

STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

DOCKET NO.

**GEORGE CHESTER IRONS,
BARBARA IRONS, and KEITH
MITHOEFER
Plaintiffs**

v.

**ST. PAUL'S SCHOOL,
Defendant**

COMPLAINT

JURY DEMAND

The Plaintiffs demand a trial by jury on all issues so triable.

THE PARTIES

1. The Plaintiff, George Chester Irons ("Mr. Irons") is a natural person who resides in Palm Beach, Florida and maintains a mailing address at P.O. Box 2959, Palm Beach, Florida 33480.
2. The Plaintiff, Barbara Irons ("Mrs. Irons") is a natural person who resides in Palm Beach, Florida and maintains a mailing address at P.O. Box 2959, Palm Beach, Florida 33480.
3. The Plaintiff, Keith Mithoefer ("Mithoefer") is a natural person who resides in Dorset, Vermont and maintains a mailing address at P.O. Box 646, Dorset, Vermont 05251.

4. The Defendant, St. Paul's School ("St. Paul's" or the "School") is a private boarding school with a principal place of business at 325 Pleasant Street, Concord, New Hampshire.

JURISDICTION AND VENUE

5. The Superior Court has subject matter jurisdiction over this matter pursuant to RSA 491:7.
6. Venue is proper in Merrimack County Superior Court pursuant to RSA 507:9.
7. The Plaintiff Mr. Irons is sixty years of age and his claims fall within the New Hampshire Statute of Limitations, N.H. RSA § 508:4-g.

FACTS

8. This is an action brought by two alumni of St. Paul's who were sexually abused as children during their enrollment at the School decades ago.
9. Upon information and belief, at the time of the Plaintiffs' enrollment, St. Paul's was a haven for sexual predators and the School was negligent in failing to prevent the sexual abuse of its students, including, but not limited to the Plaintiffs.
10. Upon information and belief, some (but not all) of the history of sexual abuse at the School was recently documented in two Independent Reports ("the Reports") prepared by former Massachusetts Attorney General Scott Harshbarger.
11. None of the alumni Plaintiffs told any mental health professional about their abuse outside of the limitations period established by N.H. RSA § 508:4-g.

12. The Plaintiffs failed to make the causal connection between the abuse and their psychological injuries until relatively recently.
13. Mr. Irons made substantial financial contributions to St. Paul's over the years and served as the Alumni Fund Chairman, President of the St. Paul's Alumni Association, and a member of the St. Paul's School Board of Trustees.
14. Upon information and belief, St. Paul's pattern of negligence in failing to protect the children entrusted to its care has been a pattern of conduct that has persisted from before the time that the Plaintiffs were enrolled up through the present.
15. Upon information and belief, as recently as February of 2018, a former St. Paul's faculty member, David Pook ("Pook"), was arrested for witness tampering and perjury in connection with allegations that he sexually abused a former St. Paul's student in or about 2008.
16. Upon information and belief, despite St. Paul's knowledge of the sexual abuse, Pook was given a favorable recommendation by St. Paul's to work at another private school, the Derryfield School in Manchester, NH.
17. Upon information and belief, the Chairman of the St. Paul's Board of Trustees, Archibald Cox, Jr., stated in a letter to alumni in March of 2018 that Pook should have been dismissed earlier and should never have been given a recommendation.
18. Upon information and belief, the abuse of the Plaintiffs was part of a continuing pattern of negligence caused by St. Paul's relating to the School's failure to prevent sexual misconduct by faculty and staff.

19. Upon information and belief, given St. Paul's knowledge of sexual abuse, the school had a duty to contact alumni to report said abuse and misconduct, rather than remain silent.
20. The Plaintiffs are in their fifties and sixties and had the School reported the abuse earlier, they would have either sought mental health assistance or become aware of the connection between their own abuse and their psychological harm earlier.
21. Plaintiffs seek enhanced compensatory damages as a result of the egregious nature of the School's misconduct.

A. The abuse suffered by the Plaintiff, Chester Irons

22. Mr. Irons enrolled at St. Paul's in the fall of 1972. He was fifteen years old.
23. In 1972, Coolidge Mead Chapin ("Chapin") was employed as an administrator at St. Paul's.
24. Chapin was a 1935 graduate of St. Paul's and was first employed there from 1935 -1937. Chapin left for two years, did not attend college, and then returned to St. Paul's employ from 1939 until his retirement in 1980.
25. Chapin resided on St. Paul's campus in an apartment owned and operated by the school and located in Hargate, a building that is centrally located between Library Pond, the Post Office, and The Meadow on St. Paul's campus.
26. Chapin was referred to by students as the "Toad."
27. Upon information and belief, Chapin was considered to be one of the most powerful people at the school owing to his interest in and his ability to cultivate personal relationships with St. Paul's students who came from wealthy families.

28. St. Paul's administrators and faculty knew or should have known that Chapin spent many afternoons watching male varsity sports practices.
29. In the spring of 1973, Mr. Irons was on the varsity tennis team.
30. One day in the spring of 1973, Chapin attended one of Mr. Irons' tennis practices.
31. After practice, Chapin approached Mr. Irons, then a ninth grade student, and invited him to come to his apartment to have refreshments.
32. When Mr. Irons first went to Chapin's apartment, Chapin showed off his dwelling quarters and then sat in the living room area where they conversed about family connections and sports, and enjoyed refreshments. Chapin knew of Mr. Irons' grandparents.
33. While Mr. Irons and Chapin were seated inside Chapin's living room, Mr. Irons observed that pornographic magazines were prominently displayed on the coffee table.
34. Chapin suggested to Mr. Irons that he view the magazines, but Mr. Irons felt uncomfortable and declined.
35. Chapin extended these invitations to Mr. Irons on two other occasions in the spring of 1973.
36. In the fall of 1973, Chapin invited Mr. Irons to join a select group of older, 12th grade boys to visit with him in his apartment on a regular basis. The group of students was called "The Tea and Toast Group" and its members were primarily athletes, referred to as "toadies" and most of the members came from wealthy or socially prominent families. At that time, the group had been in existence for decades.

37. Throughout his tenth grade year, Chapin groomed Mr. Irons by making him feel special, showering him with praise, inviting him to his apartment for food and conversation, attending his sporting events and becoming a mentor at St. Paul's. In the winter of 1973-1974 Chapin asked Mr. Irons if he wanted to "go out for a night on the town" in New York City with some of the 12th grade St. Paul's students.
38. Mr. Irons accepted the invitation, assuming it was a social event. He was told by Chapin that the two of them would drive down to New York City together in Chapin's car, which was called, the "Toad Mobile" and that Mr. Irons did not need to tell his parents that he was going to New York City.
39. St. Paul's had nightly bed checks for all boys and the School was aware that Mr. Irons was going to New York City with Mr. Chapin. The School and its administrators and certain faculty were also aware for decades that Mr. Chapin would take St. Paul's boys to New York City to go to brothels.
40. At the time that Mr. Irons went to New York City with Chapin, he was just over 5'1" and weighed approximately 110 pounds. He had not yet achieved puberty and had no sexual experience.
41. Once they arrived in New York City, Chapin took Mr. Irons to the River Club, a socially prominent private club on East 52nd Street.
42. Chapin checked himself and Mr. Irons into separate, but adjoining bedrooms.
43. After Chapin and Mr. Irons settled in, they went to the bar area where they were joined by another St. Paul's student ("Student #1"), who arrived separately.

44. Chapin ordered dinner and alcoholic beverages for himself, Mr. Irons, and Student #1.
45. Mr. Irons became intoxicated as a result of consuming the alcoholic beverages that Chapin ordered for him. Mr. Irons had no experience with alcohol.
46. After finishing their dinner and drinks, Chapin, Mr. Irons, and Student #1 were joined by two additional St. Paul's students (Student #2 and Student #3).
47. Chapin led Mr. Irons, Student #1, Student #2, and Student #3 outside where he flagged down two taxi cabs.
48. Prior to leaving, one of the St. Paul's boys referenced a "Lake Louise" in New York City, which Mr. Irons assumed was some sort of entertainment venue.
49. The taxi cabs drove to a run-down neighborhood on the west side of Manhattan.
50. Mr. Irons, Student #1, Student #2, and Student #3 were led by Chapin into an apartment building where they walked up several flights of stairs and then entered into an apartment.
51. Once inside the apartment, Chapin, Mr. Irons, Student #1, Student #2, and Student #3 were greeted by an older woman that went by the name of Louise.
52. Chapin exchanged pleasantries with Louise and based upon the observed conversation it seemed to Mr. Irons that Chapin and Louise were well acquainted.

53. After Chapin and Louise were finished conversing, Chapin ordered Mr. Irons, Student #1, Student #2, and Student #3 to go into bedrooms and remove all of their clothes. Chapin also stripped down to his underwear.
54. Chapin then ordered Student #1, Student #2, and Student #3 to sit on the sofa in the living room, and for Mr. Irons to sit on a chair nearby.
55. Chapin then ordered Mr. Irons, Student #1, Student #2, and Student #3 to engage in various group sex acts with four prostitutes in the living room. This was followed by additional sex acts with the prostitutes in the bedrooms of the apartment.
56. Chapin also ordered Mr. Irons to perform oral sex on multiple prostitutes in the frenzied atmosphere with Chapin yelling commands: "Do it this way, no this way" and "switch". Specifically, Chapin then grabbed Mr. Irons by the neck, yelling at Mr. Irons to, "lick her pussy this way". Prostitutes were switched back and forth between students in continual group sex.
57. Chapin then ordered all of the students into separate bedrooms for additional sex acts. Chapin led a humiliated Mr. Irons into one of the bedrooms where Chapin became angry with Mr. Irons at one point and forcibly grabbed Mr. Irons' erect penis and ordered him to insert his penis into one of the prostitutes. Chapin remained in the room, directing and yelling at this time.
58. At the time, Mr. Irons had no sexual experience or understanding of sexual acts. Mr. Irons was left terrified, demoralized and numb from the events of the evening.
59. Before leaving the apartment in New York, Mr. Irons witnessed Chapin pay Louise in cash.

60. The next day, Chapin suggested to Mr. Irons that his parents and grandparents would be horrified if they were to learn about the events of the prior evening, and that he should not tell them about it. At the direction of Chapin, Mr. Irons called his parents and told them that he had taken the train down to New York from Boston.
61. Upon information and belief, Chapin had a long history of taking St. Paul's male St. Paul's students to brothels for decades where he would participate in sexual acts himself with the boys and with prostitutes.

B. The abuse suffered by Keith Mithoefer

62. Mithoefer was a student at St. Paul's from 1966 to 1970.
63. In his first year at St. Paul's, Mithoefer joined the shooting club run by faculty member, Steve Ball ("Ball").
64. Mithoefer was homesick his first year, and Ball, recognizing this, targeted Mithoefer under the guise of comforting Mithoefer.
65. Ball made crude and inappropriate remarks to Mithoefer, such as inquiring how often Mr. Mithoefer "cleaned his own gun" in a clear enough way that Mithoefer, then just an innocent 15 year old boy, knew that Ball was referring to masturbation.
66. Ball escalated his inappropriate conduct by placing his hands on Mithoefer's shoulders and upper legs.
67. Ball's inappropriate conduct caused Mithoefer to have a great deal of discomfort and apprehension, so Mithoefer stopped going to the shooting club.
68. Also during Mithoefer's first year at St. Paul's, a French teacher named Mr. Degouey ("Degouey") was Mithoefer's Housemaster.

69. Degouey was from the same town as renowned skier, Jean-Claude Killy.
70. Mithoefer was on the ski team, and Degouey, in an effort to befriend Mithoefer, brought Mithoefer a post card that was signed by Killy.
71. Shortly thereafter, Degouey invited Mithoefer to his room on campus.
72. Initially Mithoefer's encounters with Degouey were friendly, but they escalated into conversations about Mithoefer's libido and other remarks with sexual connotations.
73. After Degouey's intentions became clear to Mithoefer, Mithoefer did his best to stay away from Degouey, but found it difficult to do so because Degouey was Mithoefer's Housemaster.
74. Mithoefer felt increasingly scared and withdrew from social activities, opting to pass the time in his room alone instead.
75. The following year, Mithoefer was invited to go out to eat in Concord, NH by a new teacher, Gerry Studds ("Studds").
76. On the way back from the restaurant, Mr. Studds pulled his vehicle off on a deserted road and offered Mithoefer a cigarette.
77. Mithoefer had never smoked before, but wanted to appear "cool" so he accepted the cigarette.
78. Studds engaged Mithoefer in a conversation about politics and civil rights. Studds then placed his hands on Mithoefer's crotch and then asked Mithoefer, "Can I beat you off?"
79. Mithoefer felt betrayed, terrified, and trapped and asked to go home.
80. By Mithoefer's senior year at St. Paul's, Mithoefer was scared to be on school grounds.

81. Mithoefer met with his faculty advisor, Lou Grant ("Grant"), to get permission to take two consecutive terms away from St. Paul's for an independent study.
82. Upon Mithoefer's return in the spring of his senior year, Mithoefer met with Grant to go over Mithoefer's time away and the writing he had done as part of a project.
83. Grant then sat next to Mithoefer, placed his hands on Mithoefer's knee and began to rub Mithoefer's leg. Mithoefer panicked, and pushed Grant away and ran out of the room.
84. Despite his terrifying encounters with Ball, Degouey, Studs, and Grant, Mithoefer planned to attend his graduation ceremony and to receive his diploma.
85. A few days before graduation, Mithoefer and a couple of other classmates met up in Boston, Massachusetts at Mithoefer's cousin's apartment.
86. Grant called Mithoefer and the other students telling him that the St. Paul's administration knew that they were off campus and that they must return immediately.
87. Upon his return to St. Paul's campus, Mithoefer was instructed to go to the Rector William Oates' office.
88. Rector Oates told Mithoefer that he was in serious trouble for going off campus.
89. Mithoefer told Rector Oates about the inappropriate touching that he endured at the hands of Grant.
90. As an act of retaliation for reporting Grant's sexual advances, Rector Oates made it clear that he was already aware of Grant's behavior.

91. Rector Oates also made it clear that he was going to expel Mithoefer for leaving campus.
92. Mithoefer asked Rector Oates if he could still receive his diploma.
93. Rector Oates made it clear that he did not want any trouble and that whether Mithoefer received his diploma depended upon whether Mithoefer would remain silent.

COUNT I – NEGLIGENT HIRING
(MR. IRONS v. ST. PAUL'S)

94. The Plaintiffs reincorporate and reallege their allegations contained in paragraphs 1 through 93 as if fully set forth herein.
95. St. Paul's owed a duty of care to all of its students, including Mr. Irons, to hire faculty and staff members that did not pose a threat to the safety of the student body population.
96. St. Paul's first hired Chapin in 1935 and employed him through 1937. Chapin left for two years, before St. Paul's re-hired him in 1939 and kept him in their employ until his retirement in 1980.
97. St. Paul's breached its duty of care owed to its students, including Mr. Irons, by re-hiring and continuing to employ Chapin, whom St. Paul's knew or should have known had taken students off campus to places, including brothels, without parental permission, and in so doing posed a danger to the safety and wellbeing of St. Paul's students, including Mr. Irons.
98. As a direct and proximate result of St. Paul's breach of its duty of care, Mr. Irons was taken by Chapin to a brothel in New York City where he was sexually abused and coerced into engaging in sexual acts.
99. The sexual abuse endured by Mr. Irons has caused him to suffer emotional, psychological and physical harm for over four decades, which has

manifested in a myriad of symptoms, such as nightmares, major depressive disorder, post-traumatic stress disorder, physical pain, fatigue, panic attacks, a compromised immune system, difficulty concentrating, difficulty with intimacy and an inability trusting others.

COUNT II – NEGLIGENT RETENTION
(MR. IRONS v. ST. PAUL'S)

100. The Plaintiffs reincorporate and reallege their allegations contained in paragraphs 1 through 99 as if fully set forth herein.
101. St. Paul's owed a duty of care to all of its students, including Mr. Irons, to not retain faculty and staff members that posed a threat to the safety of the student body population.
102. St. Paul's first hired Chapin in 1935 and employed him through 1937. Chapin left for two years, before St. Paul's re-hired him in 1939.
103. St. Paul's kept Chapin in their employ until his retirement in 1980.
104. St. Paul's breached its duty of care owed to its students, including Mr. Irons, by keeping Chapin in their employ because St. Paul's knew or should have known that faculty and staff members were routinely taking students off campus alone without parental permission where they could be sexually abused. In 1974, the School was on notice that sexual abuse was occurring in prep schools and that it was unreasonable to allow students to be taken off campus alone by faculty or staff without parental permission.
105. As a direct and proximate result of St. Paul's breach of its duty of care, Mr. Irons was taken by Chapin to a brothel in New York City where he was sexually abused and coerced into engaging in sexual acts.

106. As a direct and proximate result of St. Paul's breach of its duty of care, dozens of students, including Mr. Irons, were taken by Chapin to brothels in New York City where they were sexually abused.
107. The sexual abuse endured by Mr. Irons has caused him to suffer emotional, psychological, and physical harm for over four decades, which has manifested in a myriad of symptoms, such as nightmares, major depressive disorder, post-traumatic stress disorder, physical pain, fatigue, panic attacks, a compromised immune system, difficulty concentrating, difficulty with intimacy and an inability trusting others.

COUNT III - NEGLIGENT SUPERVISION
(MR. IRONS v. ST. PAUL'S)

108. The Plaintiffs reincorporate and reallege their allegations contained in paragraphs 1 through 107 as if fully set forth herein.
109. St. Paul's owed a duty of care to all of its students, including Mr. Irons, to supervise its faculty and staff members and to prevent foreseeable harm, including sexual abuse.
110. St. Paul's knew or should have known that harm, including sexual abuse, was likely to occur when faculty and staff were permitted to take students off-campus without parental permission.
111. St. Paul's knew, or should have known that Chapin had a longstanding practice of taking students to hotel rooms and brothels in New York City where students like the Plaintiff would be forced to engage in sexual acts with prostitutes. In particular, St. Paul's would be aware when Chapin was taking students off campus without permission because Chapin would have to notify the School of his intentions, since the student would be missing from the nightly bed check.

112. St. Paul's owed a duty of care to all of its students, including Mr. Irons, to supervise its students.
113. St. Paul's failed to supervise Chapin.
114. St. Paul's failed to supervise its students.
115. St. Paul's breached its duty of care owed to its students, including Mr. Irons, by failing to supervise Chapin and its students, which St. Paul's knew or should have known could result in students being taken off campus by Chapin without parental permission, and that said conduct posed a danger to the safety and wellbeing of St. Paul's students, including Mr. Irons, and posed a risk that they could be sexually abused.
116. As a direct and proximate result of St. Paul's breach of its duty of care, Mr. Irons was taken by Chapin to a brothel in New York City where he was sexually abused and coerced into engaging in sexual acts.
117. The sexual abuse endured by Mr. Irons has caused him to suffer emotional, psychological, and physical harm for over four decades, which has manifested in a myriad of symptoms, such as nightmares, major depressive disorder, post-traumatic stress disorder, physical pain, fatigue, panic attacks, a compromised immune system, difficulty concentrating, difficulty with intimacy and an inability trusting others.

COUNT IV - VICARIOUS LIABILITY
(MR. IRONS v. ST. PAUL'S)

118. The Plaintiffs reincorporate and reallege their allegations contained in paragraphs 1 through 117 as if fully set forth herein.
119. During the winter of 1973-1974, Chapin was employed by St. Paul's as a faculty/staff member.

120. Chapin had personal social knowledge of wealthy families in the Northeast of the United States many of which had children attending St. Paul's. He knew Mr. Irons' grandparents were wealthy.
121. Chapin cultivated relationships with St. Paul's students from the aforementioned wealthy families.
122. Chapin's motivation to cultivate these relationships was to further the financial interests of St. Paul's. Specifically, by ingratiating himself with St. Paul's students from prestigious families, Chapin was hoping that St. Paul's students would donate money to St. Paul's in the future and send their own children to St. Paul's.
123. In an attempt to ingratiate himself with St. Paul's students from prestigious families, Chapin organized trips to brothels in New York City without parental consent, including the aforementioned trip attended by Mr. Irons in the winter of 1973-1974.
124. Chapin was under St. Paul's direct supervision, employ, and control when he committed the wrongful acts alleged herein.
125. Chapin engaged in this conduct while acting in the course and scope of his employment with St. Paul's, while serving as an agent of St. Paul's and accomplished the sexual abuse of Mr. Irons, and other St. Paul's students, by virtue of his job-created authority.
126. The sexual abuse endured by Mr. Irons has caused him to suffer emotional, psychological, and physical harm for over four decades, which has manifested in a myriad of symptoms, such as nightmares, major depressive disorder, post-traumatic stress disorder, physical pain, fatigue, panic

attacks, attacks, a compromised immune system, difficulty concentrating, difficulty with intimacy and an inability trusting others.

127. Therefore, St. Paul's is liable for the wrongful conduct of Chapin under the theory of vicarious liability.

COUNT V - NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
(MR. IRONS v. ST. PAUL'S)

128. The Plaintiffs reincorporate and reallege their allegations contained in paragraphs 1 through 127 as if fully set forth herein.

129. St. Paul's was negligent in hiring and retaining Chapin.

130. St. Paul's was negligent by failing to properly supervise Chapin and St. Paul's students, including Mr. Irons.

131. It was foreseeable that St. Paul's negligence could result in harm to St. Paul's students.

132. As a direct and proximate result of St. Paul's breach of its duty of care, Mr. Irons was taken by Chapin to a brothel in New York City where he was sexually abused and coerced into engaging in sexual acts.

133. The sexual abuse endured by Mr. Irons has caused him to suffer emotional, psychological, and physical harm for over four decades, which has manifested in a myriad of symptoms, such as nightmares, major depressive disorder, post-traumatic stress disorder, physical pain, fatigue, panic attacks, a compromised immune system, difficulty concentrating, difficulty with intimacy and an inability trusting others.

134. A reasonable person in Mr. Irons' position, as a young boy with no prior sexual experience, would have suffered emotional distress and trauma.

COUNT VI - LOSS OF CONSORTIUM
(MRS. IRONS v. ST. PAUL'S)

135. The Plaintiffs reincorporate and reallege their allegations contained in paragraphs 1 through 134 as if fully set forth herein.
136. At all times relevant hereto, the Plaintiff, Barbara Irons, was the wife of the Plaintiff, George Chester Irons.
137. As a result of the injuries to Mr. Irons caused by the Defendant's negligent hiring, retention and supervision of Chapin, Mrs. Irons has suffered loss of consortium including, but not limited to, loss of the husband's aide, assistance, comfort, society, companionship, affection, and conjugal relation.

COUNT VII - NEGLIGENT HIRING
(MITHOEFER v. ST. PAUL'S)

138. The Plaintiffs reincorporate and reallege their allegations contained in paragraphs 1 through 137 as if fully set forth herein.
139. St. Paul's owed a duty of care to all of its students, including Mr. Mithoefer, to hire faculty and staff members that did not pose a threat to the safety of the student body population.
140. St. Paul's breached its duty of care owed to its students, including Mr. Mithoefer, by hiring and continuing to employ Ball, Degouey, Studds, and Grant, whom St. Paul's knew or should have known had inappropriate conversations with St. Paul's students, engaged in unwanted, inappropriate touching of St. Paul's students, and otherwise sexually abused St. Paul's students, and in so doing posed a danger to the safety and wellbeing of St. Paul's students, including Mr. Mithoefer.

141. As a direct and proximate result of St. Paul's breach of its duty of care, Mr. Mithoefer was sexually abused by Ball, Degouey, Studds, and Grant.
142. The inappropriate conversations, unwanted, inappropriate touching, and sexual abuse endured by Mr. Mithoefer has caused him to suffer emotional and psychological harm, which has manifested in a myriad of symptoms, such as high blood pressure, sleep disturbance, acute anxiety, and difficulty forming relationships.

COUNT VIII - NEGLIGENT RETENTION
(MITHOEFER v. ST. PAUL'S)

143. The Plaintiffs reincorporate and reallege their allegations contained in paragraphs 1 through 142 as if fully set forth herein.
144. St. Paul's owed a duty of care to all of its students, including Mr. Mithoefer, to not retain faculty and staff members that posed a threat to the safety of the student body population.
145. St. Paul's breached its duty of care owed to its students, including Mr. Mithoefer, by keeping Ball, Degouey, Studds, and Grant in their employ because St. Paul's knew or should have known that these faculty and staff members routinely had inappropriate conversations with St. Paul's students, engaged in unwanted, inappropriate touching of St. Paul's students, and otherwise sexually abused St. Paul's students.
146. As a direct and proximate result of St. Paul's breach of its duty of care, dozens of students, including Mr. Mithoefer, endured inappropriate conversations, unwanted, inappropriate touching, and sexual abuse by Ball, Degouey, Studds, and Grant.
147. The inappropriate conversations, unwanted, inappropriate touching, and sexual abuse endured by Mr. Mithoefer has caused him to suffer emotional

and psychological harm, which has manifested in a myriad of symptoms, such as high blood pressure, sleep disturbance, acute anxiety, and difficulty forming relationships.

COUNT IX – NEGLIGENT SUPERVISION
(MITHOEFER v. ST. PAUL’S)

148. The Plaintiffs reincorporate and reallege their allegations contained in paragraphs 1 through 147 as if fully set forth herein.
149. St. Paul’s owed a duty of care to all of its students, including Mr. Mithoefer, to supervise its faculty and staff members and to prevent foreseeable harm, including sexual abuse.
150. St. Paul’s knew, or should have known that Ball, Degouey, Studds, and Grant had inappropriate conversations with St. Paul’s students, engaged in unwanted, inappropriate touching of St. Paul’s students, and otherwise sexually abused St. Paul’s students, and in so doing posed a danger to the safety and wellbeing of St. Paul’s students, including Mr. Mithoefer.
151. St. Paul’s owed a duty of care to all of its students, including Mr. Mithoefer, to supervise its students.
152. St. Paul’s failed to supervise Ball, Degouey, Studds, and Grant.
153. St. Paul’s failed to supervise its students.
154. St. Paul’s breached its duty of care owed to its students, including Mr. Mithoefer, by failing to supervise Ball, Degouey, Studds, and Grant, and its students, which St. Paul’s knew or should have known could result in conduct that posed a danger to the safety and wellbeing of St. Paul’s students, including Mr. Mithoefer, and posed a risk that they could be sexually abused.

155. As a direct and proximate result of St. Paul's breach of its duty of care, dozens of students, including Mr. Mithoefer, endured inappropriate conversations, unwanted, inappropriate touching, and sexual abuse by Ball, Degouey, Studds, and Grant.
156. The inappropriate conversations, unwanted, inappropriate touching, and sexual abuse endured by Mr. Mithoefer has caused him to suffer emotional and psychological harm, which has manifested in a myriad of symptoms, such as high blood pressure, sleep disturbance, acute anxiety, and difficulty forming relationships.

COUNT X - NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
(MITHOEFER v. ST. PAUL'S)

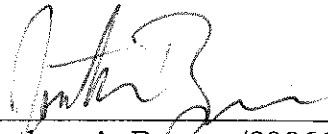
157. The Plaintiffs reincorporate and reallege their allegations contained in paragraphs 1 through 156 as if fully set forth herein.
158. St. Paul's was negligent in hiring and retaining Ball, Degouey, Studds, and Grant.
159. St. Paul's was negligent by failing to properly supervise Ball, Degouey, Studds, and Grant and St. Paul's students, including Mr. Mithoefer.
160. It was foreseeable that St. Paul's negligence could result in harm to St. Paul's students.
161. As a direct and proximate result of St. Paul's breach of its duty of care, dozens of students, including Mr. Mithoefer, endured inappropriate conversations, unwanted, inappropriate touching, and sexual abuse by Ball, Degouey, Studds, and Grant.
162. The sexual abuse endured by Mr. Mithoefer has caused him to suffer emotional and psychological harm, which has manifested in a myriad of

symptoms, such as high blood pressure, sleep disturbance, acute anxiety, and difficulty forming relationships.

163. A reasonable person in Mr. Mithoefer's position would have suffered emotional distress and trauma.

WHEREFORE, the Plaintiffs, George Chester Irons, Barbara Irons, and Keith Mithoefer demand judgment against the Defendant, St. Paul's School, for all injuries and damages to which they are entitled, along with interest and costs.

Respectfully submitted,
George Chester Irons,
Barbara Irons, and Keith Mithoefer,
Plaintiffs
By their attorney,



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Dated: May 1, 2018

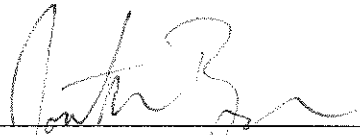
CERTIFICATE OF SERVICE

I, Jonathan A. Barnes, hereby certify that this Complaint was served on the following persons on this date and in the manner specified herein:

First Class Mail:

Elyse Echtman
Orrick
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