

Schippers

**IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
LAKE COUNTY, ILLINOIS**

JOSEPH LOMBARDI,)	
)	
Plaintiff,)	
)	
v.)	No. 18L315
)	
LAKE BLUFF ELEMENTARY SCHOOL)	
DISTRICT 65, LAKE BLUFF MIDDLE)	
SCHOOL, f/k/a LAKE BLUFF JUNIOR HIGH,)	
)	
Defendants.)	

COMPLAINT

Plaintiff, Joseph Lombardi, by and through his attorneys, Frost Pearlman, LLC, and Jeff Anderson & Associates, P.A., and for as his Complaint against Defendants, LAKE BLUFF ELEMENTARY SCHOOL DISTRICT 65 and LAKE BLUFF MIDDLE SCHOOL, f/k/a LAKE BLUFF JUNIOR HIGH (collectively "Lake Bluff School District"), hereby states as follows:

BACKGROUND

1. At all times material, Defendant, Lake Bluff Elementary School District 65 was a an organization authorized to conduct business in the State of Illinois, with its principal place of business in Lake Bluff, Illinois. Defendant, Lake Bluff Elementary School District 65, includes any other organizations and/or entities operating under the same or similar name with the same or similar principal place of business.

2. Lake Bluff Elementary School District 65 is comprised, in part, by Lake Bluff Middle School, formerly known as, Lake Bluff Junior High.

3. Upon information and belief, at all times relevant hereto, Lake Bluff Middle School, formerly known as Lake Bluff Junior High, was under the direct authority and control of Lake Bluff Elementary School District 65.

NOTICE

PURSUANT TO LCR - 2-2.14

THIS CASE IS HEREBY SET FOR AN INITIAL CASE MANAGEMENT CONFERENCE

07/17/2018 IN COURTROOM C303 ON 9:00 AM A.M./P.M.

FAILURE TO APPEAR MAY RESULT IN THE CASE BEING DISMISSED OR AN ORDER OF DEFAULT BEING ENTERED.

4. From 1984 through 1985, Joseph Lombardi ("Joey") was a student at Lake Bluff Junior High.

5. At all relevant times, Ritz was acting as an agent and employee of Lake Bluff School District.

6. At all relevant times, Lake Bluff School District supervised its employees' and agents' activities, including those of Ritz, and assumed responsibility for the well-being of minor students, including Joey.

CHARLES RITZ' HISTORY OF ONGOING ABUSE OF STUDENTS

7. Throughout his tenure as a teacher and coach at Lake Bluff Junior High, Ritz hosted parties for male students at his home and the home of others where he introduced students to alcohol, drugs, and pornography.

8. At these parties, Ritz encouraged students to use drugs and alcohol; removed his clothing and encouraged students to do the same; showed pornographic movies to students; encouraged students to engage in mutual masturbation; touched students in a sexual manner; and engaged in mutual masturbation with students while the students were under the influence of drugs and alcohol.

9. Ritz also invited students into his van where he engaged in the above-referenced inappropriate and criminal conduct with Lake Bluff Junior High students, including Joey.

10. In his capacity as a coach at Lake Bluff Junior High, Ritz brought groups of male students to the Lake Bluff Junior High library after hours, under the guise of showing them videos from the students' sporting events and providing coaching instruction in connection with the same.

11. At these meetings, Ritz showed students pornographic movies, encouraged and/or forced students to engage in mutual masturbation, and engaged in oral copulation, and/or anal penetration with students.

12. Ritz also took students on overnight trips where he engaged in similar inappropriate and criminal behavior as set forth above, including: providing students with drugs and alcohol; disrobing and masturbating in front of students; encouraging students to engage in mutual masturbation; and aggressively encouraging students to share a bed with him.

13. Ritz' interactions with students typically included grabbing and touching students inappropriately, under the guise of coaching, roughhousing, and horseplay.

14. As set forth in greater detail below, throughout this time and for ten years prior to taking any action with respect to Ritz, the Lake Bluff School District was aware of widespread reports about Ritz' inappropriate sexual conduct with students but chose to ignore those reports and to take no action to protect its students.

RITZ' ABUSE OF JOEY

15. In approximately 1984, when Joey was in seventh grade and approximately twelve years old, Ritz was his math teacher, soccer coach, and basketball coach at Lake Bluff Junior High.

16. While coaching Joey, Ritz would touch him inappropriately in the guise of coaching him and horseplay.

17. On several occasions Ritz took Joey and some of his peers out for pizza after school.

18. On one of these occasions, after taking them for pizza, Ritz drive Joey and one of his friends to house in Waukegan, Illinois, telling the boys that he had to stop there to walk his mother's dog.

19. Once inside, Ritz offered the boys alcohol and showed them a pornographic movie.

20. While watching the pornographic movie Ritz asked the boys for permission to masturbate, to which the boys did not respond.

21. Ritz proceeded to masturbate in front of the boys.

22. Although instructed by Ritz not to tell to anyone about what had happened, Joey did tell his friends and eventually met with the Lake Bluff Junior High principal to report Ritz.

23. Joey recalls that the Lake Bluff School District acted as if the above-referenced behavior by Ritz was normal.

24. As a result of the foregoing, Joey has suffered and continues to suffer injuries, including but not limited to, severe and permanent emotional distress, resulting in physical manifestations, embarrassment, loss of self-esteem, humiliation, physical, personal, and psychological injuries. Joey was prevented and continues to be prevented, from performing normal daily activities and obtaining full enjoyment of life and/or has incurred and will continue to incur expenses for psychological treatment, therapy, and counseling and, on information and belief has and/or will incur loss of income and/or loss of earning capacity.

**THE LAKE BLUFF SCHOOL DISTRICT'S KNOWLEDGE OF RITZ'
INAPPROPRIATE SEXUAL BEHAVIOR**

25. For over ten years prior to 1985, when Ritz eventually resigned, the Lake Bluff School District, including teachers, administrators, and school board members, knew of Ritz' inappropriate sexual behavior with students.

26. In addition to Joey's above-referenced report of Ritz' behavior, for over ten years prior to 1985, teachers, parents, village residents, and school administrators reported their concerns regarding Ritz' conduct to the Lake Bluff School District. Among the concerns communicated to the Lake Bluff School District were details regarding the above-referenced parties hosted by Ritz, as well as reports regarding Ritz' inappropriate overnight trips with students and activity of a sexual nature.

27. Also reported to the Lake Bluff School District by a current village resident, and then parent of a Lake Bluff Junior High student, were details regarding a rendezvous Ritz planned to have with her child that was to include alcohol, drugs, and sex.

28. A former school administrator recalls that in 1978 she reported to the Lake Bluff School District general concerns regarding stories she heard about Ritz' conduct in and out of school, as well as details regarding an incident involving inappropriate sexual conduct by Ritz with a student on a school bus.

29. In addition to the foregoing, the Lake Bluff School District knew about widespread rumors that had been circulating for years throughout the school and community regarding Ritz' inappropriate sexual conduct with students.

30. In fact, the superintendent for the Lake Bluff School District who took over in 1985, admitted in a police interview that the Lake Bluff School District knew about rumors of a sexual nature involving Ritz and students for ten years, but did nothing about them.

THE LAKE BLUFF SCHOOL DISTRICT'S CONCEALMENT OF RITZ' INAPPROPRIATE SEXUAL BEHAVIOR

31. At all relevant times, the Lake Bluff School District turned a blind eye to Ritz' inappropriate sexual conduct with students and chose not to document any of these complaints, intervene, investigate, or otherwise act in response to these complaints.

32. Despite the ten years of prior knowledge, it was not until August 7, 1985, just prior to the start of the 1985 school year, that the school board held a meeting with the new superintendent to discuss widespread rumors that they had known about for ten years involving Ritz' sexually inappropriate behavior.

33. Despite this prior knowledge for ten years and an acknowledgement by the Lake Bluff School District of the serious impact that Ritz' conduct would have on the lives of children, up until the August 7, 1985 meeting, there had not been anything written down or otherwise documented regarding Ritz' conduct.

34. Despite this meeting and an acknowledgement that Ritz should not be allowed to continue to have access to students, Ritz was permitted to return to work as a teacher for the 1985 school year.

35. In early September, just after the start of the 1985 school year, the new superintendent met with Ritz to tell him that the Lake Bluff School District was investigating his conduct.

36. At this meeting, the new superintendent admonished Ritz from taking any other trips with students.

37. Despite this warning, the Lake Bluff School District learned that Ritz' inappropriate sexual behavior continued during their investigation and that Ritz had again taken a number of students in his van to his parents' house and engaged in inappropriate sexual behavior.

38. On September 23, 1985, the new superintendent met with Ritz again, at which time Ritz admitted that despite the superintendent's warning, he had continued to take students to his parents' house and showed them a pornographic movie.

**FRAUDULENT MISREPRESENTATION
AND NON-DISCLOSURE OF KNOWLEDGE**

39. On September 25, 1985, Ritz was allowed to quietly resign.
40. After his resignation, Ritz went on to teach in Orange County, California for the next thirty years where he continued to sexually abuse countless children.
41. In an emergency meeting, the Lake Bluff School District urged the school board not to speak about what had happened with Ritz.
42. Despite knowing the identities of the students that Ritz coached and the identities of the students who spent inordinate amounts of time with Ritz, including Joey, the Lake Bluff School District failed to reach out to these students or their parents, counsel these students, or otherwise investigate what had occurred during Ritz' tenure at Lake Bluff Junior High.
43. As detailed above, the Lake Bluff School District knew about Ritz' conduct, intentionally and/or fraudulently concealed that knowledge from students and parents, including Joey, and at all times, held Ritz out to be an upstanding teacher and coach by continuing to allow and encourage Ritz to have unfettered access to students both as a teacher and coach.
44. The Lake Bluff School District had a duty to report, document, and warn students and their parents about Ritz' conduct.
45. Joey suppressed the memories of the abuse he suffered as a minor until recently when he discovered that he had been suppressing the memories of his abuse, discovered his injuries, and became aware of his causes of action against the Lake Bluff School District.
46. Had the Lake Bluff School District not misrepresented and concealed their knowledge of the danger that Ritz posed students, including Joey, Joey would have discovered this information sooner.

47. Because of the Lake Bluff School District's misrepresentations and concealment, Joey was unaware of his claims against Defendants; did not know or suspect that Defendants had done anything wrong; and because of the misrepresentations and concealment, was otherwise not aware that the acts of Defendants has caused him to suffer injury.

DETRIMENTAL RELIANCE

48. Students and parents, including Joey, reasonably relied on Lake Bluff School District's representations about its teachers, including Ritz, in good faith and to their detriment.

49. Had Joey or his parents been told what the Lake Bluff School District knew for years about Ritz, Joey would not have been permitted to have contact with Ritz.

50. Joey was prejudiced by his reliance on these representations and was prevented from discovering his sexual abuse and from bringing this lawsuit.

EQUITABLE ESTOPPEL

51. As described in greater detail above, the Lake Bluff School District concealed material facts about Ritz and what they knew about Ritz' inappropriate sexual conduct with students.

52. Defendants knew that by concealing their knowledge of Ritz' inappropriate and criminal conduct that it was misrepresenting to students, including Joey, and their parents about the safety of Lake Bluff Junior High.

53. At all relevant times, Joey did not know that the representations made by the Lake Bluff School District were not true.

54. Defendants intended or reasonably expected the representations to be relied upon or acted upon by Joey.

55. Joey and his family reasonably relied upon the representations of the Lake Bluff School District in good faith and to their detriment.

56. Joey has been prejudiced by his reliance on the representations of the Lake Bluff School District and fraudulent representations described above when he was sexually abused and thereafter prevented from discovering the causes of the abuse he suffered, including Defendants' wrongful conduct.

57. As a result of the foregoing, the Lake Bluff School District is estopped from relying on any statute of limitations that may have otherwise been implicated.

58. Based on the foregoing, any statute of limitations defenses are likewise precluded pursuant to application of 735 ILCS 5/13-215.

COUNT I: WILLFUL AND WANTON MISCONDUCT

59. Plaintiff incorporates paragraphs 1 through 58 of this Complaint as if fully set forth under this Count I.

60. It was the duty of Lake Bluff School District, by and through its authorized agents, servants, and/or employees, officers, and directors, to refrain from willful and wanton conduct or exhibiting a reckless or intentional disregard for the safety of others, including Joey, and to exercise the utmost care for the welfare and wellbeing of the minor students at Lake Bluff Junior High. This duty included, but is not limited to the duty to supervise Ritz and his activities with students, including Joey, and the duty to report Ritz' abuse of children, including his abuse of Joey, pursuant to the Abused and Neglected Child Reporting Act, 325 ILCS 5/1 et seq.

61. The Lake Bluff School District, by and through its authorized agent(s), servant(s), employee(s), officer(s) and/or director(s) breached this duty by committing one or more of the following reckless or intentional acts and/or omissions:

- a. allowed Ritz to continue his position as a teacher and coach with authority and autonomy despite the fact that it knew or should have known that Ritz was unfit for those positions and dangerous to students;
- b. allowed Ritz to continue his employment despite complaints about inappropriate sexual contact with students;
- c. failed to implement any restrictions to Ritz' access to students;
- d. provided Ritz with after-hours access to Lake Bluff Junior High which allowed Ritz to abuse students on school grounds;
- e. failed to intervene and prevent acts of sexual misconduct by Ritz;
- f. failed to warn students and parents, including Joey and his parents, that Ritz posed a danger to students;
- g. failed to investigate complaints about Ritz;
- h. failed to adequately supervise Ritz;
- i. failed to report Ritz' acts of sexual misconduct or suspected sexual misconduct to authorities, pursuant to the Abused and Neglected Child Reporting Act, 325 ILCS 5/1 et seq;
- j. otherwise demonstrated deliberate or reckless disregard for Joey's safety and wellbeing.

62. As a direct and proximate result of one or more of the aforementioned willful and wanton acts and/or omissions Joey was subjected to sexual abuse and exploitation by Ritz, and was caused to suffer the above-referenced injuries as a result of the same.

WHEREFORE, Plaintiff, Joseph Lombardi, demands judgment in his favor in an amount in excess of \$50,000, plus costs, expenses, attorney's fees, interest, and such other relief as the court deems just and equitable.

COUNT II- NEGLIGENCE

63. Plaintiff incorporates paragraphs 1 through 58 of this Complaint as if fully set forth under this Count II.

64. Lake Bluff School District, by and through its authorized agents, servants, and/or employees, officers, and directors, owed a duty to exercise reasonable care under the circumstances, to exercise the utmost care for welfare and wellbeing of the minor students of Lake Bluff Junior High, and to refrain from careless and negligent conduct against the minor students, including Joey. This duty included, but is not limited to a duty to supervise Ritz in his activities with students and particularly Joey, and a duty to report Ritz' sexual conduct pursuant to the Abused and Neglected Child Reporting Act, 325 ILCS 5/1 et seq.

65. Notwithstanding this duty, Lake Bluff School District, by and through its authorized agent(s), servant(s), employee(s), officer(s) and/or director(s) breached this duty by committing one or more of the following careless and negligent acts and/or omissions in breach of its duty of care:

- a. allowing Ritz to continue his position as a teacher and coach with authority and autonomy despite the fact that it knew or should have known that Ritz was unfit for those positions and dangerous to students;
- b. allowing Ritz to continue his employment despite complaints about inappropriate sexual contact with students;
- c. failing to implement any restrictions to Ritz' access to students;
- d. providing Ritz with after-hours access to Lake Bluff Junior High which allowed Ritz to abuse students on school grounds;
- e. failing to intervene and prevent acts of sexual misconduct by Ritz;
- f. failing to warn students and parents, including Joey and his parents, that Ritz posed a danger to students;
- g. failing to investigate complaints about Ritz;
- h. failing to adequately supervise Ritz;
- i. failing to report Ritz' acts of sexual misconduct or suspected sexual misconduct to authorities, pursuant to the Abused and Neglected Child Reporting Act, 325 ILCS 5/1 et seq;

- j. otherwise demonstrated deliberate or reckless disregard for Joey's safety and wellbeing.

66. As a direct and proximate result of one or more of the aforementioned acts and/or omissions, Joey was subjected to sexual abuse and exploitation by Ritz, and was caused to suffer the above-referenced injuries as a result of the same.

WHEREFORE, Plaintiff, Joseph Lombardi, demands judgment in his favor in an amount in excess of \$50,000, plus costs, expenses, attorney's fees, interest, and such other relief as the court deems just and equitable.

COUNT III- NEGLIGENT FAILURE TO FOLLOW ESTABLISHED POLICIES AND PROCEDURES

67. Plaintiff incorporates paragraphs 1 through 58 of this Complaint as if fully set forth under this Count III.

68. Upon information and belief, at all relevant times, the Lake Bluff School District had certain policies and procedures in place to investigate concerns, allegations, or complaints regarding teacher conduct.

69. Lake Bluff School District, by and through its authorized agents, servants, and/or employees, officers, and directors, owed a duty to follow these policies and procedures and breached this duty in one or more of the following ways:

- a. allowing Ritz to continue his position as a teacher and coach with authority and autonomy despite the fact that it knew or should have known that Ritz was unfit for those positions and dangerous to students;
- b. allowing Ritz to continue his employment despite complaints about inappropriate sexual contact with students;
- c. failing to implement any restrictions to Ritz' access to students;
- d. providing Ritz with after-hours access to Lake Bluff Junior High which allowed Ritz to abuse students on school grounds;

- e. failing to intervene and prevent acts of sexual misconduct by Ritz;
- f. failing to warn students and parents, including Joey and his parents, that Ritz posed a danger to students;
- g. failing to investigate complaints about Ritz;
- h. failing to adequately supervise Ritz;
- i. failing to report Ritz' acts of sexual misconduct or suspected sexual misconduct to authorities, pursuant to the Abused and Neglected Child Reporting Act, 325 ILCS 5/1 et seq;
- j. otherwise failing to follow its own established policies and procedures which were intended to protect students from abuse by teachers.

70. As a direct and proximate result of one or more of the aforementioned acts and/or omissions, Joey and was caused to suffer the above-referenced injuries as a result of the same.

WHEREFORE, Plaintiff, Joseph Lombardi, demands judgment in his favor in an amount in excess of \$50,000, plus costs, expenses, attorney's fees, interest, and such other relief as the court deems just and equitable.

COUNT IV- BREACH OF FIDUCIARY DUTY

71. Plaintiff incorporates paragraphs 1 through 58 of this Complaint as if fully set forth under this Count IV.

72. Upon information and belief, at all relevant times, the Lake Bluff School District, through its written policies and procedures, as well as through its overt acts and omissions, fostered a special relationship between teachers and coaches and students at Lake Bluff Junior High.

73. In connection therewith, Lake Bluff School District, by and through its agents, officers, directors, and school board members, held themselves out to be counselors, instructors, and authority figures to Lake Bluff Junior High students, including Joey.

74. As a result, Joey justifiably placed great trust and reliance on Lake Bluff School District and its teachers and coaches, including Ritz.

75. Lake Bluff School District maintained, fostered, and encouraged such relationships between its teachers and students, including the relationship between Ritz and Joey.

76. For example, the Lake Bluff School District fostered a unique relationship between Ritz and his students, including Joey, when the Lake Bluff School District allowed Ritz to use school grounds after-hours to congregate with students.

77. The Lake Bluff School District further fostered this unique relationship when it acquiesced to Ritz going on overnight trips with students.

78. As a result of the foregoing, a fiduciary relationship between the Lake Bluff School District and Joey was created.

79. This fiduciary relationship established a duty, on the part of the Lake Bluff School District, of good faith and fair dealing, and the duty to act with the best interests of its students, including Joey. This duty included the duty to warn, disclose, prevent and protect Lake Bluff Junior High students, including Joey, from Ritz' abuse.

80. Lake Bluff School District breached its fiduciary duty to Joey by engaging in and allowing the conduct described herein.

81. As a direct and proximate result of the Lake Bluff School District's breach of its fiduciary duties, Joey has suffered and continued to suffer the above-referenced injuries and damages as described herein.

WHEREFORE, Plaintiff, Joseph Lombardi, demands judgment in his favor in an amount in excess of \$50,000, plus costs, expenses, attorney's fees, interest, and such other relief as the court deems just and equitable.

COUNT V- INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS

82. Plaintiff incorporates paragraphs 1 through 58 of this Complaint as if fully set forth under this Count V.

83. As set forth in greater detail above, at all relevant times, the Lake Bluff School District knew that Ritz was engaging in sexually inappropriate and/or criminal conduct with Lake Bluff Junior High students, but nonetheless, chose to allow Ritz to continue his employment with unfettered access to students.

84. The Lake Bluff School District's conduct as alleged throughout this complaint was extreme and outrageous.

85. As a direct and proximate result of the Lake Bluff School District's intentional acts or omissions, Joey has suffered and continued to suffer extreme physical and emotional distress, embarrassment, humiliation, psychological trauma and other injuries alleged herein.

WHEREFORE, Plaintiff, Joseph Lombardi, demands judgment in his favor in an amount in excess of \$50,000, plus costs, expenses, attorney's fees, interest, and such other relief as the court deems just and equitable.

JURY DEMAND

Plaintiff demands a jury trial.

Respectfully Submitted,



One of Plaintiff's Attorneys

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