

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

JOHN D. DOE,)
)
Plaintiff,)
)
v.)
)
BOARD OF EDUCATION OF THE)
CITY OF CHICAGO,)
)
Defendant.)

No.

2017L008977
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COMPLAINT AT LAW

NOW COMES the Plaintiff, JOHN D. DOE, ("Plaintiff"), by his attorneys, THE LAW OFFICE OF LYNDSEY A. MARKLEY, LTD., and complaining against the Defendant, BOARD OF EDUCATION OF THE CITY OF CHICAGO ("Defendant"), states as follows:

1. That at all times relevant to this cause of action, the Board of Education of the City of Chicago ("BOE") was a government entity doing business in the County of Cook, City of Chicago, and the State of Illinois engaged in operating, managing, and controlling public schools for children in grades kindergarten through senior year of high school.

2. That at all times relevant to this cause of action, the BOE operated, managed, and/or controlled, James Weldon Johnson Elementary School ("JWJE"), a public school for grades kindergarten through eighth grade, located at 1420 South Albany Street in the City of Chicago, County of Cook, and the State of Illinois.

3. That at all times relevant to this cause of action, the BOE operated, managed, and/or controlled Collins Academy High School ("Collins"), a public school for grades nine through twelve, located at 1313 South Sacramento Drive in the City of Chicago, County of Cook, and the State of Illinois.

4. That at all times relevant to this cause of action, the BOE operated, managed, and/or controlled, Lathrop Elementary School (“Lathrop”), a public school for grades kindergarten through eighth grade, located at 1440 South Christiana Avenue in the City of Chicago, County of Cook, and the State of Illinois.

5. That at all times relevant to this cause of action, the Plaintiff was a minor and resident of the City of Chicago, County of Cook, and the State of Illinois.

6. That simultaneously with the filing of his original complaint, the Plaintiff filed a motion to proceed under a fictitious name. This Court granted the Plaintiff’s motion. (Order attached and incorporated herein as Exhibit A.)

7. That on or about 1988 through 1992, the Plaintiff was a student at JWJE.

8. That on or about 1992 through 1994, the Plaintiff was a student at Collins.

9. That at all times relevant to this cause of action, the BOE employed various personnel including, but not limited to, principals, teachers, school counselors, teachers’ aides, and janitorial staff, for the purpose of operating, managing, and controlling its schools.

10. That at all times relevant to this cause of action, all of the aforementioned personnel were acting in the scope of their employment and as the agents of the BOE.

11. At all times relevant to this complaint, there was in full force and effect an Illinois law called the Abused and Neglected Child Reporting Act which defines those required to report allegations of sexual abuse to the Illinois Department of Children and Family Services.

12. That on or about 1986 through approximately 1988, the BOE allowed Marvin Lovett (“Lovett”) to perform various jobs at Lathrop that involved and required interaction with students.

13. That on or about 1988 through April of 2000, the BOE allowed Lovett to perform various jobs at JWJE that involved and required Lovett to interact with minor students.

14. That one of Lovett's duties at JWJE was organizing and operating school-sponsored programs for students.

15. That at all times relevant to this cause of action, the BOE was responsible for the hiring, training, supervision, assignment, promotion, investigation, and removal of its employees and/or agents, including Lovett.

16. That on or about 1988, the BOE possessed information indicating that Lovett was ill-suited for employment involving interaction with minors.

17. That on or about 1988, Lovett was dismissed from Lathrop for engaging in inappropriate behavior with students.

18. That at all times relevant to this cause of action, BOE employees and agents overheard students discussing sexual interactions between Lovett and male students.

19. That at all times relevant to this cause of action, BOE employees and agents received multiple complaints about Lovett's inappropriate and/or suspicious interactions with students.

20. That at all times relevant to this cause of action, Lovett removed male students from their classes, unsupervised, for non-educational purposes.

21. That at all times relevant to this cause of action, Lovett took students, unsupervised, to various areas of the school.

22. That at all times relevant to this cause of action, Lovett spent time with male JWJE students at his apartment, including sleepovers.

23. That at all times relevant to this cause of action, Lovett possessed keys to JWJE.

24. That at all times relevant to this cause of action, Lovett used the keys to JWJE to access the school and various rooms within the school, before, during, and after school hours, unsupervised, with male students.

25. That the Plaintiff met and interacted with Lovett as a student at JWJE, including during his participation in school-sponsored programs.

26. That at all times relevant to this cause of action, the Plaintiff trusted and respected Lovett as an authority figure empowered by the BOE.

27. That from 1988 through 1993, Lovett sexually abused the Plaintiff on many occasions.

28. That, at all times relevant to this cause of action, Lovett used his authority as an agent of the BOE to coerce, manipulate, and intimidate the Plaintiff to participate in, and remain silent about, the sexual abuse

29. That in April of 2000, Lovett was shot and killed.

30. That during the investigation of Lovett's death, the police found videotapes of Lovett engaged in sexual acts with male minors, including students from JWJE.

30. That at all times relevant to this cause of action, the BOE had a duty to refrain from conduct that showed an utter indifference to, or conscious disregard for, the safety of others and, specifically, the students attending its public schools, including John D. Doe.

31. That despite this duty, the BOE engaged in the following conduct that demonstrated an utter indifference to, and/or conscious disregard for, the safety of its students, including John D. Doe:

- a. Failed to create, implement, communicate, and/or enforce policies and procedures relating to the prevention, detection, and/or reporting of sexual abuse of minors;

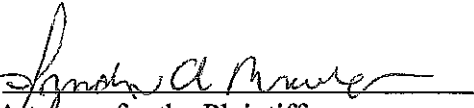
- b. Failed to create, implement, communicate, and/or enforce its own policies and procedures relating to the prevention, detection, and/or reporting of inappropriate conduct by an adult towards a minor;
- c. Failed to investigate allegations of Lovett's misconduct towards students;
- d. Hired Lovett to perform work at JWJE, despite knowledge that Lovett was terminated from Lathrop for engaging in sexually inappropriate conduct towards students;
- e. Allowed Lovett to have students in his home or failed to prevent the same;
- f. Allowed Lovett to engage in physical discipline of students and/or failed to prevent the same;
- g. Failed to properly supervise Lovett when he engaged in the physical discipline of students;
- h. Allowed Lovett or failed to prevent Lovett from possessing keys to the school;
- i. Failed to properly supervise Lovett in his use of keys to JWJE;
- j. Allowed Lovett to utilize the school after hours and on weekends with minors as the only adult present and/or failed to prevent the same;
- k. Failed to report allegations of sexual abuse of children against Lovett to the proper authorities in violation of the Abused and Neglected Child Reporting Act;
- l. Failed to educate and/or train its employees with respect to the urgency and necessity of reporting allegations of sexual abuse and/or sexually inappropriate conduct by an adult towards a child;
- m. Failed to educate and/or train its employees and agents with respect to conduct that indicates that a person is unfit to work with minors and the importance and urgency of reporting the same;
- n. Continued to employ Lovett despite knowledge of evidence that indicated his unfitness for employment with children; and
- o. Was otherwise willful and wanton in the hiring, supervision, and control of Marvin Lovett.

32. That as a proximate result of the willful and wanton conduct by the BOE, the Plaintiff was sexually abused by Lovett which caused him great physical harm, severe emotional distress,

pain and suffering, economic losses, future medical bills, the loss of a normal life, and all other damages allowed by law and demonstrated by the evidence.

WHEREFORE, JOHN D. DOE, by and through his attorney, THE LAW OFFICE OF LYND SAY A. MARKLEY, LTD., asks for a judgment against the Defendant, BOARD OF EDUCATION OF THE CITY OF CHICAGO, in an amount in excess of \$50,000.00, plus costs, reasonable attorney's fees, interest and any and all other relief that this Court deems equitable and just.

Respectfully Submitted,

By: 
An Attorney for the Plaintiff
Lyndsay A. Markley, Esq. -- #57758
The Law Office of Lyndsay A. Markley, Ltd.
150 N. Michigan Ave., Suite 800
Chicago, Illinois 60601
(312) 523-2158 (t.)
(312) 284-4498 (f.)
lam@lmarkleylaw.com (e.)

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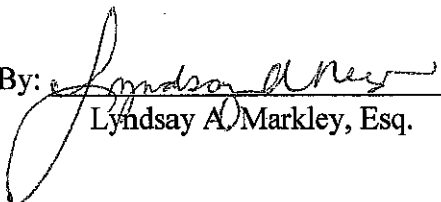
RULE 222 AFFIDAVIT

NOW COMES the affiant, Lyndsay A. Markley, an attorney, and upon oath says:

- (1) That affiant is testifying to matters on affiant's own personal knowledge and is competent to testify to the same if called upon to do so.
- (2) That she is the attorney for the Plaintiff, licensed to practice law in the State of Illinois.
- (3) That affiant is the duly authorized agent for the Plaintiff for purposes of making this affidavit.
- (4) That the damages sought herein are in excess of \$50,000.00.

Respectfully Submitted,

Law Office of Lyndsay A. Markley, Ltd.
 150 N. Michigan Ave, Suite 800
 Chicago, Illinois 60601
 service@lmarkleylaw.com
 (312)523-2158
 #57758

By: 
 Lyndsay A. Markley, Esq.