

Wayne family files complaint against Caldwell school

CALDWELL - Parents of a Wayne student who attended Grover Cleveland Middle School have filed a suit against the school for negligence after the student reported that he was touched inappropriately by another student on the school bus over a period of several months.

The complaint, filed on Tuesday, Jan. 28, in Passaic County Superior Court in Paterson alleges that the student "was the victim of illegal sexual touching...over the course of several months" prior to March 23, 2010, which was when he told his

mother what allegedly had taken place.

She "immediately" approached the school," the complaint states.

The case was delayed for years in part because the full extent of the incidents' influence on the alleged victim, described as a special needs student, was not apparent.

"Not right away do you realize the full outcome of any injuries that the acts may have caused my client," said Woodland Park attorney Darren Del Sardo, who is representing the plaintiffs.

"With counseling and everything you don't know whether it's permanent or not permanent. It takes a few years" to assess the problems it may have caused."

The parents filed the five-count complaint against the school district as "the owner, operator and otherwise in possession, maintenance and control of the school bus," as well as the bus driver who was "charged with the responsibility of providing transportation for the stu-

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dents to and from school and ensuring their safety and well being while under his or her care."

For each count, the complaint seeks the awarding of "compensatory damages together with prejudgment interest at the highest rate allowed by law" as well as punitive damages and "such other and further relief as the Court may deem appropriate and equitable in the premises."

The student, the complaint said, "has and continues to experience recurrent night terror, extreme emotional distress, shame, anxiety, intrusive and

repetitive recollections of the abuse, humiliation, guilt, interference with his personal and family relationships ...". All of these "were permanent in nature," the complaint states.

As a result the complaint states that the alleged victim "was and will be deprived the opportunity to enjoy his adult and adolescent life."

In response, Superintendent of Schools James Heinegg, in an email Thursday, Feb. 13, said that "Caldwell-West Caldwell cannot provide information on a student or pending lawsuit until the lawsuit is resolved."

The case originally was investigated by the Essex County Prosecutor's Office, but the stu-

dent's parents chose not to pursue criminal charges.

"The bus was for children who have disabilities, who are special needs. I think you can deduce from that why charges weren't filed," Del Sardo said in an interview on Thursday, Feb. 13.

"With special needs busing it is very important for them to be supervised at all times," he added. "For this case to occur when a bus driver was there, they clearly weren't supervised. My clients should not be dealing with these issues. The school district should have made certain that my client was protected at all times and cared for at all times."

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