



West Virginia E-Filing Notice

CC-15-2023-C-18

Judge: Ronald E. Wilson

To: Paul Stewart
pzs@careystewart.com

NOTICE OF FILING

IN THE CIRCUIT COURT OF HANCOCK COUNTY, WEST VIRGINIA
E. H. v. Hancock County Board of Education
CC-15-2023-C-18

The following complaint was FILED on 3/15/2023 2:49:35 PM

Notice Date: 3/15/2023 2:49:35 PM

Sandra Casto
CLERK OF THE CIRCUIT COURT
Hancock County
PO Box 428
NEW CUMBERLAND, WV 26047

(304) 564-3311
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COVER SHEET

E-FILED | 3/15/2023 2:49 PM
CC-15-2023-C-18
Hancock County Circuit Clerk
Sandra Casto

GENERAL INFORMATION

IN THE CIRCUIT COURT OF HANCOCK COUNTY WEST VIRGINIA

E. H. v. Hancock County Board of Education

First Plaintiff: Business Individual Government Other

First Defendant: Business Individual Government Other

Judge: Ronald E. Wilson

COMPLAINT INFORMATION

Case Type: Civil

Complaint Type: Tort

Origin: Initial Filing Appeal from Municipal Court Appeal from Magistrate Court

Jury Trial Requested: Yes No **Case will be ready for trial by:** 3/1/2024

Mediation Requested: Yes No

Substantial Hardship Requested: Yes No

Do you or any of your clients or witnesses in this case require special accommodations due to a disability?

- Wheelchair accessible hearing room and other facilities
- Interpreter or other auxiliary aid for the hearing impaired
- Reader or other auxiliary aid for the visually impaired
- Spokesperson or other auxiliary aid for the speech impaired
- Other: _____

I am proceeding without an attorney

I have an attorney: Paul Stewart, 3169 MAIN ST, WEIRTON, WV 26062

SERVED PARTIES

Name: Hancock County Board of Education
Address: Hancock County Schools 130 Rockefeller Circle, New Cumberland WV 26047
Days to Answer: N/A **Type of Service:** Hold for Later Service

Name: David Smith
Address: c/o Hancock County Schools 130 Rockefeller Circle, New Cumberland WV 26047
Days to Answer: N/A **Type of Service:** Hold for Later Service

Name: Ronald Paul Harris
Address: 112 Northern Regional Correction Drive, Moundsville WV 26041
Days to Answer: N/A **Type of Service:** Hold for Later Service

IN THE CIRCUIT COURT OF HANCOCK COUNTY, WEST VIRGINIA

E.H., and A.S. and S.S.,
individually,

Plaintiffs,

v.

Civil Action No. _____
Hon. _____

THE HANCOCK COUNTY BOARD
OF EDUCATION, DAVID SMITH, and
RONALD PAUL HARRIS,

Defendants.

COMPLAINT

For their Complaint against the Defendants, on personal knowledge as to their own acts and status, and upon information and belief as to all other facts, Plaintiffs state as follows: ¹

THE PARTIES

1. Plaintiff E.H. is currently a resident of Washington County, Pennsylvania. At all relevant times concerning the allegations contained in this Complaint, Plaintiff resided in Hancock County, West Virginia, and attended school in Hancock County, West Virginia.
2. Plaintiffs A.S. and S.S. are the parents of E.H. and are residents of Hancock County, West Virginia.
3. The Hancock County Board of Education (“Board”), a defendant, is a resident of Hancock County, West Virginia.

¹ Because of the sensitive nature of the matters alleged in the Complaint, the plaintiffs employ the longstanding practice of using the initials of the real parties in interest. See, *Barbina v. Curry*, 221 W.Va. 41, 650 S.E.2d 140 (2007); *James G. v. Caserta*, 175 W.Va. 406, 332 S.E.2d 872 (1985).

4. David Smith, a defendant, is a resident of Hancock County, West Virginia. At all relevant times, Mr. Smith was an Assistant Principal/Administrator at Oak Glen Middle School (“OGMS”) and an employee of the Board. Mr. Smith is currently the Principal at Oak Glen High School.

5. Ronald Paul Harris, a defendant, is an inmate of the West Virginia Division of Corrections and Rehabilitation (“WV-DCR”), currently serving a sentence of 10 to 20 years after pleading guilty to the offense of “Sexual Abuse by a Parent, Guardian, Custodian, or Person in a Position of Trust” for his sexual abuse of E.H. during her ninth-grade year of high school, who at all relevant times was a teacher at OGMS and an employee of the Board.

JURISDICTION AND VENUE

6. Jurisdiction and venue are proper in the Circuit Court of Hancock County, West Virginia, as Defendant Harris worked for the Board as an eighth-grade teacher at OGMS at all relevant times; Plaintiffs A.S. and S.S. are residents of Hancock County, West Virginia; and Plaintiffs’ claims giving rise to this action occurred in Hancock County, West Virginia. The amount in controversy exceeds the minimum required for this court’s jurisdiction.

7. To the extent any claims herein invoke governmental immunity, Plaintiff asserts such claims only under and up to the amount of coverage contained in applicable insurance policies.

8. Defendant Smith, as Administrator, committed wrongful act(s) against the Plaintiff, a student, by breaching duties owed to her as more fully set forth herein.

9. The Board committed wrongful act(s) against the Plaintiff, its student, by breaching duties owed to her as more fully set forth herein.

10. Each wrongful act or occurrence of physical and/or emotional abuse or injury alleged herein produced a separate and distinct injury to E.H.

FACTS

11. E.H. is a 27-year-old female who was groomed and sexually abused by Defendant Harris on OGMS property beginning when she was 13 years old.

12. At all relevant times, Defendant Harris, now 62 years old, was the eighth-grade West Virginia History teacher at OGMS. He also coached the eighth-grade girls' basketball team and was in charge of the broadcasting department at OGMS.

13. During E.H.'s eighth grade year, Defendant Harris, who was 50 years old at that time, was her West Virginia History teacher.

14. Defendant Harris immediately began "befriending" or "grooming" E.H. to gain her trust, and he began to communicate with her as if he were a peer or friend rather than a young student's teacher.

15. After attending a school field trip during her eighth-grade year, Defendant Harris gave E.H. his personal cell phone number and requested that she give him hers. Defendant Harris began communicating with E.H., inappropriately, via text message, on a regular basis.

16. Upon information and belief, Defendant Harris also inappropriately communicated with other OGMS students.

17. Upon information and belief, Board employees witnessed Defendant Harris masturbating on school grounds on at least two occasions – once in his classroom after school, and once in the bathroom during girls' basketball practice.

18. Upon information and belief, no disciplinary action was taken against Defendant Harris for masturbating on school property; instead, the Board continued to employ Defendant Harris as both a teacher and a girls' basketball coach.

19. During E.H.'s freshman year of high school, Defendant Harris arranged for and encouraged E.H. to become his "teacher's aide", whereby E.H. would leave the high school when school let out and go to OGMS where Defendant Harris continued to work as an eighth-grade history teacher. E.H. would help Defendant Harris grade papers and organize his classroom.

20. To gain access to OGMS in this manner, E.H. was required to "sign in", which created a record of her visits with Defendant Harris.

21. During this timeframe, Defendant Harris escalated his abuse of E.H. and began to express his romantic love and sexual feelings for then-14-year-old E.H.

22. Defendant Harris discussed his desire to kiss and fondle E.H., and informed her that he would save money for an "elopement" marriage when E.H. turned 18 years old.

23. Shortly after E.H. began visiting Defendant Harris on OGMS property during her ninth-grade year, Defendant Harris started sexually abusing E.H.

24. Defendant Harris would take E.H. into the storage closet of the media room, which was connected to his regular classroom by an interior door, and request that E.H. remove her shirt, and proceed to remove his own shirt.

25. Defendant Harris would remove E.H.'s bra and intensely hug her and suck on her breasts.

26. Defendant Harris would then masturbate in front of and on E.H.

27. Defendant Harris put his hand in E.H.'s pants and underwear and molested her by touching and penetrating her vagina.

28. This horrific sexual abuse by a 50-year-old male teacher of a 13-14-year-old female child occurred on at least 10 occasions.

29. Defendant Smith and other Board employees were acutely aware of E.H.'s visits to OGMS and the time she spent with Defendant Harris in his classroom.

30. Defendant Smith's job responsibilities included him "doing rounds" at OGMS after normal school hours ended to ensure all students were safe and there were no issues regarding staff.

31. On at least one occasion, Defendant Smith attempted to gain access to Defendant Harris's classroom when he was sexually abusing E.H., but when he found the door to be locked, he simply ceased trying and began walking away, down the hall.

32. As Defendant Smith was walking away from Defendant Harris's locked classroom, Defendant Harris abruptly emerged into the hallway with E.H. and nervously called for Defendant Smith.

33. Defendant Smith then turned around, saw Defendant Harris and E.H. standing outside the classroom, and approached them for a brief conversation.

34. Defendant Harris was profusely sweating, visibly and audibly nervous, and outwardly anxious, yet Defendant Smith did not address either the locked door situation – while E.H. was clearly in Defendant Harris's classroom with him – or Defendant Harris's extremely odd, guilty behavior.

35. In fact, Defendant Smith took no action whatsoever after witnessing this conduct and behavior.

36. Each time E.H. was in Defendant Harris' classroom, Defendant Harris closed and locked the door.

37. At no time did Defendant Smith or any other Board employee instruct Defendant Harris to cease locking his door when E.H. was present in his classroom.

38. At no time did Defendant Smith or any other Board employee do anything to assist E.H. or stop Defendant Harris from harming her or any other student.

39. Upon information and belief, it was common knowledge among OGMS staff and students alike that Defendant Harris maintained a "Top 10 List" of most attractive female middle school students.

40. At no time did any Board employee take any action whatsoever to stop the aforementioned conduct of Defendant Harris.

41. Upon information and belief, the Board and its staff had actual knowledge that Defendant Harris married a former middle school student of his, which put them on notice of his character and moral turpitude.

42. At no time did the Board or its staff take any measures to ensure students who were entrusted to their care, including E.H., were safe and protected from sexual predators like Defendant Harris.

43. At no time did the Board or its staff take any measures to educate students, including E.H., about potentially harmful interactions with adults, including Board employees, and how and to whom to report such potentially harmful interactions.

44. Neither the Board nor OGMS administrators kept a close eye on Defendant Harris or adequately supervised the students under his care, including E.H.

45. At no time did the Board or any employee of the Board raise concern regarding Defendant Harris's closed-door, one-on-one continual meetings with E.H. in general, and given his classroom setup – that included connection to a media room through an interior door.

46. Upon information and belief, at no time during Defendant Harris's employment with the Board did the Board provide him with any training regarding, among other things, prohibited: sexual conduct, sexual violence, sexual harassment, and romantic relationships with students.

47. Administrators, including Defendant Smith, at OGMS were acting within their scope of employment when they negligently trained, supervised, and retained Defendant Harris.

48. Administrators, including Defendant Smith, at OGMS were acting within their scope of employment when they negligently supervised their students, including E.H.

49. The Board knew or should have known of the overt, egregious, sexually charged culture that existed within Hancock County Schools at all relevant times and the hostile environment created by Defendant Harris and other Board employees which was sustained by E.H. and her minor, female classmates.

50. Other Board employees contributed to this horrific culture/environment. For example: a male Board employee called E.H. a sexually provocative nickname beginning when she was 13 years old; a male Board employee routinely "joked" that pregnant students were carrying "his baby" and often requested that female students sit on his lap during class; and another male Board employee utilized the classroom setting to talk about sexual preferences/proclivities with his young students.

51. Upon information and belief, Defendant Harris was employed by the Board as an eighth-grade teacher at OGMS through and until 2015.

52. In or around December 2021, Defendant Harris was arrested by the State Police for his sexual abuse of E.H., to which he confessed, and charged with six felonies: one count of Sexual Assault in the Second Degree, two counts of Sexual Abuse in the First Degree, and three counts of Sexual Abuse by Guardian or Person in a Position of Trust.

53. On or about September 22, 2022, Defendant Harris entered into a Plea Agreement whereby he plead guilty to the offense of “Sexual Abuse by a Parent, Guardian, Custodian, or Person in a Position of Trust” in contravention of W.Va. Code § 61-8D-5.

54. Defendant Harris was sentenced to 10 to 20 years in jail, in the custody of the WV-DCR, followed by a period of 10 years’ supervised release after his prison term.

55. Defendant Harris is required to register as a sex offender for life.

56. As a direct result of Defendants’ misconduct, Plaintiff was unable to have a “normal” adolescence and/or middle school and high school experience, and felt isolated, ashamed, and constantly worried/anxious, among other things.

57. As a direct result of Defendants’ misconduct, Plaintiff’s classmates rejected her and/or did not positively interact with her given the “favoritism” Defendant Harris showed towards her.

58. As a direct result of Defendants’ misconduct, Plaintiff entered into a romantic relationship with a classmate/peer that she otherwise would not have simply to appear “normal” given Defendant Harris’s abuse of her.

59. As a direct result of Defendants’ misconduct, Plaintiff’s relationship with her younger sister was negatively impacted, as she lived in constant fear of her sister eventually having Defendant Harris as a teacher when she reached middle school, and having Defendant Smith as an administrator who would in no way safeguard her, among other things.

60. As a direct result of Defendants' misconduct, Plaintiff's relationship with her parents, A.S. and S.S., was negatively impacted, as she was emotionally incapable of informing them of Defendant Harris's sexual abuse of her at that young age, which further isolated her, among other things.

61. As a direct result of Defendants' misconduct, Plaintiff spent the majority of her high school career in her bedroom, alone.

62. As a direct result of Defendants' misconduct, Plaintiff refrained from participating in social activities during her freshman year, and only sporadically engaged socially throughout high school.

63. As a direct result of Defendants' misconduct, Plaintiff lost her best friend, who did not understand why Plaintiff isolated herself and stopped doing anything socially after school.

64. As a direct result of Defendants' misconduct, Plaintiff's college experience – both socially and academically – was detrimentally impacted and delayed from the continued feelings of isolation, shame, and social anxiety.

65. As a direct result of Defendants' misconduct, Plaintiff infrequently visits her hometown and when she does, she finds it emotionally overwhelming.

66. As a direct result of Defendants' misconduct, Plaintiff infrequently visits her parents' home given its close physical proximity to OGMS. When Plaintiff does visit her parents' home, she finds it emotionally overwhelming.

67. As a direct result of Defendants' misconduct, Plaintiff has a tendency to go into a panicked state when she sees an individual who resembles Defendant Harris.

68. As a direct result of Defendants' misconduct, Plaintiff has required frequent, intensive therapy for several years and will require frequent, intensive therapy for the rest of her life.

COUNT I – NEGLIGENT SUPERVISION
(AGAINST THE BOARD AND DEFENDANT SMITH)

69. This paragraph incorporates by reference all the preceding paragraphs as if they were set forth fully herein.

70. W.Va. Code § 29–12A–4 sets out the circumstances in which a political subdivision, including a county board of education, may be held liable for damages.

71. W.Va. Code § 29–12A–4(c)(2) states that “[p]olitical subdivisions are liable for injury, death, or loss to persons or property caused by the negligent performance of acts by their employees while acting within the scope of employment[.]”

72. W.Va. Code § 29–12A–4(c)(4) states that “[p]olitical subdivisions are liable for injury, death, or loss to persons or property that is caused by the negligence of their employees and that occurs within or on the grounds of buildings that are used by such political subdivisions, including, but not limited to, office buildings and courthouses, but not including jails, places of juvenile detention, workhouses, or any other detention facility.”

73. At all relevant times the Board and its employees, specifically including Defendant Smith, owed E.H. a duty to supervise both students and teachers with reasonable care.

74. Despite having that duty, the Board and its employees, specifically including Defendant Smith, did nothing to prevent 50-year-old male Defendant Harris from sexually abusing 13-14-year-old female child E.H. on school property.

75. In fact, the Board and its employees facilitated the sexual abuse of E.H. by Defendant Harris by allowing a 13-14-year-old student to serve as a 50-year-old teacher's teacher aide on school property, after regular school hours.

76. The Board and its employees, specifically including Defendant Smith, failed to supervise Defendant Harris in any fashion when the Board knew or should have reasonably foreseen the risk caused by Defendant Harris's dangerous sexual proclivities concerning middle school-age females.

77. The Board and its employees, specifically including Defendant Smith, failed to supervise Defendant Harris even after Defendant Smith had actual knowledge that Defendant Harris was in a locked classroom with E.H., and as a result of their failure, Defendant Harris was able to sexually abuse E.H. on school property after that date.

78. The Board and its employees, specifically including Defendant Smith, were acting within their scope of employment when they breached duties owed to E.H.

79. By virtue of their negligent supervision, the Board and its employees, specifically including Defendant Smith, aided, abetted, and/or concealed Defendant Harris's sexual abuse of E.H.

80. As a direct and proximate result of the Board's and Defendant Smith's various breaches of duties owed to E.H., the Board and its employees failed to prevent Defendant Harris's abuse of E.H., causing E.H. to suffer devastating and irreversible harm for which she is entitled to recover.

COUNT II – NEGLIGENT RETENTION
(AGAINST THE BOARD AND DEFENDANT SMITH)

81. This paragraph incorporates by reference all the preceding paragraphs as if they were set forth fully herein.

82. W.Va. Code § 29–12A–4 sets out the circumstances in which a political subdivision, including a county board of education, may be held liable for damages.

83. W.Va. Code § 29–12A–4the(2) states that “[p]olitical subdivisions are liable for injury, death, or loss to persons or property caused by the negligent performance of acts by their employees while acting within the scope of employment[.]”

84. W.Va. Code § 29–12the(c)(4) states that “[p]olitical subdivisions are liable for injury, death, or loss to persons or property that is caused by the negligence of their employees and that occurs within or on the grounds of buildings that are used by such political subdivisions, including, but not limited to, office buildings and courthouses, but not including jails, places of juvenile detention, workhouses, or any other detention facility.”

85. At all relevant times the Board and its employees, specifically including Defendant Smith, owed E.H. a duty to conduct a reasonable investigation into Defendant Harris’s background if and when suspicion arose regarding Defendant Harris’s fitness as a teacher and coach at OGMS.

86. The Board and its employees, specifically including Defendant Smith, knew or should have known that Defendant Harris was unfit to continue serving as a teacher and coach at OGMS when they became aware of Defendant Harris masturbating – twice – on school property and while students were also present on school property, which predated Defendant Harris’s abuse of E.H.

87. The Board and its employees, specifically including Defendant Smith, knew or should have known that Defendant Harris was unfit to continue serving as a teacher and coach at OGMS when they became aware of Defendant Harris’s “Top 10 List” of most attractive middle school girls, his inappropriate communication with middle school students via text message, his marriage to a former student of his, and the one-on-one time Defendant Harris spent with E.H. on school property, after regular school hours, and always behind a locked door.

88. The Board and its employees, specifically including Defendant Smith, conducted no investigation, let alone a reasonable one, into Defendant Harris's background after having this knowledge to determine whether Defendant Harris was fit to continue serving as a teacher and coach at OGMS.

89. The Board and its employees, specifically including Defendant Smith, were acting within their scope of employment when they breached these duties owed to E.H., and failed to prevent Defendant Harris's abuse of E.H. despite their knowledge and opportunity to do so.

90. By virtue of their negligent retention of Defendant Harris, the Board and its employees, specifically including Defendant Smith, aided, abetted, and/or concealed Defendant Harris's sexual abuse of E.H.

91. As a direct and proximate result of the Board's and Defendant Smith's various breaches of duties owed to E.H., E.H. suffered devastating and irreversible harm for which she is entitled to recover.

COUNT III – NEGLIGENT TRAINING
(AGAINST THE BOARD AND DEFENDANT SMITH)

92. This paragraph incorporates by reference all the preceding paragraphs as if they were set forth fully herein.

93. W.Va. Code § 29–12A–4 sets out the circumstances in which a political subdivision, including a county board of education, may be held liable for damages.

94. W.Va. Code § 29–12A–4(c)(2) states that “[p]olitical subdivisions are liable for injury, death, or loss to persons or property caused by the negligent performance of acts by their employees while acting within the scope of employment[.]”

95. W.Va. Code § 29–12A–4(c)(4) states that “[p]olitical subdivisions are liable for injury, death, or loss to persons or property that is caused by the negligence of their employees and

that occurs within or on the grounds of buildings that are used by such political subdivisions, including, but not limited to, office buildings and courthouses, but not including jails, places of juvenile detention, workhouses, or any other detention facility.”

96. At all relevant times the Board and Defendant Smith owed E.H. a duty to adopt and enforce adequate policies prohibiting teachers and administrators from engaging in inappropriate relationships with students.

97. At all relevant times the Board and Defendant Smith owed E.H. a duty to properly train its employees, including its teachers and administrators, regarding its policies prohibiting teachers and administrators from engaging in inappropriate relationships with students.

98. At all relevant times the Board and Defendant Smith owed E.H. a duty to properly train its employees, including its teachers and administrators, regarding sexual abuse and/or harassment, what constitutes sexual abuse and/or harassment, and how to report instances of suspected sexual abuse and/or harassment.

99. The Board and Defendant Smith breached these duties owed to E.H. by failing to adopt and enforce adequate policies prohibiting teachers and administrators from engaging in inappropriate relationships with students.

100. The Board and Defendant Smith breached these duties owed to E.H. by failing to properly train its employees, including its teachers and administrators, regarding its policies prohibiting teachers and administrators from engaging in inappropriate relationships with students.

101. The Board and Defendant Smith breached these duties owed to E.H. by failing to properly train its employees, including its teachers and administrators, regarding sexual abuse and/or harassment, what constitutes sexual abuse and/or harassment, and how to report instances of suspected sexual abuse and/or harassment.

102. By virtue of their failure to properly train employees, the Board and its employees, specifically including Defendant Smith, aided, abetted, and/or concealed Defendant Harris's sexual abuse of E.H.

103. As a direct and proximate result of the Board's and Defendant Smith's various breaches of duties owed to E.H., the Board and its employees failed to prevent Defendant Harris's abuse of E.H., causing E.H. to suffer devastating and irreversible harm for which she is entitled to recover.

COUNT IV – VIOLATION OF WEST VIRGINIA CODE § 49-2-803
(AGAINST THE BOARD AND DEFENDANT SMITH)

104. This paragraph incorporates by reference all the preceding paragraphs as if they were set forth fully herein.

105. West Virginia Code § 49-2-803 states, in pertinent part:

- (a) Any...school teacher or other school personnel...who has reasonable cause to suspect that a child is neglected or abused, including sexual abuse or sexual assault, or observes the child being subjected to conditions that are likely to result in abuse or neglect shall immediately, and not more than 24 hours after suspecting this abuse or neglect, report the circumstances to the Department of Health and Human Resources. In any case where the reporter believes that the child suffered serious physical abuse or sexual abuse or sexual assault, the reporter shall also immediately report to the State Police and any law-enforcement agency having jurisdiction to investigate the complaint. Any person required to report under this article who is a member of the staff or volunteer of a public or private institution, school, entity that provides organized activities for children, facility, or agency shall also immediately notify the person in charge of the institution, school, entity that provides organized activities for children, facility, or agency, or a designated agent thereof, who may supplement the report or cause an additional report to be made: Provided, That notifying a person in charge, supervisor, or superior does not exempt a person from his or her mandate to report suspected abuse or neglect.

106. The Board and its employees, specifically including Defendant Smith, knew or should have known that Defendant Harris was sexually abusing E.H.

107. At no time did the Board or any of its employees, specifically including Defendant Smith, report Defendant Harris's abuse of E.H. to the authorities.

108. The authorities only became involved years later when E.H. filed a criminal complaint against Defendant Harris for his sexual abuse of her when she was 13-14 years old.

109. Board employees, specifically including Defendant Smith, had a mandatory duty under West Virginia Code § 49-2-803 to report the suspected abuse of E.H. to the proper authorities, including the West Virginia State Police.

110. The Board and Defendant Smith breached that duty by failing to report the suspected abuse by one of its employees.

111. As a direct and proximate result of the Board's and Defendant Smith's various breaches of duties owed to E.H., the Board, Defendant Smith, and its employees failed to prevent Defendant Harris's continued abuse of E.H., causing E.H. to suffer devastating and irreversible harm for which she is entitled to recover.

COUNT V – ASSAULT AND BATTERY
(AGAINST HARRIS)

112. This paragraph incorporates by reference all the preceding paragraphs as if they were set forth fully herein.

113. Defendant Harris willfully intended to cause unlawful harmful and offensive contact with E.H.'s person.

114. Defendant Harris did cause unlawful harmful and offensive contact with E.H.'s person.

115. As a direct and proximate result of Defendant Harris's intentional conduct, E.H. suffered damages for which she is entitled to recover.

COUNT VI – SEXUAL ASSAULT/SEXUAL ABUSE
(AGAINST HARRIS)

116. This paragraph incorporates by reference all the preceding paragraphs as if they were set forth fully herein.

117. Defendant Harris, then 50 years old, began sexually abusing E.H., on Board premises, when she was 13 years old, which abuse continued until E.H. was 14 years old.

118. Defendant Harris’s sexual abuse of E.H. occurred a minimum of 10 times, all on Board premises.

119. As a direct and proximate result of Defendant Harris’s intentional conduct, E.H. suffered damages for which she is entitled to recover.

COUNT VII - INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(AGAINST HARRIS)

120. This paragraph incorporates by reference all the preceding paragraphs as if they were set forth fully herein.

121. Defendant Harris intentionally and recklessly caused E.H. to suffer intense emotional distress through his outrageous and criminal battery of E.H.

122. As a direct and proximate result of Defendant Harris’s intentional conduct, E.H. has suffered damages for which she is entitled to recover.

COUNT VIII – VIOLATIONS OF THE WEST VIRGINIA HUMAN RIGHTS ACT
(AGAINST ALL DEFENDANTS)

123. This paragraph incorporates by reference all the preceding paragraphs as if they were fully set forth herein.

124. The Board and the schools within its system, including the school at which Defendant Harris taught, are places of public accommodations within the definition of the West Virginia Human Rights Act (“WVHRA”), West Virginia Code § 5-11-3(j).

125. The Board and its schools are subject to the provisions of West Virginia Code § 5-11-9(6), which prohibits unlawful discriminatory practices.

126. Defendant Harris is a “person” within the meaning of West Virginia Code § 5-11-3(a), and at relevant times was an agent and employee of the Board.

127. The WVHRA provides that it is an unlawful discriminatory practice for any person being the owner, manager, superintendent, agent, or employee of a place of public accommodations to refuse, withhold from or deny to any individual because of sex/gender, either directly or indirectly, any of the accommodations, advantages, facilities, privileges or services of the place of public accommodations. W. Va. Code § 5-11-9(6)(A).

128. The WVHRA provides that it is an unlawful discriminatory practice for any “person” to engage in acts or activities of any nature, the purpose of which is to harass, degrade, embarrass or cause physical harm or economic loss or to aid, abet, incite, compel or coerce any person to engage in any of the unlawful discriminatory practices defined in the WVHRA. W. Va. Code § 5-11-9(7).

129. Defendant Harris and other Board employees engaged in unlawful discriminatory practices against E.H. based on her sex/gender and otherwise sexually harassed her in violation W. Va. Code §§ 5-11-9(6) and (7) by their conduct set forth above.

130. The Board, as a place of public accommodations within the meaning of the WVHRA, engaged in unlawful discriminatory practices against E.H. based on her sex/gender by and through its agents and employees, including the conduct of Defendant Harris, whose conduct is imputable to it.

131. The Board also tolerated, permitted, and/or ratified the unlawful and discriminatory practices of Defendant Harris and other Board employees, which violated § 5-11-9(7) and is separately and independently liable therefore on agency principles.

132. Defendants' unlawful discriminatory practices resulted in a severe or pervasive environment that was hostile to E.H. based on her sex/gender.

133. As a direct and proximate result of Defendants' conduct, E.H. has suffered damages for which she is entitled to recover.

134. E.H. is affirmatively seeking recovery of her attorney's fees and costs for Defendants' violations of the WVHRA.

COUNT IX – LOSS OF FILIAL CONSORTIUM
(AGAINST ALL DEFENDANTS)

135. This paragraph incorporates by reference all the preceding paragraphs as if they were set forth fully herein.

136. Plaintiffs A.S. and S.S. have suffered the loss of filial consortium, services, and society of their daughter, E.H., as a direct and proximate result of the acts and omissions of Defendants.

137. Plaintiffs A.S. and S.S. witnessed and experienced daily the effects of the trauma sustained by their young-teen daughter despite not knowing the source of the trauma until years later, as a direct and proximate result of the trauma inflicted upon their daughter by Defendants' acts and omissions.

138. Defendants' acts and omissions have also proximately caused Plaintiffs A.S. and S.S. severe emotional distress.

139. These damages are ongoing and are expected to continue in perpetuity.

WHEREFORE, E.H., A.S., and S.S. demand judgment against the Hancock County Board of Education, David Smith (up to the limits of all available insurance coverage), and Ronald Paul Harris in an amount sufficient to compensate her for the extreme emotional and physical harm suffered at the hands of Defendant Harris, and from which the Board and Defendant Smith had a duty to protect E.H. Plaintiffs also seek to recover any other damages that this Court or a jury deems appropriate, including, but not limited to, attorneys' fees and costs.

JURY DEMAND

Plaintiffs request a jury trial on all issues so triable.

E.H., A.S., and S.S.,
By Counsel,



Mary Pat Statler (WVSB#11456)
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And

/s/ P. Zachary Stewart
P. Zachary Stewart (WVSB#11418)
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Counsel for Plaintiffs