

Wildwood IB World Magnet School (“Wildwood”), which is a school within the Chicago Public School system.

2. Between September of 2022 and May of 2025, JENNY DOE suffered constant verbal/physical abuse and race-based bullying and harassment by multiple classmates.

3. Additionally, JENNY DOE was sexually harassed by her student PE teacher, THOMAS CORLETT and her primary PE teacher, MARIA ELIPAS.

4. Because of the constant bullying, harassment of JENNY DOE by another students, HINTON requested the school to take protective actions.

5. Mishandling of the situation by the school officials led HINTON to report the same to DCFS, the police, and Office of Student Protection on multiple occasions, and eventually to keep JENNY DOE from attending school.

6. In May of 2025, HINTON asked for a safety transfer for five of her children. The request is currently pending.

7. The assaults, ongoing bullying, and harassment and subsequent mishandling by school officials have caused JENNY DOE severe physical and emotional trauma, which led to partial hospitalization, where JENNY DOE was diagnosed with PTSD and other mental/emotional ailments.

8. The three years of trying to figure out what is happening to her daughter and trying to safeguard protection for JENNY DOE has caused HINTON mental anguish.

9. Plaintiffs assert claims against Defendants for (i) willful and wanton

conduct against all Defendants, (ii) willful and wanton negligence against Defendant Resh, (iii) willful and wanton negligence against Defendant Chandra Fasana, and (iv) sexual battery against Defendants Corlett, (v) battery against Defendant Elipas, (vi) negligent infliction of emotional distress against all Defendants. Plaintiffs seek all available relief, including compensatory damages for physical and emotional injuries, punitive damages, and reasonable attorneys' fees.

JURISDICTION AND VENUE

10. This Court has jurisdiction over this cause and venue is proper in Cook County, Illinois as all parties were at all times relevant herein residents of Cook County, Illinois and the actions described herein occurred in Cook County, Illinois.

PROCEEDING ANONYMOUSLY

11. Plaintiffs are contemporaneously seeking leave of Court to proceed anonymously.

12. Plaintiff HINTON is the mother of JENNY DOE, a victim of sexual harassment, bullying, verbal, and physical abuse, race-based abuse alleged herein precipitated on her as a minor child.

13. The revelation of the identity of HINTON will almost certainly reveal the identity of JENNY DOE, whose privacy interests in maintaining her anonymity as a victim of acts stated herein greatly outweigh the public's interest in open court proceedings.

14. Both HINTON and JENNY DOE should be allowed to proceed anonymously to protect the interests of both parties, especially JENNY DOE who is the victim of a race-based verbal abuse, and sexual harassment. *See A.P. v. M.E.E.*, 354 Ill. App. 3d 989, 1003 (2004) (citing *Coe v. County of Cook*, 162 F.3d 491, 498 (7th Cir. 1998)); *Doe v. Blue Cross & Blue Shield United of Wisconsin*, 112 F.3d 869, 872 (7th Cir. 1997).

PARTIES

15. Plaintiff HINTON is an adult female and resident of this judicial district.

16. Plaintiff JENNY DOE was a seventh-grade student at Wildwood IB World Magnet Chicago Public School.

17. HINTON is JENNY DOE's parent and the next friend, and she brings this action on her and his behalf. She is an adult resident of this judicial district.

18. Defendant Board of Education of the City of Chicago is a public school district operating within Cook County, Illinois, with oversight responsibility for Wildwood IB World Magnet School and all its employees.

19. Defendant Melissa Resh is a Principal at William H. Ray Elementary School who participated in the improper handling of JENNY DOE's case, including implementing an inappropriate "safety plan" while she attended Wildwood, which led to JENNY DOE's emotional disability.

20. Defendant Matthew Fasana is an Assistant Principal of Wildwood who equally participated in the improper handling of JENNY DOE's case, including implementing an inappropriate "safety plan" while she attended Wildwood, which led to JENNY DOE's emotional disability.

21. Defendant Thomas Corlett was JENNY DOE's student PE teacher who sexually/physically harassed in seventh-grade during the PE class.

22. Defendant Maria Elipas was JENNY DOE's primary PE teacher who physically abused JENNY DOE during PE class.

STATEMENT OF FACTS

23. Wildwood Elementary School ("Wildwood") is a public magnet school within the Chicago Public School ("CPS") located at 6950 N. Hiawatha Avenue, Chicago Illinois.

24. Wildwood's student body, faculty, and administration are overwhelmingly White; during the events described herein, fewer than four percent of students identified as Black or African-American.

25. Plaintiff JENNY DOE ("JENNY DOE") is an African-American female minor who, during the 2022–2025 academic years, was the only Black student in her fifth-, sixth-, and seventh-grade cohorts at Wildwood.

26. Plaintiff-Parent HINTON is JENNY DOE's mother and the single parent of five minor children, including JENNY DOE.

27. JENNY DOE entered Wildwood's fifth grade during the 2022-2023 school year through the CPS magnet-lottery process.

28. From the first day of classes and continuing through the spring of 2025, JENNY DOE was subjected to an escalating campaign of race-based, verbal, sexual, and physical harassment by Wildwood students—misconduct that was reported to, or actually known by, Wildwood personnel at every step.

29. On September 21, 2022, JENNY DOE's classroom teacher observed her crying and referred her to school social worker Megan Kay. JENNY DOE disclosed that a classmate, L.C., had, since the first day of school, repeatedly called her a "whore," told her "I wish you never came to this school," and demanded, "Why do I have to look at your face?" Ms. Kay documented that JENNY DOE felt unsafe and promised to notify administration. (Incident Report No. 2314765.)

30. Two months later, on November 3, 2022, after weeks of unchecked verbal abuse, JENNY DOE wrote "I feel like I'm going to die" on a classroom questionnaire. Wildwood performed a Suicide Ideation ("SI") assessment classifying her as "moderate risk" and logged the event in Incident Report No. 2314702. Wildwood failed to inform Ms. Hinton of either the assessment or its outcome until December 12, 2024, when records were produced to HINTON's legal-aid counsel.

31. JENNY DOE again wrote "I want to die" during a social-emotional-learning exercise on November 17, 2022. A second SI assessment confirmed continued moderate risk. (Incident Report No. 2314697.) Wildwood again concealed the assessment from Ms. Hinton.

32. On November 30, 2022, JENNY DOE reported that a classmate (L.) called her "fat" and "ugly" and had body-shamed her since the beginning of the school year. (Incident Report No. 2314477.) JENNY DOE further detailed degrading remarks from other classmates (M.T.V.)—including that she was "shaped like a football," "looked like an egg," or a "marshmallow", and could "only catch man-balls"—and that she was routinely excluded during recess.

33. Throughout September–November 2022, JENNY DOE's complaints were invariably made while she was crying or visibly shaken. Wildwood neither disciplined the aggressors nor disclosed any of JENNY DOE's reports or SI assessments to Ms. Hinton.

34. On December 1, 2022, JENNY DOE disclosed that L.C. had slapped her and another girl (I.), "touch them in places they didn't want to be touched," rubbed her legs, thighs, arms, and buttocks, and threatened to "send [JENNY DOE] to a butcher" or "would be punched" if she reported the misconduct. (Incident Report No. 2314913.) JENNY DOE confided that she was scared for her safety both sexually and physically. Wildwood purportedly notified the Illinois Department of Children and Family Services ("DCFS"), yet the Office of Student Protections & Title IX ("OSP") closed its investigation for "lack of cooperation" from Wildwood.

35. The December 1st report also documented JENNY DOE's contemporaneous desire to self-harm. Wildwood performed another SI

assessment—again withholding the assessment and the mandatory parent-conference form from Ms. Hinton.

36. On December 5, 2022, Ms. Kay drafted a "Safety Plan" directing that JENNY DOE is not grouped or seated near L.C. and restricting bathroom use to one student at a time. Wildwood never presented the Safety Plan to Ms. Hinton for review or signature; instead, staff merely advised HINTON that JENNY DOE would begin a daily "check-in/check-out" routine to ensure "normal friend dynamic."

37. Harassment persisted. On December 6, 2022, a classmate struck JENNY DOE in the face during recess, declared "I'm always trying to kill you," and told her she "stinks." When JENNY DOE tearfully reported the assault, the recess monitor rebuked her for "always causing drama." (Incident Report No. 2317347.)

38. Ms. Hinton emailed homeroom teacher Kelsie Mizel on December 9, 2022, requesting an urgent meeting. Ms. Mizel did not respond. Principal Melissa Resh replied the same day, acknowledging "troubling behavior" but offering only that the school would "address" it.

39. Over the December 10–12 weekend, JENNY DOE was cyber-bullied with sexually explicit imagery. Upon returning to school, she was again told she "stinks" and is "annoying." (Incident Report No. 2320124.)

40. At a December 12, 2022, meeting with Ms. Hinton, Assistant Principal ("AP") Dr. Alison Ortony, and Principal Melissa Resh, administrators

trivialized JENNY DOE's reports as routine "friendship issues" and "exaggerations" causing JENNY DOE to leave in tears.

41. JENNY DOE began therapy at Lurie Children's Hospital on December 20, 2022; Ms. Hinton remained unaware of JENNY DOE's SI history because Wildwood had never disclosed it; therefore, was unable to advise the medical team of this important issue.

42. After Ms. Hinton's January 26, 2023, email demanding action, Ms. Mizel professed ignorance of the bullying despite six months of documented reports.

43. On February 7, 2023, a classmate called JENNY DOE an "ugly, fat bitch," prompting Incident Report No. 2342290.

44. On February 8, 2023, JENNY DOE delivered a despairing note to Ms. Kay stating, inter alia, "I hate my face and body," "I don't like me. I hate me." (Incident Report No. 2342345.)

45. On February 28, 2023, a classmate called JENNY DOE "ugly ass," "horny ass," and "pig." (Incident Report No. 2354831.) Wildwood simultaneously completed another SI assessment. (Incident Report No. 2354817.) HINTON was not informed on that day.

46. Ms. Hinton first learned of JENNY DOE's suicidal ideations on March 1, 2023, from Ms. Kay and promptly notified JENNY DOE's therapist. When confronted with the suicidal ideations by her therapist, JENNY DOE confirmed it was due to peer bullying.

47. By April 19, 2023, despite the December Safety Plan, classmate L.A. had been "pulling and biting" JENNY DOE's hair daily for two months and once nearly pushed her down a staircase. Wildwood responded only with another undisclosed SI assessment. (Incident Report No. 2381153.)

48. On April 21, 2023, Principal Resh emailed the student body warning of "biased-based harm," tacitly confirming widespread discriminatory conduct.

49. AP Ortony emailed Ms. Hinton on April 24, 2023, promising a "thorough investigation." No such investigation occurred during AP Ortony's time at Wildwood.

50. On May 9, 2023, Ms. Kay reported seeing JENNY DOE crying in the lunchroom after being called a "bitch," "annoying," "ugly," and "weird." According to JENNY DOE, the offending classmate stated: "I can say whatever I want, and I won't get in trouble." Wildwood filed no incident report and imposed no discipline.

51. On or about March 13, 2023, JENNY DOE reported to Ms. Kay that a classmate was sending a Snapchat message encouraging JENNY DOE to "kys" (kill yourself). Copies of the messages were provided to the administration on March 15, 2023. It was also discovered that a classmate, E., was using CPS computer and network sending racist hateful messages to another person stating: "go tell JENNY DOE to go and kill herself"; "go tell JENNY DOE that she is a N..." (the actual derogatory word was used). (Incident Report #251772).

52. The incident of March 13, 2023, was reported to the Office of Student Protections & Title IX (“OSP”). The intake specialist from OSP reached out to Matt Fasana, the new Assistant Principal, on March 18, 2023, regarding these messages and Mr. Fasana confirmed that the messages were in fact exchanged but he failed to file an Incident Report.

53. On the last day of sixth grade (June 2023), JENNY DOE reported more bullying incidents to Ms. Kay. Ms. Kay confronted Principal Resh about the school’s indifference. Resh dismissed the concern. Ms. Kay never returned and is no longer employed by CPS.

54. At the outset of sixth grade, August 22, 2023, JENNY DOE was again targeted with racist Snapchat messages. (Incident Report No. 2407971.) Wildwood notified the perpetrator’s parent but imposed no discipline.

55. At the October 16, 2024, Local School Council meeting, Principal Resh acknowledged an "uptick" in use of the "N-word" at Wildwood, even though only four percent of students were Black.

56. On October 24, 2024—the first week of seventh grade—several classmates (B., L., J., L., J.) called JENNY DOE the "N-word." (Incident Report No. 2593244.) Wildwood suspended the offenders, and OSP launched an investigation, but the investigation was later returned to the school. The school-based investigation substantiated the bias-based harm. Thereafter, JENNY DOE was ostracized by peers. (Incident Report No. 2602736.)

57. Wildwood claims to have interviewed JENNY DOE on November 8, 2024, regarding her isolation, yet attendance records place her absent that day and JENNY DOE denies any such interview.

58. On November 11, 2024, a Security Officer discovered JENNY DOE sobbing that "she had no friends, and everyone was mean." (Incident Report No. 2600510.) Ms. Hinton immediately notified Social-Emotional Director Ms. McKay expressing her concerns of retaliation against JENNY DOE.

59. On November 12, 2024, HINTON contacted Principal Resh and JENNY DOE's homeroom teacher Ms. Vaughn, detailing retaliation-based name-calling ("snitch"), racist slurs ("monkey," "gorilla"), and stereotypes ("Black people love fried chicken and watermelon").

60. Ms. Hinton filed a federal Office for Civil Rights ("OCR") complaint on November 12, 2024, which remains pending.

61. On November 15, 2024, HINTON met with CPS Network Chief Julie McGlade but lacked complete records because Wildwood had withheld them.

62. From November 18–22, 2024, JENNY DOE endured additional verbal abuse ("fat," "ugly," "retarded," "stupid"), racial epithets ("SNICK-ER"), physical assaults (hand-hitting, bathroom shove), and renewed suicidal statements ("I'm dying on the inside"). (Incident Report Nos. 2604672, 2604717, 2605758, 2605774, 2605790, 2607909, 2608260.)

63. The Incident Report #2605700 contained information on Ms. McKay meeting with JENNY DOE and I (I. was JENNY DOE's friend and classmate) on November 19, 2024. Ms. McKay submitted an official statement of her meeting with JENNY DOE and I. The interview with JENNY DOE by school officials was conducted without JENNY DOE's mother's permission or presence. I. reported to HINTON that JENNY DOE was crying during the meeting because she was uncomfortable with the questioning, and both JENNY DOE and I were accused of lying during that meeting. I. submitted a statement regarding that meeting.

64. On December 4, 2024, JENNY DOE reiterated to Ms. McKay that she felt unsafe (Incident Report #2611043).

65. In an email dated December 4, 2024, HINTON, JENNY DOE's mother raised a concern that JENNY DOE was now being bullied by the staff. The email contained attached screenshots of text messages.

66. Wildwood convened a December 9, 2024, meeting at which Ms. Hinton demonstrated the school's serial failures. Wildwood responded by issuing a second Safety Plan that—like its predecessor—proved ineffectual.

67. Between December 4 and December 10, 2024, Ms. Hinton repeatedly warned the administration of escalating harassment and threatened legal action.

68. In January 2025, Wildwood retaliated. Staff were instructed to surveil JENNY DOE constantly and record her every movement. JENNY DOE was

separated from her trusted friend I., despite Ms. Hinton's protest on January 7, 2025.

69. By late January 2025, JENNY DOE was clinically diagnosed with anxiety, depression, and adjustment disorder attributable to school-based trauma.

70. At a January 24, 2025, meeting with OSP officials (Williams, McGlade, Herrera, and Thompson), Ms. Hinton recounted the ongoing abuse; on January 27, 2025, she mailed a notarized demand letter to the Chicago Board of Education detailing Wildwood's failure to protect her daughter.

71. Between January 30 and February 7, 2025, the harassment continued unabated. On February 7, 2025, student L. choked JENNY DOE and declared he "wished slavery never ended." Krystiana Disbrow from OSP contacted HINTON about this incident. OSP opened Investigation No. 2636858 for sexual harassment and bias-based harm; on information and belief, the investigation remains pending.

72. On February 17, 2025, Ms. Hinton reported that L. had grabbed JENNY DOE's breast; Wildwood filed an incident report.

73. On March 4, 2025, JENNY DOE's brother Brenton reported being called a "black monkey" and being physically attacked during soccer.

74. On March 6, 2025, JENNY DOE penned an open letter to Wildwood detailing her suffering and noting that the only adults who had defended her—Ms. Kay and Coach V.—were no longer employed by the school.

75. In early 2025, school staff made bias-based comments about the natural hair of Ms. Hinton's other children.

76. On March 17, 2025, Ms. Hinton informed the CPS Office of the Inspector General that Wildwood staff had falsely accused JENNY DOE of "flashing" peers, filed retaliatory DCFS claims against Ms. Hinton, and that AP Matt Fasana had interfered with JENNY DOE's teen relationship by telling her boyfriend she was "cheating."

77. On March 20, 2025, Ms. Hinton recounted the school's failures during a Local School Council meeting at which Principal Resh appeared flanked by security. Several parents corroborated similar experiences.

78. Principal Resh has filed at least three retaliatory, unsubstantiated DCFS reports against Ms. Hinton during the 2024-2025 school year.

79. On April 23, 2025, Ms. Hinton urgently sought assistance from OCR concerning Wildwood's ongoing retaliation against JENNY DOE and her siblings.

80. On May 2, 2025, JENNY DOE started partial hospitalization, where she revealed to her medical providers that in addition to all the bullying and race-based harassment, she was ly harassed by a student PE teacher, Thomas Corlett (aka Mr. Cortez), who would rub against her back with his private parts, experiencing an erection which was noted by other students. One time when JENNY DOE was sitting unaware that her pants had a hole in them, Mr. Corlett, inappropriately looked between her legs. This incident was noticed

by another student who pushed Mr. Corlett out of the way and was punished for it. JENNY DOE also reported that the primary PE teacher, Maria Elipas would strike her on the back with a clipboard or a rolled-up paper.

81. On May 3, 2025, HINTON filed a police report against Mr. Corlett and Ms. Elipas.

82. On May 8, 2025, a forensic interview at the Children's Advocacy Center was conducted with JENNY DOE. On information and belief, there are currently eight (8) criminal investigations pending.

83. On May 9, 2025, HINTON requested a safety transfer to another school for all her children.

84. On May 21, 2025, JENNY DOE read her statement listing her horrific experiences and abuse at Wildwood at a public meeting at the Local School Counsel.

85. Despite Wildwood's actual knowledge of the repeated bullying, harassment, and JENNY DOE's documented suicidal ideation, the school failed to implement timely, effective protective measures. Incidents persisted across three academic years, forcing JENNY DOE to endure escalating verbal abuse, physical intimidation, and threats of sexual violence during school sponsored activities.

86. At all times material hereto, Defendants had actual knowledge of the severe, pervasive, and objectively offensive race- and sex-based harassment directed at JENNY DOE, yet acted with deliberate indifference, thereby

depriving her of rights secured by Title VI, Title IX, 42 U.S.C. § 1983, and the Illinois Human Rights Act.

87. As a direct and proximate result of Defendants' misconduct, JENNY DOE has suffered and continues to suffer extreme emotional distress, physical injury, educational deprivation, and other damages, and she is entitled to compensatory and punitive relief as allowed by law.

88. The ongoing failure of Wildwood to provide a safe educational environment has resulted in HINTON to seek a safety transfer to a different school or all her children especially JENNY DOE, where she has since been diagnosed with depression, anxiety, PTSD, suicidal ideations, and other emotional issue due to Defendants' actions and omissions.

COUNT 1 – WILLFUL AND WANTON CONDUCT
(Plaintiffs v. All Defendants)

89. Plaintiffs restate, reallege, and incorporate by reference herein Paragraphs 1 through 88 as if fully restated.

90. At all times relevant, Defendant Board was an educational institution that provided public school education.

91. At all times relevant, Defendant Board had a duty to refrain from acting with an utter indifference and/or conscious disregard for the safety of its students, including JENNY DOE.

92. At all times relevant, Defendant Board had a duty to provide a safe, secure, and protective environment for its students at Wildwood IB World Magnet School, including JENNY DOE.

93. At all times relevant, Defendant Board had a duty to its students for the highest degree of care, including the duty to discover and prevent danger to students and to protect them from the foreseeable dangerous conduct of teachers, administrators, and other school staff.

94. At all times relevant, Defendant Board had a policy to require any employee who suspects or received knowledge that a student has been sexually harassed, bullied, suffering from race-based abuse by another student, verbally and physically abused by a teacher to immediately report such knowledge to the appropriate officials.

95. At all times relevant, pursuant to Illinois Abused and Neglected Child Reporting Act, Defendant Board and its teachers and staff had a legal duty to notify the Illinois Department of Family and Child Services (DCFS) of all instances where they suspect or receive knowledge that a student may be sexually abused or verbally/psychologically abused.

96. Notwithstanding these foregoing duties and policies, Defendant, by and through its agents and employees, including, but not limited to Defendants Melissa Resh, Matthew Fasana, Thomas Corlett, and Maria Elipas, committed one or more of the following willful and wanton acts and/or omissions in reckless or careless disregard for the safety and welfare of JENNY DOE:

a. With an utter indifferent and/or conscious disregard for the safety of its student, JENNY DOE, Defendant, through its agents and employees, failed to properly maintain supervision of JENNY DOE at all times

in accordance with schools' safety policies that would have prevented her from being sexually harassed during PE class, and/or verbally and physically abused during or after classroom time;

b. With an utter indifferent and/or conscious disregard for the safety of its student, JENNY DOE, Defendant, through its agents and employees, failed to properly enforce school disciplinary policies in a way that would have prevented the sexual harassment on JENNY DOE, physical and verbal/race-based abuse of JENNY DOE including by subjecting the perpetrators to actual and/or threatened discipline for such acts in a way that would have prevented the assaults on JENNY DOE;

c. With an utter indifferent and/or conscious disregard for the safety of its student, JENNY DOE, Defendant, through its agents and employees, failed to provide a safe, secure, and educational environment for JENNY DOE free from the prospect of and actual verbal and physical abuse by fellow students;

d. With an utter indifferent and/or conscious disregard for the safety of its student, JENNY DOE, Defendant, through its agents and employees, failed to provide a safe, secure, and educational environment for JENNY DOE free from the prospect of and actual physical abuse by a her PE teachers;

e. With an utter indifferent and/or conscious disregard for the

safety of its student, JENNY DOE, Defendant, through its agents and employees, failed to develop an effective safety plan that would allow JENNY DOE to continue to pursue her education without being in fear of sexual assault, verbal and physical abuse and that would properly redress the same in a way that would ensure JENNY DOE would not suffer additional assaults and/or abuse;

f. With an utter indifferent and/or conscious disregard for the safety of its student, JENNY DOE, Defendant, through its agents and employees, failed to enforce a code of conduct or other policies for the prevention of student-on-student verbal/race-based and physical assaults as happened in the case of multiple students abusing/bullying JENNY DOE on daily basis for three years;

g. With an utter indifferent and/or conscious disregard for the safety of its student, JENNY DOE, Defendant, through its agents and employees, failed to institute adequate policies and/or procedures designed to prevent student-on-student verbal and physical abuse in general;

h. With an utter indifferent and/or conscious disregard for the safety of its student, JENNY DOE, Defendant, through its agents and employees, failed to institute adequate policies and/or procedures designed to prevent student-on-student verbal/race-based and physical abuse of vulnerable students, such as JENNY DOE;

i. With an utter indifferent and/or conscious disregard for the

safety of its student, JENNY DOE, Defendant, through its agents and employees, failed to enforce a code of conduct or other policies for the prevention of teacher-on-student sexual harassment of JENNY DOE;

j. With an utter indifferent and/or conscious disregard for the safety of its student, JENNY DOE, Defendant, through its agents and employees, failed to institute adequate policies and/or procedures designed to prevent student-on-student verbal and physical abuse in general.

97. Defendant, by and through its agents and employees Melissa Resh and Matthew Fasana, failed to take required steps according to its own policies that were a direct and proximate cause of JENNY DOE's verbal/race-based abuse and psychological harm.

98. As a direct and proximate cause of one or more of the willful and wanton acts described herein, JENNY DOE was verbally/race-based/physically abused by fellow students on daily basis, sexually harassed by her PE teachers, causing severe psychological, educational, and emotional injuries, and resulting in the diminished ability to enjoy life.

99. As a direct and proximate cause of one or more of the willful and wanton acts described herein, HINTON, who is a single mother of five children, and as a mother of JENNY DOE suffered emotional injury.

WHEREFORE, HINTON, on her own behalf and as parent and next friend of JENNY DOE, requests that this Court enter judgment in her favor

and in favor of JENNY DOE and against Defendants, for an amount in excess of 50,000.00 for each Plaintiff, and for costs of this suit.

COUNT 2 – WILLFUL AND WANTON NEGLIGENCE

(Plaintiffs v. Defendant Melissa Resh)

100. Plaintiffs restate, reallege, and incorporate by reference herein Paragraphs 1 through 88 as if fully restated.

101. At all times, Defendant Resh was acting as duly authorized agent of Defendant Board when she acted willfully and wantonly and with conscious disregard for JENNY DOE

102. At all times relevant, Defendant Resh had a duty to provide a safe, secure, and protective environment for students at Wildwood, including JENNY DOE.

103. At all times relevant, Defendant Resh had a duty to students at Wildwood for the highest degree of care, including the duty to discover and prevent danger to students and to protect them from the foreseeable dangerous conduct of teachers, administrators, and other school staff.

104. At all times relevant, pursuant to Illinois Abused and Neglected Child Reporting Act, Defendant Board and its teachers and staff had a legal duty to notify the Illinois Department of Family and Child Services (DCFS) of all instances where they suspect or receive knowledge that a student may be sexually, physically, verbally or psychologically abused.

105. Notwithstanding the foregoing duties, Defendant Resh committed one or more of the following willful and wanton actions and/or

omissions in reckless or careless disregard for the safety and welfare of JENNY DOE:

a. With an utter indifferent and/or conscious disregard for the safety of its student, JENNY DOE, Defendant failed to properly maintain supervision of JENNY DOE at all times in accordance with school's safety policies that would have prevented her from being verbally and physically abused by other students;

b. With an utter indifferent and/or conscious disregard for the safety of its student, JENNY DOE, Defendant failed to properly enforce school disciplinary policies in a way that would have prevented the verbal and physical abuse on JENNY DOE, including by subjecting the perpetrator to actual and/or threatened discipline for such acts in a way that would have prevented any future abuse on JENNY DOE;

c. With an utter indifferent and/or conscious disregard for the safety of its student, JENNY DOE, Defendant failed to properly enforce school policies in a way that would have prevented the sexual harassment of JENNY DOE by her PE teachers, including by subjecting the perpetrator to actual and/or threatened discipline for such acts in a way that would have prevented any future abuse of JENNY DOE;

d. With an utter indifferent and/or conscious disregard for the safety of its student, JENNY DOE, Defendant failed to provide a safe, secure, and educational environment for JENNY DOE free from the prospect of and

actual verbal and physical abuse by fellow students; sexual harassment by PE teachers;

e. With an utter indifferent and/or conscious disregard for the safety of its student, JENNY DOE, Defendant failed to develop an effective safety plan that would allow JENNY DOE to continue to pursue her education without being in fear of continuing verbal and physical abuse in a way that would ensure HINTON that JENNY DOE would not suffer additional and continuing abuse;

f. With an utter indifferent and/or conscious disregard for the safety of its student, JENNY DOE, Defendant failed to enforce a code of conduct or other policies for the prevention of student-on-student verbal/race-based and physical abuse on JENNY DOE; and the prevention of teacher-on-student sexual harassment by Defendants Corlett and Elipas.

106. As a direct and proximate cause of one or more of the willful and wanton acts described herein, Defendant Resh actually and proximately caused JENNY DOE to be verbally/race-based and physically abused by fellow students, and to be sexually harassed by PE teachers, causing her severe psychological, educational, and emotional injuries, and resulting in the diminished ability to enjoy life.

107. As a direct and proximate cause of one or more of the willful and wanton acts describe herein, Defendant Resh actually and proximately cause HINTON to suffer emotional injuries related to JENNY DOE's suffering.

WHEREFORE, HINTON, on her on behalf and as parent and next friend of JENNY DOE, requests that this Court enter judgment in her favor and in favor of JENNY DOE and against Defendants, for an amount in excess of 50,000.00 for each Plaintiff, and for costs of this suit.

COUNT 3 – WILLFUL AND WANTON NEGLIGENCE
(Plaintiffs v. Defendant Matthew Fasana)

108. Plaintiffs restate, reallege, and incorporate by reference herein Paragraphs 1 through 88 as if fully restated.

109. At all times, Defendant Fasana was acting as duly authorized agent of Defendant Board when she acted willfully and wantonly and with conscious disregard for JENNY DOE.

110. At all times relevant, Defendant Fasana had a duty to provide a safe, secure, and protective environment for students at Wildwood, including JENNY DOE.

111. At all times relevant, Defendant Fasana had a duty to students at Wildwood for the highest degree of care, including the duty to discover and prevent danger to students and to protect them from the foreseeable dangerous conduct of teachers, administrators, and other school staff.

112. Notwithstanding the foregoing duties, Defendant Fasana committed one or more of the following willful and wanton actions and/or omissions in reckless or careless disregard for the safety and welfare of JENNY DOE:

- a. With an utter indifferent and/or conscious disregard for the

safety of its student, JENNY DOE, Defendant failed to properly maintain supervision of JENNY DOE at all times in accordance with school's safety policies that would have prevented her from being verbally and physically abused by other students;

b. With an utter indifferent and/or conscious disregard for the safety of its student, JENNY DOE, Defendant failed to properly enforce school disciplinary policies in a way that would have prevented the verbal and physical abuse on JENNY DOE, including by subjecting the perpetrator to actual and/or threatened discipline for such acts in a way that would have prevented any future abuse on JENNY DOE;

c. With an utter indifferent and/or conscious disregard for the safety of its student, JENNY DOE, Defendant failed to properly enforce school policies in a way that would have prevented the sexual harassment of JENNY DOE by her PE teachers, including by subjecting the perpetrator to actual and/or threatened discipline for such acts in a way that would have prevented any future abuse of JENNY DOE;

d. With an utter indifferent and/or conscious disregard for the safety of its student, JENNY DOE, Defendant failed to provide a safe, secure, and educational environment for JENNY DOE free from the prospect of and actual verbal and physical abuse by fellow students; sexual harassment by PE teachers;

e. With an utter indifferent and/or conscious disregard for the

safety of its student, JENNY DOE, Defendant failed to develop an effective safety plan that would allow JENNY DOE to continue to pursue her education without being in fear of continuing verbal and physical abuse in a way that would ensure HINTON that JENNY DOE would not suffer additional and continuing abuse;

f. With an utter indifferent and/or conscious disregard for the safety of its student, JENNY DOE, Defendant failed to enforce a code of conduct or other policies for the prevention of student-on-student verbal/race-based and physical abuse on JENNY DOE; and the prevention of teacher-on-student sexual harassment by Defendants Corlett and Elipas.

113. As a direct and proximate cause of one or more of the willful and wanton acts described herein, Defendant Fasana actually and proximately caused JENNY DOE to be verbally/race-based and physically abused by fellow students, and to be sexually harassed by PE teachers, causing her severe psychological, educational, and emotional injuries, and resulting in the diminished ability to enjoy life.

114. As a direct and proximate cause of one or more of the willful and wanton acts describe herein, Defendant Fasana actually and proximately cause HINTON to suffer emotional injuries related to JENNY DOE's suffering.

WHEREFORE, HINTON, on her on behalf and as parent and next friend of JENNY DOE, requests that this Court enter judgment in her favor

and in favor of JENNY DOE and against Defendants, for an amount in excess of 50,000.00 for each Plaintiff, and for costs of this suit.

COUNT 4 – SEXUAL BATTERY

(Plaintiff JENNY DOE v. Defendant Thomas Corlett)

115. Plaintiff restates, realleges, and incorporates by reference herein Paragraphs 1 through 88 as if fully restated.

116. As more fully stated above Defendant Corlett knowingly and intentionally made a harmful and sexually offensive contact with Plaintiff JENNY DOE.

117. As a result of the sexually offensive conduct, Plaintiff JENNY DOE has suffered physical and emotional harm.

WHEREFORE, HINTON, on behalf and as parent and next friend of JENNY DOE, requests that this Court enter judgment in favor of JENNY DOE and against Defendant Corlett, for an amount in excess of 50,000.00, and for costs of this suit.

COUNT 4 – BATTERY

(Plaintiff JENNY DOE v. Defendant Maria Elipas)

118. Plaintiff restates, realleges, and incorporates by reference herein Paragraphs 1 through 88 as if fully restated.

119. As more fully stated above Defendant Elipas knowingly and intentionally made a harmful and offensive contact with Plaintiff JENNY DOE.

120. As a result of the offensive conduct, Plaintiff JENNY DOE has suffered physical and emotional harm.

WHEREFORE, HINTON, on behalf and as parent and next friend of JENNY DOE, requests that this Court enter judgment in favor of JENNY DOE and against Defendant Elipas, for an amount in excess of 50,000.00, and for costs of this suit.

COUNT 6 – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
(Plaintiff JENNY DOE v. All Defendants)

121. Plaintiffs restate, reallege, and incorporate by reference herein Paragraphs 1 through 88 as if fully restated.

122. Defendants knew or should have known that verbal/race-based and physical abuse, and sexual battery of the 13-year-old JENNY DOE would cause her to suffer extreme emotional distress.

123. JENNY DOE, in fact, suffered physical, mental, emotional, psychiatric, and psychological detriment as a result of the verbal/race-based/physical abuse by fellow students, and sexual and physical abuse by Defendants Corlett and Elipas.

124. The conduct, acts and omissions, of the Defendants as more specifically set forth *supra*, was outrageous and extreme and substantially certain to inflict sever and enduring emotional and psychological harm and disturbance in a minor person of reasonable sensibility, including JENNY DOE.

125. As a direct and proximate cause of the aforementioned conduct of Defendants, JENNY DOE suffered severe injuries to her physical, emotional, and psychological health.

WHEREFORE, HINTON, on behalf and as parent and next friend of JENNY DOE, requests that this Court enter judgment in favor of JENNY DOE and against Defendants, for an amount in excess of 50,000.00, and for costs of this suit.

COUNT 7 – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
(Plaintiff HINTON v. All Defendants)

126. Plaintiffs restate, reallege, and incorporate by reference herein Paragraphs 1 through 88 as if fully restated.

127. Defendants knew or should have known that the verbal/race-based and physical abuse by fellow students of JENNY DOE spending three years, and sexual harassment of JENNY DOE by PE teachers, would cause HINTON to suffer extreme emotional distress.

128. HINTON, in fact, suffered physical, mental, emotional detriment as a result of her daughter's suffering perpetuated by acts and/or omissions of Defendants.

129. The conduct, acts and omissions, of the Defendants, as more specifically set forth *supra*, was outrageous and extreme and substantially certain to inflict severe and enduring emotional and psychological harm in any caring parent of reasonable sensibility, including HINTON.

130. As a direct and proximate cause of the aforementioned conduct of Defendants, HINTON suffered severe and permanent injuries to her physical, emotional, and psychological health.

WHEREFORE, HINTON, on her behalf and as parent and next friend of JENNY DOE, requests that this Court enter judgment in her favor and against Defendants, for an amount in excess of 50,000.00, and for costs of this suit.

COUNT 8 – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(Plaintiff JENNY DOE v. Defendant Corlett)

131. Plaintiffs restate, reallege, and incorporate by reference herein Paragraphs 1 through 88 as if fully restated.

132. At all relevant times, Defendant Corlett was aware that JENNY DOE, was a minor and vulnerable to emotional, psychological, physical abuse and manipulation.

133. On various dates and times during the 2024-2025 school year, during PE class, Defendant Corlett intentionally, willfully, and wantonly, engaged in continuing, recurring, and repeated sexual harassment and physical abuse of JENNY DOE which included:

(a) Rubbing his genitals against JENNY DOE's back which would cause him to be visibly aroused (erection);

(b) Examining JENNY DOE's crotch.

134. The conduct of Defendant Corlett in sexually harassing the 13-year-old minor Plaintiff was extreme and outrageous.

135. Defendant Corlett intended to inflict sever emotional distress upon JENNY DOE by emotional and physical/sexual harassment of her, or knew that there was a high probability that his emotional and physical/sexual harassment of JENNY DOE would cause him to suffer severe emotional distress.

136. As a direct and proximate result of one or more acts or omissions stated *supra*, JENNY DOE has suffered injuries of a personal and pecuniary nature, including by not limited to pain and suffering, loss of normal life, great pain and anguish, medical expenses, severe emotional distress, and physical and emotional trauma, all of which are permanent in nature.

WHEREFORE, HINTON, on behalf and as parent and next friend of JENNY DOE, requests that this Court enter judgment in favor of JENNY DOE and against Defendants, for an amount in excess of 50,000.00, and for costs of this suit.

COUNT 9 – VIOLATION OF ANTI-BULLYING LAW, 105 ILCS 5/27-23.7
(Plaintiff JENNY DOE v. Defendants Resh and Fasana)

137. Plaintiff restates, realleges, and incorporates by reference herein Paragraphs 1 through 88 as if fully restated.

138. At all relevant times, Illinois' Anti-Bullying Law was in effect.

139. At all relevant times, the Anti-Bullying Law applied to Defendants.

140. The Anti-Bullying Law was enacted, in part, to ensure “a safe and civil school environment” and to protect students because “bullying causes physical, psychological, and emotional harm[.]” 105 ILCS 5/27-23.7(a).

141. JENNY DOE was a Chicago Public School student for whose benefit the Anti-Bullying Law was enacted.

142. A private right of action under the Anti-Bullying Law is consistent with the underlying purpose of the statute.

143. The severe and profound emotional distress JENNY DOE suffered during her time at Wildwood, is an injury the Illinois General Assembly designed and passed the Anti-Bullying Law to prevent.

144. A private right of action under the Anti-Bullying Law is necessary to provide an adequate remedy for violations of the Anti-Bullying Law.

145. At all relevant times, Wildwood owed a duty to JENNY DOE to comply with the Anti-Bullying Law, including but not limited to the following:

- a) To promptly inform parents/guardians of all students involved in the reported bullying;
- b) To promptly investigate and address all reported bullying;
- c) To make reasonable efforts to complete the investigation within ten (10) days of the date of the reported and the alleged bullying incident;
- d) To notify the principal or school administrator or his/her designee of the incident of bullying as soon as possible after the report of the alleged bullying incident is received;

- e) To provide all parents/guardians of the students who are parties to the investigation information about the investigation; and
- f) To provide all parents/guardians of the students who were parties to the investigation an “opportunity to meet with the principal or school administrator or his/her designee to discuss the investigation, the findings of the investigation, and the actions taken to address the reported incident of bullying.”

146. As soon as September 2022, Wildwood Defendants had knowledge and actual notice that JENNY DOE was being bullied by her classmates/peers while in class, after class, outside of school, during recess and sport activities.

147. Defendants violated the Anti-Bullying law by, *inter alia*:

- a) Failing to inform HINTON of reports of named classmates bullying of JENNY DOE at minimum between September 2022 and March 2023;
- b) Failing to investigate reports of bullying of JENNY DOE, including to identify all parties, inform the parties’ parents/guardians, and take any action to stop and prevent the bullying.

148. As soon as September 2022 and through May 2025, Defendants, while acting within the scope of their employment at Wildwood, had knowledge of actual and constructive notice of reports by JENNY DOE and staff that she was subjected to severe and extreme individual and group bullying by Wildwood students.

149. Defendants conduct is a failure to exercise an ordinary care towards JENNY DOE, and as alleged herein, the violation of the Anti-Bullying Law were done willfully and wantonly, and with reckless disregard for the safety of JENNY DOE.

150. As a direct and proximate result of Defendants' violation of the Anti-Bullying Law, JENNY DOE continued to face and suffer the consequences of bullying at the hands of Wildwood students, in the form of continued severe and pervasive bullying, cyberbullying, hate speech and/or physical harassment, after March of 2023.

151. As a direct and proximate result of Defendants' violation of the Anti-Bullying Law, JENNY DOE, sustained mental pain and suffering, and is entitled to bring this action for her injuries.

WHEREFORE, HINTON, on her behalf and as parent and next friend of JENNY DOE, requests that this Court enter judgment in her favor and against Defendants, for an amount in excess of 50,000.00, and for costs of this suit.

COMMON PRAYER FOR RELIEF

WHEREFORE, for all of the foregoing reasons, Plaintiffs respectfully requests that this Honorable Court enter judgment in their favor and against Defendants, and award:

a) Compensatory damages in an amount to be determined at trial in excess of \$50,000.00;

- b) Reasonable attorneys' fees and costs;
- c) Injunctive relief requiring Defendants to implement and enforce appropriate policies and procedures to prevent student-on-student verbal/race-based and physical abuse as outlined herein;
- d) Injunctive relief requiring Defendants to implement and enforce appropriate policies and procedures to prevent teacher-on-student sexual harassment as outlined herein.
- e) Pre- and post-judgment interest; and
- f) Such other relief as this Court deems just and proper.

JURY DEMANDED

Respectfully submitted,

**SHERRON HINTON on her own behalf
and as parent and next friend of JENNY
DOE**

/s/ Patrycja R. Karlin

By: _____
One of the Attorneys for Plaintiffs

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**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
LAW DIVISION**

SHERRON HINTON, on her own behalf and)
as parent and next friend of JENNY DOE,)
a minor,)

Plaintiffs,)

v.)

THE BOARD OF EDUCATION OF)
THE CITY OF CHICAGO, MELISSA RESH)
(individually), MATTHEW FASANA)
(individually), THOMAS CORLETT)
and MARIA ELIPAS (individually),)

Defendants.)

Case No.

) JURY TRIAL DEMANDED

ILLINOIS SUPREME COURT RULE 222 AFFIDAVIT OF DAMAGES

NOW COMES, CASS THOMAS CASPER, Affiant, and avers as follows
under oath in support of the damages in the Complaint in the above-
captioned matter.

1. Under penalties as provided by law, and pursuant to Illinois Supreme
Court Rule 222, the undersigned Affiant, Cass Thomas Casper, hereby
certifies that the damages sought in the above-captioned cause are in excess
of \$50,000.

2. Further Affiant sayeth not.

/s/ Cass T. Casper

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