

IN THE CIRCUIT COURT FOR HOWARD COUNTY, MARYLAND

CHILD DOE 1, a minor child, by and through
parents and natural guardians,
MOTHER DOE 1 and FATHER DOE 1;

Case No. _____

CHILD DOE 2, a minor child, by and through
parents and natural guardians,
MOTHER DOE 2 and FATHER DOE 2;

CHILD DOE 3, a minor child, by and through
parents and natural guardians,
MOTHER DOE 3 and FATHER DOE 3;

CHILD DOE 4, a minor child, by and through
parents and natural guardians,
MOTHER DOE 4 and FATHER DOE 4; and

CHILD DOE 5, a minor child, by and through
parents and natural guardians,
MOTHER DOE 5 and FATHER DOE 5;

c/o Cohen Milstein Sellers & Toll, PLLC
1100 New York Avenue, 5th Floor
Washington, D.C. 20005

Plaintiffs,

v.

GLEN MAR EARLY LEARNING CENTER, a
Maryland licensed child care center,

SERVE:

Barbara T. Julian, Registered Agent
Defendant Glen Mar United Methodist Church, Inc.
4701 New Cut Road
Ellicott City, Maryland 21043,

GLEN MAR UNITED METHODIST CHURCH, INC.,
a Maryland corporation,

SERVE:

TheKisha Towns, Director
Defendant Glen Mar Early Learning Center
4701 New Cut Road, Ellicott City
Maryland 21043,

, and LYNDA CELMER, an individual,

SERVE:

Defendant Lynda Celmer
1100 Poplar Station Circle NW
Concord, North Carolina 28027

Defendants.

COMPLAINT AND JURY TRIAL DEMAND

COME NOW, the Plaintiffs, Child Doe 1, a minor child, by and through parents and natural guardians, Mother Doe 1 and Father Doe 1; Child Doe 2, a minor child, by and through parents and natural guardians, Mother Doe 2 and Father Doe 2; Child Doe 3, a minor child, by and through parents and natural guardians, Mother Doe 3 and Father Doe 3; Child Doe 4, a minor child, by and through parents and natural guardians, Mother Doe 4 and Father Doe 4; and Child Doe 5, a minor child, by and through parents and natural guardians, Mother Doe 5 and Father Doe 5, by undersigned counsel, and sue Defendants Glen Mar Early Learning Center, Glen Mar United Methodist Church, Inc., and Lynda Celmer, and state for cause the following:

INTRODUCTION

1. This lawsuit arises from the sexual abuse and exploitation of numerous pre-school aged children at a Maryland licensed child care center, Glen Mar Early Learning Center in Howard County, Maryland. This sexual abuse was perpetrated by a teacher at the child care center, Miguel “Mike” Martinez. On information and belief, the abuse was perpetrated over at least a two-year period in 2018 and 2019, on the premises of the child care center in a room used for napping, when Mr. Martinez was left alone with the children regularly in violation of safety rules and the applicable standard of care. Mr. Martinez was otherwise permitted during non-nap times to be alone with children regularly, including in bathrooms, for as long as 15 minutes. Had the Defendants reviewed available security video footage of the nap room, later seized by police, they

would have seen that Mr. Martinez regularly engaged in sexually inappropriate and very suspicious sexualized behavior with children, including: placing children's heads in his lap; rubbing his hands on children's chests, stomachs, pelvic area, low backs, posteriors and thighs; reaching under children's nap blankets to rub parts of their bodies; lying down right next to children, face-to-face, with his arm around the child; and that while touching children he was holding up his phone to possibly photograph or videotape what he was doing to them. The child care center director at the time, Defendant Lynda Celmer, became aware of credible allegations of such abuse from at least two families in 2018, including one in June 2018 who reported that Mr. Martinez had instructed their child not to disclose to anyone the nature of his interactions with the child at the time. Defendant Celmer failed to report the allegations to law enforcement or child welfare authorities as mandated by law and failed to take any action to mitigate the ongoing risk, proximately resulting in these Plaintiffs being abused.

JURISDICTION AND VENUE

2. This Court has jurisdiction over the subject matter and all parties pursuant to Md. Code, § 6-102 through § 6-103 of the Courts and Judicial Proceedings Article ("C.J.P."). Pursuant to C.J.P. § 6-201, venue in Howard County is proper because all material events occurred in Howard County, Maryland.

PARTIES

3. Plaintiff Child Doe 1 is a minor child citizen of the state of Maryland who resides in Howard County with the parents and natural guardians, Mother Doe 1 and Father Doe 1. At all pertinent times, Child Doe 1 was enrolled in the Glen Mar Early Learning Center and left in the care of Miguel Martinez.

4. Plaintiff Child Doe 2 is a minor child citizen of the state of Maryland who resides in Howard County with the parents and natural guardians, Mother Doe 2 and Father Doe 2. At all pertinent times, Child Doe 2 was enrolled in the Glen Mar Early Learning Center and left in the care of Miguel Martinez.

5. Plaintiff Child Doe 3 is a minor child citizen of the state of Maryland who resides in Howard County with the parents and natural guardians, Mother Doe 3 and Father Doe 3. At all pertinent times, Child Doe 3 was enrolled in the Glen Mar Early Learning Center and left in the care of Miguel Martinez.

6. Plaintiff Child Doe 4 is a minor child citizen of the state of Maryland who resides in Howard County with the parents and natural guardians, Mother Doe 4 and Father Doe 4. At all pertinent times, Child Doe 4 was enrolled in the Glen Mar Early Learning Center and left in the care of Miguel Martinez.

7. Plaintiff Child Doe 5 is a minor child citizen of the state of Maryland who resides in Howard County with the parents and natural guardians, Mother Doe 5 and Father Doe 5. At all pertinent times, Child Doe 5 was enrolled in the Glen Mar Early Learning Center and left in the care of Miguel Martinez.

8. Defendant Glen Mar United Methodist Church, Inc., is a Maryland corporation that owns and operates Glen Mar Early Learning Center.

9. Defendant Glen Mar Early Learning Center is a child care center (hereafter “the child care center” or “the school”) duly licensed to operate as a child care center at all material times by the state of Maryland. At all material times, the center enrolled up to 151 children, ages ranging from six weeks to five years. (Defendant Glen Mar Early Learning Center and Glen Mar

United Methodist Church, Inc., shall be collectively referred to as “the Glen Mar Defendants. All three of the defendants shall be collectively referred to as “Defendants.”)

10. Defendant Lynda Celmer is an individual who at all material times was a resident of the state of Maryland, an employee of the Glen Mar Defendants, and the person designated to the state of Maryland as the director of the child care center in connection with its license to operate.

FACTS COMMON TO ALL COUNTS

11. The plaintiff children were sexually abused by Miguel “Mike” Martinez when they were between the ages of four and five. On information and belief, the abuse was perpetrated during the fall 2018 to spring 2019 school year.

12. Prior to the subject sexual abuse occurring, Defendants, and each of them, had available to them from publicly-available sources substantial knowledge, data and directives on the risk of caregiver or teacher sexual misconduct towards minor children in educational and child caring institutions such as the Glen Mar child care center, as well as those measures and methods that would be effective to mitigate that risk and those known to be ineffective. From those sources:

a. Defendants knew or should have known of the risk of educator sexual misconduct towards children no later than 2001, when national public policy particularly enshrined notice of the problem in the No Child Left Behind Act, which amended Section 5414 of the Elementary and Secondary Education Act of 1965, calling for a national study of sexual abuse in schools. Thus, Defendants knew or should have known that measures to mitigate the risk of educator sexual misconduct towards children were necessary.

b. Defendants knew or should have known of available practice guidelines to mitigate the risk of sexual abuse in schools, as those guidelines have been widely published since

at least 1991. Thus, Defendants knew or should have known that measures to mitigate the risk were available.

c. Defendants knew or should have known that criminal background checks of employee or volunteer applicants cannot be relied upon to identify the majority of child sex offenders, as data widely published since at least 1991 informs that no more than six percent of child sexual abuse cases are ever known to law enforcement or child welfare authorities. Thus, Defendants knew or should have known that any employee who passed a criminal background check could still present a risk to children and that safety measures in addition to a criminal background check were necessary.

d. Defendants knew or should have known that child sex predators who infiltrate educational and child care environments cannot be readily identified by responsible adults in that environment and, in fact, that many such predators, upon detection, were previously recognized as exemplary and popular professionals who used their positive regard as a pathway to access child victims, as widely published studies established these points of fact since at least 1994. Thus, Defendants knew or should have known that they could not maintain any child safety procedure that relied on responsible adults in their employ to successfully identify potential child sex predators in the environment and bar only them from unsupervised contact with children.

e. Defendants knew or should have known, based on data widely published since at least 2000, that teachers and child care providers account for some 90 percent of the offenders in cases of sexual misconduct in schools or child care facilities against children. Thus, Defendants knew or should have known that effective policies and procedures to mitigate the risk of sexual abuse of children in the child care facility needed to account for the predominant risk that an adult employee might be an offender.

f. Defendants knew or should have known no later than 2004, based on widely published studies, that school and child care employees who had unsupervised access to children are far more likely to be identified as sexual offenders against students than those who did not have unsupervised access. Likewise, Defendants knew or should have known based on widely published data available since 1994 that a primary tactic used by offenders against children is to isolate them from others. Thus, Defendants knew or should have known that effective policies and procedures to mitigate the risk of sexual abuse of children in the child care facility needed to mitigate the specific risk attendant to unsupervised access with children by adult employees.

g. Defendants knew or should have known, based on data widely-published by 2004, that sexual abuse in schools and child care facilities was known to occur against one child in the presence of others, without any of the children involved timely reporting the abuse. Thus, Defendants knew or should have known that the presence of multiple children with a single adult would not completely mitigate the risk of child sexual abuse, nor provide an assurance of timely reporting of the offense by victims.

h. Defendants knew or should have known, based on widely-published data by 1998, that the age of confirmed sex offenders against children in educational and child care environments range from the early 20's to 75 years old. Thus, Defendants knew or should have known that any applicant for employment, at any age, regardless of any prior complaints or allegations of child abuse, could still be a potential offender.

i. Defendants knew or should have known, based on data widely published by 2004, that educator and child care provider sexual misconduct perpetrators target both male and female students, with male students accounting for between 23 and 46 percent of victims. Thus,

Defendants knew or should have known that comprehensive and effective policies and procedures to mitigate the risk of child sex abuse needed to account for risk to both male and female students.

j. Defendants knew or should have known, based on data widely published by 2004, that educator sexual misconduct includes same-sex perpetration in as much as 28 percent of child sex abuse cases. Thus, Defendants knew or should have known that comprehensive and effective policies and procedures to mitigate the risk of child sex abuse needed to account for unsupervised contact between adult employees and children regardless of whether the gender of the children and adults are the same.

k. Defendants knew or should have known, based on data widely published by 1994, that the professed or actual sexual orientation of child sex abusers is not a reliable indicator of the gender of children at risk of abuse, as same-sex perpetration of child sex abuse occurs in as much as 24 percent of child sex abuse cases where the perpetrator self-identifies as heterosexual. Thus, Defendants knew or should have known that comprehensive and effective policies and procedures against sexual abuse needed to account for unsupervised contact between adult employees and children of any gender, without regard to the known or perceived sexual orientation of the adults involved.

l. Defendants knew or should have known, based on data widely published by 1994, that most child sex offenders are married or living in committed adult relationships. Thus, Defendants knew or should have known that comprehensive and effective policies and procedures against child sex abuse needed to account for unsupervised contact between adult employees and children regardless of the marital status of the adults involved.

m. Defendants knew or should have known, based on data widely published by 2004, that child sex abusers in educational environments use tactics effectively against children

that are specifically designed to gain their silence against reporting the abuse, including lying to them, making them believe that they are willing or complicit in abusive acts, and otherwise manipulating them into sexual acts. Likewise, data widely published by 2004 established that sexual abuse in a school can be perpetrated against multiple victims over several years before any child victim reports it to a responsible adult. Thus, Defendants knew or should have known that comprehensive and effective policies and procedures against child sex abuse should not and could not rely on young children timely reporting abusive acts.

n. Defendants knew or should have known from mass media and professional publications since at least 2004 that child sex predators who infiltrate educational and child care environments will often abuse multiple children before detection. Thus, Defendants knew or should have known that by not having comprehensive, effective and enforced policies and procedures against the risk of abuse of children at the child care center in place as of 2018, they were taking a risk that multiple young children entrusted to their care could be grievously sexually abused by even a single surreptitious predator in their employ.

13. Defendants failed to establish and enforce policies and procedures consistent with the foregoing, in violation of their duties to these Plaintiffs, in violation of the applicable standard of care and in violation of law.

14. Defendants knew or should have known that training of their administrators, staff, faculty and volunteers should have included training on mitigating the risk of child sex abuse, including as to the following measures, without necessary limitation:

a. Training that any adult in the environment might prove to be unsafe to children, regardless of the employment position they hold, their professional or community standing, or their popularity among peers or students.

b. Training that abuse is most frequently committed by adults who obtain or seek to obtain opportunities to have time alone with individual or small groups of children.

c. Training that abuse perpetrators frequently and purposefully establish positive and trusting relationships with their victims before abusing them, including progressively breaching physical touch barriers, a process known as “grooming”.

d. Training that background and criminal background screening of job applicants or volunteers would not necessarily detect all persons who might be dangerous to children.

e. Training that no adult in a school or child care environment should ever be permitted to be alone with individual or groups of children and that efforts by an adult to create such opportunity is a warning sign that the adult might be seeking to abuse children.

f. Training that predators against children: can be of any age; can have no known prior complaints or allegations of child abuse; can be targeting male and female students for abuse; can be seeking to abuse children of any gender; can be of any known or perceived sexual orientation; and can be of any marital status.

g. Training that children cannot be relied upon to report abuse that they may be suffering.

15. Defendants failed to implement or provide for training of their administrators, staff, faculty and volunteers consistent with the foregoing, in violation of the applicable standard of care and in violation of law.

16. Defendants otherwise failed to establish and maintain a reasonably safe environment at the subject child care facility by undertaking necessary and reasonable measures

to ensure visibility of, and accountability for, all adults at all times in their facility into whose care the safety of children were entrusted.

17. Unbeknownst to the Plaintiffs' parents, a credible report of child sexual abuse on the premises had been conveyed to Defendants, specifically to Defendant Lynda Celmer, in the spring of 2018, the school year before the plaintiff children were abused.

18. The aforesaid spring 2018 report of abuse was conveyed by parents of an enrolled child to Defendant Celmer and specified that the child had complained of acts of sexual abuse during nap time perpetrated by Mr. Martinez.

19. Upon receiving that report in spring 2018, Defendant Lynda Celmer assured those parents that she would suspend Mr. Martinez's employment and report the complaint to the proper authorities. However, in violation of her duties at law and in neglect of the applicable standard of care:

- a. Defendant Celmer failed to convey the complaint to the proper authorities;
- b. Defendant Celmer failed to investigate the complaint of abuse perpetrated by Mr. Martinez;
- c. Defendant Celmer allowed Mr. Martinez to continue in his employment with no restrictions on his continued full access to children, including being alone with children;
- d. Defendant Celmer failed to alert any of Mr. Martinez's co-workers to the risk he presented to the vulnerable children enrolled in the child care center, including these plaintiff children; and
- e. Defendant Celmer failed to alert the parents of those children, including the parents of these plaintiff children, of the risk presented by Mr. Martinez.

20. Beginning in the spring of 2019, the plaintiff children, and each of them, complained to their parents of sexual abuse at the child care center perpetrated by Miguel “Mike” Martinez and showed behavioral and developmental indicators of having suffered sexual abuse.

21. The plaintiff children, and each of them, have since required mental health interventions to address the sexual abuse trauma perpetrated by Mr. Martinez.

22. The aforesaid failures by Defendant Celmer were in violation of the Glen Mar Defendants’ published “Child, Youth, and Vulnerable Adult Protection Policy and Procedures,” which purported to assure the parents of these plaintiff children that a “Two Adult Rule” would be followed at all times that children were present, to wit, that, “Two adults ... must be present for all ministry activities involving children ...”

23. At all pertinent times, the Two Adult Rule was within the applicable standard of care to ensure the safety of children in a child care environment from the known risk of staff-on-child sexual abuse, including the risk of perpetration by unknown predators, that is, staff members not specifically known to present a risk to children based on prior complaints or confirmed offenses.

24. Defendants neglected their duty to ensure that child care center employees were trained to and sufficiently supervised to uphold a “Two Adult Rule” at all times.

25. Following the aforesaid complaint of abuse received in spring 2018, Defendants failed to uphold their own published policies and procedures to respond to such a complaint, including without necessary limitation:

- a. Failing to follow state law mandating reporting of the complaint as soon as possible to child welfare authorities.
- b. Failing to secure the safety of all children in the environment.

c. Failing to complete a written incident report detailing all known allegations and facts.

d. Failing to suspend Mr. Martinez's employment during an investigation into the allegations.

e. Failing to alert the parents of the enrolled children.

26. Had the Two Adult Rule been followed at all times, Miguel "Mike" Martinez would have been thwarted in his abuse of these plaintiff children.

27. Had the spring 2018 report of abuse been addressed in accord with the aforesaid policies and procedures, the law, and the applicable standard of care, Miguel "Mike" Martinez would have been thwarted in his abuse of these plaintiff children and even deprived of any opportunity to do so completely.

28. Defendants represented to the Maryland licensing officials at least as early as 2016, that the child care center commonly maintained supervision of groups of children by three adults.

29. As early as 2016, Defendants were placed on notice by the state of Maryland licensing authority of the need to report all allegations of child abuse to child welfare authorities, following an incident in which that had not been done.

30. On information and belief, Mr. Martinez was placed on leave and/or resigned between late March 2019 and April 4, 2019.

31. Not until May 2019 were parents of children enrolled at the child care center invited to a meeting by Defendants to inform them of the possibility that their children may have been abused on the child care center premises and of the risk presented by Mr. Martinez.

32. As director of the child care center, Defendant Celmer was responsible for the care, supervision, and safety of all enrolled children, including these plaintiff children.

33. Defendants Glen Mar United Methodist Church, Inc., and Glen Mar Early Learning Center are vicariously liable for any torts committed by Defendant Celmer and any other employee of the subject facility, while acting within the course and scope of their employment; and in fact, such torts were committed as more fully described herein.

34. At all times, Defendants, and each of them, had the ability to exercise complete control over Mr. Martinez's access to children, including the ability to prevent him from having access alone with individual or small groups of children.

35. Miguel "Mike" Martinez used his position as a staff member to access, sexually assault, and prey on enrolled children at the child care center.

36. Miguel "Mike" Martinez took advantage of the failure of Defendants to uphold and enforce a Two Adult Rule to access, sexually assault and prey on enrolled children at the child care center.

37. Miguel "Mike" Martinez was further assisted in his ability to access, sexually assault and prey on enrolled children by the following:

a. Defendants permitted Mr. Martinez to keep on premises and use a personal blanket to cover himself and a targeted child during nap time when he would lay down next to such a targeted child in order to perpetrate abuse under the blanket. On certain occasions, Mr. Martinez was observed by a co-worker with his hand under a child's blanket during nap time, and that information was conveyed to a supervising teacher, but no action was taken to stop him from continuing that behavior.

b. Defendants maintained a surveillance camera in the nap room that had marked deficiencies, including, without limitation, that the room was "blacked out" during nap time, rendering the camera recording less than optimal in its ability to see what occurred; did not

span the entire nap area, to the extent that many nap cots were outside the range of view; did not maintain and store the recordings beyond two weeks, thus thwarting the ability to investigate any delayed reports of abuse.

38. The above-described systemic, regular sexual abuse of such young children and in large numbers in a child care environment does not occur in the absence of neglect by the facility administrators of their duty to operate the environment in a manner that thwarts the ability of would-be and unknown predators, like Mr. Martinez, to access children alone, without visibility or accountability, in order to abuse them.

39. Essential protection against abuse of this type in a child caring environment requires visibility and accountability of all adults present in the facility at all times; Defendants provided for neither.

40. The undersigned law firm has been retained to represent these child plaintiffs and the parents have agreed to pay it a reasonable fee for its services.

COUNT I
Negligence by All Defendants
(Plaintiff Child Doe 1)

41. Plaintiff Child Doe 1 sues Defendants for cause, claim, damages, and hereby adopts and incorporates by reference the allegations contained in the “facts common to all counts” of this Complaint as though set forth fully herein.

42. Defendants owed to Plaintiff Child Doe 1 a duty to provide, maintain and operate the educational and caregiving environment at the school in a manner that was reasonably safe for Plaintiff Child Doe 1, including safety against the risk of abuse and sexual abuse.

43. Defendants breached their duty by failing to exercise reasonable care under all circumstances to protect against the known risk of abuse and sexual abuse of minor children by

employees at the child care facility, including the unknown predator who may have infiltrated the environment and the caregiving staff; and by failing to comply with all laws and standard of care applicable to operation of the facility that are intended to protect against the risk of abuse or sexual abuse within the environment.

44. Defendants knew or should have known that the failure to exercise reasonable care to protect against the known risk of abuse and sexual abuse by an unknown predator employee carried a substantial likelihood of injury to very young children, that the seriousness of such injury was extreme and likely life-long, and that their burden of avoiding the risk was very slight, indeed legally-mandated by virtue of the government-issued license to operate the subject facility.

45. Defendants owed a duty to Plaintiff Child Doe 1 to prevent the criminal acts perpetrated by Mr. Martinez and those acts were, in fact, foreseeable and preventable.

46. Defendants owed a special duty to Plaintiff Child Doe 1 as a minor child student at the school.

47. The criminal acts of abuse and sexual abuse perpetrated by Mr. Martinez against children at the child care facility, including Plaintiff Child Doe 1 here, would have been completely prevented had Defendants complied with their duty to exercise reasonable care under all circumstances to guard against and prevent the risk of abuse and sexual abuse by an unknown predator employees, including to ensure that Mr. Martinez and all other employees of the facility were never left alone with an individual child or group of children.

WHEREFORE, Plaintiff Child Doe 1 requests that the Court enter a judgment against Defendants, and each of them, as follows: (A) Awarding Plaintiff Child Doe 1 compensatory monetary damages against all Defendants, individually, jointly and severally, in an amount to be determined at trial, but, pursuant to Md. Rule 2-305, the amount sought exceeds \$75,000; (B)

Awarding Plaintiff Child Doe 1 reasonable attorneys' fees; (C) Awarding Plaintiff Child Doe 1 costs and expenses in this litigation; and (D) Awarding such other relief as the Court deems just and proper.

COUNT II
Negligent Supervision and Retention of Miguel “Mike” Martinez by All Defendants
(Plaintiff Child Doe 1)

48. Plaintiff Child Doe 1 sues Defendants for cause, claim, damages, and hereby adopts and incorporates by reference the allegations contained in the “facts common to all counts” of this Complaint as though set forth fully herein.

49. Defendants owed Plaintiff Child Doe 1 a duty to supervise and retain competent and safe employees present in the child care center.

50. Defendants owed a duty to prevent the criminal acts perpetrated by Mr. Martinez and those acts were, in fact, foreseeable and preventable.

51. Defendants owed a special duty to Plaintiff Child Doe 1 as a minor child student at the school.

52. At all relevant times, Miguel “Mike” Martinez was employed in a direct child caregiving role at the child care center.

53. Mr. Martinez sexually abused students within the child care facility during operational hours from at least spring 2018 to spring 2019.

54. Upon information and belief, prior to the sexual abuse of Plaintiff Child Doe 1, specific concerns about Mr. Martinez sexually abusing a child were conveyed to Defendants.

55. Defendants breached their duty to supervise employees by failing to adequately supervise the workplace despite the fact that they knew, or should have known, that Mr. Martinez sexually abused children in the facility. This failure to supervise includes, but is not limited to, the

failure to thoroughly investigate the concerns raised in spring 2018 by the parents of an enrolled child, the failure to report that complaint to child welfare authorities, the failure to supervise Mr. Martinez before and after that report, and the failure to remove Mr. Martinez from access to children immediately and permanently.

56. Defendants breached their duty to discharge Mr. Martinez from any employment in which he would have access to children, beginning in spring 2018.

57. As a direct and proximate result of the aforesaid breaches of duty, Child Doe 1 suffered and continues to suffer severe emotional and mental distress, anguish, humiliation, embarrassment, fright, shock, pain, discomfort, anxiety, developmental disorders, mental health ailments and disorders, lost earning capacity, and costs of medical and mental health care. These damages have occurred in the past and will be incurred into the future.

WHEREFORE, Plaintiff Child Doe 1 requests that the Court enter a judgment against Defendants, and each of them, as follows: (A) Awarding Plaintiff Child Doe 1 compensatory monetary damages against all Defendants, individually, jointly and severally, in an amount to be determined at trial, but, pursuant to Md. Rule 2-305, the amount sought exceeds \$75,000; (B) Awarding Plaintiff Child Doe 1 reasonable attorneys' fees; (C) Awarding Plaintiff Child Doe 1 costs and expenses in this litigation; and (D) Awarding such other relief as the Court deems just and proper.

COUNT III

Vicarious Liability – Respondeat Superior Negligence and Negligence Per Se by Defendants Glen Mar United Methodist Church, Inc. and Glen Mar Early Learning Center (Plaintiff Child Doe 1)

58. Plaintiff Child Doe 1 sues Defendants Glen Mar United Methodist Church, Inc. and Glen Mar Early Learning Center for cause, claim, damages, and hereby adopts and incorporates

by reference the allegations contained in the “facts common to all counts” of this Complaint as though set forth fully herein.

59. At all pertinent times, said Defendants employed Mr. Martinez to act as their agent, servant or employee and permitted Mr. Martinez to remain as such at all pertinent times.

60. Said Defendants were negligent and negligent per se in that they disregarded and violated Maryland state law mandating reporting to child welfare authorities as soon as possible allegations of child abuse, laws specifically intended to protect Plaintiff Child Doe 1 from abuse and sexual abuse.

61. Said Defendants violated that mandatory reporting law in spring 2018.

62. Violation of that law constitutes committing negligence per se as a matter of law.

63. As the principal, master and/or employer of Mr. Martinez, the Glen Mar Defendants are liable for all of the injuries and damages caused by and committed by Mr. Martinez at the child care facility during the conduct of his job duties.

64. As a direct and proximate result of the aforesaid breaches of duty, Plaintiff Child Doe 1 suffered and continues to suffer severe emotional and mental distress, anguish, humiliation, embarrassment, fright, shock, pain, discomfort, anxiety, developmental disorders, mental health ailments and disorders, lost earning capacity, and costs of medical and mental health care. These damages have occurred in the past and will be incurred into the future.

WHEREFORE, Plaintiff Child Doe 1 requests that the Court enter a judgment against said Defendants, and both of them, as follows: (A) Awarding Plaintiff Child Doe 1 compensatory monetary damages against said Defendants, individually, jointly and severally, in an amount to be determined at trial, but, pursuant to Md. Rule 2-305, the amount sought exceeds \$75,000; (B) Awarding Plaintiff Child Doe 1 reasonable attorneys' fees; (C) Awarding Plaintiff Child Doe 1

costs and expenses in this litigation; and (D) Awarding such other relief as the Court deems just and proper.

COUNT IV
Negligence by All Defendants
(Plaintiff Child Doe 2)

65. Plaintiff Child Doe 2 sues Defendants for cause, claim, damages, and hereby adopts and incorporates by reference the allegations contained in the “facts common to all counts” of this Complaint as though set forth fully herein.

66. Defendant owed to Plaintiff Child Doe 2 a duty to provide, maintain, and operate the educational and caregiving environment at the school in a manner that was reasonably safe for Plaintiff Child Doe 2, including safety against the risk of abuse and sexual abuse.

67. Defendants breached their duty by failing to exercise reasonable care under all circumstances to protect against the known risk of abuse and sexual abuse of minor children by employees at the child care facility, including the unknown predator who may have infiltrated the environment and the caregiving staff; and by failing to comply with all laws and standard of care applicable to operation of the facility that are intended to protect against the risk of abuse or sexual abuse within the environment.

68. Defendants knew or should have known that the failure to exercise reasonable care to protect against the known risk of abuse and sexual abuse by an unknown predator employee carried a substantial likelihood of injury to very young children, that the seriousness of such injury was extreme and likely life-long, and that its burden of avoiding the risk was very slight, indeed legally-mandated by virtue of the government-issued license to operate the subject facility.

69. Defendants owed a duty to Plaintiff Child Doe 2 to prevent the criminal acts perpetrated by Mr. Martinez and those acts were, in fact, foreseeable and preventable.

70. Defendants owed a special duty to Plaintiff Child Doe 2 as a minor child student at the school.

71. The criminal acts of abuse and sexual abuse perpetrated by Mr. Martinez against children at the child care facility, including Plaintiff Child Doe 2 here, would have been completely prevented had Defendants complied with their duty to exercise reasonable care under all circumstances to guard against and prevent the risk of abuse and sexual abuse by an unknown predator employees, including to ensure that Mr. Martinez and all other employees of the facility were never left alone with an individual child or group of children.

WHEREFORE, Plaintiff Child Doe 2 requests that the Court enter a judgment against Defendants, and each of them, as follows: (A) Awarding Plaintiff Child Doe 2 compensatory monetary damages against all Defendants, individually, jointly and severally, in an amount to be determined at trial, but, pursuant to Md. Rule 2-305, the amount sought exceeds \$75,000; (B) Awarding Plaintiff Child Doe 2 reasonable attorneys' fees; (C) Awarding Plaintiff Child Doe 2 costs and expenses in this litigation; and (D) Awarding such other relief as the Court deems just and proper.

COUNT V

Negligent Supervision and Retention of Miguel “Mike” Martinez by All Defendants (Plaintiff Child Doe 2)

72. Plaintiff Child Doe 2 sues Defendants for cause, claim, damages, and hereby adopts and incorporates by reference the allegations contained in the “facts common to all counts” of this Complaint as though set forth fully herein.

73. Defendants owed Plaintiff Child Doe 2 a duty to supervise and retain competent and safe employees present in the child care center.

74. Defendants owed a duty to Plaintiff Child Doe 2 to prevent the criminal acts perpetrated by Mr. Martinez and those acts were, in fact, foreseeable and preventable.

75. Defendants owed a special duty to Plaintiff Child Doe 2 as a minor child student at the school.

76. At all relevant times, Miguel “Mike” Martinez was employed in a direct child caregiving role at the child care center.

77. Mr. Martinez sexually abused students within the child care facility during operational hours from at least spring 2018 to spring 2019.

78. Upon information and belief, prior to the sexual abuse of Plaintiff Child Doe 2, specific concerns about Mr. Martinez sexually abusing a child was conveyed to Defendants.

79. Defendants breached their duty to supervise employees by failing to adequately supervise the workplace despite the fact that they knew, or should have known, that Mr. Martinez sexually abused children in the facility. This failure to supervise includes, but is not limited to, the failure to thoroughly investigate the concerns raised in spring 2018 by the parents of an enrolled child, the failure to report that complaint to child welfare authorities, the failure to supervise Martinez before and after that report, and the failure to remove Mr. Martinez from access to children immediately and permanently.

80. Defendants breached their duty to discharge Mr. Martinez from any employment in which he would have access to children, beginning in spring 2018.

81. As a direct and proximate result of the aforesaid breaches of duty, Plaintiff Child Doe 2 suffered and continues to suffer severe emotional and mental distress, anguish, humiliation, embarrassment, fright, shock, pain, discomfort, anxiety, developmental disorders, mental health

ailments and disorders, lost earning capacity, and costs of medical and mental health care. These damages have occurred in the past and will be incurred into the future.

WHEREFORE, Plaintiff Child Doe 2 requests that the Court enter a judgment against Defendants, and each of them, as follows: (A) Awarding Plaintiff Child Doe 2 compensatory monetary damages against all Defendants, individually, jointly and severally, in an amount to be determined at trial, but, pursuant to Md. Rule 2-305, the amount sought exceeds \$75,000; (B) Awarding Plaintiff Child Doe 2 reasonable attorneys' fees; (C) Awarding Plaintiff Child Doe 2 costs and expenses in this litigation; and (D) Awarding such other relief as the Court deems just and proper.

COUNT VI

Vicarious Liability – Respondeat Superior Negligence and Negligence Per Se by Defendants Glen Mar United Methodist Church, Inc. and Glen Mar Early Learning Center (Plaintiff Child Doe 2)

82. Plaintiff Child Doe 2 sues Defendants Glen Mar United Methodist Church, Inc. and Glen Mar Early Learning Center for cause, claim, damages, and hereby adopts and incorporates by reference the allegations contained in the “facts common to all counts” of this Complaint as though set forth fully herein.

83. At all pertinent times, said Defendants employed Mr. Martinez to act as their agent, servant or employee and permitted Mr. Martinez to remain as such at all pertinent times.

84. Said Defendants were negligent and negligent per se in that they disregarded and violated Maryland state law mandating reporting to child welfare authorities as soon as possible allegations of child abuse, laws specifically intended to protect Plaintiff from abuse and sexual abuse.

85. Said Defendants violated that mandatory reporting law in spring 2018.

86. Violation of that law constitutes committing negligence per se as a matter of law.

87. As the principal, master and/or employer of Mr. Martinez, said Defendants are liable for all of the injuries and damages caused by and committed by Mr. Martinez at the child care facility during the conduct of his job duties.

88. As a direct and proximate result of the aforesaid breaches of duty, Plaintiff Child Doe 2 suffered and continues to suffer severe emotional and mental distress, anguish, humiliation, embarrassment, fright, shock, pain, discomfort, anxiety, developmental disorders, mental health ailments and disorders, lost earning capacity, and costs of medical and mental health care. These damages have occurred in the past and will be incurred into the future.

WHEREFORE, Plaintiff Child Doe 2 requests that the Court enter a judgment against said Defendants, and both of them, as follows: (A) Awarding Plaintiff Child Doe 2 compensatory monetary damages against said Defendants, individually, jointly and severally, in an amount to be determined at trial, but, pursuant to Md. Rule 2-305, the amount sought exceeds \$75,000; (B) Awarding Plaintiff Child Doe 2 reasonable attorneys' fees; (C) Awarding Plaintiff Child Doe 2 costs and expenses in this litigation; and (D) Awarding such other relief as the Court deems just and proper.

COUNT VII
Negligence by All Defendants
(Plaintiff Child Doe 3)

89. Plaintiff Child Doe 3 sues Defendants for cause, claim, damages, and hereby adopts and incorporates by reference the allegations contained in the “facts common to all counts” of this Complaint as though set forth fully herein.

90. Defendant owed to Plaintiff Child Doe 3 a duty to provide, maintain and operate the educational and caregiving environment at the school in a manner that was reasonably safe for Plaintiff Child Doe 3, including safety against the risk of abuse and sexual abuse.

91. Defendants breached their duty by failing to exercise reasonable care under all circumstances to protect against the known risk of abuse and sexual abuse of minor children by employees at the child care facility, including the unknown predator who may have infiltrated the environment and the caregiving staff; and by failing to comply with all laws and standard of care applicable to operation of the facility that are intended to protect against the risk of abuse or sexual abuse within the environment.

92. Defendants knew or should have known that the failure to exercise reasonable care to protect against the known risk of abuse and sexual abuse by an unknown predator employee carried a substantial likelihood of injury to very young children, that the seriousness of such injury was extreme and likely life-long, and that their burden of avoiding the risk was very slight, indeed legally-mandated by virtue of the government-issued license to operate the subject facility.

93. Defendants owed a duty to Plaintiff Child Doe 3 to prevent the criminal acts perpetrated by Mr. Martinez and those acts were, in fact, foreseeable and preventable.

94. Defendants owed a special duty to Plaintiff Child Doe 3 as a minor child student at the school.

95. The criminal acts of abuse and sexual abuse perpetrated by Mr. Martinez against children at the child care facility, including Plaintiff Child Doe 3 here, would have been completely prevented had Defendants complied with their duty to exercise reasonable care under all circumstances to guard against and prevent the risk of abuse and sexual abuse by an unknown predator employees, including to ensure that Mr. Martinez and all other employees of the facility were never left alone with an individual child or group of children.

WHEREFORE, Plaintiff Child Doe 3 requests that the Court enter a judgment against Defendants, and each of them, as follows: (A) Awarding Plaintiff Child Doe 3 compensatory

monetary damages against all Defendants, individually, jointly and severally, in an amount to be determined at trial, but, pursuant to Md. Rule 2-305, the amount sought exceeds \$75,000; (B) Awarding Plaintiff Child Doe 3 reasonable attorneys' fees; (C) Awarding Plaintiff Child Doe 3 costs and expenses in this litigation; and (D) Awarding such other relief as the Court deems just and proper.

COUNT VIII

Negligent Supervision and Retention of Miguel “Mike” Martinez by All Defendants (Plaintiff Child Doe 3)

96. Plaintiff Child Doe 3 sues Defendants for cause, claim, damages, and hereby adopts and incorporates by reference the allegations contained in the “facts common to all counts” of this Complaint as though set forth fully herein.

97. Defendants owed Plaintiff Child Doe 3 a duty to supervise and retain competent and safe employees present in the child care center.

98. Defendants owed a duty to Plaintiff Child Doe 3 to prevent the criminal acts perpetrated by Mr. Martinez and those acts were, in fact, foreseeable and preventable.

99. Defendants owed a special duty to Plaintiff Child Doe 3 as a minor child student at the school.

100. At all relevant times, Miguel “Mike” Martinez was employed in a direct child caregiving role at the child care center.

101. Mr. Martinez sexually abused students within the child care facility during operational hours from at least spring 2018 to spring 2019.

102. Upon information and belief, prior to the sexual abuse of Plaintiff Child Doe 3, specific concerns about Mr. Martinez sexually abusing a child was conveyed to Defendants.

103. Defendants breached their duty to supervise employees by failing to adequately supervise the workplace despite the fact that they knew, or should have known, that Mr. Martinez sexually abused children in the facility. This failure to supervise includes, but is not limited to, the failure to thoroughly investigate the concerns raised in spring 2018 by the parents of an enrolled child, the failure to report that complaint to child welfare authorities, the failure to supervise Martinez before and after that report and the failure to remove Mr. Martinez from access to children immediately and permanently.

104. Defendants breached their duty to discharge Mr. Martinez from any employment in which he would have access to children, beginning in spring 2018.

105. As a direct and proximate result of the aforesaid breaches of duty, Plaintiff Child Doe 3 suffered and continues to suffer severe emotional and mental distress, anguish, humiliation, embarrassment, fright, shock, pain, discomfort, anxiety, developmental disorders, mental health ailments and disorders, lost earning capacity, and costs of medical and mental health care. These damages have occurred in the past and will be incurred into the future.

WHEREFORE, Plaintiff Child Doe 3 requests that the Court enter a judgment against Defendants, and each of them, as follows: (A) Awarding Plaintiff Child Doe 3 compensatory monetary damages against all Defendants, individually, jointly and severally, in an amount to be determined at trial, but, pursuant to Md. Rule 2-305, the amount sought exceeds \$75,000; (B) Awarding Plaintiff Child Doe 3 reasonable attorneys' fees; (C) Awarding Plaintiff Child Doe 3 costs and expenses in this litigation; and (D) Awarding such other relief as the Court deems just and proper.

COUNT IX

Vicarious Liability – Respondeat Superior Negligence and Negligence Per Se by Defendants Glen Mar United Methodist Church, Inc. and Glen Mar Early Learning Center (Plaintiff Child Doe 3)

106. Plaintiff Child Doe 3 sues Defendants Glen Mar United Methodist Church, Inc. and Glen Mar Early Learning Center for cause, claim, damages, and hereby adopts and incorporates by reference the allegations contained in the “facts common to all counts” of this Complaint as though set forth fully herein.

107. At all pertinent times, said Defendants employed Mr. Martinez to act as their agent, servant or employee and permitted Mr. Martinez to remain as such at all pertinent times.

108. Said Defendants were negligent and negligent per se in that they disregarded and violated Maryland state law mandating reporting to child welfare authorities as soon as possible allegations of child abuse, laws specifically intended to protect Plaintiff Child Doe 3 from abuse and sexual abuse.

109. Said Defendants violated that mandatory reporting law in spring 2018.

110. Violation of that law constitutes committing negligence per se as a matter of law.

111. As the principal, master and/or employer of Mr. Martinez, said Defendants are liable for all of the injuries and damages caused by and committed by Mr. Martinez at the child care facility during the conduct of his job duties.

112. As a direct and proximate result of the aforesaid breaches of duty, Plaintiff Child Doe 3 suffered and continues to suffer severe emotional and mental distress, anguish, humiliation, embarrassment, fright, shock, pain, discomfort, anxiety, developmental disorders, mental health ailments and disorders, lost earning capacity, and costs of medical and mental health care. These damages have occurred in the past and will be incurred into the future.

WHEREFORE, Plaintiff Child Doe 3 requests that the Court enter a judgment against said Defendants, and both of them, as follows: (A) Awarding Plaintiff Child Doe 3 compensatory monetary damages against said Defendants, individually, jointly and severally, in an amount to be

determined at trial, but, pursuant to Md. Rule 2-305, the amount sought exceeds \$75,000; (B) Awarding Plaintiff Child Doe 3 reasonable attorneys' fees; (C) Awarding Plaintiff Child Doe 3 costs and expenses in this litigation; and (D) Awarding such other relief as the Court deems just and proper.

COUNT X
Negligence by All Defendants
(Plaintiff Child Doe 4)

113. Plaintiff Child Doe 4 sues Defendants for cause, claim, damages, and hereby adopts and incorporates by reference the allegations contained in the “facts common to all counts” of this Complaint as though set forth fully herein.

114. Defendant owed to Plaintiff a duty to provide, maintain and operate the educational and caregiving environment at the school in a manner that was reasonably safe for Plaintiff Child Doe 4, including safety against the risk of abuse and sexual abuse.

115. Defendants breached their duty by failing to exercise reasonable care under all circumstances to protect against the known risk of abuse and sexual abuse of minor children by employees at the child care facility, including the unknown predator who may have infiltrated the environment and the caregiving staff; and by failing to comply with all laws and standard of care applicable to operation of the facility that are intended to protect against the risk of abuse or sexual abuse within the environment.

116. Defendants knew or should have known that the failure to exercise reasonable care to protect against the known risk of abuse and sexual abuse by an unknown predator employee carried a substantial likelihood of injury to very young children, that the seriousness of such injury was extreme and likely life-long, and that its burden of avoiding the risk was very slight, indeed legally-mandated by virtue of the government-issued license to operate the subject facility.

117. Defendants owed a duty to Plaintiff Child Doe 4 to prevent the criminal acts perpetrated by Mr. Martinez and those acts were, in fact, foreseeable and preventable.

118. Defendants owed a special duty to Plaintiff Child Doe 4 as a minor child student at the school.

119. The criminal acts of abuse and sexual abuse perpetrated by Mr. Martinez against children at the child care facility, including Plaintiff Child Doe 4 here, would have been completely prevented had Defendants complied with their duty to exercise reasonable care under all circumstances to guard against and prevent the risk of abuse and sexual abuse by an unknown predator employees, including to ensure that Mr. Martinez and all other employees of the facility were never left alone with an individual child or group of children.

WHEREFORE, Plaintiff Child Doe 4 requests that the Court enter a judgment against Defendants, and each of them, as follows: (A) Awarding Plaintiff Child Doe 4 compensatory monetary damages against all Defendants, individually, jointly and severally, in an amount to be determined at trial, but, pursuant to Md. Rule 2-305, the amount sought exceeds \$75,000; (B) Awarding Plaintiff Child Doe 4 reasonable attorneys' fees; (C) Awarding Plaintiff Child Doe 4 costs and expenses in this litigation; and (D) Awarding such other relief as the Court deems just and proper.

COUNT XI
Negligent Supervision and Retention of Miguel “Mike” Martinez by All Defendants
(Plaintiff Child Doe 4)

120. Plaintiff Child Doe 4 sues Defendants for cause, claim, damages, and hereby adopts and incorporates by reference the allegations contained in the “facts common to all counts” of this Complaint as though set forth fully herein.

121. Defendants owed Plaintiff Child Doe 4 a duty to supervise and retain competent and safe employees present in the child care center.

122. Defendants owed a duty to Plaintiff Child Doe 4 to prevent the criminal acts perpetrated by Mr. Martinez and those acts were, in fact, foreseeable and preventable.

123. Defendants owed a special duty to Plaintiff Child Doe 4 as a minor child student at the school.

124. At all relevant times, Miguel “Mike” Martinez was employed in a direct child care giving role at the child care center.

125. Mr. Martinez sexually abused students within the child care facility during operational hours from at least spring 2018 to spring 2019.

126. Upon information and belief, prior to the sexual abuse of Plaintiff Child Doe 4, specific concerns about Mr. Martinez sexually abusing a child was conveyed to Defendants.

127. Defendants breached their duty to supervise employees by failing to adequately supervise the workplace despite the fact that it knew, or should have known, that Mr. Martinez sexually abused children in the facility. This failure to supervise includes, but is not limited to, the failure to thoroughly investigate the concerns raised in spring 2018 by the parents of an enrolled child, the failure to report that complaint to child welfare authorities, the failure to supervise Martinez before and after that report, and the failure to remove Mr. Martinez from access to children immediately and permanently.

128. Defendants breached their duty to discharge Mr. Martinez from any employment in which he would have access to children, beginning in spring 2018.

129. As a direct and proximate result of the aforesaid breaches of duty, Plaintiff Child Doe 4 suffered and continues to suffer severe emotional and mental distress, anguish, humiliation,

embarrassment, fright, shock, pain, discomfort, anxiety, developmental disorders, mental health ailments and disorders, lost earning capacity, and costs of medical and mental health care. These damages have occurred in the past and will be incurred into the future.

WHEREFORE, Plaintiff Child Doe 4 requests that the Court enter a judgment against Defendants, and each of them, as follows: (A) Awarding Plaintiff Child Doe 4 compensatory monetary damages against all Defendants, individually, jointly and severally, in an amount to be determined at trial, but, pursuant to Md. Rule 2-305, the amount sought exceeds \$75,000; (B) Awarding Plaintiff Child Doe 4 reasonable attorneys' fees; (C) Awarding Plaintiff Child Doe 4 costs and expenses in this litigation; and (D) Awarding such other relief as the Court deems just and proper.

COUNT XII

Vicarious Liability – Respondeat Superior Negligence and Negligence Per Se by Defendants Glen Mar United Methodist Church, Inc. and Glen Mar Early Learning Center (Plaintiff Child Doe 4)

130. Plaintiff Child Doe 4 sues Defendants Glen Mar United Methodist Church, Inc. and Glen Mar Early Learning Center for cause, claim, damages, and hereby adopts and incorporates by reference the allegations contained in the “facts common to all counts” of this Complaint as though set forth fully herein.

131. At all pertinent times, said Defendants employed Mr. Martinez to act as their agent, servant or employee and permitted Mr. Martinez to remain as such at all pertinent times.

132. Said Defendants were negligent and negligent per se in that they disregarded and violated Maryland state law mandating reporting to child welfare authorities as soon as possible allegations of child abuse, laws specifically intended to protect Plaintiff Child Doe 4 from abuse and sexual abuse.

133. Said Defendants violated that mandatory reporting law in spring 2018.

134. Violation of that law constitutes committing negligence per se as a matter of law.

135. As the principal, master and/or employer of Mr. Martinez, said Defendants are liable for all of the injuries and damages caused by and committed by Mr. Martinez at the child care facility during the conduct of his job duties.

136. As a direct and proximate result of the aforesaid breaches of duty, Plaintiff Child Doe 4 suffered and continues to suffer severe emotional and mental distress, anguish, humiliation, embarrassment, fright, shock, pain, discomfort, anxiety, developmental disorders, mental health ailments and disorders, lost earning capacity, and costs of medical and mental health care. These damages have occurred in the past and will be incurred into the future.

WHEREFORE, Plaintiff Child Doe 4 requests that the Court enter a judgment against said Defendants, and both of them, as follows: (A) Awarding Plaintiff Child Doe 4 compensatory monetary damages against said Defendants, individually, jointly and severally, in an amount to be determined at trial, but, pursuant to Md. Rule 2-305, the amount sought exceeds \$75,000; (B) Awarding Plaintiff Child Doe 4 reasonable attorneys' fees; (C) Awarding Plaintiff Child Doe 4 costs and expenses in this litigation; and (D) Awarding such other relief as the Court deems just and proper.

COUNT XIII
Negligence by All Defendants
(Plaintiff Child Doe 5)

137. Plaintiff Child Doe 5 sues Defendants for cause, claim, damages, and hereby adopts and incorporates by reference the allegations contained in the “facts common to all counts” of this Complaint as though set forth fully herein.

138. Defendant owed to Plaintiff a duty to provide, maintain and operate the educational and caregiving environment at the school in a manner that was reasonably safe for Plaintiff Child Doe 5, including safety against the risk of abuse and sexual abuse.

139. Defendants breached their duty by failing to exercise reasonable care under all circumstances to protect against the known risk of abuse and sexual abuse of minor children by employees at the child care facility, including the unknown predator who may have infiltrated the environment and the caregiving staff; and by failing to comply with all laws and standard of care applicable to operation of the facility that are intended to protect against the risk of abuse or sexual abuse within the environment.

140. Defendants knew or should have known that the failure to exercise reasonable care to protect against the known risk of abuse and sexual abuse by an unknown predator employee carried a substantial likelihood of injury to very young children, that the seriousness of such injury was extreme and likely life-long, and that its burden of avoiding the risk was very slight, indeed legally-mandated by virtue of the government-issued license to operate the subject facility.

141. Defendants owed a duty to Plaintiff Child Doe 5 to prevent the criminal acts perpetrated by Mr. Martinez and those acts were, in fact, foreseeable and preventable.

142. Defendants owed a special duty to Plaintiff Child Doe 5 as a minor child student at the school.

143. The criminal acts of abuse and sexual abuse perpetrated by Mr. Martinez against children at the child care facility, including Plaintiff Child Doe 5 here, would have been completely prevented had Defendants complied with their duty to exercise reasonable care under all circumstances to guard against and prevent the risk of abuse and sexual abuse by an unknown

predator employees, including to ensure that Mr. Martinez and all other employees of the facility were never left alone with an individual child or group of children.

WHEREFORE, Plaintiff Child Doe 5 requests that the Court enter a judgment against Defendants, and each of them, as follows: (A) Awarding Plaintiff Child Doe 5 compensatory monetary damages against all Defendants, individually, jointly and severally, in an amount to be determined at trial, but, pursuant to Md. Rule 2-305, the amount sought exceeds \$75,000; (B) Awarding Plaintiff Child Doe 5 reasonable attorneys' fees; (C) Awarding Plaintiff Child Doe 5 costs and expenses in this litigation; and (D) Awarding such other relief as the Court deems just and proper.

COUNT XIV

Negligent Supervision and Retention of Miguel “Mike” Martinez by All Defendants (Plaintiff Child Doe 5)

144. Plaintiff Child Doe 5 sues Defendants for cause, claim, damages, and hereby adopts and incorporates by reference the allegations contained in the “facts common to all counts” of this Complaint as though set forth fully herein.

145. Defendants owed Plaintiff Child Doe 5 a duty to supervise and retain competent and safe employees present in the child care center.

146. Defendants owed a duty to Plaintiff Child Doe 5 to prevent the criminal acts perpetrated by Mr. Martinez and those acts were, in fact, foreseeable and preventable.

147. Defendants owed a special duty to Plaintiff Child Doe 5 as a minor child student at the school.

148. At all relevant times, Miguel “Mike” Martinez was employed in a direct child care giving role at the child care center.

149. Mr. Martinez sexually abused students within the child care facility during operational hours from at least spring 2018 to spring 2019.

150. Upon information and belief, prior to the sexual abuse of Plaintiff Child Doe 5, specific concerns about Mr. Martinez sexually abusing a child was conveyed to Defendants.

151. Defendants breached their duty to supervise employees by failing to adequately supervise the workplace despite the fact that it knew, or should have known, that Mr. Martinez sexually abused children in the facility. This failure to supervise includes, but is not limited to, the failure to thoroughly investigate the concerns raised in spring 2018 by the parents of an enrolled child, the failure to report that complaint to child welfare authorities, the failure to supervise Martinez before and after that report, and the failure to remove Mr. Martinez from access to children immediately and permanently.

152. Defendants breached their duty to discharge Mr. Martinez from any employment in which he would have access to children, beginning in spring 2018.

153. As a direct and proximate result of the aforesaid breaches of duty, Plaintiff Child Doe 5 suffered and continues to suffer severe emotional and mental distress, anguish, humiliation, embarrassment, fright, shock, pain, discomfort, anxiety, developmental disorders, mental health ailments and disorders, lost earning capacity, and costs of medical and mental health care. These damages have occurred in the past and will be incurred into the future.

WHEREFORE, Plaintiff Child Doe 5 requests that the Court enter a judgment against Defendants, and each of them, as follows: (A) Awarding Plaintiff Child Doe 5 compensatory monetary damages against all Defendants, individually, jointly and severally, in an amount to be determined at trial, but, pursuant to Md. Rule 2-305, the amount sought exceeds \$75,000; (B) Awarding Plaintiff Child Doe 5 reasonable attorneys' fees; (C) Awarding Plaintiff Child Doe 5

costs and expenses in this litigation; and (C) Awarding such other relief as the Court deems just and proper.

COUNT XV

Vicarious Liability – Respondeat Superior Negligence and Negligence Per Se by Defendants Glen Mar United Methodist Church, Inc. and Glen Mar Early Learning Center (Plaintiff Child Doe 5)

154. Plaintiff Child Doe 5 sues Defendants Glen Mar United Methodist Church, Inc. and Glen Mar Early Learning Center for cause, claim, damages, and hereby adopts and incorporates by reference the allegations contained in the “facts common to all counts” of this Complaint as though set forth fully herein.

155. At all pertinent times, said Defendants employed Mr. Martinez to act as their agent, servant or employee and permitted Mr. Martinez to remain as such at all pertinent times.

156. Said Defendants were negligent and negligent per se in that they disregarded and violated Maryland state law mandating reporting to child welfare authorities as soon as possible allegations of child abuse, laws specifically intended to protect Plaintiff Child Doe 5 from abuse and sexual abuse.

157. Said Defendants violated that mandatory reporting law in spring 2018.

158. Violation of that law constitutes committing negligence per se as a matter of law.

159. As the principal, master and/or employer of Mr. Martinez, said Defendants are liable for all of the injuries and damages caused by and committed by Mr. Martinez at the child care facility during the conduct of his job duties.

160. As a direct and proximate result of the aforesaid breaches of duty, Plaintiff Child Doe 5 suffered and continues to suffer severe emotional and mental distress, anguish, humiliation, embarrassment, fright, shock, pain, discomfort, anxiety, developmental disorders, mental health

ailments and disorders, lost earning capacity, and costs of medical and mental health care. These damages have occurred in the past and will be incurred into the future.

WHEREFORE, Plaintiff Child Doe 5 requests that the Court enter a judgment against said Defendants, and both of them, as follows: (A) Awarding Plaintiff Child Doe 5 compensatory monetary damages against said Defendants, individually, jointly and severally, in an amount to be determined at trial, but, pursuant to Md. Rule 2-305, the amount sought exceeds \$75,000; (B) Awarding Plaintiff Child Doe 5 reasonable attorneys' fees; (C) Awarding Plaintiff Child Doe 5 costs and expenses in this litigation; and (D) Awarding such other relief as the Court deems just and proper.

JURY DEMAND

Plaintiffs demand a jury trial as to all claims so triable.

Respectfully submitted,

/s/ Daniel S. Small

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CERTIFICATE OF GOOD STANDING

Pursuant to Md. Rule 1-313, I hereby certify that I am a member of the Maryland Bar in good standing.

/s/ Daniel S. Small
Daniel S. Small