

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.

DAVIEN WILSON
PLAINTIFF

V.

EAGLETON SCHOOL, INC.
DEFENDANT

COMPLAINT
JURY TRIAL DEMANDED

INTRODUCTORY STATEMENT

1. This is an action in which plaintiff, Davien Wilson, seeks compensation for personal injuries and damages suffered by him when he was 16-17 years old, and he was sexually assaulted by an employee or employees of Eagleton School, Inc., who were negligently hired, trained, and supervised by the defendant Eagleton School, Inc.

JURISDICTION AND VENUE

2. The jurisdiction of this Court is based upon a matter in controversy exceeding the sum of \$75,000.00 exclusive of interest and costs and is between citizens of different states.

PARTIES

3. The plaintiff, Davien Wilson, resides in Lincoln, Nebraska, County of Lancaster.
4. The defendant, Eagleton School, Inc., is a for profit business corporation. Its registered agent and president both reside at 592 Rhodes & Bailey Road, New Marlborough, Massachusetts, County of Berkshire.

BRIEF STATEMENT OF FACTS

The plaintiff provides this brief statement of facts in summary form which is not intended to be all inclusive. The plaintiff reserves the right to provide additional information through usual discovery means applicable to this action.

5. The defendant, Eagleton School, Inc., operated a school at 446 Monterey Road, Great Barrington, Massachusetts, from 1977 until April of 2016.
6. The defendant, Eagleton School, Inc., represented that "Eagleton School students are surrounded by trained professionals who have created a nurturing family-like atmosphere over the past 30 years with a low staff to student ration. We share a commitment to helping each student realize his self-worth and self-discovery through trust and acceptance of himself and his peers while taking advantage of all the opportunities that surround him."
7. The defendant Eagleton School, Inc. represented that "Eagleton School is located on a 40-acre campus in one of the most invigorating and scenic parts of Western Massachusetts. The beautiful mountains serve as a backdrop to a peaceful New England landscape that promotes adventure, serenity, and self-reflection."
8. The defendant Eagleton School, Inc. published its mission statement which reads "Eagleton School has continually evolved its philosophy and services to meet the needs of our students and we believe that every boy entrusted to our care deserves a quality education and a safe environment in which to flourish. Our mission is to enhance the self-worth and sense of hope of our students and their families by focusing on their strengths and uniqueness."
9. The defendant Eagleton School, Inc. represented that its groups "provide a time and place for students to deal appropriately with their issues within a safe, structured environment."
10. The defendant Eagleton School, Inc. represented that "The safety and security of our residents is important to us. We know that the boys and young men in our care have had past difficulties with making healthy decisions, and that we must assure solid supervision as a prerequisite for treatment programming. Digital cameras provide constant observation of community living areas in the homes and educational facilities on a 24-hour basis. Motion detectors cover all public areas of the homes and all windows and doors are equipped with security alarms. Every staff member is issued a two-way radio for constant communication and an Administrator on Duty monitors all resident transitions on the campus. All Eagleton employees are required to complete CPR and First Aid training and are NAPPI (Non Abusive Psychological and Physical Intervention) trained and certified."
11. Based upon these and other representations as to the quality, safety, and benefits of its school, a decision was made through which plaintiff, Davien Wilson, then a minor, became a resident there in 2005.

12. Shortly after his enrollment in Eagleton School, plaintiff was sexually assaulted multiple times by an employee or employees of Eagleton School, Inc., which he reported to Eagleton School, Inc. and to which he was told to “keep his mouth shut” because “nobody would believe him.”
13. At all times relevant to this action, defendant Eagleton School, Inc. was the employer and supervisor of the employee or employees who sexually assaulted plaintiff.
14. At all times relevant to this action, defendant Eagleton School, Inc. controlled and directed the hiring, training, supervision, and retention of the employee or employees who sexually assaulted the plaintiff.
15. At all times relevant to this action, plaintiff was a child who was enrolled at Eagleton School, Inc.
16. During his enrollment in Eagleton School, Inc., plaintiff was sexually assaulted, battered, and raped in different locations at Eagleton School, Inc.
17. Plaintiff brings this cause of action pursuant to Clause (i) of M.G.L. c. 260, §4C½.
18. Defendant knew, or in the exercise of reasonable care should have known, Eagleton School, Inc.’s system of supervising its employees was not in accordance with good employment practices and was likely to provide potential sexual perpetrators with opportunities to abuse children in its care.
19. Defendant knew, or in the exercise of reasonable care should have discovered, that its employee or employees were engaged in illegal and inappropriate sexual conduct with plaintiff.
20. Defendant failed to train its employees properly, which had access to young boys such as plaintiff.
21. Defendant failed to supervise its employees properly, which had access to young boys such as plaintiff.

COUNT ONE

22. Plaintiff realleges and incorporates by reference the allegations contained in each and every other paragraph of this Complaint.
23. As a direct and proximate result of the defendant’s breach of its duties, the plaintiff was sexually assaulted and raped. He suffered bodily harm, humiliation, severe emotional distress, and permanent psychological damage. He has incurred expenses, and will incur future expenses, for medical and psychological treatment, and has suffered a diminishment in earning capacity.

WHEREFORE, the plaintiff herein demands a trial by jury and judgment and compensatory damages of the defendant herein, plus interest and costs.

By his attorney,

/s/ Richard L. Tennyson

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Dated: July 7, 2023

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Davien Wilson

(b) County of Residence of First Listed Plaintiff Lancaster, NE

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Richard L. Tennyson, 3 Seaview Ave., Hull, MA 02045
Chester L. Tennyson, Jr., 3 Seaview Ave., Hull, MA
02045

DEFENDANTS

Eagleton School, Inc.

County of Residence of First Listed Defendant Berkshire

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | ☐ 1 | ☒ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☒ 4 |
| Citizen of Another State | ☒ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☒ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark ☐ 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit (15 USC 1681 or 1692) ☐ 485 Telephone Consumer Protection Act ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. 1332

Brief description of cause:

Negligent supervision or conduct causing or contributing to the sexual abuse of a minor by another person.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint:
10,000,000.00 JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

7/7/2023

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) Davien Wilson v. Eagleton School, Inc.
-
2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).
- ☐ I. 160, 400, 410, 441, 535, 830*, 835*, 850, 880, 891, 893, R.23, REGARDLESS OF NATURE OF SUIT.
- ☐ II. 110, 130, 190, 196, 370, 375, 376, 440, 442, 443, 445, 446, 448, 470, 751, 820*, 840*, 895, 896, 899.
- ☒ III. 120, 140, 150, 151, 152, 153, 195, 210, 220, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 367, 368, 371, 380, 385, 422, 423, 430, 450, 460, 462, 463, 465, 480, 485, 490, 510, 530, 540, 550, 555, 560, 625, 690, 710, 720, 740, 790, 791, 861-865, 870, 871, 890, 950.
- *Also complete AO 120 or AO 121. for patent, trademark or copyright cases.
3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.
-
4. Has a prior action between the same parties and based on the same claim ever been filed in this court?
- YES ☐ NO ☒
5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)
- YES ☐ NO ☒
- If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?
- YES ☐ NO ☒
6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?
- YES ☐ NO ☒
7. Do all of the parties in this action, excluding governmental agencies of the United States and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).
- YES ☒ NO ☐
- A. If yes, in which division do all of the non-governmental parties reside?
- Eastern Division ☐ Central Division ☐ Western Division ☒
- B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?
- Eastern Division ☐ Central Division ☐ Western Division ☐
8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)
- YES ☐ NO ☐

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Richard L. TennysonADDRESS Tennyson Law Firm, 3 Seaview Ave., Hull, MA 02045TELEPHONE NO. (781) 740-7800