

2. John Doe is a minor and is deaf.

3. Plaintiff Jane Doe is the mother of John Doe, and files this action individually and as Next Friend on behalf of her son and on behalf of persons similarly situated.

4. The class consists of persons who attended the school known as the Hawaii Center for the Deaf and the Blind and who were the victims of sexual assaults by other students of the school.

5. The State of Hawaii operates the school known as the Hawaii Center for the Deaf and the Blind.

6. At all relevant times, Sydney Dickerson was the administrator of the school and an employee of the State acting within the scope of her authority.

7. At all relevant times, Scott O'Neal was a counselor at the school and an employee or de facto employee with apparent authority at the school.

8. The Defendants named in this Complaint under the names of JOHN DOES 1-10 (hereinafter "DOE DEFENDANTS") are persons, organizations or entities whose identities at the present time are unknown to Plaintiffs despite the exercise of due diligence. They are sued in this Complaint under fictitious names. Investigation as to the true identities was conducted by Plaintiffs by reviewing the documents available to them. Investigation as to the identity of DOE DEFENDANTS continues. Plaintiffs are informed and believe and thereupon allege that direct or indirect conduct of these other Defendants, presently unknown to Plaintiffs, was or may have been a legal cause of the acts complained of and/or the injury, damage or loss thereby sustained by Plaintiffs, as a result of which all Defendants, unidentified and identified, may be jointly and severally liable to Plaintiffs for the said injuries and losses sustained, inasmuch as the conduct of each Defendant may have coincided and/or concurred with that of each and every other

Defendant, named or unnamed. John Does 1-10 may be responsible as principal for the conduct of an agent.

9. For many years, the school has had a problem with certain students, some of whom called themselves the "Ringleaders," who on an ongoing basis, bullied, terrorized, assaulted, robbed, sodomized, raped, anally raped, gang raped, and/or sexually attacked students who were younger and smaller, including Plaintiff John Doe.

10. Some of the Ringleaders lived at the school and the school stood in loco parentis as to those students.

11. Plaintiff brings this action both individually and on behalf of a class. The members of the class are students who, within the period of the applicable statute of limitations, attended the school and were sexually assaulted by other students of the school. The class is so numerous (approximately 35 victims of sexual abuse) that joinder of all members of the class is impracticable. There are questions of law and fact common to the class. The claims of Plaintiff are typical of the claims of the class. Plaintiff will fairly and adequately protect the interests of the class. The prosecution of separate actions by individual members of the class would create a risk of inconsistent or varying adjudications which would establish incompatible standards of conduct for Defendants. Defendants have acted on grounds generally applicable to members of the class. Questions of law and fact common to members of the class predominate over any questions affecting only individual class members. A class action is superior to other available methods for the fair and efficient adjudication of the controversy. The class members are similarly situated in that Defendants' omissions and efforts to cover up numerous incidents of abuse caused harm to Plaintiff and the class members in a similar fashion.

12. Questions of law and fact are common to the class, including the legal obligations

and conduct of Defendants and their efforts to cover up what was happening at the school.

13. Plaintiff and the members of the class he represents are entitled to an award of damages in such amounts as shall be shown.

14. The victimized students are deaf and some have other impairments.

15. The school, including its administrator (Sydney Dickerson), and its counselor (Scott O'Neal), had actual knowledge and certainly had reason to know of the wrongful activities of the Ringleaders, including the bullying, coercion, and coerced sexual acts.

16. The Ringleaders were allowed to continue to attend the school even though Defendants received reports concerning their wrongful acts and had reason to know that the wrongful acts were recurring.

17. At various times, members of the Ringleaders admitted to school officials and counselors, including O'Neal, that they had in fact harmed and assaulted other students.

18. In approximately 2007, Dickerson was informed that boys were being assaulted and raped by other boys at the school, including on the school grounds.

19. The superintendent of the Department of Education and Sydney Dickerson were informed of coerced sexual acts.

20. In April, 2009, a counselor at the school became aware of the fact that a deaf student at the school other than Plaintiff had been intimidated into sexual acts with five boys at the school, believed to be Ringleaders.

21. In May, 2009, a mother of a student at the school wrote an employee of the Department of Education reporting that her son had been intimidated into sexual activity with several boys.

22. By June, 2009, the chairman of the Board of Education had been notified of a

sexual assault at the school.

23. A young girl at the school became pregnant, which was known to school officials.

24. The Ringleaders coerced students into doing what the Ringleaders wanted by threats of violence and sexual attack, including sodomy and rape.

25. Under coercion by the Ringleaders, John Doe was forced to surrender to them various items of property, including clothing and video games.

26. The Ringleaders threatened that if John Doe did not provide them with what they wanted, he would be harmed and sexually assaulted.

27. At times when John Doe had nothing to provide the Ringleaders, they proceeded to fulfill their threats and engaged in sexual acts with John Doe, including on school property.

28. Students, including Plaintiff John Doe, were coerced into submitting to anal sex with multiple members of the Ringleaders.

29. The Ringleaders' activities were directed against not only Plaintiff John Doe but against various other students at the school, and Defendants had actual or constructive knowledge of what was going on.

30. Sexual assaults on students, including Plaintiff John Doe, occurred in the school's bathroom, the indoor swimming pool area, and the woodshop.

31. Scott O'Neal himself engaged in inappropriate and questionable activities with students at the school, including having them stay with him overnight.

32. Out of malice and an improper purpose, Defendants at times concealed and conspired to conceal what was going on and negligently, recklessly, and intentionally failed to take effective action to stop the wrongful activities.

33. Defendants negligently or recklessly failed to monitor bathrooms and other areas

where the Ringleaders engaged in an ongoing practice of coercing other students into sexual acts.

34. Defendants failed to notify appropriate authorities including the police on a timely basis.

35. At certain times, Defendants failed to advise parents of victimized students, including Plaintiff Jane Doe, and failed to advise the police concerning what was happening.

36. When Defendants failed to take effective action to stop the wrongful conduct of the Ringleaders, the Ringleaders were emboldened and their wrongful conduct continued.

37. Defendants failed to adopt appropriate policies and procedures addressing such matters as problem students, supervision, monitoring both students and school properties, and eliminating risks to students.

38. At one point, a young girl on a school bus in the presence of other students was coerced into giving oral sex to a member of the Ringleaders who filmed the act on his cell phone.

39. The ringleader in question then showed the video he had made to other students.

40. Defendants conspired with each other to use threats, intimidation and retaliation to discourage reporting by teachers and parents of the improper activities at the school.

41. The errors and omissions of the State created and resulted in a hostile learning environment for John Doe, a person with a disability within the meaning of the Americans with Disabilities Act.

42. John Doe was harassed as a result of the State's failures and the harassment altered the conditions of his education and created an abusive educational or learning environment.

43. The State was deliberately indifferent to the harassment of John Doe.

44. The State of Hawaii received federal financial assistance sufficient to mandate

compliance with federal law.

45. To the extent any of the wrongful acts occurred outside of the period of any potentially applicable statute of limitations, Plaintiffs did not discover and, in the exercise of reasonable diligence, could not have discovered the claims alleged herein until within the permissible period for the filing of this action.

46. The actions of Defendants were negligent, grossly negligent, reckless, intentional, and/or malicious.

47. As a result of the negligent, intentional, and wrongful acts of Defendants alleged above, Plaintiffs suffered grievous and extreme physical and emotional injuries, humiliation, embarrassment, and pain, and said injuries will continue into the future, causing general and special damages, including relocation costs in an amount to be shown at trial.

48. Plaintiffs are entitled to an award of exemplary or punitive damages against the Defendants other than the State.

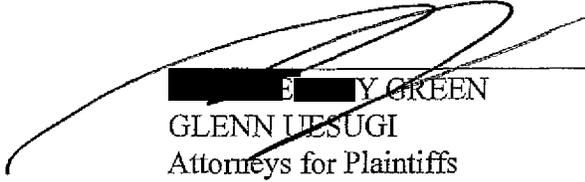
COUNT II

49. Plaintiffs repeat and reallege each of the above allegations.

50. The actions of Defendants were outrageous and inflicted severe and extreme emotional distress upon Plaintiffs, as well as physical injury on Plaintiff John Doe.

WHEREFORE, Plaintiffs pray for an award of general and special damages against Defendants, punitive damages against the Defendants other than the State, and for such other relief as the Court deems just and proper in the circumstances.

DATED: Honolulu, Hawaii, _____, 2011.



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DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury as to all Defendants to the extent permitted by law.

DATED: Honolulu, Hawaii, _____, 2011.

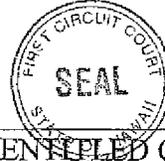


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A failure to obey this summons may result in an entry of default and default judgment against the disobeying person or party.

DATED: Honolulu, Hawaii, AUG 10 2011 , 2011.

F. OTAKE



CLERK OF THE ABOVE-ENTITLED COURT