mitigate the effects of harassment and/or assault including by eliminating any hostile environment that may arise from or contribute to it; statutory interest; Costs; and Reasonable attorney fees.

COUNT FOURTEEN
AGGRAVATED ASSAULT
IN VIOLATION OF N.J.S.A. §2C:12-1(b) (13)

131. Plaintiff A.S. repeats and reiterates each and every allegation of the previous counts as if each were set forth at length herein.

132. Pursuant to N.J. Stat. Ann. §2C:12-1(b) (13): A person is guilty of aggravated assault if he: Knowingly or, under circumstances manifesting extreme indifference to the value of human life, recklessly obstructs the breathing or blood circulation of a person who, with respect to the actor, meets the definition of a victim of domestic violence by applying pressure on the throat or neck or blocking the nose or mouth of such person, thereby causing or attempting to cause bodily injury.

133. Defendant Syers used his position of authority to gain access to the Plaintiff, for the purpose of unlawfully causing injury to the plaintiff.

134. Defendant Syers, by painfully binding the Plaintiff A.S., burning the Plaintiff A.S., sexually abusing the Plaintiff A.S.,

raping the Plaintiff A.S. orally, anally, and vaginally, for 46 minutes straight, and strangling the Plaintiff A.S. to the point of unconsciousness for an extended period of time, knowingly or recklessly caused or attempted to cause significant bodily injury to the Plaintiff A.S.

135. Defendant Syers, as evidenced by his actions, specifically intended to inflict severe physical pain and mental suffering upon the Plaintiff A.S.

136. By prolonging his abusive acts, Defendant Syers caused the Plaintiff A.S. to suffer severe mental pain, including but not limited to, contemplating death as a result of Defendant Syers' acts.

137. Plaintiff A.S. is not an individual who normally contemplates such morbid inclinations, and it is only as a result of Defendant Syers' unconscionable actions that she began to do so.

138. Following this horrific incident, Plaintiff A.S. was diagnosed with Rape Trauma Syndrome, PTSD, depression, and anxiety.

139. As a direct and proximate result of the conduct described herein above, Plaintiff A.S. has and will continue to suffer physical injury; severe emotional distress and anguish; diminished enjoyment of life; difficulty and an inability to focus; difficulty and an inability to perform work-related tasks; anxiety; depression; humiliation; pain in mind and body; severe embarrassment; is having and has had difficulty living a normal

life; has not and will not engage in normal activities; will suffer from behavior patterns and will continue to do so in the future; will in the future be caused to endure severe pain in mind and body; has endured interference with and will continue to endure interference with engaging in her full normal daily activities. Plaintiff A.S.'s self-esteem and ability to trust others has been substantially impaired, needing to obtain help and treatment from professionals and health care professionals in general and will incur medical, hospital and psychiatric expenses in amounts yet to be determined.

140. Defendant Syer and all defendants are responsible for aggravated assault of the Plaintiff A.S. All Defendants acted carelessly, recklessly, negligently, and grossly negligent, and caused or allowed to be caused great harm to Plaintiff A.S. by allowing the aggravated assault to occur.

WHEREFORE, Plaintiff A.S. respectfully requests judgment in her favor and against all Defendants for compensatory damages for Plaintiff A.S.'s psychological and emotional distress and damages, loss of standing in her community, damage to her reputation, and her unreimbursed out of pocket expenses incurred in response to these circumstances; Punitive damages; Injunctive relief requiring Defendant Academy to take effective steps to prevent sex-based discrimination and harassment, including prohibitions against instructors dating students, in its

education programs; fully investigate conduct that may constitute sex-based harassment and /or sexual assault; appropriately respond to all conduct that may constitute sex-based harassment and /or sexual assault; and mitigate the effects of harassment and/or assault including by eliminating any hostile environment that may arise from or contribute to it; statutory interest; Costs; and Reasonable attorney fees.

COUNT FIFTEEN
DOMESTIC VIOLENCE

141. Plaintiff A.S. repeats and reiterates each and every allegation of the previous counts as if each were set forth at length herein.
142. Pursuant to N.J. Stat. Ann. §2C:25-19(d) a "victim of domestic violence" includes any person who has been subjected to domestic violence by a person with whom the victim has had a dating relationship.
143. Defendant Syers in the course of their relationship unlawfully caused injury to the plaintiff.
144. Defendant Syers, by painfully binding the Plaintiff A.S., burning the Plaintiff A.S., sexually abusing the Plaintiff A.S., raping the Plaintiff A.S. orally, anally, and vaginally, for 46 minutes straight, and strangling the Plaintiff A.S. to the point of unconsciousness for an extended period of time, knowingly or

recklessly caused or attempted to cause significant bodily injury to the Plaintiff A.S.

145. Defendant Syers, as evidenced by his actions, specifically intended to inflict severe physical pain and mental suffering upon the Plaintiff A.S.

146. By prolonging his abusive acts, Defendant Syers caused the Plaintiff A.S. to suffer severe mental pain, including but not limited to, contemplating death as a result of Defendant Syers' acts.

147. Plaintiff A.S. is not an individual who normally contemplates such morbid inclinations, and it is only as a result of Defendant Syers' unconscionable actions that she began to do so.

148. Following this horrific incident, Plaintiff A.S. was diagnosed with Rape Trauma Syndrome, PTSD, depression, and anxiety.

149. As a direct and proximate result of the conduct described herein above, Plaintiff A.S. has and will continue to suffer physical injury; severe emotional distress and anguish; diminished enjoyment of life; difficulty and an inability to focus; difficulty and an inability to perform work-related tasks; anxiety; depression; humiliation; pain in mind and body; severe embarrassment; is having and has had difficulty living a normal life; has not and will not engage in normal activities; will suffer from behavior patterns and will continue to do so in the future; will in the future be caused to endure severe pain in

mind and body; has endured interference with and will continue to endure interference with engaging in her full normal daily activities. Plaintiff A.S.'s self-esteem and ability to trust others has been substantially impaired, needing to obtain help and treatment from professionals and health care professionals in general and will incur medical, hospital and psychiatric expenses in amounts yet to be determined.

150. Defendant Syer and all defendants are responsible for the domestic violence against the Plaintiff A.S. All Defendants acted carelessly, recklessly, negligently, and grossly negligent, and caused or allowed to be caused great harm to Plaintiff A.S. by allowing the domestic violence to occur.

WHEREFORE, Plaintiff A.S. respectfully requests judgment in her favor and against all Defendants for compensatory damages for Plaintiff A.S.'s psychological and emotional distress and damages, loss of standing in her community, damage to her reputation, and her unreimbursed out of pocket expenses incurred in response to these circumstances; Punitive damages; Injunctive relief requiring Defendant Academy to take effective steps to prevent sex-based discrimination and harassment, including prohibitions against instructors dating students, in its education programs; fully investigate conduct that may constitute sex-based harassment and/or sexual assault; appropriately respond to all conduct that may constitute sex-

based harassment and /or sexual assault; and mitigate the effects of harassment and/or assault including by eliminating any hostile environment that may arise from or contribute to it; statutory interest; Costs; and Reasonable attorney fees.

COUNT SIXTEEN
SEXUAL BATTERY

151. Plaintiff repeats and reiterates all of the allegations contained in the previous counts and/or paragraphs as if set forth at length herein.

152. At all times relevant, Defendant Syers, was an employee of Ocean County Fire Academy and Ocean County Fire and First Aid Training Center.

153. Defendant, John Syers, Jr. used his position of authority to gain access to Plaintiff, to engage in unlawful sexual contact with the Plaintiff without her consent.

154. During the relevant times alleged herein Defendant Syers purposefully, knowingly, intentionally, carelessly, recklessly, and negligently caused harm to plaintiff, A.S. by an act of sexual contact or sexual penetration for sexual gratification by duress and force.

155. During the relevant times alleged herein Defendant Syers purposefully, knowingly, intentionally, carelessly, recklessly, and negligently caused harm to plaintiff by an act of intentional touching, sexual contact, and/or sexual penetration

of A.S.'s intimate parts for the purpose of sexually arousing or sexually gratifying the Defendant Syers, by duress and force.

156. During the relevant times alleged herein Defendant Syers purposefully, knowingly, intentionally, carelessly, recklessly, and negligently caused harm to plaintiff by sexually contacting, battering, harassing, touching, penetrating plaintiff, A.S. for sexual gratification by duress and force.

157. During the relevant times alleged herein, Defendant Syers fondled and groped the plaintiff for the purpose of sexually arousing or gratifying himself.

158. As a direct and proximate result of the conduct described herein above, Plaintiff has and will continue to suffer physical injury; severe emotional distress and anguish; diminished enjoyment of life; difficulty and an inability to focus; difficulty and an inability to perform work-related tasks; anxiety; depression; humiliation; pain in mind and body; severe embarrassment; is having and has had difficulty living a normal life; has not and will not engage in normal activities; will suffer from behavior patterns and will continue to do so in the future; will in the future be caused to endure severe pain in mind and body; has endured interference with and will continue to endure interference with engaging in her full normal daily activities. Plaintiff's self-esteem and ability to trust others has been substantially impaired, needing to obtain help and

treatment from professionals and health care professionals in general and may incur medical, hospital and psychiatric expenses in amounts yet to be determined.

159. All defendants are responsible for sexual battery of Plaintiff. All defendants acted carelessly, recklessly, negligently, and grossly negligent, and caused or allowed to be caused great harm to plaintiff by allowing the sexual battery of the plaintiff.

WHEREFORE, Plaintiff hereby demands judgment against Defendants for compensatory and punitive damages, interest, costs of suit, attorneys' fees and such other relief as the Court or Jury may deem proper.

COUNT SEVENTEEN
CIVIL BATTERY

160. Plaintiff repeats and reiterates all of the allegations contained in the previous counts and/or paragraphs as if set forth at length herein.

161. At all times relevant, Defendant Syers, was an employee of Ocean County Fire Academy and Ocean County Fire and First Aid Training Center.

162. Defendant, John Syers, Jr. used his position of authority to gain access to Plaintiff, to engage in unlawful sexual contact with the Plaintiff without her consent.

163. Defendants caused actual harmful and offensive touching of Plaintiff with the intent to cause offensive touching of Plaintiff.

164. Defendants' actions would be offensive to a person with a reasonable sense of personal dignity.

165. Plaintiff did not consent and could not consent to the touching which was against her will and any failure to report the incidents was the result of overwhelming mental duress, undue influence and coercion.

166. Defendants' actions were outrageous, and constituted a wanton and reckless disregard to Plaintiff's health and well-being.

167. As a direct and proximate result of the conduct described herein above, Plaintiff has and will continue to suffer physical injury; severe emotional distress and anguish; diminished enjoyment of life; difficulty and an inability to focus; difficulty and an inability to perform work-related tasks; anxiety; depression; humiliation; pain in mind and body; severe embarrassment; is having and has had difficulty living a normal life; has not and will not engage in normal activities; will suffer from behavior patterns and will continue to do so in the future; will in the future be caused to endure severe pain in mind and body; has endured interference with and will continue to endure interference with engaging in her full normal daily activities. Plaintiff's self-esteem and ability to trust others

has been substantially impaired, needing to obtain help and treatment from professionals and health care professionals in general and may incur medical, hospital and psychiatric expenses in amounts yet to be determined.

168. All defendants are responsible for Civil Battery of Plaintiff. All defendants acted carelessly, recklessly, negligently, and grossly negligent, and caused or allowed to be caused great harm to plaintiff by allowing the battery of the plaintiff.

WHEREFORE, Plaintiff hereby demands judgment against Defendants for compensatory and punitive damages, interest, costs of suit, attorneys' fees and such other relief as the Court or Jury may deem proper.

COUNT EIGHTEEN
ASSAULT

169. Plaintiff A.S. repeats and reiterates all of the allegations contained in the previous counts and/or paragraphs as if set forth at length herein.

170. At all times relevant, Defendant Syers, was an employee of Defendant Ocean County Fire Academy and Ocean County Fire and First Aid Training Center.

171. Defendants Ocean County Fire Academy and Ocean County Fire and First Aid Training Center are operated under the purview of Defendant Ocean County Board of Chosen Freeholders.

172. At all times relevant, John Syers, Jr., was an employee of Ocean County Fire Academy and Ocean County Fire and First Aid Training Center.

173. Defendant, John Syers, Jr. used his position of authority to gain access to Plaintiff, to engage in unlawful sexual contact with the Plaintiff without her consent.

174. In New Jersey a person is guilty of simple assault if they attempt to cause or purposely, knowingly, or recklessly cause bodily injury to another, negligently cause bodily injury to another by physical menace, or put another in fear of imminent serious bodily injury.

175. All Defendants acted with the purposeful, knowing, reckless, negligent intent to cause harm and/or offensive contact to Plaintiff A.S. and thereby put her in imminent apprehension and fear for her well-being.

176. All Defendants' actions would be offensive to a person with a reasonable sense of personal dignity.

177. Plaintiff A.S. did not consent to the acts and any purported consent was secured through fraud, deception, and undue influence, coercion and duress thereby rendering it void.

178. Defendants' actions were outrageous, and constituted a wanton and reckless disregard to Plaintiff A.S.'s health and well-being.

179. As a direct and proximate result of the conduct described herein above, Plaintiff A.S. has and will continue to suffer physical injury; severe emotional distress and anguish; diminished enjoyment of life; difficulty and an inability to focus; difficulty and an inability to perform occupational and recreational tasks; anxiety; depression; humiliation; pain in mind and body; severe embarrassment; is having and has had difficulty living a normal life; has not and will not engage in normal activities; will suffer from anxiety and will continue to do so in the future; will in the future be caused to endure severe pain in mind and body; has endured interference with and will continue to endure interference with engaging in her full normal daily activities. Plaintiff A.S.'s self-esteem and ability to trust others has been substantially impaired, needing to obtain help and treatment from professionals and health care professionals in general and may incur medical, hospital and psychiatric expenses in amounts yet to be determined.

180. The actions of the defendants, as alleged herein shattered the natural human trust inherent in a person's interactions and relationships with others, thereby causing and contributing to psychological injuries to Plaintiff A.S., necessitating the need for psychological care and treatment, which will continue into the future, resulting in loss of earnings and loss of future earning capacity and was caused to sustain other great losses

all contributing to her damages in dollar sum subject to proof at the time of trial.

181. All defendants acted purposefully, intentionally, knowingly, carelessly, recklessly, negligently, and grossly negligent, and caused or allowed to be caused great harm to Plaintiff A.S. by allowing or perpetuating assault and sexual abuse of the Plaintiff A.S.

WHEREFORE, Plaintiff A.S. hereby demands judgment against Defendants for compensatory and punitive damages, interest, costs of suit, attorneys' fees and such other relief as the Court or Jury may deem proper.

COUNT NINETEEN
FALSE IMPRISONMENT

182. Plaintiff repeats and reiterates all of the allegations contained in the previous counts and/or paragraphs as if set forth at length herein.

183. At all times relevant, Defendant Syers, was an employee of Ocean County Fire Academy and Ocean County Fire and First Aid Training Center.

184. Defendant, John Syers, Jr. used his position of authority to gain access to Plaintiff, to engage in unlawful sexual contact with the Plaintiff without her consent.

185. At all times relevant hereto, while Defendant Syers perpetrated his sexual battery, sexual assault, battery and assault, of the

plaintiff, the defendant knowingly restrained Plaintiff unlawfully, interfering substantially with her liberty for the purpose of sexually assaulted her.

186. The circumstances under which defendant restrained the Plaintiff, by tying her up, exposed her to risk of serious bodily injury.

187. As a direct and proximate result of the conduct described herein above, Plaintiff has and will continue to suffer physical injury; severe emotional distress and anguish; diminished enjoyment of life; difficulty and an inability to focus; difficulty and an inability to perform work-related tasks; anxiety; depression; humiliation; pain in mind and body; severe embarrassment; is having and has had difficulty living a normal life; has not and will not engage in normal activities; will suffer from behavior patterns and will continue to do so in the future; will in the future be caused to endure severe pain in mind and body; has endured interference with and will continue to endure interference with engaging in her full normal daily activities. Plaintiff's self-esteem and ability to trust others has been substantially impaired, needing to obtain help and treatment from professionals and health care professionals in general and may incur medical, hospital and psychiatric expenses in amounts yet to be determined.

188. All defendants are responsible for false imprisonment of Plaintiff. All defendants acted carelessly, recklessly, negligently, and grossly negligent, and caused or allowed to be caused great harm to plaintiff by allowing the false imprisonment of the plaintiff.

WHEREFORE, Plaintiff hereby demands judgment against Defendants for compensatory and punitive damages, interest, costs of suit, attorneys' fees and such other relief as the Court or Jury may deem proper.

COUNT TWENTY
INVASION OF PRIVACY

189. Plaintiff repeats and reiterates all of the allegations contained in the previous counts and/or paragraphs as if set forth at length herein.

190. Defendants intentionally intruded upon the plaintiff physically or otherwise, upon the solitude or seclusion of her private affairs or concerns, which was highly offensive to a reasonable person. Bisbee v. John C. Conover Agency, Inc., 186 N.J. Super. 335, 339 (1982) (quoting Restatement (Second) of Torts, supra, § 652B).

191. Defendant, John Syers, Jr. used his position of authority to gain access to Plaintiff, to engage in unlawful sexual contact with the Plaintiff without her consent.

192. Defendants violated the reasonable expectation of privacy to not be photographed by Plaintiff in compromising and vulnerable poses against her will after the Defendant had tied up, undressed, touched, and penetrated the Plaintiff.

193. As a direct and proximate result of the conduct described herein above, Plaintiff has and will continue to suffer physical injury; severe emotional distress and anguish; diminished enjoyment of life; difficulty and an inability to focus; difficulty and an inability to perform work-related tasks; anxiety; depression; humiliation; pain in mind and body; severe embarrassment; is having and has had difficulty living a normal life; has not and will not engage in normal activities; will suffer from behavior patterns and will continue to do so in the future; will in the future be caused to endure severe pain in mind and body; has endured interference with and will continue to endure interference with engaging in her full normal daily activities. Plaintiff's self-esteem and ability to trust others has been substantially impaired, needing to obtain help and treatment from professionals and health care professionals in general and may incur medical, hospital and psychiatric expenses in amounts yet to be determined.

194. All defendants are responsible for Plaintiff's invasion of privacy. All defendants acted carelessly, recklessly, negligently, and grossly negligent, and caused or allowed to be

caused great harm to plaintiff by allowing the invasion of the plaintiff's privacy.

WHEREFORE, Plaintiff hereby demands judgment against Defendants for compensatory and punitive damages, interest, costs of suit, attorneys' fees and such other relief as the Court or Jury may deem proper.

COUNT TWENTY-ONE
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

195. Plaintiff repeats and reiterates all of the allegations contained in the previous counts and/or paragraphs as if set forth at length herein.

196. At all times relevant, Defendant Syers, was an employee of Ocean County Fire Academy and Ocean County Fire and First Aid Training Center

197. Defendant, John Syers, Jr. used his position of authority to gain access to Plaintiff, to engage in unlawful sexual contact with the Plaintiff without her consent.

198. Defendant Syers by duress and intimidation, caused Plaintiff to engage in sexual contact with him, which included the humiliating acts set forth in previous counts of this Complaint, including, but not limited to, all for the sexual gratification of defendant, John Syers, Jr.

199. The sexual abuse of Plaintiff by defendants proximately caused the plaintiff to suffer extreme humiliation and anxiety, severe

emotional distress and mental anguish and other physical and psychological injuries including repression of memory.

200. Defendants acted either intentionally or recklessly and knew or should have known that the inappropriate sexual touching and other misconduct in their relationships with Plaintiff would result in serious emotional distress to Plaintiff beyond what a normal person could be expected to endure.

201. The sexual misconduct of defendants alleged herein exceeded all possible bounds of human decency and was outrageous and unacceptable in a civilized society.

202. As a direct and proximate result of the conduct described herein above, Plaintiff has and will continue to suffer physical injury; severe emotional distress and anguish; diminished enjoyment of life; difficulty and an inability to focus; difficulty and an inability to perform work-related tasks; anxiety; depression; humiliation; pain in mind and body; severe embarrassment; is having and has had difficulty living a normal life; has not and will not engage in normal activities; will suffer from behavior patterns and will continue to do so in the future; will in the future be caused to endure severe pain in mind and body; has endured interference with and will continue to endure interference with engaging in her full normal daily activities. Plaintiff's self-esteem and ability to trust others has been substantially impaired, needing to obtain help and

treatment from professionals and health care professionals in general and may incur medical, hospital and psychiatric expenses in amounts yet to be determined.

203. All defendants are responsible for Plaintiff's intentional infliction of emotional distress. All defendants acted carelessly, recklessly, negligently, and grossly negligent, and caused or allowed to be caused great harm to plaintiff through intentional infliction of emotional distress.

WHEREFORE, Plaintiff hereby demands judgment against Defendants for compensatory and punitive damages, interest, costs of suit, attorneys' fees and such other relief as the Court or Jury may deem proper.

COUNT TWENTY-TWO
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

204. Plaintiff repeats and reiterates all of the allegations contained in the previous counts and/or paragraphs as if set forth at length herein.

205. At all times relevant, Defendant Syers, was an employee of Ocean County Fire Academy and Ocean County Fire and First Aid Training Center.

206. Defendant, John Syers, Jr. used his position of authority to gain access to Plaintiff, to engage in unlawful sexual contact with the Plaintiff without her consent.

207. Defendant Syers by duress and intimidation, caused Plaintiff to engage in sexual contact with him, which included the humiliating acts set forth in previous counts of this Complaint, including, but not limited to, all for the sexual gratification of defendant, John Syers, Jr.
208. The sexual abuse of Plaintiff by Defendants proximately caused the plaintiff to suffer extreme humiliation and anxiety, severe emotional distress and mental anguish and other physical and psychological injuries including repression of memory.
209. Defendants acted carelessly, negligently, or recklessly and knew or should have known that the inappropriate sexual touching, sexual assault, and other misconduct in their relationships with Plaintiff would result in serious emotional distress to Plaintiff beyond what a normal person could be expected to endure.
210. The sexual misconduct of defendants alleged herein exceeded all possible bounds of human decency and was outrageous and unacceptable in a civilized society.
211. As a direct and proximate result of the conduct described herein above, Plaintiff has and will continue to suffer physical injury; severe emotional distress and anguish; diminished enjoyment of life; difficulty and an inability to focus; difficulty and an inability to perform work-related tasks; anxiety; depression; humiliation; pain in mind and body; severe

embarrassment; is having and has had difficulty living a normal life; has not and will not engage in normal activities; will suffer from behavior patterns and will continue to do so in the future; will in the future be caused to endure severe pain in mind and body; has endured interference with and will continue to endure interference with engaging in her full normal daily activities. Plaintiff's self-esteem and ability to trust others has been substantially impaired, needing to obtain help and treatment from professionals and health care professionals in general and may incur medical, hospital and psychiatric expenses in amounts yet to be determined.

212. All defendants are responsible for Plaintiff's intentional infliction of emotional distress. All defendants acted carelessly, recklessly, negligently, and grossly negligent, and caused or allowed to be caused great harm to plaintiff through negligent infliction of emotional distress.

WHEREFORE, Plaintiff hereby demands judgment against Defendants for compensatory and punitive damages, interest, costs of suit, attorneys' fees and such other relief as the Court or Jury may deem proper.

COUNT TWENTY-THREE
NEGLIGENT HIRING

213. Plaintiff repeats and reiterates all of the allegations contained in the previous counts and/or paragraphs as if set forth at length herein.

214. Defendants John Syers, Jr., was hired by Defendant Ocean County Fire Academy and Ocean County Fire and First Aid Training Center.

215. At all times relevant, Defendant Syers, was an employee of Ocean County Fire Academy and Ocean County Fire and First Aid Training Center.

216. Defendant, John Syers, Jr. used his position of authority to gain access to Plaintiff, to engage in unlawful sexual contact with the Plaintiff without her consent.

217. Defendant Ocean County Board of Chosen Freeholders entrusted Defendants Ocean County Fire Academy and Ocean County Fire and First Aid Training Center, who hired Defendant Syers

218. Defendants Ocean County Fire Academy and Ocean County Fire and First Aid Training Center and Defendant Ocean County Board of Chosen Freeholders as an employer, at the time of hiring employees, Defendant Syers, had reason to believe, or could have determined by reasonable investigation, that the employee was dangerous and/or ill-equipped to handle and perform their duties

and hired them anyway, which proximately caused injury to A.S. DiCosala v. Kay, 91 N.J. 159, 173-74 (1982).

219. Defendants Ocean County Fire Academy and Ocean County Fire and First Aid Training Center and Defendant Ocean County Board of Chosen Freeholders as employers knew or had reason to know of the particular unfitness, incompetence or dangerous attributes of the employee, Defendant Syers

220. Defendant Ocean County Fire Academy and Ocean County Fire and First Aid Training Center and Defendant Ocean County Board of Chosen Freeholders as employers could have reasonably foreseen that hiring a person with the attributes of the employee, John Syers, Jr. created a risk of harm to others, whether on or off the premises.

221. Defendants John Syers, Jr. and his supervisors at the Ocean County Fire Academy and Ocean County Fire and First Aid Training Center showed a risk of harm that was foreseeable and carelessly, negligently, and recklessly disregarded.

222. Defendant Ocean County Fire Academy and Ocean County Fire and First Aid Training Center, and the Ocean County Board of Chosen Freeholders, acted carelessly, recklessly, negligently, and grossly negligent, and caused or allowed to be caused great harm to plaintiff by hiring the Defendant Syers

223. As a direct and proximate result of the conduct described herein above, Plaintiff has and will continue to suffer physical

injury; severe emotional distress and anguish; diminished enjoyment of life; difficulty and an inability to focus; difficulty and an inability to perform work-related tasks; anxiety; depression; humiliation; pain in mind and body; severe embarrassment; is having and has had difficulty living a normal life; has not and will not engage in normal activities; will suffer from behavior patterns and will continue to do so in the future; will in the future be caused to endure severe pain in mind and body; has endured interference with and will continue to endure interference with engaging in her full normal daily activities. Plaintiff's self-esteem and ability to trust others has been substantially impaired, needing to obtain help and treatment from professionals and health care professionals in general and may incur medical, hospital and psychiatric expenses in amounts yet to be determined.

224. All defendants are responsible for Plaintiff's intentional infliction of emotional distress. All defendants acted carelessly, recklessly, negligently, and grossly negligent, and caused or allowed to be caused great harm to plaintiff through negligent infliction of emotional distress.

WHEREFORE, Plaintiff hereby demands judgment against Defendants for compensatory and punitive damages, interest, costs of suit, attorneys' fees and such other relief as the Court or Jury may deem proper.

COUNT TWENTY-FOUR
NEGLIGENT SUPERVISION

225. Plaintiff repeats and reiterates all of the allegations contained in the previous counts and/or paragraphs as if set forth at length herein.

226. Defendants John Syers, Jr., was hired by Defendant Ocean County Fire Academy and Ocean County Fire and First Aid Training Center.

227. At all times relevant, Defendant Syers, was an employee of Ocean County Fire Academy and Ocean County Fire and First Aid Training Center.

228. Defendant, John Syers, Jr. used his position of authority to gain access to Plaintiff, to engage in unlawful sexual contact with the Plaintiff without her consent.

229. By hiring the Defendant Syers, the Defendants Ocean County Fire Academy, Ocean County Fire and First Aid Training Center, and the Ocean County Board of Chosen Freeholders accepted the responsibility of supervising the employee.

230. Defendants Ocean County Fire Academy, Ocean County Fire and First Aid Training Center, and the Ocean County Board of Chosen Freeholders the employees, managers, training staff, and/or supervisors failed to properly monitor the Defendant Employee. Based on external factors and the entirety of the circumstances, a reasonable person would expect a higher level of supervision.

231. Plaintiff sustained injuries, which was a direct result of the failure to supervise, and the apparent authority Ocean County Fire Academy and Ocean County Fire and First Aid Training Center granted Defendant Syers

232. Defendants Ocean County Fire Academy, Ocean County Fire and First Aid Training Center, and the Ocean County Board of Chosen Freeholders failed to maintain and implement a practical sexual abuse/harassment policy, which is evidenced by the failures of anyone to take requisite steps to investigate and/or reprimand John Syers, Jr. for the sexual abuse of A.S.

233. Plaintiff's injury was foreseeable. A reasonable supervisor could have seen this incident coming and prevented it from happening and/or would have investigated the sexual abuse once gaining knowledge of it.

234. If there was proper supervision, plaintiff would not have been sexually assaulted by Defendant Syers. Rather, Defendant Syers was granted unfettered access to plan and commit a premeditated scheme to sexually assault A.S.

235. Had there been proper supervision, the incident would have been investigated immediately upon discovery by the Ocean County Fire Academy, The Ocean County Fire and First Aid Training Center, and/or The Board of Chosen Freeholders.

236. As a direct and proximate result of the conduct described herein above, Plaintiff has and will continue to suffer physical

injury; severe emotional distress and anguish; diminished enjoyment of life; difficulty and an inability to focus; difficulty and an inability to perform work-related tasks; anxiety; depression; humiliation; pain in mind and body; severe embarrassment; is having and has had difficulty living a normal life; has not and will not engage in normal activities; will suffer from behavior patterns and will continue to do so in the future; will in the future be caused to endure severe pain in mind and body; has endured interference with and will continue to endure interference with engaging in her full normal daily activities. Plaintiff's self-esteem and ability to trust others has been substantially impaired, needing to obtain help and treatment from professionals and health care professionals in general and may incur medical, hospital and psychiatric expenses in amounts yet to be determined.

237. Defendant Ocean County Fire Academy and Ocean County Fire and First Aid Training Center, and the Ocean County Board of Chosen Freeholders acted carelessly, recklessly, negligently, and grossly negligent, and caused or allowed to be caused great harm to plaintiff by failing to supervise their employee the Defendant Syers

WHEREFORE, Plaintiff hereby demands judgment against Defendants for compensatory and punitive damages, interest,

costs of suit, attorneys' fees and such other relief as the Court or Jury may deem proper.

COUNT TWENTY-FIVE
NEGLIGENT RETENTION

238. Plaintiff repeats and reiterates all of the allegations contained in the previous counts and/or paragraphs as if set forth at length herein.

239. Defendant Syers was hired by Defendant Ocean County Fire Academy and Ocean County Fire and First Aid Training Center.

240. At all times relevant, Defendant Syers, was an employee of Ocean County Fire Academy and Ocean County Fire and First Aid Training Center.

241. Defendant, John Syers, Jr. used his position of authority to gain access to Plaintiff, to engage in unlawful sexual contact with the Plaintiff without her consent.

242. Defendant Ocean County Fire Academy and Ocean County Fire and First Aid Training Center, and the Ocean County Board of Chosen Freeholders learned of Defendant Syers dangerous propensities.

243. Defendants Ocean County Fire Academy, Ocean County Fire and First Aid Training Center, and the Ocean County Board of Chosen Freeholders negligently retained Defendant Syers after learning of his dangerous propensities after he was hired.

244. Defendants Ocean County Fire Academy, Ocean County Fire and First Aid Training Center, and the Ocean County Board of Chosen

Freeholders, did not take appropriate action to prevent harm to others, such as the plaintiff.

245. Defendants Ocean County Fire Academy, Ocean County Fire and First Aid Training Center, and the Ocean County Board of Chosen Freeholders, facilitated John Syers, Jr.'s predatory behavior.

246. As a direct and proximate result of the conduct described herein above, Plaintiff has and will continue to suffer physical injury; severe emotional distress and anguish; diminished enjoyment of life; difficulty and an inability to focus; difficulty and an inability to perform work-related tasks; anxiety; depression; humiliation; pain in mind and body; severe embarrassment; is having and has had difficulty living a normal life; has not and will not engage in normal activities; will suffer from behavior patterns and will continue to do so in the future; will in the future be caused to endure severe pain in mind and body; has endured interference with and will continue to endure interference with engaging in her full normal daily activities. Plaintiff's self-esteem and ability to trust others has been substantially impaired, needing to obtain help and treatment from professionals and health care professionals in general and may incur medical, hospital and psychiatric expenses in amounts yet to be determined.

247. All Defendants: Ocean County Fire Academy, Ocean County Fire and First Aid Training Center, and the Ocean County Board of Chosen

Freeholders acted carelessly, recklessly, negligently, and grossly negligent, and caused or allowed to be caused great harm to plaintiff by retaining their employee the Defendant Syers after learning of his dangerous propensities.

WHEREFORE, Plaintiff hereby demands judgment against Defendants for compensatory and punitive damages, interest, costs of suit, attorneys' fees and such other relief as the Court or Jury may deem proper.

**COUNT TWENTY-SIX
VICARIOUS LIABILITY**

248. Plaintiff repeats and reiterates all of the allegations contained in the previous counts and/or paragraphs as if set forth at length herein.

249. Defendant Syers, were hired by Defendant Ocean County Fire Academy and Ocean County Fire and First Aid Training Center.

250. At all times relevant, Defendant Syers, was an employee of Ocean County Fire Academy and Ocean County Fire and First Aid Training Center.

251. Defendant, John Syers, Jr. used his position of authority to gain access to Plaintiff, to engage in unlawful sexual contact with the Plaintiff without her consent.

252. Defendant Ocean County Fire Academy and Ocean County Fire and First Aid Training Center, and the Ocean County Board of Chosen Freeholders as employers, hired Defendant Syers to perform

services in the affairs of Ocean County Fire Academy and Ocean County Fire and First Aid Training Center and who with respect to the physical conduct in the performance of the services is subject to Ocean County Fire Academy and Ocean County Fire and First Aid Training Center, the Ocean County Board of Chosen Freeholders control or right to control.

253. Defendant Ocean County Fire Academy and Ocean County Fire and First Aid Training Center, the Ocean County Board of Chosen Freeholders hired the Defendant Syers, and had exercised such control over the details of the work, by which the distinct business all Defendants were engaged in, holding them vicariously liable for the Defendant Employee's actions, which happened through his course of employment.

254. Defendants Ocean County Fire Academy and Ocean County Fire and First Aid Training Center, the Ocean County Board of Chosen Freeholders did not take appropriate action to prevent harm to others, such as the plaintiff, A.S.

255. As a direct and proximate result of the conduct described herein above, Plaintiff has and will continue to suffer physical injury; severe emotional distress and anguish; diminished enjoyment of life; difficulty and an inability to focus; difficulty and an inability to perform work-related tasks; anxiety; depression; humiliation; pain in mind and body; severe embarrassment; is having and has had difficulty living a normal

life; has not and will not engage in normal activities; will suffer from behavior patterns and will continue to do so in the future; will in the future be caused to endure severe pain in mind and body; has endured interference with and will continue to endure interference with engaging in her full normal daily activities. Plaintiff's self-esteem and ability to trust others has been substantially impaired, needing to obtain help and treatment from professionals and health care professionals in general and may incur medical, hospital and psychiatric expenses in amounts yet to be determined.

256. Defendant Ocean County Fire Academy and Ocean County Fire and First Aid Training Center, and the Ocean County Board of Chosen Freeholders acted carelessly, recklessly, negligently, and grossly negligent, and caused or allowed to be caused great harm to plaintiff by retaining employee Defendant Syers, is therefore vicariously liable for their actions against the plaintiff.

WHEREFORE, Plaintiff hereby demands judgment against Defendants for compensatory and punitive damages, interest, costs of suit, attorneys' fees and such other relief as the Court or Jury may deem proper.

COUNT TWENTY-SEVEN
RESPONDEAT SUPERIOR

257. Plaintiff repeats and reiterates all of the allegations contained in the previous counts and/or paragraphs as if set forth at length herein.

258. Defendant Syers, were hired by Defendant Ocean County Fire Academy and Ocean County Fire and First Aid Training Center.

259. At all times relevant, Defendant Syers, was an employee of Ocean County Fire Academy and Ocean County Fire and First Aid Training Center.

260. Defendant, John Syers, Jr. used his position of authority to gain access to Plaintiff, to engage in unlawful sexual contact with the Plaintiff without her consent.

261. At all relevant times, all defendant employees of Ocean County Fire Academy and Ocean County Fire and First Aid Training Center, were acting for, upon, and in furtherance of the business of their employer and within the scope of their employment.

262. As a result, Ocean County Fire Academy and Ocean County Fire and First Aid Training Center, and the Ocean County Board of Chosen Freeholders facilitated John Syers, Jr.'s predatory behavior.

263. Consequently, Ocean County Fire Academy and Ocean County Fire and First Aid Training Center, and the Ocean County Board of

Chosen Freeholders are liable under the doctrine of respondeat superior for Defendant Syers' tortious actions.

WHEREFORE, Plaintiff hereby demands judgment against Defendants for compensatory and punitive damages, interest, costs of suit, attorneys' fees and such other relief as the Court or Jury may deem proper.

COUNT TWENTY-EIGHT
RATIFICATION

264. Plaintiff repeats and reiterates all of the allegations contained in the previous counts and/or paragraphs as if set forth at length herein.

265. Defendants John Syers, Jr., and John Does 1-10 were agents, directors, and employees of Ocean County Fire Academy and Ocean County Fire and First Aid Training Center.

266. At the time of the acts stated in the Complaint, there was an actual or assumed agency relationship between Defendant Syers and Ocean County Fire Academy and Ocean County Fire and First Aid Training Center.

267. All acts or omissions alleged were ratified by Defendant Syers Jr., Ocean County Fire Academy, and Ocean County Fire and First Aid Training Center. Ocean County Fire Academy and Ocean County Fire and First Aid Training Center had investigated or knew of the acts and omissions of John Syers, Jr., employees, managers, supervisors, executives, and directors were informed that John

Syers, Jr. was sexually abusing female employees and refused to take any action to stop him.

268. Moreover, Ocean County Fire Academy and Ocean County Fire and First Aid Training Center managers, supervisors, executives, and directors hid this information so that John Syers, Jr. could continue to work for Ocean County Fire Academy and Ocean County Fire and First Aid Training Center

269. Despite knowledge of John Syers, Jr.'s sexual misconduct, no disciplinary action was taken and he was allowed unfettered access to manage and conduct a premeditated sexual assault of Plaintiff.

270. As a result, Ocean County Fire Academy, Ocean County Fire and First Aid Training Center, and the Ocean County Board of Chosen Freeholders facilitated John Syers, Jr.'s predatory behavior.

271. Ocean County Fire Academy, Ocean County Fire and First Aid Training Center, and the Ocean County Board of Chosen Freeholders are thus responsible for John Syers, Jr.'s acts of assault, battery, sexual abuse, false imprisonment, invasion of privacy, and intentional or negligent infliction of emotional distress.

WHEREFORE, Plaintiff hereby demands judgment against Defendants for compensatory and punitive damages, interest, costs of suit, attorneys' fees and such other relief as the Court or Jury may deem proper.

COUNT TWENTY-NINE
FAILURE TO WARN/MISREPRESENTATION

272. Plaintiff repeats and reiterates all of the allegations contained in the previous counts and/or paragraphs as if set forth at length herein.
273. Defendant Syers was hired by Defendant Ocean County Fire Academy and Ocean County Fire and First Aid Training Center.
274. At all times relevant, Defendant Syers, was an employee of Ocean County Fire Academy and Ocean County Fire and First Aid Training Center.
275. Defendant, John Syers, Jr. used his position of authority to gain access to Plaintiff, to engage in unlawful sexual contact with the Plaintiff without her consent.
276. Defendant Ocean County Fire Academy and Ocean County Fire and First Aid Training Center, failed to do their due diligence, which would have revealed information about a potentially violent applicant or employee, such as Defendant Syers
277. Defendant Ocean County Fire Academy and Ocean County Fire and First Aid Training Center, failed to warn that Defendant Syers was a threat to public safety.
278. Defendant Ocean County Fire Academy and Ocean County Fire and First Aid Training Center, failed to take even minimal efforts to determine whether the employee was a threat to the public.

279. As a direct and proximate result of the conduct described herein above, Plaintiff has and will continue to suffer physical injury; severe emotional distress and anguish; diminished enjoyment of life; difficulty and an inability to focus; difficulty and an inability to perform work-related tasks; anxiety; depression; humiliation; pain in mind and body; severe embarrassment; is having and has had difficulty living a normal life; has not and will not engage in normal activities; will suffer from behavior patterns and will continue to do so in the future; will in the future be caused to endure severe pain in mind and body; has endured interference with and will continue to endure interference with engaging in her full normal daily activities. Plaintiff's self-esteem and ability to trust others has been substantially impaired, needing to obtain help and treatment from professionals and health care professionals in general and may incur medical, hospital and psychiatric expenses in amounts yet to be determined.

280. Defendant Ocean County Fire Academy, Ocean County Fire and First Aid Training Center, and the Ocean County Board of Chosen Freeholders acted carelessly, recklessly, negligently, and grossly negligent, and caused or allowed to be caused great harm to plaintiff by retaining their employee the Defendant Syers

WHEREFORE, Plaintiff hereby demands judgment against Defendants for compensatory and punitive damages, interest,

costs of suit, attorneys' fees and such other relief as the Court or Jury may deem proper.

COUNT THIRTY
GROSS NEGLIGENCE

281. Plaintiff repeats and reiterates all of the allegations contained in the previous counts and/or paragraphs as if set forth at length herein.

282. At all times relevant, Defendant Syers, was an employee of Ocean County Fire Academy and Ocean County Fire and First Aid Training Center.

283. Defendant, John Syers, Jr. used his position of authority to gain access to Plaintiff, to engage in unlawful sexual contact with the Plaintiff without her consent.

284. Defendant Ocean County Fire Academy and Ocean County Fire and First Aid Training Center owed a heightened duty to A.S. to exercise reasonable care in ensuring that Defendant Syers did not take advantage of any of his subordinates.

285. Defendant Ocean County Fire Academy and Ocean County Fire and First Aid Training Center acted carelessly, recklessly, negligently, and grossly negligent, and caused or allowed to be caused great harm to plaintiff by allowing John Syers, Jr. unfettered access to A.S.

286. Defendant Ocean County Fire Academy and Ocean County Fire and First Aid Training Center had a duty of care to A.S. because of her protected class as a woman.

287. Defendant Ocean County Fire Academy and Ocean County Fire and First Aid Training Center breached their legal duty to A.S. and failed to exercise reasonable care, and acted with reckless, willful, and wanton disregard for her safety.

288. All Defendants knew or should have known that their wanton or reckless conduct would result in a foreseeable injury to A.S.

WHEREFORE, Plaintiff hereby demands judgment against Defendants for compensatory and punitive damages, interest, costs of suit, attorneys' fees and such other relief as the Court or Jury may deem proper.

COUNT THIRTY-ONE
PUNITIVE DAMAGES

289. Plaintiff repeats and reiterates all of the allegations contained in the previous counts and/or paragraphs as if set forth at length herein.

290. Defendant Syers was hired by Defendant Ocean County Fire Academy and Ocean County Fire and First Aid Training Center and served in the capacity of Instructor.

291. At all times relevant, Defendant Syers, was an employee of Ocean County Fire Academy and Ocean County Fire and First Aid Training Center.

292. Defendant, John Syers, Jr. used his position of authority to gain access to Plaintiff, to engage in unlawful sexual contact with the Plaintiff without her consent.

293. The New Jersey Punitive Damages Act, N.J.S.A. 2A:15-5.9, punitive damages may be awarded to the plaintiff only if he or she proves, by clear and convincing evidence that the harm suffered was the result of the Defendants' acts of actual malice, which involved public policy and social concerns Defendants, all, individually and jointly, acted with malice, fraud, wantonness, oppression, and willful misconduct, with the specific intent to cause harm.

294. All of the Defendants' conduct had a very serious likelihood that serious harm would arise.

295. All of the Defendants' had awareness, careless, negligent, or reckless disregard of the likelihood that such serious harm would arise from his conduct.

296. The harm suffered was the result of all of the Defendants' acts of actual malice, which involved public policy and social concerns, alleged herein exceeded all possible bounds of human decency and was outrageous and unacceptable in a civilized society.

297. The aforementioned conduct of Defendants is so outrageous in character, and so extreme in degree to go beyond all possible bounds of decency and to be regarded as atrocious and utterly

intolerable in a civilized community, thereby rising to the level of willful, wanton, knowing, and intentional misconduct under the Punitive Damages Act.

298. Defendant Ocean County Board of Chosen Freeholders had no proper implementation of a sexual abuse policy in place at the time of abuse and delegated apparent authority to Defendant Ocean County Fire Academy and Ocean County Fire and First Aid Training Center, Defendant Syers and/or John Does 1-10 to ensure the safety of female Fire Academy members on behalf of Defendant Ocean County Fire Academy and Ocean County Fire and First Aid Training Center.

299. Even if Ocean County Fire Academy, Ocean County Fire and First Aid Training Center, and the Ocean County Board of Chosen Freeholders did have a token policy in place, it is clear based on the events of the case that it was not enforced or taught properly and supported with adequate training causes which is equal to not having a policy at all.

300. The lack of a policy is evident from the moment A.S. reported her violent sexual assault to the police.

301. This is compounded by the retention of John Syers, Jr. as an employee and instructor at the Ocean County Fire Academy.

302. Defendant Ocean County Fire Academy and Ocean County Fire and First Aid Training Center were reckless in allowing Defendant

Syers unfettered access to A.S., where he was able to plan and commit a premeditated sexual assault.

303. As a direct and proximate result of the intentional, extreme and outrageous conduct of Defendants, plaintiff was caused to sustain serious, life threatening, permanent physical and psychological injuries.

304. As a direct and proximate result of the conduct described herein above, Plaintiff has and will continue to suffer physical injury; severe emotional distress and anguish; diminished enjoyment of life; difficulty and an inability to focus; difficulty and an inability to perform work-related tasks; anxiety; depression; humiliation; pain in mind and body; severe embarrassment; is having and has had difficulty living a normal life; has not and will not engage in normal activities; will suffer from behavior patterns and will continue to do so in the future; will in the future be caused to endure severe pain in mind and body; has endured interference with and will continue to endure interference with engaging in her full normal daily activities. Plaintiff's self-esteem and ability to trust others has been substantially impaired, needing to obtain help and treatment from professionals and health care professionals in general and may incur medical, hospital and psychiatric expenses in amounts yet to be determined.

305. Defendant Ocean County Fire Academy and Ocean County Fire, First Aid Training Center, and the Ocean County Board of Chosen Freeholders acted carelessly, recklessly, negligently, and grossly negligent, and caused or allowed to be caused great harm to plaintiff by retaining their employee the Defendant Syers after learning of his dangerous propensities and failing to warn the plaintiff, and is therefore vicariously liable for his actions against the plaintiff.

WHEREFORE, Plaintiff hereby demands judgment against Defendants for compensatory and punitive damages, interest, costs of suit, attorneys' fees and such other relief as the Court or Jury may deem proper.

COUNT THIRTY-TWO
FICTITIOUS PARTIES

306. Plaintiff repeats and reiterates all of the allegations contained in the previous counts and/or paragraphs as if set forth at length herein.

307. JANE AND JOHN DOES (1-5) (Fictitious Individuals); are fictitious names for persons or entities which have not yet been identified but whose identities will be supplemented when ascertained by the plaintiff.

308. Said defendants may have played a role in the construction, arrangement, instrumentation or maintenance of the

aforementioned premises, and thereby may have caused or contributed to the plaintiff's injuries.

309. Plaintiffs hereby reserve their right to amend the Complaint as a result of pleading such fictitious parties.

310. John and Jane Does (1-5) are individuals who may have discriminated against the Plaintiff, but are as yet unknown or not necessarily yet germane to the allegations alleged in the Complaint.

311. As a direct and proximate result of the conduct described herein above, Plaintiff has and will continue to suffer physical injury; severe emotional distress and anguish; diminished enjoyment of life; difficulty and an inability to focus; difficulty and an inability to perform work-related tasks; anxiety; depression; humiliation; pain in mind and body; severe embarrassment; is having and has had difficulty living a normal life; has not and will not engage in normal activities; will suffer from behavior patterns and will continue to do so in the future; will in the future be caused to endure severe pain in mind and body; has endured interference with and will continue to endure interference with engaging in her full normal daily activities. Plaintiff's self-esteem and ability to trust others has been substantially impaired, needing to obtain help and treatment from professionals and health care professionals in

general and may incur medical, hospital and psychiatric expenses in amounts yet to be determined. .

WHEREFORE, Plaintiff respectfully requests judgment in her favor and against all defendants for compensatory damages for Plaintiff's psychological and emotional distress and damages, loss of standing in her community, damage to her reputation, and her family's unreimbursed out of pocket expenses incurred in response to these circumstances; Punitive damages; Injunctive relief requiring Defendant Fire Academy to take effective steps to prevent sex-based discrimination and harassment, including sexual assault, in its education programs; fully investigate conduct that may constitute sex-based harassment and /or sexual assault; appropriately respond to all conduct that may constitute sex-based harassment and /or sexual assault; and mitigate the effects of harassment and/or assault including by eliminating any hostile environment that may arise from or contribute to it; statutory interest; Costs; and Reasonable attorney fees.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief as follows:

1. For a declaration that Defendants' actions, policies, and practices as alleged herein are unlawful;
2. For lost wages and all other compensation denied or lost to

Plaintiff by reason of Defendants' unlawful actions, in an amount to be proven at trial;

3. For compensatory damages for Plaintiff's physical and emotional pain and suffering, in an amount to be proven at trial;
4. For punitive damages in an amount to be determined at trial;
5. For liquidated damages;
6. For interest on lost wages, compensation, and damages, including pre- and post-judgment interest and an upward adjustment for inflation;
7. For an order enjoining Defendants from engaging in the unlawful acts complained of herein;
8. For reasonable attorneys' fees and costs of suit pursuant to 42 U.S.C. § 2000e-5(k), New Jersey Revised Statutes § 10:5-27.1, and other laws; and
9. For such other and further relief as this Court deems just and proper.

FUGGI LAW FIRM, P.C.

DATE:

4.25.19



ROBERT R. FUGGI, ESQ.

JURY DEMAND

Plaintiff hereby demands a trial by a jury on all of the issues contained herein.

FUGGI LAW FIRM, P.C.


ROBERT R. FUGGI, JR., ESQ.

DESIGNATION OF TRIAL COUNSEL

ROBERT R. FUGGI, JR., ESQ., is hereby designated as trial counsel in this matter.

FUGGI LAW FIRM, P.C.


ROBERT R. FUGGI, JR., ESQ.

PLAINTIFF'S DEMAND FOR DAMAGES

Plaintiff hereby demands damages from Defendants in an amount to be determined at the time of trial.

FUGGI LAW FIRM, P.C.


ROBERT R. FUGGI, JR., ESQ.

CERTIFICATION

Pursuant to Rule 4:5-1, it is hereby certified that the matter in controversy is not the subject of any other action pending in any Court or arbitration proceeding and plaintiff does not contemplate any other action or Arbitration proceeding.

I certify that the foregoing statements made by me are true and correct to the best of my knowledge and information. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

FUGGI LAW FIRM, P.C.



ROBERT R. FUGGI, JR. ESQ.

DEMAND FOR ANSWERS TO INTERROGATORIES

Plaintiff(s) hereby make(s) demand for fully responsive answers to Federal Court Rules within twenty-one days (21) days of the date of service of this Complaint per Rule 12 of the Federal Rules of Civil Procedure.

In answering, please consider the events alleged in this Complaint as the accident or occurrence and to which such questions relate. Please give specific information in your answers and not merely references to medical, police or other records or reports.

FUGGI LAW FIRM, P.C.



ROBERT R. FUGGI, JR. ESQ.

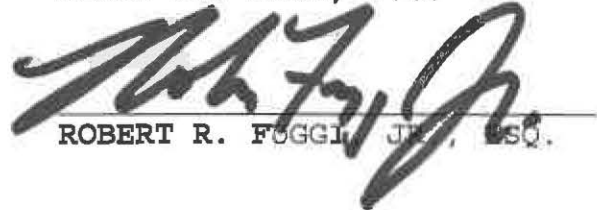
NOTICE TO PRODUCE

Pursuant to the Rules of Court, the undersigned requests that you produce the following documents and other items for inspection and copying at the offices of FUGGI LAW FIRM, P.C. 47 Main Street, Toms River, New Jersey 08753, within 30 days. You may comply with this request by mailing legible copies of the documents.

1. All written statements, memos, emails, documents made by any party Defendant or their agent, servant or employee, relative to reports made to any Defendant(s) their agent(s), servant(s) or employee(s) relative to any act or behavior of Defendants involving harassment, sexual assault and intention infliction of emotional distress related to the above incident.
2. All written statements made and/or signed by the party serving this request or by any agent or employee of the party serving this request.
3. All written evidence of any oral statements made by the party serving this request or by any agent or employee of the party serving this request.
4. All charts, drawings, illustrations, diagrams, photos, and other documents that you or your attorneys intend to exhibit to the jury or introduce into evidence at the trial of this action.
5. All records pertaining to any interviews, statements, inspections, and examinations performed with respect to any object, thing, or person relevant to this action. This refers to interviews and examinations performed by persons other than you, your attorneys, or anyone acting on your behalf.
6. All documents that you or your attorneys supplied to any experts who will be called as witnesses on your behalf at the trial of this action.
7. All videos/pictures and films that you or your attorneys intend to exhibit to the jury or introduce into evidence at the trial of this action.
8. The written reports of all experts who you or your attorneys intend to call as witnesses on your behalf at the trial of this action.
9. Copies of any and all Complaints filed in this State or any other against any of the Defendants arising out of allegations of assault, general negligence, or intentional infliction of emotional distress.

10. All police reports relative to any action or behavior engaged in by Defendant or any Defendant, their agent servant or employee, from date of hiring to present.
11. All interrogatories, and Notices to Produce previously answered by you in this action. All depositions noticed by you or taken of you.

FUGGI LAW FIRM, P.C.



ROBERT R. FUGGI, JR., ESQ.