

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
HILARY SIMON)	
Plaintiff)	
)	
v.)	
)	Civil Action No.
MISS HALL’S SCHOOL, INC,)	
JEANNIE NORRIS, JENNY CHANDLER,)	
JANE DOE 1, JANE DOE 2 AND)	
JANE DOE 3,)	
Defendants.)	
_____)	

COMPLAINT AND JURY DEMAND

Hilary Simon, a boarding school student at Miss Hall’s School, Inc. from 2001 to 2005, was sexually abused by her Miss Hall’s teacher, coach and advisor, Matthew Rutledge (“Rutledge”). Prior to sexually abusing Hilary, Rutledge had engaged in sexual misconduct toward other Miss Hall’s students. Miss Hall’s administrators including former head of school Jeannie Norris, former assistant head of school Jenny Chandler and Does 1 through 3 knew or should have known about Rutledge’s prior sexual misconduct toward at least one other student, and Norris, Chandler and Does 1 through 3 knew or should have known of Rutledge’s sexual misconduct toward Hilary. Each and every one of these administrators negligently failed to supervise Rutledge and protect students – including Hilary – from him. Rutledge remained employed by Miss Hall’s until March 2024 when another Rutledge survivor, Melissa Fares (a 2010 Miss Hall’s graduate), came forward and publicly revealed Rutledge’s abuse of her. Norris, Chandler and Does 1-3 failed to enact or enforce adequate policies and procedures designed to train faculty/staff and prevent and investigate sexual harassment, sexual assault, grooming, proper boundaries, and other sexual misconduct by teachers/staff.

Hilary brings this action seeking monetary damages against Miss Hall's for strict liability under GL c 151C, and Norris, Chandler and Does 1 through 3 for negligence.

I. PARTIES

1. Plaintiff Hilary Simon ("Hilary") is a natural person who resides in the State of New York.

2. Defendant Miss Hall's School, Inc. ("Miss Hall's" or "the School") is a Massachusetts corporation formed under the provisions of GL c 180. Miss Hall's is located at 492 Holmes Road, Pittsfield, Massachusetts.

3. Defendant Jeannie Norris ("Norris") is a natural person who resides at 220 South Bend Drive, Durham, North Carolina. From July 1996 through July 2012, Norris was the head of school at Miss Hall's.

4. Defendant Jenny Chandler ("Chandler") is a natural person who resides at 1 Deer Haven Drive, Haydenville, Massachusetts. From July 1989 through July 2012, Chandler held various administrative positions including dean of students, assistant head of school and dean of faculty and academics at Miss Hall's. As dean of students, a position Chandler held in the 1996-1997 timeframe, and then head of the student faculty advisory committee, Chandler's responsibilities included student discipline. From 2001-2005, Chandler was assistant head of school at Miss Hall's.

5. Defendants Jane Doe 1, Jane Doe 2 and Jane Doe 3 ("Does 1-3") are all current or former administrative and/or supervisory employees of Miss Hall's who knew or should have known that Rutledge had a propensity to sexually abuse students at Miss Hall's prior to or during the time that Rutledge sexually abused Hilary yet failed to take action to protect Hilary from Rutledge's predatory and abusive misconduct.

II. JURISDICTION & VENUE

6. Jurisdiction of this court is invoked under 28 USC §1332. The matter is between citizens of different states and the amount in controversy exceeds \$75,000. Venue is proper pursuant to 28 USC 1391(b)(2) as a substantial part of the events or omissions giving rise to the claim occurred in or around Miss Hall's in Pittsfield, Massachusetts, where Hilary attended high school and Rutledge was employed.

III. FACTS

7. Hilary was born in 1987.

8. In fall 2001, Hilary enrolled as a freshman at Miss Hall's, an all-girls high school. At the time, she was 14 years old.

9. Hilary was sent to Miss Hall's at a time when her family was under strain. A close family member was battling serious mental health challenges, consuming most of her parents' time, focus, and emotional energy. With limited capacity to support Hilary at home, her family turned to Miss Hall's, hoping it would be a safe environment. Norris, Chandler, Does 1-3 and Rutledge, among others, were aware of Hilary's unique, vulnerable situation.

10. Hilary was assigned to live in the main building. At all relevant times, Rutledge lived in a school-owned residence and served as a residential faculty member, often referred to as a "dorm parent."

11. On nights when he was on dorm parent duty, Rutledge's duties included conducting room checks. Rutledge performed these nighttime check-ins alone and unsupervised. As dorm parent, Rutledge also had duties on certain weekends. Those duties included supervising girls including Hilary in the dormitory, granting them permission to engage in

activities on and off-campus, driving them to and from activities and otherwise monitoring their whereabouts.

A. Freshman Year

12. Beginning in or around spring 2002, Rutledge, a charismatic teacher with a larger-than-life presence on campus, began to befriend Hilary, who was struggling academically and socially. Among other things, during nighttime check-ins, he lingered in Hilary's doorway, engaging her in conversation as she lay in bed in her pajamas. Similarly, on weekends, he made excuses to talk to her whenever he could.

13. Hilary had struggled all year to fit in, so much so that she considered leaving Miss Hall's at the end of freshman year. Rutledge lured her to return to Miss Hall's in part by offering to be her advisor beginning in her sophomore year.

B. Sophomore Year

14. As Hilary's advisor, which started in Hilary's sophomore and continued through senior year, Rutledge held a parental-like role over Hilary. He exerted power and control over various aspects of her life at Miss Hall's, including determining if and when she could leave campus for any extended period (including to spend a weekend at home or at a day student's house). Additionally, he was responsible for evaluating Hilary each term, communicating with other teachers on her behalf, and serving as a college reference for her. As her advisor, he also held regular one-on-one meetings with Hilary in his classroom and served as the primary liaison between the School and Hilary's parents, keeping them informed about her academic progress and overall well-being.

15. Starting in Hilary's sophomore and continuing through her senior year, Rutledge was also Hilary's cross-country coach. At practice, Rutledge frequently ran beside Hilary and

prompted her to engage in personal conversations. To encourage her to open up to him, Rutledge shared personal details about his own life including that he grew up with an absent father, suffered, at times, from substance use disorder, and that marriage was difficult.

16. Beginning in Hilary's sophomore year, Rutledge began spending an inordinate amount of time with Hilary on and off campus, walking or running alone together. Throughout this entire school year, he showered her with praise and compliments privately and publicly. He also became physical with her. Among other things, he would brush up against her, graze her breasts, and give her long, lingering hugs out in the open on campus, regardless of who was around. When they rode together in the School van (which was during the fall cross country season and on weekends when he was on duty as a dorm parent), Rutledge sat Hilary up front, right next to him and pressed his leg against hers while driving.

C. Junior Year

17. During Hilary's junior year, Rutledge became her US History teacher (and continued to be her advisor and cross-country coach). That fall, he began telling Hilary to stay after class to talk to him and study in his classroom. During study halls alone in his classroom, he would frequently sit right next to Hilary at the tables in his classroom and drape her legs over his.

18. Sometimes during History class, in front of other students, Rutledge made comments about Hilary's clothes and appearance. He would say things like, "That skirt looks nice on you," and "you look beautiful today, Hilary." He continued to shower her with praise and compliments throughout the year.

19. Before cross-country races, Rutledge started to engage in an infantilizing ritual of bending over in front of Hilary's teammates and tying her running shoes for her, as if she was special and, at the same time, incapable of doing it herself.

20. Rutledge also isolated Hilary from her peers and her family. He seemed to always want to be alone with her – in his classroom during study halls, in his car and on long runs off-campus. At times, Rutledge took Hilary to dinners alone, off campus. He started to linger even longer in her dorm room doorway at check-in, making excuses to talk to Hilary in the privacy of her dorm room, and commenting on her body, saying things like “I really like those pajamas on you” and “I’m looking at your tiny feet.”

21. During Hilary's junior year, there were so many rumors on campus swirling about Hilary and Rutledge that many Miss Hall's students shunned Hilary. Rutledge seized on her vulnerability and loneliness and encouraged her to rely on him to the exclusion of others; he told her that he was her “best friend” and protector. At Miss Hall's, and at his instruction, Hilary spent an inordinate amount of her free time with this grown man who was also her teacher, advisor and coach.

22. Rutledge bought gifts for Hilary including Motitas candy, apricot fruit leather, maple candy and Canada Mints. Beginning in her junior year and continuing beyond her graduation from Miss Hall's, Rutledge wrote Hilary love letters and poems. For Valentine's Day, he cut pieces of poster-board into different-sized heart shapes and glued them one on top of the other. In the smallest heart, which was on top, Rutledge wrote a personal, handwritten message to Hilary in which he referred to her as his “favorite advisee.”

23. Throughout the school year and when weather permitted, Rutledge would take Hilary off-campus alone several times a week for runs. They ran together on campus, off campus

on the roads adjacent to campus, at Canoe Meadows, and in places like Kennedy Park. When they ran alone together, he would constantly touch Hilary, bumping up against her, grazing her breasts, putting his hands on her lower back under her clothing and brushing against or holding her hand. When the weather was bad, they walked outside, or spent more time alone indoors, in his classroom.

24. Kim Boland (“Boland”), then director of admissions, and other administrators witnessed Rutledge taking Hilary off campus alone. Once Boland shouted to Hilary, “Be a good girl for Mr. Rutledge.”

25. Rutledge frequently shared his container of Carmex Lip Balm with Hilary. Junior year, he began putting the lip balm on her lips himself. Before she left for summer break that year, Rutledge kissed Hilary on the lips in a public hallway of the dorm building where anyone could see. It was the first time she had ever been kissed.

26. Rutledge also fondled Hilary’s breasts, massaged her upper thigh over and under her shorts in the Miss Hall’s vehicle, and ran his hands up and down her legs before cross-country races. In public, he regularly massaged Hilary’s neck and back, held Hilary’s hand or stood or walked with his arm around her shoulders or waist.

27. Once that year, during a huddle with the cross-country team, he put his arm around Hilary. He had an erection, which was on full display for Hilary and her teammates as it was bulging out of his short, thin running shorts.

D. Senior Year

28. Rutledge remained involved in every facet of Hilary’s life in her senior year at Miss Hall’s – he was her coach, advisor and teacher. That year, Rutledge continued showering Hilary with praise and compliments constantly both when they were alone and in the presence of

other students and faculty/staff. He commented on her appearance, what she was wearing and her academic abilities. He told her, among other things, “no one has ever and could ever measure up to you” and “you are irreplaceable to me.”

29. During the cross-county season, Rutledge continued to run both of his hands up and down Hilary’s legs before cross-country races and bend down in front of her to tie her shoes as if she was incapable of doing it herself.

30. That year, Rutledge also continued writing love letters and poems to Hilary. Rutledge called her “Little One”, “Hilary Faye” and “Pearl” and wrote things like, “thinking about your heart shaped face cupped in my hands,” “when I breathe you in, I feel like a drowning man,” and about the many layers of “unpeeling” it took him to open her up to get into her “secret garden.”

31. On most school days and some weekend days, Rutledge begged Hilary for alone time: in his classroom; on runs alone off-campus; or in his car. He frequently took Hilary for lunch or dinner off-campus. Norris, Chandler and Does 1-3, and other faculty and staff were aware of the significant amount of time Rutledge spent alone with Hilary, both on and off campus. She continued to be isolated from her peers. Senior year, a Miss Hall’s teacher noted, “Hilary...did not actively engage with her peers.”

32. When they weren’t together, Rutledge called Hilary regularly on the phone and would talk to her for hours. When he was alone or on the phone with Hilary, Rutledge began speaking explicitly about sex, saying things like his wife hadn’t had sex with him in a long time, asking her whether she had ever given oral sex and what she thought would feel good.

33. Rutledge gifted Hilary books including at least one that contained the theme of an adult having a sexual relationship with children and would tell her that they were books about

“true romance”, much like their “relationship” and the “love” that he felt towards her. That Valentine’s Day, Rutledge, like a love-struck teenager, glued very outdated magazine photos of couples engaged in embraces to poster board, creating a collage that he gifted to Hilary. One of the magazine clippings is from the “Magazine of History” and depicts a man bending a woman over backwards in a passionate kiss with shocked onlookers and the words, “Sex, Courtship, and Dating”. Another depicts the cover of a magazine titled, “Thrilling Love” and depicts a football player towering over an adoring, much smaller woman. Rutledge also glued his own photo and hearts all over the collage.

34. Rutledge would often play for Hilary the song “Don’t Stand So Close to Me” by the Police, which is a song about a teacher having an inappropriate relationship with a student. He made Hilary mix tapes with love songs, including “Secret Garden” by Bruce Springsteen, “Crash Into Me” by Dave Matthews and “The Promise” by Tracy Chapman. He also gave Hilary his favorite hockey cap, insisting she wear it and think of him.

35. Senior year, he lingered even longer by her dorm room doorway at check-in, talking to her, making comments about her pajamas and her body. During all-school meetings, in full view of administrators, faculty, staff and the entire student body, Hilary would catch Rutledge fixated on her from across the room and holding his gaze for all to see. He asked Hilary to send him pictures of herself, which she did using the School’s computer lab.

36. In the fall of her senior year, one of Hilary’s classmates walked into Rutledge’s classroom during study hall and saw them sitting together at the table with Rutledge’s hands under and up her shirt. Startled, Hilary pulled away from him and ran out of the classroom. Rutledge then threatened the other student, warning something to the effect that if she told anyone, he would ruin both her and Hilary’s chances of getting into college. In tears, the student

fled and encountered Sarah Virden (“Virden”), then assistant dean of students, director of college counseling and a dorm parent, who asked what was wrong. The student replied something to the effect, “you know, the creepy relationship between MR and Hilary.” Virden never followed up with Hilary about this incident and neither did any other administrator at Miss Hall’s.

37. During Hilary’s senior year, the abuse continued to escalate. Rutledge French kissed Hilary, touched her breasts over and under her shirt, digitally penetrated her, rubbed his erect penis on her leg and made her touch his erection, massaged Hilary’s upper thigh area with his hand (over and under shorts), gave her long/lingering hugs in public and alone, continued to touch her on runs alone and during cross-country team practice, and groped her entire body over and under clothing.

38. In public that year, Rutledge regularly massaged Hilary’s neck and back and walked through the halls of the School with his arm around her or holding her hand. He continued putting his hands on her bare shoulders and her lower back during all-school meetings, assemblies and awards banquets in full view of all faculty, staff and administrators.

39. At graduation, Rutledge gave Hilary a “goodbye kiss” in his classroom and told her that he loved her. That day, Hilary confided in a classmate who told Christie Higuera (“Higuera”), then assistant to the academic program and to the assistant head of school, that Rutledge “kissed Hilary and told her that he loved her.” Higuera reported up the chain of command to Chandler and Norris. Neither Norris, Chandler, nor anyone else from Miss Hall’s ever followed up with Hilary or her parents regarding the incident.

E. Post-Graduation

40. The abuse continued even after Hilary graduated from MHS. Beginning in 2005, Rutledge engaged in forceful, animalistic, and always unprotected penetrative and oral sex with

Hilary in various places including his Miss Hall's campus house. Once, while driving out of his driveway with Hilary, they passed Boland who waved. Hilary also bumped into Virden while she was with Rutledge on campus after graduation. Rutledge told Hilary that he regularly informed Miss Hall's faculty, administrators, and staff that he remained in close contact with her and made visits to see her.

41. Rutledge continued to facilitate his ongoing abuse of Hilary by using school-issued technology, including his Miss Hall's School email account and classroom telephone. He routinely called Hilary multiple times per day from his MHS classroom phone and instructed her to call him back at that number. He also used his school email address, mrutledge@misshalls.org – an account to which Norris, Chandler, and/or Does 1–3 had access and which was, or should have been, monitored by them – to send Hilary photos captioned with phrases such as “Bad Behavior” and “The Real Me.” He signed an email from his Miss Hall's account, “Love, Matt,” and wrote in another, “Sorry to send personal emails via [Miss Hall's]; I'll only do this with photos, I guess.”

42. Throughout her college years, Rutledge showed up on Hilary's college campus, visited her at her Connecticut home, and insisted she spend certain summer weekends at his school-owned home when his wife and children were away. He brought her “Ugly Doll” stuffed animals and pink nighties adorned with bows, which he instructed her to wear for him. On occasion, Rutledge read children's books to Hilary – including *Where the Wild Things Are* – immediately before having sex with her. He would also film Hilary performing oral sex, and say, “Someday this is all I'll have to remember you by,” and make remarks to her including “You are my sex slave” and “I can do whatever I want to you.”

F. Notice

43. By the time Hilary arrived at Miss Hall's in 2001, Norris Does 1-3, and/or other Miss Hall's staff knew or should have known that Rutledge was a threat to students. For example, in 1997, while Norris was head of school and Chandler was dean of students, a Miss Hall's student was disciplined for publicly stating something to the effect that Rutledge was having sex with a student. Norris and Chandler were obligated to report under GL c 119 §51A to the Department of Child and Family Services ("DCF") if they had reasonable cause to believe child abuse or neglect but never did so.

44. While Hilary was at Miss Hall's, Norris, Chandler and Does 1-3 failed to educate students including Hilary about sexual harassment, sexual assault, grooming, proper boundaries, and other sexual misconduct by teachers/staff despite the fact that they knew or should have known that Rutledge was a threat to Hilary. Among other things:

a. During the 2003-2004 school year, a student reported to Norris and Chandler that she and other students suspected that Rutledge was having an inappropriate relationship with a student. Instead of reporting this to DCF, Norris gave a speech at an all-school meeting about the dangers of spreading rumors.

b. Rutledge wrote overly familiar, inappropriate, boundary violating messages in Hilary's yearbook, which were publicly printed and distributed as part of the official yearbook, making them visible to anyone who received or reviewed a copy including Norris, Chandler and Does 1-3. For example, during Hilary's sophomore year in 2003, he wrote to Hilary about "running together in the ever darkening dusk" separated from the rest of the team and her "confessing her fears" to him. Rutledge wrote, "As she confessed her fears to me, I offer her the words of [Robert Frost]: 'The woods are lovely, dark and deep, but I have promises to keep, and

miles to go before I sleep.”” In the School’s 2005 yearbook under the cross-county team photograph, Rutledge referred to Hilary as his “co-pilot” (a clear reference to him always making Hilary sit beside him in the School vehicle) and writes about “missing her heart.” These yearbooks were available and reviewed by all school personnel including Norris, Chandler and Does 1-3.

c. In the fall of 2004, Rutledge wrote in Hilary’s report card (which Norris, Chandler, Does 1-3 and certain faculty were privy to) about running alone with her off-campus and their “friendship.”

d. In Hilary’s spring 2005 report card (again which Norris, Chandler, Does 1-3 and certain faculty were privy to), Rutledge wrote: “I’ve enjoyed her voice enormously over the course of the past couple of years, and I looked forward to seeing her every day. To me, she is irreplaceable, and I’m so sad to see her leave. I will miss my runs with her, especially, but in the many other ways she has shown me real kindness, and that’s something I will not soon forget.” He also publicly admitted to visiting Hilary at her family’s home “for a weekend” in her report card.

e. In the spring of 2005, a school nurse reported to Norris “red flag” behavior of Rutledge when she witnessed him talking privately to another student.

f. While Hilary was a student and after she graduated, reports about Rutledge’s “relationship” with Hilary circulated all over the small campus.

g. Rutledge peacocked around campus, frequently with Hilary by his side, holding her hand, or draping his arm around her shoulders.

45. In February 2008, when Miss Hall’s remained under a duty to properly supervise Rutledge, Rutledge attempted to kiss a recent high school graduate/Miss Hall’s alumna. That

prior student's parents wrote to Norris to alert her to Rutledge's "unmistakably inappropriate" behavior toward their daughter and urged Norris "to take the necessary steps to protect other young women...from this experience." After receiving this letter, Norris met with the parents. During their meeting, Norris took notes, asked the parents if they planned to sue the School and assured them that she would handle it. Based on previous reports, Norris, Chandler and Does 1-3 knew or reasonably should have known that Hilary was a likely victim of Rutledge's. Accordingly, Norris, Chandler and Does 1-3 had a duty to act to protect Hilary from further harm yet failed to do so. They should have advised Hilary or her parents of this additional report and should have also reported this new allegation to the DCF or the police. Yet, they did nothing in the aftermath to properly supervise Rutledge or terminate his employment and he continued to abuse Hilary at his campus home and off campus.

46. In a text message to Hilary on March 29, 2024, as well as during phone conversations on March 29 and 30, 2024, Rutledge admitted to having had a "romantic relationship" with Hilary and expressed that he was in love with her while she was a student at Miss Hall's. He acknowledged that his behavior toward her stemmed from a personal flaw and described his actions as "absolutely ugly", "unhealthy", "indefensible" "criminal," and "incomprehensible."

47. Despite the fact that they knew or should have known that Rutledge was a threat, Norris, Chandler and Does 1-3 failed to take any action to restrict or terminate his employment and/or prevent him from grooming, violating boundaries, sexually harassing, sexually abusing, and otherwise engaging in sexual misconduct with and exploiting Hilary, or to protect her.

48. Prior to and during the time that Hilary was sexually abused by Rutledge, Norris, Chandler and Does 1-3 were also aware that Miss Hall's not only allowed but also normalized

dangerous and boundary violating behavior by faculty/staff toward students and failed to enact or enforce policies that would educate students and faculty about sexual abuse prevention and/or investigation. Instead, they knew or reasonably should have known that the following practices put students like Hilary at risk of sexual abuse by faculty. As examples only:

- a. a culture of favoritism existed at Miss Hall's whereby certain faculty including Rutledge and Virden treated certain students as special;
- b. students were allowed to be alone with faculty/staff, including Rutledge, day or night, in classrooms (including behind closed doors), off campus, and in faculty/staff apartments;
- c. faculty/staff, including Rutledge, were allowed to take students alone, off campus, in cars;
- d. faculty/staff, including Rutledge, were allowed to take students off campus for dinner or lunch;
- e. students were allowed to sleep over at faculty/staff members' rooms/homes. Among others, Virden frequently hosted "Vird's Girls" for slumber parties in her campus apartment. Faculty/staff, including Rutledge, were allowed to visit students at their parents' homes and stay overnight;
- f. faculty/staff, including Rutledge, were allowed to drive students alone off-campus in their personal vehicles as well as School vehicles;
- g. faculty/staff, including Rutledge, and students were publicly overfamiliar and physically intimate with each other. Among other things, faculty/staff allowed students to drape their legs over faculty laps and lay down together to watch tv. Rutledge was allowed to peacock all over campus with Hilary by his side, holding her hand or draping his arm around her shoulder;

h. faculty/staff, including Rutledge, were assigned to conduct nightly checks of student dorm rooms. There was no oversight, and Rutledge was permitted to and did enter students' rooms including Hilary's to engage in conversation that could lead to grooming;

i. faculty/staff were not trained to identify when a faculty member might be grooming a student for sexual abuse;

j. students were not educated and trained about sexual harassment, sexual assault, grooming, proper boundaries, and other sexual misconduct by teachers/staff; and

k. faculty/staff were not trained on the requirement to report suspicious sexual misconduct to the Department of Children and Families pursuant to GL c 119 §51A.

49. Hilary did not make the causal connection between a) Rutledge's sexual abuse and her psychological and emotional injuries; and b) the negligence, actions, and inactions of Miss Hall's, Norris, Chandler and Does 1-3 and her psychological and emotional injuries until another Rutledge survivor came forward in 2024. Her claims against Norris, Chandler and Does 1-3 (Counts I-III), and Miss Hall's (Count IV) are, therefore, timely under GL c 260 §4C ½.

COUNT I
(Negligent Supervision and Retention Against Norris, Chandler and Does 1-3)

50. Hilary repeats and realleges paragraphs 1 through 49 as if fully set forth herein.

51. In their capacity as administrators, Norris, Chandler and Does 1-3 had a duty to:

a) supervise and/or monitor the performance and behavior of Miss Hall's employees, including Rutledge, to protect students from harmful, intentional, negligent and/or sexually abusive acts of its employees;

b) terminate the employment of any sexual predator, including Rutledge; and

c) terminate and/or take sufficient appropriate corrective action against any employee including Rutledge, if they knew or in the exercise of reasonable care should have known, that the employee posed a risk to student safety.

52. Norris, Chandler and Does 1-3 knew, or in the exercise of reasonable care should have known, that Rutledge was not a fit person to maintain a position where he had access to teenage girls, including Hilary, particularly in a boarding school environment like Miss Hall's. They also knew, or in the exercise of reasonable care should have known, that Rutledge was and had been grooming, engaging in boundary violations, sexually harassing, sexually abusing and/or otherwise engaging in sexual misconduct with:

- a) at least one Miss Hall's student prior to Hilary's enrollment at Miss Hall's; and
- b) Hilary during her enrollment at Miss Hall's and after she graduated.

53. Norris, Chandler and Does 1-3 breached their duty by negligently supervising Rutledge, failing to terminate his employment, and failing to take sufficient appropriate corrective action against him. Among other things, despite their knowledge, Norris, Chandler and Does 1-3 negligently allowed Rutledge to: serve as Hilary's teacher, coach and advisor; conduct nighttime check-ins in her dorm bedroom; be alone with Hilary after class, at night and on weekends, on and off campus (including visiting her at her out-of-state home); publicly profess his adoration for Hilary in school-issued yearbooks and evaluations; hold Hilary's hand and put his arm around her; and isolate Hilary from her peers.

54. Norris, Chandler and Does 1-3 also negligently failed to terminate his employment and failed to take sufficient appropriate corrective action against him even after Hilary graduated. As a direct and foreseeable result, Hilary continued to be abused both on campus and off. Rutledge utilized his role, the relationship he cultivated while grooming Hilary –

then a minor – at Miss Hall’s, and school-issued resources and communication channels to continue his abusive conduct.

55. As a result of Norris’s, Chandler’s and Does 1-3’s negligent failure to supervise, negligent failure to take corrective action, and negligent retention of Rutledge, Rutledge groomed, violated boundaries, sexually harassed, sexually abused and engaged in other sexual misconduct toward Hilary and Hilary suffered and continues to suffer severe emotional distress and other psychological injury, pain and suffering, and consequential damages. But for their negligence, Hilary would not have suffered the injuries alleged. In the alternative, Norris’s, Chandler’s and Does 1-3’s negligence was a substantial factor in causing Hilary’s injuries.

COUNT II
(Negligent Supervision Against Norris, Chandler and Does 1-3)

56. Hilary repeats and realleges Paragraphs 1 through 55 as if fully set forth herein.

57. At all relevant times, Miss Hall’s had a special relationship with Hilary and Norris and Does 1-3 were duty-bound to supervise her and protect her from foreseeable harm including grooming, boundary violations, sexual harassment, sexual abuse and any other sexual misconduct from Miss Hall’s employees, including Rutledge.

58. Norris, Chandler and Does 1-3 knew or, in the exercise of reasonable care, should have known, prior to and/or during the time that Hilary was sexually abused by Rutledge, that Rutledge was a sexual predator who had a propensity to and had engaged in grooming, boundary-violations, sexual harassment, sexual abuse and/or other sexual misconduct of Miss Hall’s students. They also knew or, in the exercise of reasonable care, should have known that Hilary was a uniquely vulnerable adolescent. Despite this knowledge, Norris, Chandler and Does 1-3 failed to properly supervise and protect Hilary in breach of their duty to her. Among other things, Norris, Chandler and Does 1-3:

- a. allowed and normalized, at a minimum, grooming and boundary-violating behavior of Rutledge toward Hilary;
- b. allowed Rutledge to be alone with Hilary off campus and in his classroom, oftentimes at night;
- c. failed to properly educate Miss Hall's students, including Hilary, about sexual education, sexual harassment, sexual assault, grooming, proper boundaries, and other sexual misconduct;
- d. failed to heed warnings that Rutledge was engaged in boundary-violating behavior, grooming and other sexual misconduct with students, including Hilary, or investigate such warnings;
- e. quelled reports of sexual misconduct by Rutledge, dismissing them as gossip and instructing the student body not to further spread the reports; and
- f. allowed Rutledge to have special access to Hilary as her teacher, advisor, dorm parent and coach.

59. As a result of Norris's, Chandler's and Does 1-3's negligence, Rutledge groomed, violated boundaries, sexually harassed, sexually abused and engaged in other sexual misconduct toward Hilary and Hilary has suffered and continues to suffer severe emotional distress and other psychological injury, pain and suffering, and consequential damages. But for their negligence, Hilary would not have suffered the injuries alleged. In the alternative, Norris's, Chandler's and Does 1-3's negligence was a substantial factor in causing Hilary's injuries.

COUNT III
(Negligence Against Norris, Chandler and Does 1-3)

60. Hilary repeats and realleges Paragraphs 1 through 59 as if fully set forth herein.

61. At all relevant times, Miss Hall's had a special relationship with Hilary and Norris, Chandler and Does 1-3 were duty-bound to protect her from foreseeable harm, including grooming, boundary violations, sexual harassment, sexual abuse, and other sexual misconduct by Miss Hall's employees, including Rutledge.

62. Norris, Chandler and Does 1-3 knew or should have known that Rutledge had a propensity to engage in boundary-violating behavior, and sexually groom, harass, and/or abuse Miss Hall's students, including Hilary.

63. Norris, Chandler and Does 1-3 had a duty to Hilary and other students to enact reasonable policies and procedures that would minimize or prevent the risk of sexual misconduct and properly train faculty/staff regarding identifying sexual misconduct and how to properly investigate it.

64. Norris, Chandler and Does 1-3 breached their duty to Hilary by, among other things:

- a. allowing a culture to exist at Miss Hall's in which faculty/staff boundary-violating behavior was normalized;
- b. allowing a culture to exist at Miss Hall's in which certain faculty including Rutledge and Virden treated certain students as special;
- c. allowing students to be alone with faculty/staff, including Rutledge, day or night, in classrooms (including behind closed doors), off campus, and in faculty/staff apartments;
- d. allowing faculty/staff, including Rutledge, to take students alone, off campus, in cars, including to local restaurants for dinner and/or lunch;

- e. allowing students to sleep over at faculty/staff members' rooms/homes and allowing faculty/staff, including Rutledge, to visit students at their parents' homes and stay overnight;
- f. allowing a culture to exist in which faculty/staff, including Rutledge, and students were publicly overfamiliar and physically intimate with each other;
- g. assigning faculty/staff, including Rutledge, to conduct nightly checks of student dorm rooms with no oversight;
- h. failing to train faculty/staff to identify when a faculty member might be grooming a student for sexual abuse;
- i. failing to properly train faculty/staff and students about grooming, boundary violations, sexual harassment, sexual assault and sexual misconduct of any kind, and how to identify, prevent and investigate such misconduct;
- j. failing to train faculty/staff on the statutory requirement to report suspicious sexual misconduct to DCF.
- k. allowing a culture to exist at Miss Hall's in which reports of grooming, boundary violations, sexual harassment, sexual abuse and/or sexual misconduct by Rutledge were ignored, not investigated, or quelched;
- l. disciplining at least one reporter of Rutledge's sexual misconduct and ignoring and/or criticizing others;
- m. characterizing reports of sexual misconduct as "gossip" or "rumors;"
- n. failing to warn students, including Hilary, or take any other corrective actions that would reveal that Rutledge had engaged in grooming, boundary violations, sexual harassment,

sexual assault and/or sexual misconduct with others and that his misconduct toward Hilary was improper.

65. As a result of Norris's, Chandler's and Does 1-3's negligence, Rutledge groomed, violated boundaries, sexually harassed, sexually abused and engaged in other sexual misconduct toward Hilary and Hilary has suffered and continues to suffer severe emotional distress and other psychological injury, pain and suffering, and consequential damages. But for their negligence, Hilary would not have suffered the injuries alleged. In the alternative, Norris's, Chandler's and Does 1-3's negligence was a substantial factor in causing Hilary's injuries.

Count IV
(Violation of GL 214 §1C Against Miss Hall's)

66. Hilary repeats and realleges Paragraphs 1 through 65 as if fully set forth herein.

67. Pursuant to GL c 151C §2(g), "[i]t shall be an unfair educational practice for an educational institution... [t]o sexually harass students in any program or course of study in any educational institution."

68. General Laws c 214 §1C provides the enforcement mechanism for GL c 151C §2(g), which gives the court the jurisdiction to enforce "the right to be free from sexual harassment, as defined in chapter 151C."

69. While attending Miss Hall's, Hilary had a statutory right to be free from sexual harassment by Miss Hall's employees including Rutledge.

70. Rutledge's acts of grooming, violating boundaries, sexually harassing, sexually abusing and otherwise engaging in sexual misconduct toward Hilary constitutes sexual harassment in violation of GL c 151C §2(g). Miss Hall's is strictly liable for Rutledge's sexual harassment of Hilary.

71. As a result of the sexual harassment described herein, Hilary has suffered and continues to suffer severe emotional distress and other psychological injury, pain and suffering, and consequential damages.

WHEREFORE, plaintiff Hilary Simon requests that this Honorable Court:

- a. Enter judgment on all Counts in her favor, and against Defendants;
- b. Award damages in an amount deemed just by this Court, plus interest, attorneys' fees, costs and other expenses and punitive damages on Count IV;
- c. Grant all such further relief that this Court deems appropriate.

JURY DEMAND

Plaintiff demands a jury trial on all issues so triable.

Respectfully submitted

Plaintiff, Hilary Simon,

By her Attorneys,

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Dated: _____