

Sexual Abuse Lawsuit Against Town Voluntarily Dismissed

Doe v. Town of Wayland, et al.

Pierce Davis & Perritano attorneys John Davis and John Wilusz recently secured the voluntary dismissal of a lawsuit relating to allegations of sexual abuse brought against the Town of Wayland, one of its administrators, and a local educational collaborative, The Education Cooperative (TEC).

Plaintiff, John Doe, alleged he was sexually abused from 1998 to 2000 by an older teenage boy, Chris C., who was enrolled in TEC's Learning & Vocational Center. The plaintiff alleged the abuse took place at the plaintiff's home.

In 2015, the plaintiff brought suit against the defendants in Middlesex Superior Court, blaming the defendants for his sexual abuse by Chris C., and for allegedly discriminating and retaliating against him because of his status as a sexual abuse victim. The plaintiff sought recovery for the alleged violation of his substantive due process rights to bodily integrity pursuant to 42 U.S.C. § 1983. The plaintiff also claimed the defendants violated his substantive due process rights as guaranteed under the Fourteenth Amendment by failing to protect him from the sexual abuse.

The plaintiff also brought claims under Title IX of the Education Amendments of 1972, alleging that, post-disclosure, the defendants allegedly discriminated and retaliated against him because of his status as "a victim of sexual abuse" in violation of Title IX, 20 U.S.C. § 1681. The plaintiff alleged school officials and other staff members had disagreed with the plaintiff's diagnosis of post-traumatic stress disorder (PTSD); refused to address PTSD in his IEP; declined to send him to a therapeutic school; and allegedly harmed his educational environment in a number of other ways.

Due to the nature of the constitutional claims, the defendants removed the case to United States District Court. After removal, Pierce Davis & Perritano filed a Motion to Dismiss, which resulted in the dismissal of the plaintiff's constitutional claims against the Town's Out-of-District Coordinator. Following an extended period of discovery, the plaintiff voluntarily dismissed all of his remaining claims against the defendants with prejudice, and without the need for further motion practice.