

**IN THE CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND**

<b>JOHN/JANE DOES (MS) 1-5</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>The STATE OF MARYLAND, acting</b>	)	<b>Civil Case No.:</b>
<b>through its agencies, MARYLAND</b>	)	
<b>DEPARTMENT OF JUVENILE</b>	)	<b><u>COMPLAINT</u></b>
<b>SERVICES, and/or DEPARTMENT OF</b>	)	
<b>HEALTH (formerly the</b>	)	<b>Filed:</b>
<b>DEPARTMENT OF HEALTH AND</b>	)	
<b>MENTAL HYGIENE),</b>	)	
	)	
<b>Defendant.</b>	)	

*“If you were sort of a mad scientist who was sent to Maryland to deliberately make kids into criminals, you could hardly do any better than what's going on in Maryland's juvenile facilities. You'd have to work hard to cripple kids worse than they're being crippled now.”*

– Vincent Schiraldi, then-executive director Center of Juvenile and Criminal Justice, 2001;  
now newly appointed Maryland Secretary of Juvenile Services.

**I. INTRODUCTION**

The Department of Juvenile Services (“DJS” or “the Department”) is “a child-serving agency responsible for assessing the individual needs of referred youth and providing intake, detention, probation, commitment, and after-care services,” with a vision of creating “Successful Youth, Strong Leaders, [and] Safer Communities.” The Department provides a laundry list of goals, including to “[i]mprove positive outcomes for justice-involved youth,” to “only use incarceration when necessary for public safety,” to “keep committed and detained youth safe while delivering services to meet youth needs,” and to “build, value, and retain a diverse, competent, and professional workforce and to enhance the quality, availability, and use of technology to improve services for staff, youth, and families.”

In the name of rehabilitation and reform, the DJS is statutorily authorized to operate centers such as the Montrose School (“Montrose” or “the School”), where the state may send juveniles who are involved in the criminal justice system and those who are already committed to the care of the DJS. Through the Montrose School, and other facilities like it, the State of Maryland accepts full control of every aspect of the children’s lives, such as housing, rehabilitation, feeding, supervision, education, nurture, and, most importantly, personal protection. The DJS claims that the rehabilitation that it provides to the children within its facility walls is crucial to reform them into productive and fulfilled adult citizens, but in actuality, it locks them inside of a cage to become the prey of sadistic staff whom they cannot escape. Despite the cursory and superficial goals that the DJS claim to be their core tenants, the children that are involuntarily committed to facilities such as the Montrose School often leave far more damaged than when they entered.

The Montrose School opened in 1866 in Maryland as an industrial training school for girls. The School eventually became a coed facility for juvenile offenders in Maryland’s criminal justice system with a mission to provide its residents with a wide range of programs designed to offer each child with something that is appropriate and meaningful to them. Despite these false promises, when a child was sent to Montrose, they found a crumbling, overcrowded, and understaffed facility haunted by an extensive history of physical and sexual abuse from staff and other youth residents alike that left them traumatized.

Montrose was infamous for its widespread institutional failures long before the Maryland State Legislature shuttered the facility’s doors in 1988. While the school was well known for being an overcrowded custodial warehouse for juveniles, its overuse of solitary confinement became its trademark. The School’s rampant use of isolation cells became so renown that when Montrose was

closed, a select group of newly released juveniles gave a piece of the solitary confinement cell's door to then Governor Schaefer as a reminder that they survived the horrors in the School.<sup>1</sup>

Public efforts to reform or close the Montrose School began long before its closure in 1988 but only gained momentum at the government level two decades prior to the School's closure. In 1967, the Federal Department of Health, Education, and Welfare first reviewed Maryland's juvenile system, including Montrose, finding an "overuse of institutionalization."<sup>2</sup> This review alerted the state government of the risks posed inside of the facility, subsequently leading to several additional reviews. In 1986, the Department of Health and Mental Hygiene ("DHMH"), at the request of the Maryland State Legislature, prepared a report on the feasibility and desirability of shutting down Montrose.<sup>3</sup> Amongst their findings, the DHMH found that "at least half of the youth [at Montrose] do not need to be there."<sup>4</sup> The following year, the Maryland State Legislature reached the conclusion that even with constant improvement, continued operations at Montrose could not be considered good public policy, and the facility was shut down.<sup>5</sup>

The Montrose School was shuttered due to a multitude of factors, such as the school's reputation for publicized incidents of suicide, self-harm, and physical and sexual abuse by both staff and youths at the facility; overuse of harsh punishments in lieu of proper mental health interventions such as solitary confinement, physical constraints, strip searches, and beatings; severely inadequate support structure and staffing; dangerous levels of overcrowding; and crumbling school facilities. In the end, closure of the school was still not enough, as far too many

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<sup>1</sup> Jeffrey A. Butts & Samuel M. Street, *Youth Correction Reform: The Maryland and Florida Experience*, 8 (1988) <https://jeffreybutts.files.wordpress.com/1988/07/csyp-md.pdf> (quoting U.S. Dep't of Health, Education and Welfare, *A Study and Assessment of Maryland's Program and Facilities for the Treatment and Control of Juvenile Delinquency* (1967)).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

children left the Montrose School broken, if at all. The rampant abuse and institutional failures of the school created a mental health crisis for the youths that were placed there, culminating in countless acts of self-harm and suicide attempts, which were only overshadowed by the multitude of children that succeeded. The grotesque abuse suffered by these children within the School occurred due to an unrelenting failure by the Maryland juvenile justice system in protecting the residents in the care of the Montrose School and other juvenile detention facilities throughout the state.

During the time that each Plaintiff was in the direct custody, care, control, and direction of the state at Montrose School, its employees, agents, and contractors exploited their positions of trust and authority to abuse Plaintiffs in horrific ways. Furthermore, these agents, employees, and contractors abandoned any duty they owed to Plaintiffs in protecting them from themselves, other youths, and adults at the facility. Plaintiffs were harassed; groped on their breasts, buttocks, and genitals; penetrated with fingers, objects, and other body parts; and forced to engage in oral sex. This abuse occurred throughout the facility, the cottages, and the premises as a whole. Victims who sought to come forward were coerced into silence through bribery, isolation, physical restraints, abuse, or worse. Plaintiffs, and other former residents in a similar situation, were wholly unable to seek help or redress for the injuries they sustained at Montrose until only recently.

This action seeks redress for the horrors and harms exacted on Plaintiffs and other who endured similar abuse for years while they resided at the Montrose facility; to recover damages for the abundant and lasting scars, both physical and mental, that Plaintiffs will be forced to carry for the rest of their lives; to punish the perpetrators; and to ensure that this abuse or any like it is never allowed again under the watch of the State of Maryland.

## **II. PARTIES**

### **A. Plaintiffs**

1. All prior paragraphs are restated herein by this reference.

2. Plaintiffs John/Jane Does (MS) 1-5 are men and women who, as children, were placed by the State of Maryland at the Montrose School in Baltimore County, Maryland. Plaintiffs are now adult residents and citizens of various states.

3. Plaintiffs John/Jane Does (MS) 1-5 file this Complaint anonymously under the pseudonyms of John/Jane Doe pursuant to agreement and stipulation of Maryland's Attorney General.

4. Plaintiffs are all persons who as minors were detained or incarcerated within Maryland's juvenile justice system at the times of the acts complained of herein. Md. Code, Cts. & Jud. Proc. § 3-8A-27 (2002) protects court records pertaining to children as confidential. Those records cannot be divulged except by order of the court upon good cause shown, or other inapplicable circumstances. Here, identification of Plaintiffs by name would automatically violate the Code and breach confidentiality.

5. Plaintiffs cannot be lawfully forced to disclose protected information as a requisite to asserting their claims for childhood sexual abuse.

6. Further, publication of the intimate and private material this case involves risks serious humiliation and embarrassment to Plaintiffs and their families. The ability to proceed by pseudonym provides some comfort and assurance as they pursue these claims. For many Plaintiffs, forced disclosure of their identities would amplify and exacerbate the injuries they have suffered. If not permitted to proceed under pseudonyms, these Plaintiffs would be forced to choose between suffering further mental and emotional harm and pursuing their legal rights.

7. Additionally, the forced disclosure of Plaintiffs' identities would have a chilling effect on other similarly injured persons who are considering coming forward with their claims. Fear of embarrassment and repercussions in their personal and professional lives may cause them to remain silent regarding their experiences.

8. The public interest in the disclosure of Plaintiffs' identities is minimal.

9. As demonstrated by the Attorney General's stipulation, Defendant would not be unduly prejudiced by allowing Plaintiffs to proceed anonymously. Any potential prejudice will be mitigated by the confidential disclosure of Plaintiffs' actual identities.

## **B. Defendant**

10. All prior paragraphs are restated herein by this reference.

11. Defendant, the State of Maryland ("the State" or "Defendant") enforces Maryland's laws through its Executive Branch, consisting of various officers and agencies as authorized by Maryland's Constitution and its laws. Among the laws enforced by the State of Maryland are those governing the management, supervision, and treatment of youth involved in the State's juvenile justice system.

12. From 1969 to 1987, the Juvenile Service Agency within the Department of Health and Mental Hygiene ("DHMH") was responsible for the management, supervision, and treatment of youth who were involved in the juvenile justice system. DHMH was renamed to the Department of Health in 2017.

13. In 1987, the Juvenile Services Agency ("JSA") was reorganized as an independent agency. JSA assumed responsibility from DHMH for the management, supervision, and treatment of youth who were involved in the juvenile justice system from 1987 to 1989.

14. In 1989, the State General Assembly established the DJS. DJS assumed responsibility for the management, supervision, and treatment of youth who were involved in the

juvenile justice system from 1989 to present. Between 1995 and 2003 DJS operated under the name “Department of Juvenile Justice.”

### **III. JURISDICTION AND VENUE**

15. All prior paragraphs are restated herein by this reference.

16. During the relevant period, the State of Maryland managed, supervised, and treated youth involved in the State’s juvenile justice system through the agencies listed in paragraphs 12 - 14 above. Each of those agencies conducts or conducted business in Baltimore County, Maryland during the relevant period.

17. Venue in this Court is proper under Md. Code, Cts. & Jud. Proc. § 6-201, because Defendant “carries on a regular business” in Baltimore County.

18. Venue is also proper in this Court under Md. Code, Cts. & Jud. Proc. § 6-202(8) because Plaintiffs bring negligence claims “[w]here the cause of action arose.” The events alleged occurred in Baltimore County.

19. Defendant is subject to the Maryland Tort Claims Act.

20. This action arises from claims of sexual abuse as defined in Md. Code, Cts. & Jud. Proc. § 5-117 and is exempt from the Maryland Tort Claims Act requirement to submit claims to the State Treasurer. Md. Code, State Government § 12-106(a)(2).

21. Plaintiffs’ claims are not time-barred because they arise from incidents of sexual abuse that occurred while the victims were minors. Md. Code, Cts. & Jud. Proc. Article § 5-117(b).

22. The amount in controversy exceeds the jurisdictional minimum of \$30,000.

### **IV. FACTUAL ALLEGATIONS**

#### **A. Structure and Background of the Maryland Juvenile Justice Detention System and the Montrose School**

23. All prior paragraphs are restated herein by this reference.

24. The current Maryland Juvenile Justice Detention System was established nearly two centuries ago with the Maryland State Legislature’s passing of “An Act to Establish a House of Refuge for Juvenile Delinquents” (“the Act”) in 1830.<sup>6</sup>

25. The first house of refuge created by the Act was located in Baltimore City and began operations in 1855.<sup>7</sup> Since then, dozens of similar facilities have been opened under the Act.

26. Through the Act, Defendant has been in control of and responsible for the multitude of state departments that have managed and operated the juvenile justice facilities located throughout the State.

27. Since the inception of the Juvenile Justice Detention System, a variety of different state departments have been responsible for the management and operation of these facilities. First was the Department of Education, then the Department of Public Works, then the Juvenile Services Administration within the Department of Health and Mental Hygiene, and finally, since 1989, the DJS.<sup>8</sup>

28. In 1995, the Maryland General Assembly re-named DJS the “Department of Juvenile Justice.”<sup>9</sup> DJS operated under this name until 2003, when the General Assembly reverted DJS back to its original name.<sup>10</sup>

29. Within its broader mandate to manage, supervise, and treat youth who are involved in the juvenile justice system in Maryland, the DJS is responsible for the operation of Maryland’s secure juvenile detention facilities through the juvenile justice departments within its control<sup>11</sup>

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<sup>6</sup> History of Juvenile Justice in Maryland, Dep’t of Juvenile Services <https://djs.maryland.gov/Pages/about-us/History.aspx> (last visited Sep. 13, 2023).

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> Historical Evolution Department of Juvenile Services, Maryland Manual On-Line, <https://msa.maryland.gov/msa/mdmanual/19djj/html/djjh.html> (last visited Sep. 14, 2023).

<sup>10</sup> *Id.*

<sup>11</sup> Detention and Community Supervision, Dep’t of Juvenile Services, <https://djs.maryland.gov/Pages/detention/Detention-Community-Supervision.aspx> (last visited Sep. 13, 2023).



30. DJS is currently the administrative agency of the State charged with setting standards for juvenile detention facilities that are operated both by DJS as well as private agencies.<sup>12</sup>

31. The standards reflect adherence to three critically important central purposes of juvenile detention; 1) to protect the public; 2) to provide a safe, humane, and caring environment for children; and 3) to provide access to required services for children.<sup>13</sup>

32. DJS has a statutory mandate to establish regulations that “prohibit [the] abuse of a child” in its residential facilities and require each DJS residential program to provide “a safe, humane, and caring environment.”<sup>14</sup>

33. Despite its statutory obligations, enacted regulations, and policies, DJS has failed to prevent the systematic physical and sexual abuse of children within its facilities for decades.

34. The 14th Amendment of the U.S. Constitution requires states to provide confined juveniles with reasonably safe conditions of confinement and must protect juveniles from physical assault and the use of excessive force by staff.<sup>15</sup>

35. The Maryland Constitution provides similar protections to individuals in State custody.<sup>16</sup>

36. DJS is also statutorily obligated to establish regulations applicable to its residential facilities that “prohibit [the] abuse of a child,” and to adopt regulations that require each State residential program to provide “a safe, humane, and caring environment.”

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<sup>12</sup> Md. Code Ann., Hum. Servs. § 9-237.

<sup>13</sup> *Id.*, at (b)(1)-(3).

<sup>14</sup> HS § 9-227.

<sup>15</sup> See *Youngberg v. Romeo*, 457 U.S. 307, 315-24 (1982).

<sup>16</sup> See *Williams v. Wilzack*, 573 A.2d 809, 814 (Md. 1990) (adopting Supreme Court precedent granting to persons in state custody, safe conditions of confinement on Fourteenth Amendment due process grounds).

37. DJS has additional non-discretionary statutory obligations related to the hiring and training of its employees. DJS must set “minimum . . . qualifications and standards of training and experience for the positions in the Department,”<sup>17</sup> and on or before the first day of employment with the Department must complete “a federal and State criminal history records check” for each employee.<sup>18</sup>

38. DJS also has non-discretionary statutory obligations to “adopt a code of conduct for staff of the Department; and . . . require each private agency under contract with the Department to adopt a code of conduct for its staff that is in substantial compliance with the code of conduct for staff of the Department.”<sup>19</sup>

39. DJS promulgated its own regulations, ostensibly to comply with its constitutional and statutory obligations. These regulations provide that acts of abuse are prohibited at DJS facilities, including both physical abuse and sexual abuse.<sup>20</sup> DJS regulations also govern the Departments hiring and training practices:

- a. “Each facility and other program shall maintain a staffing plan that, in accordance with Departmental requirements, provides a safe, humane, and caring environment.”<sup>21</sup>
- b. “All direct-care staff and all specialists shall: (1) Demonstrate the potential for working with youth in program settings, as reflected by academic qualifications, personal experience, or a combination of both; and (2) Meet the minimum qualifications, as applicable, set by: (a) The Department of Budget and Management; (b) The Maryland Correctional Training Commission; and (c) Applicable law and regulation.”<sup>22</sup>
- c. “All program staff shall be trained according to the standards set for the applicable position by the Maryland Correctional Training Commission.”<sup>23</sup>

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<sup>17</sup> Md. Code, Hum. Servs. § 9-237(b)(2).

<sup>18</sup> Md. Code, Hum. Servs. § 9-209(a)(1).

<sup>19</sup> Md. Code, Hum. Servs. § 9-207(e).

<sup>20</sup> Md. Code Regs. § 16.18.02.01-02.

<sup>21</sup> Md. Code Regs. § 16.05.01.03(A).

<sup>22</sup> Md. Code Regs § 16.05.02.01(B).

<sup>23</sup> Md. Code Regs. § 16.05.03.01.

- d. “The Secretary shall adopt and enforce a code of conduct for personnel of the Department,”<sup>24</sup> and “[e]very private vendor or other person providing services to the Department shall adopt and enforce, as a condition of its contract, grant, or other arrangement with the Department, a code of conduct that is substantially similar to the one adopted by the Secretary[.]”<sup>25</sup>

40. Defendant, vicariously through the DJS and its predecessors, knew or should have known of the incidents and reports described herein, and others, and was or should have been aware that the Montrose School failed to meet the minimum conditions required for its facilities by the U.S. and Maryland Constitutions and its own authorizing statutes.

41. The failure to address and remediate the harms identified in the myriad internal and external investigations into the abuse and neglect of children at the School directly enabled the sexual abuse of Plaintiffs.

42. Montrose was opened in 1866 as an industrial training school for girls.<sup>26</sup>

43. Montrose underwent several name and classification changes until 1922, when it became a juvenile facility and began accepting both pre-adjudication and court commitment cases.

44. Montrose then held males under the age of 16 and females under the age of 18.

45. When Montrose was established as a dedicated juvenile facility, it was intended as treatment source of last resort for the youths placed under its control. Short of waiver to the adult system, placement in a training school was considered the most severe, and often most expensive, sanction available to a juvenile court in its handling of youth offenders.<sup>27</sup>

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<sup>24</sup> Md. Code Regs § 16.05.04.01.

<sup>25</sup> Md. Code Regs. § 16.05.04.02.

<sup>26</sup> Jeffrey A. Butts & Samuel M. Street, *Youth Correction Reform: The Maryland and Florida Experience*, 8 (1988) <https://jeffreybutts.files.wordpress.com/1988/07/csyp-md.pdf> (quoting U.S. Dep’t of Health, Education and Welfare, *A Study and Assessment of Maryland’s Program and Facilities for the Treatment and Control of Juvenile Delinquency* (1967)).

<sup>27</sup> *Id.*

46. Through the Montrose School, Defendant accepted full control of every aspect of the children's lives, such as housing, rehabilitation, feeding, supervision, education, nurture, and personal protection.

47. Consistent with its statutory obligations, Defendant implemented regulations for state-operated residential facilities that ostensibly prohibit acts of abuse within state facilities, including the "physical injury of a youth by any employee under circumstances that indicate the youth's health or welfare is significantly harmed or at risk of being significantly harmed," and the "sexual abuse of a youth, whether or not physical injuries are sustained."<sup>28</sup>

48. In addition to the promise to protect and rehabilitate the children at Montrose, the facility sought to offer a "wide range of programs so that each child is offered something that is appropriate and meaningful to them."<sup>29</sup>

49. Despite the facility's cursory and superficial promises, Defendant has consistently failed to prevent the systemic physical and sexual abuse of the children within its care for decades.

50. When a juvenile was sent to Montrose, they did not find a center for rehabilitation. Rather, they found themselves trapped in an over-custodial warehouse rampant with physical and sexual abuse by sadistic youth and staff.

## **B. The Institutional Abuse Rampant Within the Juvenile Justice System and the Montrose School**

51. The rampant physical and sexual abuse in the Montrose School plagues the entirety of the juvenile justice system throughout the State of Maryland.

52. Facilities such as the Baltimore City Juvenile justice Center, the Charles Hickey School, the Victor Cullen Center, the Montrose School, and more, are infamous for the horrors

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<sup>28</sup> Md. Code Regs. § 16.18.02.01-02.

<sup>29</sup> *Id.*

experienced by those incarcerated there due to frequent review by state departments, publicized incidents of abuse, and testimonial from former residents.

53. In 1967, the U.S. Department of Health, Education and Welfare, the predecessor agency to the U.S. Department of Health and Human Services, conducted a review of Maryland's juvenile services system.<sup>30</sup>

54. The U.S. Department of Health, Education and Welfare's report described Maryland's juvenile justice system as, "an overuse of institutionalization" and recommended that "[s]erious thought should be given to establishing community-based programs for delinquent youth capable of being treated in the community." The federal reviewers noted that Maryland's juvenile institutions, including what was then the Montrose School for Girls, were "too large" and that the state should "evaluate effective means of reducing the size of [its] institutions."<sup>31</sup>

55. In 1973, the National Association for the Advancement of Colored People (NAACP) reached similar conclusions in its report examining conditions at Maryland's juvenile detention facilities.

56. The NAACP recommended that Maryland's Training Schools, including the Montrose School, "be phased out and replaced by a variety of community-based facilities."<sup>32</sup>

57. State department reviews of the Maryland Juvenile Justice system have found that the Maryland juvenile detention facilities have the highest rates of sexual abuse nationwide.<sup>33</sup> This alarmingly high rate of abuse indicates that detention facilities across the state have failed to

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<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> *Id.* at 8-9 (quoting NAACP Legal Defense and Educational Fund, Inc., A Call for Reform of Maryland's Training Schools, A Report by the Task Force on Juvenile Justice (Feb. 1973)).

<sup>33</sup> Letter from The Civil Rights Division of The Office of the Maryland State Attorney General to Honorable Robert L. Ehrlich, Jr., 2006, *Investigation of the Baltimore City Juvenile Justice Center in Baltimore, Maryland*, Baltimore, Maryland.

protect youth inmates from sexual abuse, and that they may be liable for the damages suffered by survivors with potential claims.<sup>34</sup>

58. A 1986 study, conducted by the DHMH found that the Montrose facility, as well as other detention centers throughout the Juvenile Justice System, were geared towards custodial care rather than the treatment of juveniles.

59. The DHMH report found that the Montrose School specifically was “warehousing in the worst sense and absolutely contradictory to any philosophy of a human juvenile justice system.”<sup>35</sup>

60. Since juvenile facilities such as Montrose were only reserved for the most severe of juvenile punishments, it would be expected that the residents of the facility were dangerous, hard-core juvenile offenders, but this was hardly the case. Rather, the youths at Montrose were largely status offenders, misdemeanants, and property offenders.

61. In 1986, the State estimated that 44% of the Montrose population had been incarcerated for violations of probation, most of which were for mere status offenses such as truancy or ungovernableness.<sup>36</sup>

62. When these non-violent offenders were committed to the Montrose School, they were not treated to rehabilitation. Instead, they found a crumbling, overpopulated, and understaffed facility that left them far more damaged than when they arrived.

63. The School was located on a campus surrounded by a number of cottages, designed to hold twenty youths each.

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<sup>34</sup> Butts, *Youth Correction Reform: The Maryland and Florida Experience*, (1988).

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

64. Montrose was designed to be a 212-bed facility, but in actuality, it held on average, 250 residents at any given time.<sup>37</sup>

65. The campus cottages held around 25 to 30 youths in them on average, sometimes having as many as 45 youths in a single building.

66. The School suffered chronic overpopulation, and when the cottages reached a dangerous level of overcrowding, the staff set up cots in the hallways and basements of the School for the youth to sleep.

67. The problems created by the overcrowding of the facility were compounded by crumbling facilities and understaffing.

68. The buildings on Montrose's campus, including the cottages, were plagued with poor ventilation and heating, insect and rodent infestations, improper disposal of sewage both internally and externally, and widespread asbestos residue.

69. Understaffing was rampant, with staff working three to four double shifts per week in order to maintain staffing quotas at the facility.<sup>38</sup>

70. The living conditions that the youth were forced into, however horrid, were nothing in comparison to the staff, employees, and contractors that operated the facility.

71. When a juvenile was committed to the Montrose School, they found themselves locked in a cage of sadistic animals, willing to perform acts of physical and sexual abuse purely contradictory to basic human nature.

72. The staff was quick to institute severe physical punishment and frequent stays in isolation as a substitute for adequate behavioral control.

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<sup>37</sup> *Id.*

<sup>38</sup> See Picturethis43, *Montrose School Alumni?*, YouTube (Oct. 9, 2007) <https://www.youtube.com/watch?v=t0duSEwA0PE>.

73. Even when the youth were not misbehaving, staff would personally antagonize the residents with physical, mental, and often sexual abuse.

74. Juveniles at the Montrose School were subjected to beatings and a practice known as “body slamming” by the staff who were tasked with watching over them.<sup>39</sup>

75. The beatings were not confined to just hands, as staff would throw them to the ground, kick them, hit them with batons, throw chairs at them, and use any other objects at their disposal to inflict fear and pain upon them on a daily basis.

76. The staff at facilities like Montrose did not stop at mere beatings, as the male youth in the facility were subjected to juvenile gladiator rings for staff entertainment; perpetrators would pull groups of boys from their cottages at dawn, line them up on either side of a separation fence, place their bets on which boy they thought would win, and then sic the children onto each other like rabid dogs. The youth who refused to participate were beaten bloody nonetheless, either at the hands of other children or by the staff themselves.<sup>40</sup>

77. If the youth were not subject to beatings or grotesque trials by the staff, they were instead dragged away from their cells or common areas and thrown into solitary confinement for days, if not weeks, at a time.

78. The children would be stripped and thrown into an isolated holding cell with nothing but a stark mattress on the cement floor.

79. They were denied any access or communication to other humans throughout their stay in solitary confinement, the only interaction being the sliding of food through the metal grate of the door.

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<sup>39</sup> See Butts, *Youth Correction Reform: The Maryland and Florida Experience*, (1988).

<sup>40</sup> See ¶¶ 106-118



80. Overuse of solitary confinement became such a staple at Montrose that when the facility was inevitably closed, three juveniles removed pieces of the door and gave it to the State Governor as a reminder that they survived the horrors of the facility.<sup>41</sup>

81. The youth at Montrose endured a variety of horrors during their time at the facility, the worst of which being the sexual abuse by staff.

82. State department reviews of the Maryland Juvenile Justice system have found that the Maryland juvenile detention facilities have the highest rates of sexual abuse nationwide.<sup>42</sup>

83. Montrose School staff forced themselves upon the children at the facility, groping, sodomizing, and raping them throughout the cottages and in the facility itself. Children were taken into private areas, such as hallways and offices, where the staff thought that no one could hear their screams.

84. Some children were even taken to offices just outside of the isolation cells, where they could hear the cries of the children inside of the cells while they were being sexually assaulted themselves nearby.

85. The rampant and horrific abuse within the facility in combination with the crumbling facilities created a mental health crisis for the youth population.

86. There are countless records of self-harm and suicide attempts. However, it was the children who were successful in their attempts that truly encapsulates how horrendous the facility was.

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<sup>41</sup> Butts, *Youth Correction Reform: The Maryland and Florida Experience*, (1988).

<sup>42</sup> *Id.*

87. One boy, a twin, whose brother was also held at the facility, was sequestered to the isolation chamber for weeks. With no proper visitation checks by staff, it was not discovered that he had hung himself within the cell until long after he had died.<sup>43</sup>

88. This was just one of multiple suicides at the facility in less than three years.

89. The conditions of the facility and the multiple suicides became well known amongst the Baltimore County community. As a result, local law professors brought a class action suit against the Montrose School on behalf of the residents, alleging the denial of civil and constitutional rights by the facility.

90. The School also faced another lawsuit by the Sierra Club shortly after the class action suit, attacking the conditions of the facility and alleging improper disposal of internal and external sewage by the facility.

91. Neither lawsuit reached a conclusion as the Montrose School was shuttered by the State before any action could be taken.

92. Just prior to its closure, the DHMH initiated studies of its own into the Montrose School and prepared reports on the feasibility and desirability of closing the school in response to a growing public outcry for change. The report found crumbling facilities, overcrowding, understaffing, dangers posed to residents within the facility, and incidents of violence, self-harm, and suicide.<sup>44</sup> In the end, the Montrose School was shuttered for the very same reasons as those outlined in the DHMH report.

93. The students who were sentenced to Montrose suffered throughout their time at the facility, and their trauma continues to torment them to this day.

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<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

94. The closure of the School only cured a symptom. It did nothing to solve the plague underlying the entirety of the Maryland Juvenile Justice System to this day.

### **C. Abuse of Plaintiffs**

95. In each case, Defendant's staff/agents/employees (the perpetrators described below) gained access to Plaintiffs by virtue of their confinement in Defendant's facilities.

96. The perpetrators exploited their positions of trust, power and authority over Plaintiffs to sexually abuse them.

97. Plaintiffs are former residents of the Montrose School. In their time at the facility, no matter how short or how long, they underwent frequent overuse of solitary confinement, strip searches, beatings, unconstitutional restraints, sexual harassment, sexual assault, and worse.

98. Plaintiff's experiences at the School have traumatized them for life and shaped their adult lives. These plaintiffs were thrown into a facility meant to be a last resort and were irreparably harmed in doing so.

#### **a. Jane Doe (MS) 1**

99. Jane Doe (MS) 1 was committed as resident at Montrose for three years.

100. Jane Doe (MS) 1 was 14 years old when male employees began sexually abusing her at Montrose.

101. Jane Doe (MS) 1 was thrown into the isolation cell and a staff perpetrator stripped her, handcuffed her with each limb tethered to different corner of the bed, and vaginally raped her.

102. She was raped by the perpetrator at least 20 times while she was committed to the School.

103. Another perpetrator was tasked with transporting Jane Doe (MS) 1 into and outside of the facility.

104. On multiple occasions, when the perpetrator transported her, he forced her to perform oral sex on him.

105. The facility and staff, including the perpetrators, bribed Jane Doe (MS) 1 and the other girls at the facility with cigarettes to maintain their silence and reinforce good behavior.

**b. John Doe (MS) 2**

106. John Doe (MS) 2 was committed as resident for 7 months at the age of 13.

107. John Doe (MS) 2's abuse began during his first month at the facility.

108. John Doe (MS) 2 and his fellow detainees were woken up at dawn, taken out of their cottages, and lined up along the fences by staff members for their evaluation, akin to a cattle call.

109. The perpetrators threw money down onto a table, whispered amongst each other, and pointed towards the boys as they stood in front of them, frozen with fear.

110. Boys were then selected one by one to fight one another, in a gladiator type battle.

111. The fights left the boys, including John Doe (MS) 2, bruised and battered.

112. Even if the boys did not want to fight, the Perpetrators forced other boys beat them until they were left bleeding, nonetheless.

113. On other occasions, the perpetrators fought the young boys as well.

114. After several months in the facility, John Doe (MS) 2 encountered sexual abuse at Montrose as well.

115. John Doe (MS) 2 was repeatedly sexually assaulted by other perpetrators within the facility.

116. A perpetrator took John Doe (MS) 2 out of his room and forced him onto the bathroom floor.

117. The perpetrator began humming and gyrating on John Doe (MS) 2, forcing him to grab and stimulate his penis until ejaculation.

118. John Doe (MS) 2 was sexually abused in this manner at least six times during his stay at the facility.

**c. John Doe (MS) 3**

119. John Doe (MS) 3 was a committed as resident at Montrose from the ages of 13 to 14 years old.

120. John Doe (MS) 3 was under fourteen years old when he was sexually assaulted by a perpetrator at Montrose.

121. On more than ten occasions, the perpetrator pulled John Doe (MS) 3 out of his room around two or three o'clock in the morning, took him to a bathroom, and snuck the boy cigarettes as a bribe to keep him quiet.

122. After bribing him, the perpetrator forced John Doe (MS) 3 to expose his penis.

123. The perpetrator then forced himself on John Doe (MS) 3 and forcibly performed oral sex on John Doe (MS) 3.

**d. Jane Doe (MS) 4**

124. Jane Doe (MS) 4 was a committed as resident at Montrose for less than a year in 1984.

125. Jane Doe (MS) 4 was a twelve-year-old when she was placed in housing for troubled children at Montrose.

126. On over twenty occasions, a perpetrator took Jane Doe (MS) 4 out of her housing unit and directed her to the administrator's office.

127. The perpetrator then forced Jane Doe (MS) 4 to take off her clothes and to take off his own.

128. The perpetrator then fondled Jane Doe (MS) 4's breasts, genitals, and anus.

129. The perpetrator eventually penetrated Jane Doe (MS) 4 vaginally and anally and tried to put his penis in her mouth, only stopping when Jane Doe (MS) 4 refused to open her mouth, weeping and begging him to stop.

130. On occasions that the perpetrator stopped his attempts to put his penis in Jane Doe (MS) 4's mouth, he returned to raping her vaginally and anally.

**e. Jane Doe (MS) 5**

131. Jane Doe (MS) 5 was committed at the Montrose School from January to August of 1975.

132. Jane Doe (MS) 5 was under fifteen years old when she was abused at the Montrose School.

133. Her perpetrator took her from her cell under the guise of taking her to the infirmary so that he could pull her away from the other residents.

134. Once alone in the infirmary, the perpetrator would forcibly penetrate Jane Doe (MS) 5 both vaginally and anally repeatedly on multiple occasions.

135. This perpetrator was known for targeting children he knew would have no visitors and bribing them for their silence by putting money in their commissary accounts.

136. The perpetrator also blackmailed Jane Doe (MS) 5 with that commissary money for additional sexual favors; if she did not comply, he forced himself onto her regardless.

**V. JOINT AND SEVERAL LIABILITY**

137. All prior paragraphs are restated herein by this reference.

138. Plaintiffs plead joint and several liability against Defendant herein pursuant to Md. Code, Cts. & Jud. Proc. Code § 3-1403 such that the Defendant and any future parties joined to this action are liable for the full amount of any judgment or verdict entered herein.

**VI. RESPONDEAT SUPERIOR**

139. All prior paragraphs are restated herein by this reference.

140. As principal and/or employer of perpetrators and other offending parties described herein, Defendant is liable for their wrongful acts and omissions under the doctrine of respondeat superior and other vicarious liability principles found in the Second Restatement of Agency. Defendant maintained at all times a non-delegable duty to youth in the care and custody of facilities it was charged with managing, overseeing, and operating.

**VII. IMMUNITIES**

141. All prior paragraphs are restated herein by this reference.

142. While Maryland has waived immunity under the Maryland Child Victims Act and Md. Code, St. Gov't § 12-104, to the extent claims herein trigger any governmental immunities, damages are sought only under and up to the amount of insurance coverage available.

143. Each event complained of by each Plaintiff herein caused a distinct injury and is pled as a separate incident or occurrence.

**VIII. LEGAL CAUSES OF ACTION**

**FIRST CAUSE OF ACTION: NEGLIGENCE**

144. All prior paragraphs are restated herein by this reference.

145. At various relevant times, Defendant was required to appropriately manage, supervise, and treat youth involved in the juvenile justice system in Maryland.<sup>45</sup> It was responsible

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<sup>45</sup> See About (maryland.gov).

for all aspects of care, protection and services for youth in their custody, including but not limited to housing, provisions, education, nurture, care and personal safety and protection.

146. Given this level of control over residents' lives, Defendant(s) stood *in loco parentis* and owed Plaintiffs a heightened duty of care akin to special care or a fiduciary level of care.

147. These duties and obligations are statutorily mandated and are non-delegable. Even though Defendant has, through the years, contracted with third party providers as agents for some of these services, the ultimate responsibility for oversight, management and operations at all levels of the Montrose School remained with Defendant, as assigned by the Legislature.

148. These duties and obligations required Defendant to meet applicable standards of care for facilities such as the Montrose School under its operation and control.

149. These duties and obligations extended to all youth residents, and specifically to Plaintiffs.

150. Defendant breached each of these and other duties in one or more of the following ways:

- a. Failing to properly manage and staff facilities;
- b. Failing to supervise youth to ensure they were protected from sexual abuse, both by staff and by fellow youth, while at each facility;
- c. Failing to provide an environment that was free from sexual abuse;
- d. Failing to investigate and respond to youth complaints of sexual abuse;
- e. Failing to provide medical treatment, therapy and/or counseling for youth who were sexually abused in a facility;
- f. Failing to rectify and eliminate sexual abuse, including but not limited to terminating perpetrators and those who knew and contributed to tolerance of the abuse;
- g. Such other failures as may become apparent through further investigation and discovery.



151. Defendant directly breached these duties required by statute and/or applicable national standards of care.

152. Defendant was also negligent in selecting and contracting with third party providers, whom it failed to properly vet to ensure suitability for the critical services to be provided.

153. The exact services those third parties were contracted to provide are currently unknown to Plaintiffs, who lack access to those contracts, but upon information and belief, such services included direct supervision, personal protection and care of youth at Defendant's facilities such as the Montrose School.

154. These third-party providers breached the standards of care applicable to their services to youth, more specifically by hiring, failing to supervise, and continuously retaining unfit staff who perpetrated upon youth as set forth with specificity above.

155. The acts and omissions of any third-party providers selected and paid by Defendant are imputable to Defendant as principal/employer and holder of these non-delegable duties.

156. As a direct and proximate result of these breaches, or any one or more of them, Plaintiffs were each harmed and suffered losses as follows:

- a. Physical injuries and disfigurement, past and continuing into the future;
- b. Severe emotional distress, past and continuing into the future;
- c. Expenses relating to medical care and treatment, past and continuing into the future;
- d. Lost wages and lost opportunities, past and continuing into the future;
- e. Other economic losses, past and continuing into the future;
- f. Loss of enjoyment of life, past and continuing into the future;

- g. Litigation costs and expenses;
- h. Prejudgment and post judgment interests at the legally proscribed rates;
- i. Plaintiffs seek an award of attorney's fees as permissible by Md. R. Civ. Pro. Cir. Ct. Rule 2-702 and 2-703(b) and other applicable authorities; and
- j. Such other relief as the Court may deem appropriate or as may be uncovered through further investigation and discovery.

**SECOND CAUSE OF ACTION: NEGLIGENT HIRING, SUPERVISION, AND  
RETENTION**

157. All prior paragraphs are restated herein by this reference.

158. Defendant had statutory, mandated, non-delegable duties in regard to hiring staff at all levels within its management and operation of juvenile justice facilities, including the Montrose School.<sup>46</sup> Md. Code, Human Services § 9-201 et seq.

159. Defendant directly hired individuals at executive levels to oversee, manage and operate juvenile justice facilities including the Montrose School.

160. In addition, Defendant selected and hired both direct employees and third-party agents and providers to oversee, manage, and operate the Montrose School.

161. Defendant paid those employees, agents and/or providers to undertake these tasks, directly or indirectly, such that Defendant stood in the place of a principal and employer as to each of them.

162. Defendant had a non-delegable duty to ensure that only qualified and competent staff were hired at all levels to serve and protect the residents at the Montrose School and other facilities under its control.

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<sup>46</sup> See ¶¶ 32-36.

163. Defendant breached this duty and others by hiring, either directly or through third party providers, unqualified and incompetent executives, providers and staff with known criminal backgrounds and/or readily ascertainable histories of abusing youth in other facilities.

164. Defendant had actual or constructive knowledge of these providers' and individuals' incompetence and/or dangerous propensities.

165. Defendant would have known of these providers' and individuals' proclivities if they had undertaken an appropriate background search in connection with hiring them or vetting them prior to granting them access to youth (including Plaintiffs) in their care.

166. Defendant had a further non-delegable duty to monitor and supervise staff at all levels within its operation of the Montrose School and other facilities under its control to ensure that services and protections were afforded to youth in its care, including Plaintiffs.

167. Defendant breached this duty by failing to monitor and supervise their direct staff and the performance of third-party providers and their staff to ensure that sexual abuse was not occurring.

168. Defendant and/or its selected third-party providers breached this duty by failing to investigate complaints both by youth residents and by independent evaluators that staff and youth at the Montrose School and other facilities under their control were perpetrating sexual abuse upon residents, including Plaintiffs.

169. Defendant and/or its selected third-party providers each had a duty to retain only safe and qualified staff to serve youth in their care, and to terminate any staff who sexually abused a youth.

170. Defendant and/or its selected third-party providers breached this duty by continuously retaining both direct Defendant staff members and providers whom they knew or should have known had dangerous propensities and/or had sexually abused youth.

171. Each of these breaches violated Defendant's statutorily mandated duties and applicable standards of care, as well as standards of care applicable to the providers.

172. Defendant had the power to terminate its direct employees and, at minimum, power to terminate its contract with any third-party provider who failed to protect youth from sexual abuse.

173. Defendant failed to exercise this power and was negligent in both the supervision and retention of its direct employees and those of the third-party providers with whom it contracted.

174. Defendant failed to promptly terminate the contracts with its third-party providers despite actual or constructive knowledge of the sexual abuse the providers' staff were perpetrating upon youth, including Plaintiffs.

175. Had Defendant acted appropriately and not failed in any one or more of the above duties of hiring, supervising, and/or retaining proper staff, the harm to Plaintiffs would have been prevented and they would not have been injured.

176. Had Defendant's selected third-party providers acted appropriately and not failed in any one or more of the above duties of hiring, supervising and/or retaining proper staff, the harm to Plaintiffs would have been prevented and they would not have been injured.

177. The acts and omissions of Defendant's staff/agents/employees as well as those of its selected third-party providers are imputable to Defendant.

178. As a direct and proximate result of these breaches, or any one or more of them, Plaintiffs were each harmed and suffered losses as follows:

- a. Physical injuries, past and continuing into the future;
- b. Severe emotional stress; past and continuing into the future;
- c. Expenses relating to medical care and treatment, past and continuing into the future;
- d. Lost wages and lost opportunities, past and continuing into the future;
- e. Other economic losses, past and continuing into the future;
- f. Loss of enjoyment of life, past and continuing into the future;
- g. Litigation costs and expenses;
- h. Prejudgment and post judgment interests at the legally proscribed rates;
- i. Plaintiffs seek an award of attorney's fees as permissible by Md. R. Civ. Pro. Cir. Ct. Rule 2-702 and 2703(b) and other applicable authorities; and
- j. Such other relief as the Court may deem appropriate or as may be uncovered through further investigation and discovery.

**THIRD CAUSE OF ACTION: NEGLIGENT FAILURE TO TRAIN AND EDUCATE**

179. The preceding paragraphs are incorporated by reference as if set forth in their entirety herein.

180. Defendant, as custodian *in loco parentis* of Plaintiffs, owed a special duty of care and/or was in a fiduciary relationship with Plaintiffs, who were vulnerable, otherwise unaccompanied minors in its residential facilities.

181. Defendant also had a special duty of care to ensure Plaintiffs' safety and well-being due to Defendant's non-delegable and non-discretionary duties as the state agency charged with overseeing Maryland's juvenile detention centers.

182. Among those duties, Defendant had a duty to take reasonable measures to protect the Plaintiffs and other children from sexual abuse.

183. Defendant also had a duty to properly train and educate its staff/employees/agents at all levels to protect Plaintiffs and to prevent them from being sexually abused.

184. While Defendant was permitted to hire third- party providers to carry out its work, Defendant retained at all times a duty to ensure that the staff of third-party providers were properly trained in regard to protecting children from sexual abuse.

185. Because these duties originate by statute and at the direction of the Maryland Legislature, Defendant cannot fully abdicate the ultimate responsibility to protect minors in its care, even when it hires third -party providers.

186. Defendant or others acting on its behalf or under its direction or control (both direct and third-party providers), breached these duties to Plaintiffs by, among other things:

- a. Failing to protect Plaintiffs from sexual abuse while in its facilities;
- b. Failing to properly train or educate its staff, /employees, and/or /agents (direct and third parties) on behaviors constituting sexual abuse by staff and/or among residents;
- c. Failing to properly train or educate its staff, /employees, and/or /agents (direct and third parties) on how to uncover and recognize sexual abuse;
- d. Failing to properly train or educate its staff, /employees, and/or /agents (direct and third parties) on how to monitor the facilities to prevent sexual abuse;
- e. Failing to properly train or educate its staff, /employees, and/or /agents (direct and third parties) on how to establish and maintain proper channels whereby residents could report abuse;
- f. Failing to properly train or educate its staff, /employees, and/or /agents (direct and third parties) on how to investigate allegations of sexual abuse;
- g. Failing to properly train or educate its staff, /employees, or /agents (direct and third parties) on how to respond to, document, and report allegations of sexual abuse; and

- h. In such other ways as may become apparent through further investigation and discovery.

187. Defendant knew or should have known, and it was foreseeable in these circumstances, that it had created an opportunity for vulnerable children (including Plaintiffs) to be sexually abused.

188. As a direct and proximate result of these breaches, or any one or more of them, Plaintiffs were each harmed and suffered losses as follows:

- a. Physical injuries, past and continuing into the future;
- b. Severe emotional stress; past and continuing into the future;
- c. Expenses relating to medical care and treatment, past and continuing into the future;
- d. Lost wages and lost opportunities, past and continuing into the future;
- e. Other economic losses, past and continuing into the future;
- f. Loss of enjoyment of life, past and continuing into the future;
- g. Litigation costs and expenses;
- h. Prejudgment and post judgment interests at the legally proscribed rates;
- i. Plaintiffs seek an award of attorney's fees as permissible by Md. R. Civ. Pro. Cir. Ct. Rule 2-702 and 2703(b) and other applicable authorities; and
- j. Such other relief as the Court may deem appropriate or as may be uncovered through further investigation and discovery.

**FOURTH CAUSE OF ACTION: GROSS NEGLIGENCE**

189. All prior paragraphs are restated herein by this reference.

190. Defendant, as custodian *in loco parentis* of Plaintiffs, owed a special duty of care and/or was in a fiduciary relationship with Plaintiffs, who were vulnerable, otherwise unaccompanied minors in its residential facilities.

191. Defendant also had a special duty of care to ensure Plaintiffs' safety and well-being due to Defendant's non-delegable and non-discretionary duties as the state agency charged with overseeing Maryland's juvenile detention centers.

192. Among those duties, Defendant had a duty to take reasonable measures to protect the Plaintiffs and other children from sexual abuse.

193. Defendant also had a duty to properly train and educate its staff/employees/agents at all levels to protect Plaintiffs and to prevent them from being sexually abused.

194. While Defendant was permitted to hire third party providers to carry out its work, Defendant retained at all times a duty to ensure that the staff of third-party providers were properly trained in regard to protecting children from sexual abuse.

195. Because these duties originate by statute and at the direction of the Maryland Legislature, Defendant cannot fully abdicate the ultimate responsibility to protect minors in its care, even when it hires third party providers.

196. Defendant or others acting on its behalf or under its direction or control (both direct and third-party providers), breached these duties to Plaintiffs by, among other things:

- a. Failing to protect Plaintiffs from sexual abuse while in its facilities;
- b. Failing to properly train or educate staff/employees/agents (direct and third parties) on behaviors constituting sexual abuse by staff and/or among residents;
- c. Failing to properly train or educate staff/employees/agents (direct and third parties) on how to uncover and recognize sexual abuse;
- d. Failing to properly train or educate staff/employees/agents (direct and third parties) on how to monitor the facilities to prevent sexual abuse;
- e. Failing to properly train or educate staff/employees/agents (direct and third parties) on how to establish and maintain proper channels whereby residents could report abuse;



- f. Failing to properly train or educate staff/employees/agents (direct and third parties) on how to investigate allegations of sexual abuse;
- g. Failing to properly train or educate staff/employees/agents (direct and third parties) on how to respond to, document and report allegations of sexual abuse; and
- h. In such other ways as may become apparent through further investigation and discovery.

197. Defendant knew or should have known, and it was foreseeable in these circumstances, that it had created an opportunity for vulnerable children (including Plaintiffs) to be sexually abused.

198. As a direct and proximate result of these breaches, or any one or more of them, Plaintiffs were each harmed and suffered losses as follows:

- a. Physical injuries, past and continuing into the future;
- b. Severe emotional stress; past and continuing into the future;
- c. Expenses relating to medical care and treatment, past and continuing into the future;
- d. Lost wages and lost opportunities, past and continuing into the future;
- e. Other economic losses, past and continuing into the future;
- f. Loss of enjoyment of life, past and continuing into the future;
- g. Litigation costs and expenses;
- h. Punitive damages;
- i. Prejudgment and post judgment interests at the legally proscribed rates;
- j. Plaintiffs seek an award of attorney's fees as permissible by Md. R. Civ. Pro. Cir. Ct. Rule 2-702 and 2703(b) and other applicable authorities; and
- k. Such other relief as the Court may deem appropriate or as may be uncovered through further investigation and discovery.

**FIFTH CAUSE OF ACTION: SEXUAL ASSAULT AND BATTERY**

199. All prior paragraphs are restated herein by this reference.

200. Defendant maintained at all times a manifest duty to hire safe and qualified individuals, to supervise them properly, and to terminate any employee or staff who posed a danger to or sexually abused a youth. This was equally true in regard to direct hires and anyone employed by third party providers.

201. In turn, all third-party providers had a duty to hire and retain only qualified staff to serve youth in Defendant facilities.

202. Defendant and its selected third-party providers, separately and jointly, intentionally failed to act on literally decades of complaints and allegations both from youth residents and independent evaluators which informed them that numerous staff had, and were continuing to, perpetrate sexual abuse upon the youth in their care.

203. These failures were in reckless disregard of the grave consequences to youth, including Plaintiffs, which damaged them in body, mind, and their abilities to thrive and enjoy normal lives, as set forth with particularity above.

204. As such, was grossly negligent in failing to perform their statutorily mandated, nondelegable and assumed duties to protect Plaintiffs and other youth from sexual abuse.

205. As a result of this gross negligence, the sexual abuse at the Montrose School was tolerated, and proliferated among more and more staff as years went on.

206. As a direct and proximate result of these breaches, or any one or more of them, Plaintiffs were each harmed and suffered losses as follows:

- a. Physical injuries, past and continuing into the future;
- b. Severe emotional stress; past and continuing into the future;
- c. Expenses relating to medical care and treatment, past and continuing into the future;

- d. Lost wages and lost opportunities, past and continuing into the future;
- e. Other economic losses, past and continuing into the future;
- f. Loss of enjoyment of life, past and continuing into the future;
- g. Litigation costs and expenses;
- h. Prejudgment and post judgment interests at the legally proscribed rates;
- i. Plaintiffs seek an award of attorney's fees as permissible by Md. R. Civ. Pro. Cir. Ct. Rule 2-702 and 2703(b) and other applicable authorities; and
- j. Such other relief as the Court may deem appropriate or as may be uncovered through further investigation and discovery.

**SIXTH CAUSE OF ACTION: PREMISES LIABILITY**

- 207. All prior paragraphs are incorporated as though fully set forth herein.
- 208. The Perpetrators acted under color of the laws of the State of Maryland.
- 209. Plaintiffs have a substantive due process right to bodily autonomy under Article 24 of the Maryland Declaration of Rights.

210. The Maryland Constitution and principles of *respondeat superior* require Defendant to avoid Constitutional violations by its employees through adequate training and supervision and by disciplining employees for unlawful conduct. The Perpetrators of repeated acts of sexual abuse against Plaintiffs acted under color of the laws of the State of Maryland in their role as employees, staff, or agents responsible for the management and operation of the Montrose School.

211. All the Perpetrators' actions occurred within the course of their duty and within the scope of their employment at the Montrose School.

212. The Perpetrators repeatedly violated Plaintiffs' rights under Article 24.

213. Defendant is vicariously liable for the Perpetrators' violations of Plaintiffs' rights under Article 24.

214. Thus, Defendant deprived Plaintiffs of their right to bodily autonomy under Article 24 when the Perpetrators repeatedly sexually abused Plaintiffs.

215. As a direct and proximate cause of the Defendant's unconstitutional conduct, Plaintiffs were deprived of their substantive due process rights to bodily autonomy.

216. As a direct and proximate result of Defendant's unconstitutional conduct, or any one or more of them, Plaintiffs were each harmed and suffered losses as follows:

- a. Physical injuries and disfigurement, past and continuing into the future;
- b. Severe emotional distress, past and continuing into the future;
- c. Expenses relating to medical care and treatment, past and continuing into the future;
- d. Lost wages and lost opportunities, past and continuing into the future;
- e. Other economic losses, past and continuing into the future;
- f. Loss of enjoyment of life, past and continuing into the future;
- g. Litigation costs and expenses;
- h. Prejudgment and post judgment interests at the legally proscribed rates;
- i. Plaintiffs seek an award of attorney's fees as permissible by Md. R. Civ. Pro. Cir. Ct. Rule 2-702 and 2-703(b) and other applicable authorities; and
- j. Such other relief as the Court may deem appropriate or as may be uncovered through further investigation and discovery.

**SEVENTH CAUSE OF ACTION: ARTICLE 24 MARYLAND DECLARATION OF RIGHTS – PATTERN AND PRACTICE (LONGTIN CLAIM)**

217. All prior paragraphs are incorporated as though fully set forth herein.

218. It is the custom and practice of Defendant to permit staffers to violate children's substantive due process rights to bodily integrity by physically and sexually abusing them.

219. Defendant failed to properly train and supervise their staffers to prevent those repeated Constitutional violations.

220. That failure to supervise demonstrates gross disregard for and deliberate indifference to Plaintiffs' Constitutional rights.

221. The failure to train Montrose staffers is so patently obvious from the repeated sexual abuse that Plaintiffs and other children at the Montrose School have experienced for decades.

222. As a result of the failure to train and the permitted pattern of practice at the Montrose School, staffers are allowed to sexually assault children.

223. Montrose staff fail to report these incidents of reckless and intentional unlawful conduct, and Defendant lacks effective procedures to control or monitor Montrose staffers who have a pattern or history of unlawful behavior.

224. Defendant caused Montrose staffers to believe that unlawful sexual abuse would not be aggressively, honestly, and properly investigated.

225. Defendant should have foreseen that such a policy would promote illegal and unconstitutional behavior.

226. This custom and practice directly and proximately caused Plaintiffs' Constitutional injury.

227. As a direct and proximate result of Defendant's unconstitutional pattern and practice, Plaintiffs were each harmed and suffered losses as follows:

- a. Physical injuries and disfigurement, past and continuing into the future;
- b. Severe emotional distress, past and continuing into the future;
- c. Expenses relating to medical care and treatment, past and continuing into the future;

- d. Lost wages and lost opportunities, past and continuing into the future;
- e. Other economic losses, past and continuing into the future;
- f. Loss of enjoyment of life, past and continuing into the future;
- g. Litigation costs and expenses;
- h. Prejudgment and post judgment interests at the legally proscribed rates;
- i. Plaintiffs seek an award of attorney's fees as permissible by Md. R. Civ. Pro. Cir. Ct. Rule 2-702 and 2-703(b) and other applicable authorities; and
- j. Such other relief as the Court may deem appropriate or as may be uncovered through further investigation and discovery.

**IX. JURY DEMAND**

Plaintiffs respectfully demand a trial by jury on all issues so triable.

**X. PRAYER FOR RELIEF**

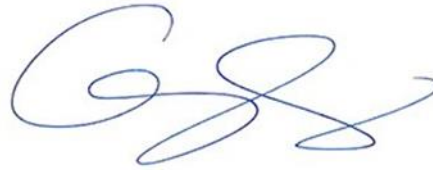
WHEREFORE, Plaintiffs pray for judgment against Defendant, jointly and severally, as follows:

- A. Enter judgment against Defendant in favor of the Plaintiffs for a sum in excess of \$30,000, jointly and severally;
- B. For a trial by jury on all issues so triable;
- C. That the costs, including expert witness fees, of this action be taxed against Defendant;
- D. Pre-judgment interest and post-judgment interest;
- E. For reasonable attorneys' fees as allowed by law; and
- F. For such other and further relief as the Court deems just and proper.

This the 1st day of October, 2023.

Respectfully submitted,

**BAILEY GLASSER LLP**



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*\*Pro hac vice forthcoming*  
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