

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JANE DOE

v.

**CENTRAL DAUPHIN SCHOOL
DISTRICT**

600 RUTHERFORD ROAD
HARRISBURG, PA 17109

and

DR. JOHN A. SCOLA

600 RUTHERFORD ROAD
HARRISBURG, PA 17109

and

DAVID LICHT

(Address unknown, but the
Central Dauphin School District
is aware of his last known
address; c/o Central Dauphin
School District).

and

WILLIAM IRWIN

600 RUTHERFORD ROAD
HARRISBURG, PA 17109

and

KAREN MCCONNELL

600 RUTHERFORD ROAD
HARRISBURG, PA 17109

and

JAY OMSLAER

600 RUTHERFORD ROAD
HARRISBURG, PA 17109,

Defendants.

CIVIL CASE NO.

1 : CV - 07 - 1288

**FILED
HARRISBURG, PA**

JUL 16 2007

**MARY E. D'ANDREA, CLERK
Per *[Signature]*
Deputy Clerk**

COMPLAINT
Jury Trial Demanded

Plaintiff, Jane Doe, claims damages upon a cause of action against the above-captioned Defendants, collectively and individually, whereof the following is a statement:

PRELIMINARY STATEMENT

1. In a Central Dauphin School District school bus on Central Dauphin School District property, Plaintiff, Jane Doe ("Jane Doe") was sexually assaulted by her supervisor, in a darkly lit area with insufficient lighting and no security cameras.
2. A single mother, Jane Doe, in exchange for her job, which she desperately needed to support her two children, was required to submit to the unwanted sexual advances and assaults of her supervisor, who repeatedly demanded things such as *"get in here and give me a blow job"* and said *"I'm going to bend you over the bus seats and do you 'doggie style'"* as a condition of her employment.
3. As a result of these workplace sexual assaults, Jane Doe became pregnant and had to have an abortion.
4. Jane Doe's reports of sexual harassment were ignored by her supervisors and employer, the Central Dauphin School District, for months, and when they were finally addressed, nothing was done to remedy the situation.
5. Instead, Defendants violated her constitutional right to privacy by her exposing private medical information, including a sexual assault, pregnancy, and abortion, throughout the CDSD, engaged in victim blaming behavior, including calling her a "fabricator," and began a massive and brutal retaliatory campaign--via numerous violations of state and federal law--in order to force Jane Doe to leave her position as a bus driver, which she had held for five years. They succeeded, and

Jane Doe has gone without income to support herself and her children and medical benefits to receive treatment for the serious medical conditions directly caused by Defendants.

JURISDICTION

6. This Court has jurisdiction over this action pursuant to 28 U.S.C. 1331, as a case arising under the laws of the United States. Jurisdiction is invoked pursuant to the Civil Rights Act, 42 U.S.C. §1983, the Civil Rights Act, 42 U.S.C. § 1985, Title VII of the Civil Rights Act, 42 U.S.C. § 2000e *et seq.*, and the Family and Medical Leave Act, 29 U.S.C. § 2611 *et seq.*, all of which provide for original jurisdiction of Jane Doe's claims arising under the laws the United States and over actions to recover damages and to secure equitable and other relief under the appropriate governing statutes.
7. This Court has jurisdiction over Jane Doe's state claims pursuant to its supplemental jurisdiction as codified at 28 U.S.C. § 1367.
8. On April 19, 2007 Plaintiff received notice of her right to sue from the Equal Employment Opportunity Commission ("EEOC") and therefore Jane Doe has exhausted all administrative remedies and has taken all other steps necessary to bring this action before this Court.

VENUE

9. The actions complained of herein occurred within the jurisdiction of this Court and involve a Plaintiff who resides within its jurisdictional limits.
10. Venue is accordingly invoked pursuant to the dictates of 28 U.S.C. § 1391(b) and 1391(c) because the events or omissions giving rise to Plaintiff's claims occurred in the Middle District of Pennsylvania and because the CDSD Defendant has offices, conduct business, and can be found in this District.

11. Plaintiff has exhausted all administrative remedies and has taken all other steps necessary to bring this action before this Court.

PARTIES

12. The Plaintiff, Jane Doe, is adult woman who resides within this District in Pennsylvania. She is a single mother and primary caretaker of her two daughters, and has an 11th grade education. She was employed as a bus driver with the Defendant Central Dauphin School District until she was forced to resign from her five year employment in December 2006 after being sexually assaulted and harassed by her direct supervisor and retaliated against for complaining. Because of the privacy interests involved in this case, Jane Doe has moved this Court for permission to proceed by pseudonym rather than her real name. That motion is being filed with this Complaint.
13. Defendant Central Dauphin School District is a political subdivision of the Commonwealth of Pennsylvania, and receives federal financial assistance, with its principal place of business at 600 Rutherford Road, Harrisburg, Pennsylvania 17109. At all times relevant hereto, Defendant CDSD is engaged in commerce or in any industry or activity affecting commerce and employs between 1,500 to 1,600 employees. It therefore has 50 or more employees for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year. CDSD is thus an Employer as defined by the Family and Medical Leave Act, 29 U.S.C. § 2601 *et seq.*, is liable for Plaintiff's damages, and is responsible for the acts of its supervisory employees and its board members. CDSD is thus an Employer,

is liable for Plaintiff's damages, and is responsible for the acts of its supervisory employees.

14. Defendant Dr. John A. Scola (hereinafter "Defendant Scola") is an individual employed as a Superintendent with the Defendant CDSD. As the duly appointed Superintendent of the Defendant CDSD, he was responsible for the daily operations of the school district. He is being sued individually and in his official capacity. An "employer" for purposes of the FMLA includes "any person who acts, directly or indirectly, in the interest of an employer to any of the employees of such employer." 29 U.S.C. § 2611(4)(a)(ii)(1). For purposes of the FMLA, a "person" "means an individual, partnership, association, corporation, business trust, legal representative, or any organized group of persons." 29 U.S.C. § 203(a). According to the FMLA's regulations, "[a]n 'employer' includes any person who acts directly or indirectly in the interest of an employer to any of the employer's employees Individuals such as corporate officers 'acting in the interest of an employer' are individually liable for any violations of the requirements of FMLA". 29 C.F.R. 825.104(d). Because Defendant Scola acts and acted, directly or indirectly, on behalf of Defendant CDSD to its employees, he is an employer for purposes of the FMLA and is individually liable for Plaintiff's damages. Additionally, Defendant CDSD is responsible for the acts of its supervisory employees, including Defendant Scola.
15. Defendant William Irwin (hereinafter "Defendant Irwin") is an individual and was employed as the Director of Human Resources in the Administration Department with the Defendant CDSD. In his position as Director of Human Resources, Defendant Irwin was responsible for all personnel issues within

CDSO including recruitment, hiring, salary changes, discipline, investigation of discrimination complaints, and terminations. Defendant Irwin is named as a defendant in his official and his individual capacity. An "employer" for purposes of the FMLA includes "any person who acts, directly or indirectly, in the interest of an employer to any of the employees of such employer." 29 U.S.C. § 2611(4)(a)(ii)(1). For purposes of the FMLA, a "person" "means an individual, partnership, association, corporation, business trust, legal representative, or any organized group of persons." 29 U.S.C. § 203(a). According to the FMLA's regulations, "[a]n 'employer' includes any person who acts directly or indirectly in the interest of an employer to any of the employer's employees . . . Individuals such as corporate officers 'acting in the interest of an employer' are individually liable for any violations of the requirements of FMLA". 29 C.F.R. 825.104(d). Because Defendant Irwin acts and acted, directly or indirectly, on behalf of Defendant CDSO to its employees, he is an employer for purposes of the FMLA and is individually liable for Plaintiff's damages. Additionally, Defendant CDSO is responsible for the acts of its supervisory employees, including Defendant Irwin.

16. Defendant Karen McConnell is an individual employed as the Business Manager with Defendant CDSO. Defendant Licht is named as a defendant in her official and her individual capacity. An "employer" for purposes of the FMLA includes "any person who acts, directly or indirectly, in the interest of an employer to any of the employees of such employer." 29 U.S.C. § 2611(4)(a)(ii)(1). For purposes of the FMLA, a "person" "means an individual, partnership, association, corporation, business trust, legal representative, or any organized group of persons." 29 U.S.C. § 203(a).

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17. Defendant David Licht (hereinafter "Defendant Licht") is an individual who was employed as the Director of Transportation with CDSD and was Jane Doe's direct supervisor at times relevant to this Complaint. Defendant Licht is named as a defendant in his official and his individual capacity. Defendant CDSD is responsible for the acts of its supervisory employees, including Defendant Licht.
18. Defendant Jay Omslaer is an individual (hereinafter "Defendant Omslaer") is an individual employed as the Director of Transportation with the Defendant CDSD. Defendant Omslaer is named as a defendant in his official and his individual capacity. An "employer" for purposes of the FMLA includes "any person who acts, directly or indirectly, in the interest of an employer to any of the employees of such employer." 29 U.S.C. § 2611(4)(a)(ii)(1). For purposes of the FMLA, a "person" "means an individual, partnership, association, corporation, business trust, legal representative, or any organized group of persons." 29 U.S.C. § 203(a). According to the FMLA's

regulations, "[a]n 'employer' includes any person who acts directly or indirectly in the interest of an employer to any of the employer's employees Individuals such as corporate officers 'acting in the interest of an employer' are individually liable for any violations of the requirements of FMLA". 29 C.F.R. 825.104(d). Because Defendant Omslaer acts and acted, directly or indirectly, on behalf of Defendant CDSD to its employees, he is an employer for purposes of the FMLA and is individually liable for Plaintiff's damages. Additionally, Defendant CDSD is responsible for the acts of its supervisory employees, including Defendant Omslaer.

FACTUAL ALLEGATIONS

19. Plaintiff, Jane Doe, (hereinafter "Jane Doe") was hired in 2001 by Respondent Central Dauphin School District (hereinafter "Central Dauphin") as a bus driver.
20. Jane Doe, a single mother and primary caretaker of two children, continued to work as a bus driver with Defendant Central Dauphin until she was forced to resign due to sexual harassment and retaliation, as more fully outlined herein, on or about December 23, 2006.
21. Among Jane Doe's duties as a bus driver with Defendant CDSD included driving school children to and from Central Dauphin, as well as cleaning, fueling, and maintaining the bus.
22. At all times relevant hereto, Jane Doe is, and has been, a member of a protected class (female) and was and is qualified to perform her job as a bus driver for Central Dauphin.
23. In May 2005, Jane Doe's former supervisor, Robert Colburn, retired.

24. Soon thereafter, Defendant CDSD hired David Licht (hereinafter "Defendant Licht") as Director of Transportation for the school district, and he became Jane Doe's direct supervisor when he began work at the start of the 2005-2006 school year.
25. Defendants CDSD, Irwin, and McConnell, failed to perform a proper background check on Defendant Licht prior to hiring him.
26. Soon after he became Jane Doe's direct supervisor, Defendant Licht began continuing and harassing behaviors of a sexual nature toward Jane Doe by email, in person, instant message (im), and by phone.
27. Such actions included, but were not limited to leering at Jane Doe and making inappropriate, sexual comments, both on her bus as she cleaned it and in the office and drivers' room during working hours and after working hours.
28. Among Defendant Licht's inappropriate comments included the following:
 - a. Repeatedly ordering Jane Doe to have sex with him during and after work hours;
 - b. Repeatedly telling Jane Doe that she was a "good looking blonde" and that if she "*got her boobs done*" she would look great on the back of his "Hog" (Harley Davidson motorcycle) in his garage;
 - c. Repeatedly and continually ordering Jane Doe to sit on his lap in his office; and,
 - d. Repeatedly demanding Jane Doe to "*Get in here [Defendant Licht's office at Central Dauphin] and give me a blow job.*"
29. Over and over again, Defendant Licht threatened Jane Doe by saying "*my job is secure and yours isn't.*"

30. Defendant Licht made such threats in conjunction with his above-described sexual harassment and assaults of Jane Doe.
31. Defendant Licht's comments regarding Jane Doe's job security, combined with the severity and threatening nature of his advances and other sexual harassment, caused Jane Doe to be frightened.
32. She was frightened that if she complained about Defendant Licht and his inappropriate and unwanted advances and harassment, she would not be believed and would be fired by Defendants.
33. As a single mother and sole supporter of her two children, Jane Doe could not afford to complain about Defendant Licht's harassment and risk being fired.
34. Defendant Licht's harassment of Jane Doe escalated to the point that he began to "hang out" with the drivers and engage in sexual banter, which disturbed her and made her feel extremely uncomfortable.
35. She pretended that it didn't bother her based on his threatening remarks about Jane Doe's job status, as described above.
36. Just one month after becoming Jane Doe's direct supervisor, in October 2005, Defendant Licht told Jane Doe that he was going to have sex with her. He said "*I'm going to bend you over the bus seats and do you "doggie style"*" and then " I'm not playing games. I don't have time for games." He took Jane Doe to an empty school bus where he had sexual intercourse with Jane Doe her against her will.
37. At no time was she asked, or gave any indication of courting affection from Defendant Licht.
38. In fact, Defendant Licht was aware that Jane Doe was in a committed relationship with a person under Defendant Licht's supervision.

39. Defendant Licht had sex with Jane Doe abruptly even though Jane Doe repeatedly pulled away from him. Because Jane Doe pulled away from him, Defendant Licht told Jane Doe that he knew she didn't want him. Petrified, Jane Doe said nothing, and Defendant Licht went ahead and performed unwanted sexual intercourse on Jane Doe, despite her struggle and attempts to get away from him.
40. In October 2005, after Defendant Licht forced Jane Doe to have sexual intercourse with him, Jane Doe complained to the Bus Driver Association Grievance Committee, which is a bus driver organization set up by the school, consisting of and administered by fellow bus drivers on their own time to bring drivers' complaints to management--regarding the fact that that she was being sexually harassed.
41. In response to Jane Doe's sexual harassment complaint, the Grievance Committee told Jane Doe that her situation was "above and beyond" what they could do for her and that she should get an attorney.
42. During another time in October 2005, when Jane Doe returned from her bus run, Defendant Licht again told Jane Doe that he intended to have sex with her.
43. Defendant Licht then had sex with her on his office desk against Jane Doe's will in the same manner as described above.
44. Jane Doe did not fight Defendant Licht's sexual advances because of his continuing threats that Jane Doe's job was not secure but his was. Jane Doe was afraid that if she fought Defendant Licht off she would be fired.
45. Jane Doe then attempted numerous times to contact Defendant Irwin and another member of the Central Dauphin School Board regarding her dilemma

by leaving phone messages for him. He did not answer or return her phone calls.

46. Jane Doe had feared these moments with Defendant Licht and had hoped they wouldn't happen because she didn't want to be put in a position to lose her job if she fought off Defendant Licht's advances or complained about his behavior.
47. To ward off Defendant Licht's advances at work, Jane Doe would try to get him to go out places in public at night in case he would be at work when her bus came in from an event or daily run.
48. Quite understandably, Defendant Licht's sexual assault and harassment put Jane Doe situation under tremendous stress at work and in her personal life.
49. Each incident of Defendant Licht's harassment and abuse caused Jane Doe to feel ashamed.
50. She became deeply depressed, afraid, and filled with continued anxiety--that continues to this day--about the forced sexual contact with Defendant Licht and fear of losing her job and losing the ability to care for her children.
51. Because of Mr. Irwin's position and failure to respond to her pleas for help and complaints, she felt she was at a dead end.
52. After these incidents, Jane Doe in told Mr. Miller, Principal of Rutherford Elementary in Central Dauphin School District, that she was being sexually harassed and needed to talk to a supervisor about it.
53. In response, Mr. Miller told Jane Doe that he would contact a Central Dauphin school board member regarding the matter. To date, Jane Doe has never heard back.

54. These instances of Jane Doe reaching out to management about her extremely sensitive situation reinforced Jane Doe's very real perception that no one at CDSO would do anything about Defendant Licht's unwanted and inappropriate sexual harassment of her.
55. In November 2005, Defendant Licht gave Jane Doe the address of and directions to a hotel in State College for a conference he was attending for work. He ordered Jane Doe to meet him at the hotel.
56. He repeatedly called her throughout the day ordering her to go at the risk of losing her job. He also kept calling to ask her where she was. She tried to rebuff him politely, using humor so he wouldn't retaliate. In the end he made it clear that if she did not go she would be fired.
57. Jane Doe did not want to go to the hotel, but was afraid that if she didn't meet Defendant Licht's demand, she would lose her job and her livelihood and would be unable to support her children as a result.
58. At the hotel Defendant Licht told Jane Doe that he was going to have sex with her. He again had sexual intercourse with her against her will. When she pulled away, terrified, clearly not interested, he continued anyway. Jane Doe was afraid to refuse for fear of losing her job.
59. Jane Doe suspected that she was pregnant and informed Defendant Licht.
60. Defendant Licht took Jane Doe during her work hours (for which she received no pay), and made her have a pregnancy test at Planned Parenthood in York, Pennsylvania.
61. The pregnancy test determined that Jane Doe was, indeed, pregnant.
62. Defendant Licht told Jane Doe that she must have an abortion.

63. Again, for fear of losing her job and only means of economic support, Jane Doe acquiesced to Defendant Licht's demand.
64. Defendant Licht called Jane Doe into his office to discuss payment of the abortion. When Jane Doe told him she couldn't afford it, Defendant Licht threw cash at her across the table to pay for the abortion.
65. Defendant Licht ordered another of his employees to take Jane Doe to have an abortion.
66. Thereafter, Jane Doe had an abortion.
67. After, during, and between each the above incidents, Jane Doe fell into deeper depression and also suffered from anxiety based on Defendant Licht's presence at work and fear that he would fire her at any time.
68. His treatment toward her became increasingly brusque, unprofessional, and hostile. This behavior created a hostile work environment in which Jane Doe felt incredibly uncomfortable and embarrassed.
69. Because no one at CDSD would listen to her when she complained of sexual assault and harassment, Jane Doe did not know what to do, so she tried to get Defendant Licht to admit to his behavior in writing through IM's.
70. On or about early April to mid-May, 2006, Jane Doe, who had been undergoing therapy and was placed on medication as a result of the hostile work environment she was made to suffer, mustered the courage to again confront Central Dauphin about her sensitive and embarrassing ordeal.
71. Jane Doe called the district administrative offices.
72. At first, Carol Joyce, Defendant Irwin's secretary, wouldn't let Jane Doe talk to him, but when Jane Doe threatened a lawsuit Mr. Irwin finally agreed to talk to Jane Doe.

73. They set up a meeting the next day with Jane Doe, Defendant Carol Joyce, Donna Recupero, and Defendant Irwin.
74. During said meeting, Defendant CDSD's employee, Carol Joyce, more than once laughed at and humiliated Jane Doe, causing Jane Doe to break down and cry. Defendant Irwin did not intervene.
75. The vast majority of victims of sexual assault, domestic violence, and stalking are women.
76. Upon information and belief, Defendant CDSD has not conducted an adequate investigation into the crimes of violence committed by Plaintiff's attacker, Defendant Licht, in violation of its own policies.
77. Defendants insisted she testify as to matters that are protected under privacy laws in a public meeting before they would take any corrective action against Defendant Licht, her sexual assaulter, about such private matters including sexual assault, pregnancy, and abortion.
78. Upon information and belief, Defendant CDSD has not adequately disciplined Plaintiff's attacker, Defendant Licht, in violation of its own policies.
79. As a result of the Defendants' actions, Jane Doe has experienced great emotional and psychological distress. She has had persistent feelings of anxiety, loss, hopelessness, and depression. She cries often and has experienced sleeplessness and the inability to concentrate, which she attributes, in large part, to the stress of Defendants' discrimination and retaliation.
80. The Defendants harassed, berated, and mistreated Plaintiff based on her sex and based on her status as a victim of sexual assault. In addition, these Defendants have retaliated against Plaintiff because she asserted her rights

under federal and state civil rights laws. In treating Plaintiff in this manner, Defendants violated federal and state law.

81. Defendant Licht refused to pay Jane Doe for 15 days that she missed at work for the pregnancy test, resultant abortion, counseling, and Shingles, a medical illness caused by the stress she was suffering because of work and the sexual harassment and assault.
82. These missed days also include sick days for an on-the-job eye injury for which Defendant Licht refused to pay Jane Doe based on his continued harassment and her complaints about his sexual advances.
83. After receiving a redacted version of Ms. Jane Doe's PHRC complaint, Defendant Licht's employment was terminated, either voluntarily or involuntarily.
84. Because of the very serious nature of the sexual assault, harassment, and retaliation, Ms. Jane Doe believed, and asked for, her complaint to be kept confidential at CDSD.
85. Defendant CDSD and Defendant Irwin assured Jane Doe that the complaint would be kept confidential; however, it was not and these Defendants violated Jane Doe's constitutional right to privacy.
86. Soon after returning to work after the Summer 2006 vacation as a bus driver with Defendant CDSD, Ms. Jane Doe began experiencing severe and escalating retaliation as a result of making a sexual harassment complaint against her former supervisor at Defendant CDSD.
87. After Jane Doe complained of sexual harassment, Defendant CDSD failed to take her complaints of retaliation seriously; to the contrary, Defendant CDSD

insisted, in writing, that she was making it up, claiming that she had a history of "fabrication."

88. Such statements show that Defendant CDSB did not take Ms. Jane Doe seriously, did nothing to protect Ms. Jane Doe, did nothing to remedy the situation, and failed to provide Ms. Jane Doe with a safe working environment.
89. Defendant CDSB has still refused to pay Ms. Jane Doe for the time she took off due to Licht's sexual harassment, in retaliation for her complaining about Defendant Licht's sexual harassment.
90. After complaining of sexual harassment and filing a complaint with the PHRC, of which Defendants had actual notice, Jane Doe was questioned, intimidated, and harassed by co-workers and supervisory employees for filing an internal and PHRC complaint. Such comments include,
 - a. "I heard you got pregnant with Dave's baby (Dave Licht, Jane Doe's former supervisor and sexual assaulter) and had an abortion."
 - b. "I've heard some nasty stuff about you."
 - c. "If you can't handle it, you need to quit or give it up (Jane Doe's bus route)."
91. After complaining of sexual harassment and filing a complaint with the PHRC, of which Defendants had actual notice, Jane Doe was routinely denied support that regularly given to other bus drivers.
92. For example, Jane Doe informed the Transportation Department, on numerous occasions over the past month that the headlights on her bus are not working properly. Such malfunction presents a serious safety concern not

only for Jane Doe, but for the CDS D students that Jane Doe is responsible for transporting in her bus.

93. The CDS D Transportation Department refused to fix the headlights on Jane Doe's bus, stating that "her headlights can stay like that....".
94. CDS D employees took Jane Doe's paperwork from her bus and otherwise cruelly "pranking" Jane Doe.
95. For instance, on November 21, 2006, Jane Doe reported to work at 6:00 a.m. When she boarded her bus, paperwork and trip papers were missing, and her steering wheel was coated with a sticky substance.
96. On another occasion, a fight broke out on Jane Doe's bus. When she called in for police back-up, CDS D Transportation Department employees continually interrupted and interfered with the communication. As a result, police were not timely dispatched to the bus, a neighbor had to call the police, and the safety of Jane Doe and CDS D students was in jeopardy for over 45 minutes.
97. Jane Doe informed CDS D on Monday, November 27, 2006 that she would be at CDS D at 9:30 a.m. on November 29th to review her personnel file. However; when Ms. Doe came to CDS D on that date, its employees, yet again, denied her access to her personnel file.
98. Jane Doe again informed CDS D on Monday, November 27, 2006 of the safety issues surrounding the broken headlights on her bus. CDS D refused to fix the headlights.
99. Particularly because the safety of children was being jeopardized, Jane Doe contacted the State Police regarding the hazardous condition of the bus that she is forced to drive and that CDS D refuses to repair

100. In October and November 2006, Ms. Jane Doe's car was again vandalized while it was parked on CDSD property right next to the Transportation Building.
101. Ms. Jane Doe's tires on her driver's-side were punctured, the hood was dented, and the car was "keyed" on the passenger side.
102. As a single mother who relies on every penny of income that she receives to support her family, Ms. Jane Doe could not afford to fix any of this property damage.
103. Although she patched the punctured tires, they continually leaked air and she had to pump them up every morning before going to work at CDSD.
104. Upon inspecting the bus, the State Police removed a three foot metal object, which was sticking out of the floor and posed a safety concern to children riding on the bus.
105. Ms. Jane Doe complained about this, but nothing was done by CDSD until she contacted the State Police.
106. While the State Police inspected the headlights, they would not drive it at night, and the headlight problem persists, even though it may have passed state inspection.
107. Furthermore, Ms. Jane Doe was instructed by the State Police Officer that "Whatever you got going on with the School District or lawsuit, you need to keep us out of it." *How would the State Police know of Ms. Jane Doe's sexual harassment complaint unless someone at CDSD told them?*
108. When Ms. Jane Doe was finally provided with the opportunity to review her personnel file in December 2006 after numerous requests and subsequently

examined her file, she discovered that there were numerous items missing from the file.

109. On or about December 4, 2006, CDSO also refused to pay for the damage done to Ms. Jane Doe's car, claiming that they needed a videotape before they would take responsibility for the damage occurred while the vehicle was parked on CDSO property.
110. Ms. Jane Doe made reports to her supervisors at CDSO immediately upon discovering the damage, which are in her CDSO personnel file.
111. Disturbingly, notes were made to this report by Ms. Jane Doe's supervisor and Director of Transportation, Defendant Jay Omslaer, *on November 29, 2006*.
112. Curiously, Defendant Omslaer's notes were made after the fact and appear to be in direct response to a letter faxed to CDSO on November 27, 2006 outlining the on-going retaliation.
113. Furthermore, there is a police report arising out of Ms. Jane Doe's car being vandalized last year, when Defendant Licht, her supervisor, was sexually assaulting Ms. Jane Doe.
114. The damage was reported to the Defendant CDSO and to the Lower Paxton Township Police Department, who refused to do anything because it was on CDSO property.
115. It was unreasonable for Defendant CDSO to require Ms. Jane Doe to "name" the individual who damaged her car while it was parked on CDSO property before CDSO would take responsibility for the damage.
116. Ms. Jane Doe could not possibly know who damaged the vehicle because when it happened she was working.

117. Furthermore, Ms. Jane Doe did not know who damaged the vehicle because there continue to be no video cameras installed on CDS property.
118. While Defendant CDS indicated that it would be installing video cameras (presumably—and discoverable—in response to this matter), CDS's delay in security measures was troublesome, especially since it had had actual notice—for over a year—that Ms. Jane Doe was sexually assaulted on CDS property by a CDS employee.
119. The following is a non-inclusive list of examples of ostracism and shunning by co-workers and supervisory employees that Ms. Jane Doe was made to endure after complaining of sexual harassment at CDS:
 - a. BUSDRIVER 1: "I heard you got pregnant with Dave's baby (Dave Licht, Ms. Jane Doe's former supervisor and sexual assaulter) and had an abortion."
 - b. BUSDRIVER 2: "I've heard some nasty stuff about you."
 - c. BUSDRIVER 3: made remarks about people at CDS talking about Ms. Jane Doe and Dave Licht to the effect that Ms. Jane Doe was sexual assaulted.
 - d. ADMINISTRATIVE: "If you can't handle it, you need to quit or give it up (Ms. Jane Doe's bus route)."
 - e. MECHANIC: said "Her headlights can stay like that...."
 - f. BUSDRIVER 4: questioned her whether Dave Licht was taking her out getting her drunk at night and that he heard she was pregnant.
 - g. DRIVERS ASSOCIATION 1: talking to BUS DRIVERS about Ms. Jane Doe and Dave Licht and a sexual assault.

- h. BUSDRIVER 5 and BUSDRIVER 6, questioned her about a sexual assault and pregnancy.
 - i. There was a rumor going around, who Ms. Jane Doe heard from BUSDRIVER 7 that “the reason Ms. Jane Doe can’t get her lazy ass out of bed every night” is because she strips at Adult World on Route 22. Thus, *many* co-workers are calling Ms. Jane Doe “Blade”, which they say is her “stage-name.”
 - j. STUDENTS from East Middle have approached Ms. Jane Doe and asked her whether it was true that she is a stripper. Another STUDENT called her a crack-head. TEACHERS have also made comments to her about the situation.
120. Defendants attempted to get rid of Jane Doe in any way that they could—either through the continuing and escalating retaliation she was made to endure daily at CDSD or by manufacturing a reason to terminate Ms. Jane Doe.
121. For instance, on December 13, 2006, the Defendant Director of Transportation, Defendant Omslaer, changed Ms. Jane Doe’s December 4, 2006 absence slip from an “illness” to unexcused.
122. It was no coincidence that this after-the-fact change, nine days after the December 4th absence, was done right after Ms. Jane Doe again complained of additional retaliation.
123. On or about December 13, 2006, Ms. Jane Doe had a severe anxiety attack while she was at work at CDSD.
124. Ms. Jane Doe did not report to work on December 14, 2006, as she was undergoing medical treatment.

125. On or about December 14, 2006, as Ms. Jane Doe was never provided with the opportunity to copy and review her entire personnel file, Defendants denied Ms. Jane Doe's request for a bates-stamped copy of her personnel file and was told that her attorneys could get a copy of her personnel file in litigation.
126. Ms. Jane Doe also requested FMLA leave, which was denied by Defendants because they informed her that she was ineligible, due to their improper calculation of her hours.
127. In order to confirm whether she was, in fact, eligible for FMLA leave, Ms. Jane Doe requested an accounting of her hours worked at CDSD over 12 months, to verify the accuracy of CDSD's FMLA ineligibility determination.
128. On December 15, 2006, CDSD was informed that Ms. Jane Doe was under the care of a doctor and would not be reporting to work December 15, 2006, December 18, 2006, and December 19, 2006.
129. On or about December 18, 2006, CDSD advised that Ms. Jane Doe's personnel file would be available for review on December 18, 2006.
130. On December 18, 2006, based on Defendants' assurances, Ms. Jane Doe's representative went to CDSD Administrative Offices 9:10 a.m. on December 18, 2006.
131. Ms. Jane Doe's representative was denied access to her personnel file and was informed that Defendant Karen McConnell had no idea that she was supposed to make the personnel file ready for Ms. Jane Doe's review. And, in fact, the personnel file was not even in her possession.
132. Upon Ms. Jane Doe's return to work on or about December 20, 2006 after being under a doctor's care, Defendant CDSD and its supervisory employees,

including Defendant Omslaer refused to allow her to return to work, even though Ms. Doe had her own doctor's clearance to return to work.

133. Defendant Omslaer insisted that Ms. Doe file a workers' compensation claim and that she would not be permitted to return to work until CDSD's own doctor cleared her to return, even though her own, treating physician had cleared her to return to work.

134. Ms. Jane Doe believes Defendants' refusal to allow her to return to work was done in retaliation for complaining of sexual harassment and retaliation.

135. She also believes that Defendants' wanted her to file a workers' compensation claim for her injuries so that CDSD did not have to pay for her damages.

136. Defendants' refusal to allow Ms. Jane Doe to return to work was right before the Christmas/Winter break.

137. Bus drivers are entitled to a week of pay for the Christmas/Winter break if they worked the day before the break (December 22, 2006) and the day after the break (January 2, 2007).

138. Ms. Jane Doe believes that Defendants refused to allow her to return to work was in retaliation so that she would not received her Christmas/Winter break pay to which she was entitled.

139. Thereafter, Ms. Doe submitted a forced resignation letter to Defendant Scola on December 21, 2006.

140. Jane Doe was forced to resign from her position after she was sexually assaulted, harassed, and retaliated against for complaining.

141. Jane Doe provided Defendants with several opportunities to correct the discrimination and retaliation; however, they failed to do so and Ms. Jane Doe was forced to resign.
142. As a result of their actions, Ms. Doe was without much needed income, income that she relied upon, especially during the Christmas holidays. As a result of their actions, Ms. Doe was unable to provide the usual Christmas for her children.
143. After being constructively discharged and refused to be permitted to return to work, Ms. Doe applied for unemployment compensation benefits.
144. In retaliation for Ms. Doe complaining of sexual harassment and retaliation, Defendant CDSD reported that it had no information concerning Ms. Jane Doe, a false report which unnecessarily delayed Ms. Jane Doe from receiving unemployment compensation benefits to which she was entitled.
145. On or about January 19, 2007, Ms. Jane Doe provided Defendant CDSD with estimates for repairing the damage done to her car while it was on CDSD property. The body work estimate totals \$1,900.36; however, this was without painting and the tire estimate was \$203.93.
146. Defendant CDSD has refused to pay for the damage to Ms. Jane Doe's vehicle, in further retaliation for her complaining of sexual harassment and retaliation.
147. As a result, Ms. Jane Doe is without income to support herself or her children. She has been unable to obtain other employment. She is without much-needed medical benefits. She risks losing her home. Why? Because she complained of sexual harassment and assault and was severely retaliated against for complaining.

148. On February 2007, Jane Doe filed a second Complaint with the PHRC for a further count of Retaliation and Constructive Discharge. The facts are included herein, but the Counts are not. The Counts in Jane Doe's Second PHRC will become ripe in September, at which time Jane Doe plans on obtaining a "Right to Sue" Letter and will join that action and its Counts with the current action.
149. Jane Doe had worked for Defendant CDSO for over five years and should have been vested in her pension with the Pennsylvania State Employees' Retirement System.
150. However, after Jane Doe complained of sexual harassment and was constructively discharged, Defendant CDSO and its supervisory employees, have falsely reported that Jane Doe only had "4.98" years of accrued service to intentionally interfere with Jane Doe's otherwise vested pension rights.

COUNT I

**Claim Under 42 U.S.C. § 1983 for
Violations of the First and Fourteenth Amendments**

Against Defendants CDSO, Scola, Irwin, McConnell, Licht, and Omslaer

151. Paragraphs 1 through 150 are incorporated herein by reference as though set forth in full.
152. Defendant CDSO, Defendant Scola, Defendant Irwin, Defendant Licht, Defendant McConnell, and Defendant Olmstead acted under color of law and subjected Jane Doe to deprivation of rights, privileges, or immunities secured by the Constitution and laws and while doing so acted under color of law.
153. Defendants violated Jane Doe's constitutional and fundamental right to privacy protected under the Fourteenth Amendment to the U.S. Constitution.

154. For instance, Defendants insisted she testify as to matters that are protected under privacy laws in a public meeting before they would take any corrective action against Defendant Licht, her sexual assaulter, about such private matters including sexual assault, pregnancy, and abortion.
155. Defendants failed to maintain confidentiality of Jane Doe's private information, including matters relating to Defendant Licht's sexual assault of her, her pregnancy, and her abortion.
156. Defendants' violated Jane Doe's constitutional and fundamental right to her reputation and deprivation of a present or future employment in violation of the Fourteenth Amendment to the U.S. Constitution.
157. Defendants' violated Jane Doe's First Amendment Rights when they retaliated against her and constructively discharged her based on her exercise of rights under the First Amendment to the U.S. Constitution after she complained of illegal sex discrimination and sexual assault.
158. Defendants violated Jane Doe's Fourteenth Amendment to her bodily integrity arising out of the incidents of sexual assault and sexual harassment by Defendant Licht.
159. Defendants violated Jane Doe of her life, liberty, and or property without due process of law in violation of the Fourteenth Amendment to the U.S. Constitution; these actions were so ill-conceived or malicious that it shocks the conscious.
160. As a result of Defendants' violations of 42 U.S.C. § 1983, Jane Doe has suffered damages.

COUNT II

Claim Under 42 U.S.C. § 1985 for Conspiracy to

Deprive Jane Doe of Her Constitutional Rights

Against Defendants CDSD, Irwin, McConnell, Licht, and Olmstead

161. Paragraphs 1 through 160 are incorporated herein by reference as though set forth in full.
162. Defendant CDSD, Defendant Scola, Defendant Irwin, Defendant Licht, Defendant McConnell, and Defendant Olmstead joined together to conspire for the purpose of depriving, directly or indirectly, Jane Doe of equal protection of the laws.
163. These Defendants were motivated by a class-based discriminatory animus against women and victims of sexual assault and other gender motivated violence, whom are disproportionately women.
164. Gender, is an obvious protected class and is an immutable characteristic and has no relationship to ability, and these Defendants' discrimination against Jane Doe because of her gender (female) is class-based and invidiously discriminatorily motivated.
165. These Defendants, motivated by class-based discriminatory animus against women and victims of sexual assault and other gender motivated violence, joined together to conspire to violate Jane Doe's constitutional and fundamental right to privacy protected under the Fourteenth Amendment to the U.S. Constitution.
166. For instance, Defendants insisted she testify as to matters that are protected under privacy laws in a public meeting before they would take any corrective action against Defendant Licht, her sexual assaulter, about such private matters including sexual assault, pregnancy, and abortion.

167. Defendants failed to maintain confidentiality of Jane Doe's private information, including matters relating to Defendant Licht's sexual assault of her, her pregnancy, and her abortion.
168. These Defendants, motivated by class-based discriminatory animus against women and victims of sexual assault and other gender motivated violated violence, joined together to conspire to violate Jane Doe's constitutional and fundamental right to her reputation and deprivation of a present or future employment in violation of the Fourteenth Amendment to the U.S. Constitution.
169. These Defendants, motivated by class-based discriminatory animus against women and victims of sexual assault and other gender motivated violated violence, joined together to conspire to violate Jane Doe's First Amendment Rights when they retaliated against her and constructively discharged her based on her exercise of rights under the First Amendment to the U.S. Constitution after she complained of illegal sex discrimination and sexual assault.
170. These Defendants, motivated by class-based discriminatory animus against women and victims of sexual assault and other gender motivated violated violence, joined together to conspire to violate Jane Doe's Fourteenth Amendment to her bodily integrity arising out of the incidents of sexual assault and sexual harassment by Defendant Licht.
171. These Defendants, motivated by class-based discriminatory animus against women and victims of sexual assault and other gender motivated violated violence, joined together to conspire to violate Jane Doe of her life, liberty, and or property without due process of law in violation of the Fourteenth

Amendment to the U.S. Constitution; these actions were so ill-conceived or malicious that it shocks the conscious.

172. As a result of Defendants' violations of 42 U.S.C. § 1985, Jane Doe has suffered damages.

COUNT III

**Quid Pro Quo Sexual Harassment
in Violation of Title VII of the Civil Rights Act**

(As to Defendant Central Dauphin School District)

173. Paragraphs 1 through 172 are incorporated herein by reference as though set forth in full.
174. Jane Doe was forced to submit to unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by her direct supervisor, Defendant Licht, who was a supervisory employee of Defendant CDSD.
175. Submission to these sexual advances and sexual favors was made explicitly or implicitly as a term and condition of Jane Doe's employment.
176. Jane Doe's submission to or rejection of such conduct was used as the basis for employment decisions affecting her.
177. Therefore, Defendant CDSD, which is responsible for the quid pro quo sexual harassment of Defendant Licht violated Title VII of the Civil Rights Act by sexually harassing Jane Doe on a quid-pro-quo basis.

COUNT IV

**Quid Pro Quo Sexual Harassment
in Violation of the Pennsylvania Human Relations Act**

**(As to Defendants Central Dauphin School District
and Licht in his individual capacity)**

178. Paragraphs 1 through 177 are incorporated herein by reference as though set forth in full.
179. Jane Doe was forced to submit to unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by her direct supervisor, Defendant Licht, who was an supervisory employee of Defendant CDSO.
180. Submission to these sexual advances and sexual favors was made explicitly or implicitly as a term and condition of Jane Doe's employment.
181. Jane Doe's submission to or rejection of such conduct was used as the basis for employment decisions affecting her.
182. Defendant CDSO and Defendant Licht, collectively and individually, have violated the Pennsylvania Human Relations Act by sexually harassing Jane Doe on a quid-pro-quo basis.

COUNT V

**Hostile Work Environment Sexual Harassment
in Violation of Title VII of the Civil Rights Act**

(As to Defendant Central Dauphin School District)

183. Paragraphs 1 through 182 are incorporated herein by reference as though set forth in full.
184. By sexually harassing Jane Doe and creating a hostile work environment, the Defendant CDSO intentionally discriminated against Jane Doe on the basis of her sex in violation of Title VII of the Civil Rights Act, 42 U.S.C. 2000e-2(a).
185. Jane Doe suffered intentional discrimination because of her sex; the discrimination was severe or pervasive; the discrimination detrimentally

affected her; the discrimination would have detrimentally affected a reasonable person in like circumstances; and Defendant CDSD is liable.

186. Defendant CDSD has harbored a hostile work environment based on Defendant Licht's sexual harassment of Jane Doe due to its breach of duty to investigate Defendant Licht's egregious and extreme quid-pro-quo sexual harassment, as well as the massively hostile work environment Jane Doe was subjected to on a daily basis.
187. Defendant CDSD has harbored a hostile work environment based on Defendant Licht, its employee, sexual harassment of Jane Doe due to its failure to take action to attempt to rectify Jane Doe's horrific situation when she made Defendant CDSD and its agents aware of it.
188. Defendant CDSD has harbored a hostile work environment by refusing-- to this day--to rectify said sexual harassment or offer any restitution to Jane Doe. Defendant's agent laughed at Jane Doe's serious and tragic claims regarding the sexual harassment she was subject to under Defendant CDSD's watch.
189. Defendant CDSD's workplace was permeated with discriminatory intimidation, ridicule, and insult, and is sufficiently severe or pervasive to alter the conditions of Jane Doe's employment and create an abusive working environment.
190. Defendant CDSD failed to take prompt and adequate remedial measures to prevent and correct sexually harassing behavior of its employees.
191. The Defendant CDSD engaged in such discriminatory conduct intentionally, willfully, and in disregard of the rights of Jane Doe.

192. As a result of Defendant CDSD's unlawful discriminatory practices, Jane Doe suffered damages and injury.

COUNT VI

**Hostile Work Environment Sexual Harassment
In Violation of the Pennsylvania Human Relations Act**

***(As to Defendant Central Dauphin School District
and Defendant Licht in his individual capacity)***

193. Paragraphs 1 through 192 are incorporated herein by reference as though set forth in full.
194. By sexually harassing Jane Doe and creating a hostile work environment, the Defendant CDSD and Defendant Licht intentionally discriminated against Jane Doe on the basis of her sex in violation of the Pennsylvania Human Relations Act.
195. Defendant CDSD has harbored a hostile work environment based on Defendant Licht's sexual harassment of Jane Doe due to its breach of duty to investigate Defendant Licht's egregious and extreme quid-pro-quo sexual harassment, as well as the massively hostile work environment Jane Doe was subjected to on a daily basis.
196. Defendant CDSD has harbored a hostile work environment based on Defendant Licht, its employee, sexual harassment of Jane Doe due to its failure to take action to attempt to rectify Jane Doe's horrific situation when she made repeatedly attempted to make CDSD aware of it.

197. Defendant CDSD has harbored a hostile work environment by refusing--to this day--to rectify said sexual harassment or offer any restitution to Jane Doe. Defendant's employee, Ms. Carol Joyce, laughed at Jane Doe's serious and tragic claims regarding the sexual harassment she was subject to under Central Dauphin's watch.
198. The Defendant CDSD engaged in such discriminatory conduct intentionally, willfully, and in disregard of the rights of Jane Doe.
199. Defendant Licht engaged in such discriminatory conduct, intentionally, willfully, and in disregard of the rights of Jane Doe; his harm was caused by his willful misconduct.
200. As a result of Defendants' individual and collective unlawful discriminatory practices, Jane Doe suffered damages and injury.
201. Therefore, Defendant CDSD and Defendant Licht, collectively and individually, have violated the Pennsylvania Human Relations Act and are responsible for the hostile work environment sexual harassment of Jane Doe.

COUNT VII

Retaliation in Violation of Title VII of the Civil Rights Act

(As to Defendant Central Dauphin School District)

202. Paragraphs 1 through 201 are incorporated herein by reference as though set forth in full.
203. Defendant CDSD retaliated against Jane Doe after she complained about Defendant Licht's sexual assault and harassment and became pregnant.
204. Such retaliation included, but was not limited to, Defendant Licht being mean, yelling, and disciplining Jane Doe for no reason.

205. Defendant CDS, individually and through its agent Defendant Licht, retaliated against Jane Doe when Defendant Licht harassed Jane Doe through his use of other employees to follow and threaten Jane Doe for no reason but for her complaining about his behavior and getting pregnant as more fully outlined throughout this complaint.
206. Defendant CDS, through its agents and on its own behalf, has still refused to pay Jane Doe for the time she took off due to Licht's sexual harassment, in retaliation for her complaining about Defendant Licht's sexual harassment.
207. Soon after complaining, Defendant CDS and its supervisory employees had actual notice of Jane Doe's discrimination and retaliation complaint.
208. After complaining, Jane Doe suffered illegal retaliation by Defendants and their employees, more fully outlined above, which was materially adverse to a reasonable employee.
209. Additionally, the retaliation negatively affected the terms, conditions, and privileges of Jane Doe's employment with Defendants.
210. Defendants' actions against Jane Doe, as more fully outlined above, were harmful to the point that they could well dissuade a reasonable worker from making or supporting a charge of discrimination.
211. Defendant CDS engaged in such discriminatory and retaliatory conduct intentionally, willfully, and in disregard of Plaintiff's rights.
212. As a result of Defendant CDS's retaliation, Plaintiff has suffered damages and injury.
213. Therefore, Defendant CDS has retaliated against Jane Doe in violation of Title VII of the Civil Rights Act.

COUNT VIII

Retaliation in Violation of the Pennsylvania Human Relations Act

***(As to Defendant Central Dauphin School District
and Defendant Licht, in His Individual Capacity)***

214. Paragraphs 1 through 213 are incorporated herein by reference as though set forth in full.
215. Defendants CDSD and Licht, collectively and individually, retaliated against Jane Doe after she complained about Defendant Licht's sexual assault and became pregnant as more fully outlined throughout this Complaint.
216. Such retaliation included, but was not limited to, Defendant Licht being mean, yelling, and disciplining Jane Doe for no reason.
217. Defendant CDSD and its agent Defendant Licht, collectively and individually retaliated against Jane Doe when Defendant Licht harassed Jane Doe through his use of other employees to follow and threaten Jane Doe for no reason but for her complaining about his behavior and getting pregnant.
218. Defendant CDSD, through its agent and on its own behalf, has still refused to pay Jane Doe for the time she took off due to Licht's sexual harassment, in retaliation for her complaining about Defendant Licht's sexual harassment.
219. Soon after complaining, Defendants and their employees had actual notice of Jane Doe's discrimination and retaliation complaint.
220. After complaining, Jane Doe suffered illegal retaliation by Defendants and their employees, more fully outlined above, which was materially adverse to a reasonable employee.
221. Additionally, the retaliation negatively affected the terms, conditions, and privileges of Jane Doe's employment with Defendants.

222. Defendants' actions against Jane Doe, as more fully outlined above, were harmful to the point that they could well dissuade a reasonable worker from making or supporting a charge of discrimination.
223. Defendants engaged in such discriminatory and retaliatory conduct intentionally, willfully, and in disregard of Plaintiff's rights.
224. As a result of Defendants' retaliation, Plaintiff has suffered damages and injury.
225. Therefore, Defendants have retaliated against Jane Doe in violation of the Pennsylvania Human Relations Act.

COUNT IX

Negligent Security

(As to Defendant Central Dauphin School District)

226. Paragraphs 1 through 225 are incorporated herein by reference as though set forth in full.
227. CDSD negligently failed to protect Jane Doe and its employees' property or and safety on its property by breaching its duty failing to put in security cameras and proper lighting at night, which directly caused severe harm to Jane Doe's person and vehicle.

COUNT X

Assault

(As to Defendant Licht in His Individual Capacity)

228. Paragraphs 1 through 227 are incorporated herein by reference as though set forth in full.

229. Defendant Licht intended to cause imminent apprehension of harmful or offensive bodily contact with Jane Doe which did cause apprehension.

230. Plaintiff did not consent.

231. Defendant Licht knowingly and purposefully placed Jane Doe in imminent fear from him through his behavior leading up to his sexual assaults by leading her to a bus in the dark and forcing her to have sex with him, and when he forced her to come to his hotel room in State College by did not allowing her exit until he had finished sexually assaulting her.

232. Plaintiff did not consent to Defendant Licht's harmful or offensive contacts.

233. In doing so, Defendant Licht caused a harmful or offensive contact with Jane Doe.

234. In doing so, Defendant Licht engaged in willful misconduct.

235. Additionally, these acts were personal in nature and Defendant Licht injured Plaintiff because of reasons personal to him.

COUNT XI

Battery

(As to Defendant Licht in His Individual Capacity)

236. Paragraphs 1 through 235 are incorporated herein by reference as though set forth in full.

237. Defendant Licht acted intending to cause a harmful or offensive contact with Jane Doe and a harmful contact with Jane Doe directly or indirectly resulted.

238. Defendant Licht made a series of unwanted physical contact with Jane Doe in all instances when he sexual assaulted her and otherwise touched her in an inappropriate manner while knowing said contact was unwanted.

239. In doing so, Defendant Licht caused a harmful or offensive contact with Jane.

240. In doing so, Defendant Licht engaged in willful misconduct.

241. Additionally, these acts were personal in nature and Defendant Licht injured Plaintiff because of reasons personal to him.

COUNT XII

False Imprisonment

(As to Defendant Licht In His Individual Capacity)

242. Paragraphs 1 through 241 are incorporated herein by reference as though set forth in full.
243. Defendant Licht acted intending to confine Jane Doe within boundaries fixed by him; his act directly or indirectly resulted in such confinement of Jane Doe; Jane Doe was conscious of the confinement or was harmed by it; and the confinement was unlawful.
244. Defendant Licht falsely imprisoned Jane Doe on a CDS school bus prior to raping her and told her she couldn't leave or her job was in jeopardy and otherwise physically put Jane Doe in fear of her safety if she did manage to find an exit.
245. Defendant Licht falsely imprisoned Jane Doe when he fraudulently forced her to stay in his hotel room in State College before and during raping Jane Doe.
246. In doing so, Defendant Licht engaged in willful misconduct.
247. Additionally, these acts were personal in nature and Defendant Licht injured Plaintiff because of reasons personal to him.

COUNT XIII

Trespass to Chattels

(As to Defendant Central Dauphin School District)

248. Paragraphs 1 through 247 are incorporated herein by reference as though set forth in full.
249. Defendant CDSD is liable to Jane Doe for trespass to chattel chattels because it dispossessed Jane Doe of her car or used or intermeddled with her car while it was on CDSD property, as more fully outlined above.
250. By significantly damaging Jane Doe's car, Defendant CDSD intermeddled with her car, causing damage to her car and changing it significantly.
251. Defendant CDSD is responsible for the damage to Jane Doe's car because it was on CDSD's property, it had notice of the on-going damage that was being perpetrated on Jane Doe's car, it failed to take any remedial measures to avoid the on-going trespass, and had inadequate security in its parking lot.

COUNT XIV

**Willful Interference and Denial of Leave in
Violation of the Family and Medical Leave Act**

***(As to Defendants CDSD, Scola, Omslaer, Irwin, and
McConnell, collectively and individually)***

252. Paragraphs 1 through 251 are incorporated herein by reference as though set forth in full.
253. On or about November 2006, Plaintiff requested leave under the Family and Medical Leave Act, 29 U.S.C. § 2611 *et seq.*, to care for her own serious medical condition.
254. Defendants summarily denied Plaintiff's request for FMLA leave.

255. On or about December 2006, Plaintiff again requested FMLA leave to care for her own serious medical condition.
256. Plaintiff's request for FMLA leave was again summarily denied by Defendants.
257. Defendants claimed Jane Doe did not work the requisite hours to entitle her to FMLA leave; however, Defendants cannot meet their burden of showing that the Jane Doe had not worked the requisite hours, and Jane Doe should have been deemed to met this test.
258. Defendants improperly calculated the number of hours that Jane Doe worked, willfully, so that she would not be eligible under their false calculation, even though, in reality, she was eligible for leave under the Family and Medical Leave Act.
259. Defendants failed to either confirm the Jane Doe's eligibility based upon a projection that the Jane Doe would be eligible on the date leave would commence or advise Jane Doe when the eligibility requirement for FMLA would be met.
260. Thus, Defendants willfully violated the Family and Medical Leave Act when they interfered with Jane Doe's right to take FMLA leave and denied Jane Doe leave for her own serious health condition.

COUNT XV

Breach of Fiduciary Duty

(As to Defendant CDS)

261. Paragraphs 1 through 260 are incorporated herein by reference as though set forth in full.

262. The circumstances surrounding Jane Doe and her employer, Defendant CDSD, make it certain that Defendant CDSD owed a fiduciary duty to Jane Doe. The parties did not deal on equal terms, but, on the one side there is an overmastering influence, or, on the other, weakness, dependence, or trust, justifiably reposed; in both an unfair advantage is possible.
263. Defendant CDSD, Jane Doe's employer, owed her a duty to exercise reasonable care in selecting, supervising and controlling employees.
264. Defendant CDSD knew or, in the exercise of ordinary care, should have known of the necessity for exercising control of its employee, particularly where it was known that Defendant Licht was sexually assaulting Jane Doe.
265. Jane Doe informed Defendant CDSD of Defendant Licht's propensity for gender motivated violence, and it knew or reasonably should have known of such a propensity, and therefore Defendant CDSD is liable for the foreseeable abuse by Defendant Licht.
266. Defendant CDSD also owes a fiduciary duty to Jane Doe in the administration of her employee benefits, namely her pension.
267. Defendant CDSD falsely reported Jane Doe's number of years working for CDSD as a bus driver for less than 5 years, whereupon her pension would vest.
268. Defendant CDSD did wantonly and willfully and retaliatory reported her as working for CDSD for 4.98 years, when it knew she worked there for over 5 years.
269. Based on these instances, Defendant CDSD breached its fiduciary duty owed to Jane Doe and is liable for the damages resulting from its breach.


PRAYER FOR RELIEF

WHEREFORE, Jane Doe, respectfully requests that this Court:

1. Assume jurisdiction of this case;
2. Require Defendants to return Jane Doe to her position with the Defendant and to give to Jane Doe full wages and benefits commensurate to that position;
3. Award to Jane Doe past and future damages for loss of income, growth opportunities, and all benefits denied to her due to the improper and unlawful actions of the Defendant;
4. Award to Jane Doe any incidental, liquidated, and punitive damages for each Count as allowed under the law.
5. Grant to Jane Doe costs, disbursements, and reasonable attorneys' fees;
6. Fine Defendant for its violations of state and federal law; and,
7. Award such additional relief in which this Court deems just and appropriate under the circumstances.

JURY TRIAL DEMANDED

Respectfully submitted,
JANE DOE
by and through her attorneys,



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Dated: July 16, 2007