

Winter

FILED
4/24/2018 2:48 PM
ERIN CARTWRIGHT WEINSTEIN
Clerk of the Circuit Court
Lake County, Illinois

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

JOHN DOE 594

Plaintiff,

v.

LAKE BLUFF ELEMENTARY SCHOOL
DISTRICT 65, LAKE BLUFF MIDDLE
SCHOOL, f/k/a LAKE BLUFF JUNIOR HIGH,

Defendants.

No. 18L318

COMPLAINT

Plaintiff, John Doe 594, 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

07/26/2018 IN COURTROOM C305 ON 9:00AM A.M./P.M.

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

4. Beginning in 1975 and continuing through 1985, Lake Bluff School District employed Charles Ritz ("Ritz") as a teacher and coach at Lake Bluff Junior High.

5. From 1979 through 1981, John Doe 594 was a student at Lake Bluff Junior High.

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

7. 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 John Doe 594.

CHARLES RITZ' HISTORY OF ONGOING ABUSE OF STUDENTS

8. 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.

9. 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.

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

11. 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.

12. 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.

13. 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.

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

15. 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 JOHN DOE 594

16. From approximately 1979 to 1981, when John Doe 594 was in seventh and eighth grade and approximately twelve and thirteen years old, Ritz was his math teacher, basketball coach, and soccer coach at Lake Bluff Junior High.

17. During this time, Ritz took John Doe 594 and his friends from school in his van and out for pizza.

18. On a number of occasions during this time, Ritz would take John Doe 594 and other students to parties Ritz was hosting at home in Lake Bluff, Illinois where Ritz was housesitting.

19. The attention Ritz gave to John Doe 594 made him feel special because Ritz otherwise projected a strict, authoritarian persona around students.

20. At these parties, Ritz would provide alcohol to John Doe 594 and other Lake Bluff Junior High students.

21. While Ritz and John Doe 594 were naked in the home's hot tub, Ritz would touch John Doe 594 inappropriately under the guise of horseplay.

22. In the early morning after one of Ritz' parties, John Doe 594 awoke to Ritz sexually abusing him.

23. John Doe 594 had no recollection of the evening before or how he came to be sleeping alone in a bedroom with Ritz.

24. In this regard, John Doe 584 recalls thinking that the room where he awoke was not a place he would have chosen to sleep.

25. John Doe 594 suspects that he was drugged by Ritz and lives in fear of the unknown regarding what Ritz did to him sexually that night.

26. Soon after that night, Ritz offered to pay for and take John Doe 594 on an out of state ski trip.

27. After John Doe 594 declined that offer, each time John Doe 594 saw Ritz, Ritz tried to intimidate him, criticizing his appearance.

28. While in high school, Ritz would attend John Doe 594's high school basketball games with male Lake Bluff Junior High students.

29. During these games, Ritz would sit behind John Doe 594's team bench and heckle him, in an effort to further intimidate him.

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

30. 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.

31. 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.

32. 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.

33. 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.

34. 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.

35. 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**

36. 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.

37. 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.

38. 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.

39. 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.

40. 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.

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

42. 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.

43. 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

44. On September 25, 1985, Ritz was allowed to quietly resign.

45. 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.

46. In an emergency meeting, the Lake Bluff School District urged the school board not to speak about what had happened with Ritz.

47. 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 John Doe 594, 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.

48. As detailed above, the Lake Bluff School District knew about Ritz' conduct, intentionally and/or fraudulently concealed that knowledge from students and parents, including John Doe 594, 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.

49. The Lake Bluff School District had a duty to report, document, and warn students and their parents about Ritz' conduct.

50. John Doe 594 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.

51. Had the Lake Bluff School District not misrepresented and concealed their knowledge of the danger that Ritz posed students, including John Doe 594, John Doe 594 would have discovered this information sooner.

52. Because of the Lake Bluff School District's misrepresentations and concealment, John Doe 594 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

53. Students and parents, including John Doe 594, reasonably relied on Lake Bluff School District's representations about its teachers, including Ritz, in good faith and to their detriment.

54. Had John Doe 594 or his mother been told what the Lake Bluff School District knew for years about Ritz, John Doe 594 would not have been permitted to have contact with Ritz.

55. John Doe 594 was prejudiced by his reliance on these representations and was prevented from discovering his sexual abuse and from bringing this lawsuit.

EQUITABLE ESTOPPEL

56. 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.

57. Defendants knew that by concealing their knowledge of Ritz' inappropriate and criminal conduct that it was misrepresenting to students, including John Doe 594, and their parents about the safety of Lake Bluff Junior High.

58. At all relevant times, John Doe 594 did not know that the representations made by the Lake Bluff School District were not true.

59. Defendants intended or reasonably expected the representations to be relied upon or acted upon by John Doe 594.

60. John Doe 594 and his family reasonably relied upon the representations of the Lake Bluff School District in good faith and to their detriment.

61. John Doe 594 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.

62. 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.

63. 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

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

65. 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 John Doe 594, 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 John Doe 594, and the duty to report Ritz' abuse of children, including his abuse of John Doe 594, pursuant to the Abused and Neglected Child Reporting Act, 325 ILCS 5/1 et seq.

66. 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 John Doe 594 and his mother, 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 John Doe 594's safety and wellbeing.

67. As a direct and proximate result of one or more of the aforementioned willful and wanton acts and/or omissions John Doe 594 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, John Doe 594, 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

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

69. 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 John Doe 594. This duty included, but is not limited to a duty to supervise Ritz in his activities with students and particularly the John Doe 594, and a duty to report Ritz' sexual conduct pursuant to the Abused and Neglected Child Reporting Act, 325 ILCS 5/1 et seq.

70. 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 John Doe 594 and his mother, 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 John Doe 594's safety and wellbeing.

71. As a direct and proximate result of one or more of the aforementioned acts and/or omissions, John Doe 594 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, John Doe 594, 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**

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

74. 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.

75. 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 John Doe 594 and his mother, 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.

76. As a direct and proximate result of one or more of the aforementioned acts and/or omissions, John Doe 594 and was caused to suffer the above-referenced injuries as a result of the same.

WHEREFORE, Plaintiff, John Doe 594, 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

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

78. 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.

79. 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 John Doe 594.

80. As a result, John Doe 594 justifiably placed great trust and reliance on Lake Bluff School District and its teachers and coaches, including Ritz.

81. Lake Bluff School District maintained, fostered, and encouraged such relationships between its teachers and students, including the relationship between Ritz and John Doe 594.

82. For example, the Lake Bluff School District fostered a unique relationship between Ritz and his students, including John Doe 594, when the Lake Bluff School District allowed Ritz to use school grounds after-hours to congregate with students.

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

84. As a result of the foregoing, a fiduciary relationship between the Lake Bluff School District and John Doe 594 was created.

85. 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 John Doe 594. This duty included the duty to warn, disclose, prevent and protect Lake Bluff Junior High students, including John Doe 594, from Ritz' abuse.

86. Lake Bluff School District breached its fiduciary duty to John Doe 594 by engaging in and allowing the conduct described herein.

87. As a direct and proximate result of the Lake Bluff School District's breach of its fiduciary duties, John Doe 594 has suffered and continued to suffer the above-referenced injuries and damages as described herein.

WHEREFORE, Plaintiff, John Doe 594, 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 INFLICTION OF EMOTIONAL DISTRESS

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

89. 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.

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

91. As a direct and proximate result of the Lake Bluff School District's conduct. John Doe 594 has suffered and continued to suffer the above-referenced injuries and damages as described herein.

WHEREFORE, Plaintiff, John Doe 594, 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

Marc J. Pearlman (ARDC 6207522)
FROST PEARLMAN, LLC
2201 Waukegan Road, Ste. 160
Bannockburn, IL 60015
(312) 261-4550

Jeffrey R. Anderson (ARDC 6281587)
JEFF ANDERSON & ASSOCIATES, P.A.
366 Jackson St., Ste. 100
St. Paul, MN 55101
(651) 227-9990