

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Northern Division

ANNETTE GOODMAN
2037 Stringtown Road
Sparks, MD 21152

Plaintiff,

v.

ARCHBISHOP CURLEY HIGH SCHOOL, INC.
3701 Sinclair Lane
Baltimore, MD 21213
Baltimore County

Serve: Registered Agent
Ronald J. Valenti I, Superintendent
320 Cathedral Street
Baltimore, MD 21201

and

ROMAN CATHOLIC ARCHBISHOP OF
BALTIMORE
The Catholic Center
320 Cathedral Street
Baltimore, MD 21201
Baltimore County

Serve: Registered Agent
David W. Kinkopf
218 N. Charles Street
Suite 400
Baltimore, MD 21201

Defendants.

Civil Action No.

JURY DEMANDED

COMPLAINT

(Retaliation in Violation of Title IX of the Education Amendments of 1972)

Comes Now Plaintiff Annette Goodman, by and through her attorneys, Correia & Puth, PLLC and for her Complaint states to this Honorable Court as follows:

INTRODUCTION

Archbishop Curley High School and the Roman Catholic Archbishop of Baltimore violated Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 *et seq.* (“Title IX”), and the implementing regulations promulgated under Title IX by unlawfully retaliating against school librarian Plaintiff Annette Goodman for reporting that a teacher was sexually abusing a current student. The day after Plaintiff’s report of the allegation of sexual abuse, Defendants suspended her without pay. Shortly thereafter Defendants issued a press statement publicly announcing that Plaintiff had been suspended from her position along with the offending teacher, Lynette Trotta. The press statement asserted that Plaintiff had learned that Trotta had “engaged in a sexual relationship with a current student during the current school year” “a number of weeks ago,” but that the school and Archdiocese reported the allegation on the day of Plaintiff’s report. Defendants then terminated Plaintiff’s employment citing the timing of her report of sexual abuse and Plaintiff’s failure to comply with a directive not discuss the matter as justifications for the termination. Defendants terminated Plaintiff in an attempt to cover up their deliberate indifference to Trotta’s known acts of inappropriate behavior with students, in violation of Title IX.

PARTIES

1. Plaintiff Annette Goodman is an adult resident of the State of Maryland.
2. Defendant Archbishop Curley High School, Inc. (“Curley High School”) is a private educational institution operating in the State of Maryland and is a recipient of federal funding.

3. Defendant Roman Catholic Archbishop of Baltimore, Inc. is a Maryland Corporation operating in the State of Maryland and is a recipient of federal funding.

JURISDICTION

4. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 because this action arises under the laws of the United States, specifically 20 U.S.C. § 1681 *et seq.*

5. Venue properly lies in this Court pursuant to 28 U.S.C. § 1391(b) and (c) because the acts or omissions giving rise to these claims occurred in Maryland and Defendants Archbishop Curley High School, Inc. and Roman Catholic Archbishop of Baltimore, Inc. are located and transact business in the State of Maryland.

FACTS GIVING RISE TO RELIEF

6. Plaintiff Annette Goodman is a trained librarian who has several years of experience working as a school librarian for the St. Joseph School, in Baltimore Maryland, a librarian for Charles H. Hickey, Jr. School, and as a librarian for the Enoch Pratt Free Library.

7. In August 2013, Plaintiff began working as the school librarian at Defendant Archbishop Curley High School (“Curley High School”), an all-boys, Catholic high school administered by Defendant Roman Catholic Archbishop of Baltimore (“Archdiocese of Baltimore”).

8. In February 2014, Plaintiff learned that Curley High School had recently taken disciplinary action against one of its teachers, Lynette Trotta, because of her inappropriate physical behavior with students. The discipline placed limitations on Trotta’s interactions with students and Curley High School did not suspend nor fire Trotta.

9. Upon information and belief, prior to the discipline of Trotta, another teacher at Curley High School, Friar Matthew Foley raised a concern to Vice Principal Brian Kohler that he

had observed inappropriate physical contact between Trotta and a current student (the “CHS Student”).

10. On March 6, 2014, a student told Plaintiff that Trotta and his friend, the CHS Student, “did it” (had sexual intercourse) in a car. Initially, Plaintiff dismissed the idea of Trotta having sex with a student as simply an immature rumor. It was not uncommon for the students to engage in discussion about sex and various rumors.

11. On March 12, 2014, Plaintiff saw the CHS Student she had been told had intercourse with Trotta in a study hall in the library. Plaintiff requested that the CHS Student come to her office to speak with her that afternoon.

12. On the afternoon of March 12, 2014, the CHS Student and his friend met with Plaintiff in her office/seminar room in the library. Plaintiff asked the student, “are you in a relationship that is currently making you uncomfortable?” He nodded yes. “Is this relationship with a member of the faculty?” He nodded yes. He would not identify the name of the faculty member.

13. On March 18, 2014, the CHS Student and his friend spoke to Plaintiff again. The CHS student identified Trotta as the teacher and said she had engaged in sexual activity with him. Based on their conversation, Plaintiff began to suspect that the sexual encounter with Trotta was not just a rumor but likely had occurred. The CHS Student asked Plaintiff to keep what he had disclosed confidential.

14. Plaintiff was afraid of how the school administration and Trotta’s husband, a math and science teacher at Curley High School, would react to her reporting the allegations.

15. Plaintiff was unaware of the correct procedure for reporting such a serious allegation and she feared what the consequences would be for the CHS Student, who requested

she keep the information confidential, particularly in light of Curley High School's previous passive response to allegations regarding Trotta.

16. On March 23, 2014, Plaintiff decided she would report the information she had to the school administration the following morning.

17. On March 24, 2014, Plaintiff woke up feeling dizzy and weak. She had suffered from panic attacks in the past, but she thought she could push through it and go to the administration as she had planned. However, by the time she arrived at school, her symptoms were only getting worse. She laid her head down on her desk but had extreme difficulty picking it back up. She went to the school nurse because she was not feeling well. The nurse took Plaintiff's blood pressure and it showed that she was experiencing a hypertensive emergency. Plaintiff passed out briefly and was rushed to the hospital by ambulance.

18. Plaintiff was released after spending two days in the hospital. She continued to experience dizziness through the week. When she returned to work on March 30, 2014, she was still very unstable with extremely high blood pressure.

19. On April 1, 2014, at 7:20 a.m., Plaintiff went to Vice Principal Brian Kohler's office and asked if she could speak with him for a few minutes. He told her he was unavailable until first period (8:12 a.m.). Plaintiff returned to speak with him but he did not return until an hour or so later. Plaintiff told Vice Principal Kohler what she had been told about Trotta's sexual abuse of the CHS Student. He said, "If I don't look surprised, it's because, well, I'm a professional and I've heard all of this before." Plaintiff begged him to allow her to remain anonymous, saying that she simply wanted to report the incident. He said he was not sure if she could or could not remain anonymous. Vice Principal Kohler seemed unsure of the appropriate next steps to take. He told Plaintiff not to tell anyone what she disclosed to him and that he would figure out how to best

move forward.

20. At approximately noon on April 1, 2014, Vice Principal Kohler directed Plaintiff to speak with Principal Phil Piercy. Plaintiff went to Principal Piercy's office and told him exactly what she had told Mr. Kohler. Principal Piercy similarly seemed unsure of the appropriate next steps and told Plaintiff not to say anything.

21. Following his meeting with Plaintiff, Principal Piercy reported the allegations to Father Joe Benicewicz.

22. At approximately 3:45pm on April 1, 2014, Plaintiff escorted her students to a school event where Father Joe Benicewicz was present. Father Benicewicz ignored Plaintiff's attempts at an interaction and then preceded to angrily glare at her for the remainder of the school event.

23. On April 2, 2014, the CHS Student informed Plaintiff that two police detectives arrived at his home, took him to the station and questioned him. He said he denied everything and told them he had no idea what they were talking about. He said the police checked his cell phone but he had deleted everything related to Trotta. Plaintiff told the CHS Student that he should have told the truth.

24. Later on April 2, 2014, Plaintiff overheard students discussing that a student had started a rumor that the CHS Student and Trotta had sex.

25. Plaintiff immediately went to see Principal Piercy and told him everything about her conversation with the CHS Student and conversation among the students. Plaintiff asked if she should continue to tell him if she found out more information but he told her, "I don't know. I'll call the Child Protective Services representative and see how she wants us to deal with this; whether I call her or you call her directly." He then told her, "Don't say anything to anyone about

anything.” Principal Piercy offered no additional direction or guidance.

26. At approximately 1:30 p.m. on April 2, 2014, Vice Principal Kohler entered the library and escorted Plaintiff out of the library to inform her that police detectives were on campus to start their investigation of the alleged sexual activity between the CHS Student and Trotta.

27. The police investigation of the alleged sexual activity of a Curley High School teacher with a current student attracted unwanted attention to Curley High School.

28. The attention was unwanted by the Curley High School administration and by the Archdiocese of Baltimore.

29. The afternoon of April 2, 2014, Father Joe Benicewicz also sought out Plaintiff and yelled at her, “I am VERY, VERY upset with you! Were you or were you not told not to speak to anybody?” Plaintiff said, “Yes, but the victim talked to me. I didn’t say anything.” As she tried to respond to his anger, Father Benicewicz yelled, “Don’t even go there!” Plaintiff began to cry.

30. Father Benicewicz’s angry reaction confirmed Plaintiff’s reasonable fear that the administration would react badly to her report of sexual abuse. It seemed to Plaintiff that the school wanted to keep the allegation quiet.

31. Upset about her interaction with Father Benicewicz, Plaintiff left Curley High School at 2:30p.m., but when she was almost home, she received a call from the school instructing her to return to speak with detectives.

32. On April 2, 2014, two police detectives interviewed Plaintiff for nearly one hour at the school in Principal Piercy’s office.

33. Plaintiff then spent another hour in the office of James Becker, Assistant Principal for Students answering questions from David W. Kinkopf, who introduced himself as the lawyer for Curley High School and for the Archdiocese of Baltimore. Principal Piercy and Fr. Joe

Benicewicz also were present.

34. Plaintiff relayed the same information she had provided to the city detectives. At the conclusion of this meeting, Plaintiff was informed that she had broken Archdiocese of Baltimore policies, Canon law and state law and she was suspended without pay. Prior to this meeting, there was no mention from Vice Principal Kohler or Principal Piercy about policies or procedures Plaintiff must take following the report.

35. Defendants intended to continue to dissuade Plaintiff from saying anything about the allegation of sexual abuse and to retaliate against her for reporting the sexual abuse.

36. On April 4, 2014, the Archdiocese of Baltimore issued a written press statement, reporting publicly that, “A number of weeks ago, Annette Goodman, the school’s librarian, learned about the allegation [that Lynette Trotta had ‘engaged in a sexual relationship with a current student during the current school year.’].” The statement continued, “Maryland law and the policies of the Archdiocese and Archbishop Curley High School require that allegations of child abuse be reported to civil authorities and to the head of the school as soon as possible. Ms. Goodman reported the information to the school’s administration on April 1.”

37. The statement disclosed that Curley High School had suspended Plaintiff from her position along with Trotta.

38. The public statement issued by the Archdiocese of Baltimore and Curley High School was intended to deflect any responsibility for Defendants’ deliberate indifference to the sexual abuse of a student by Trotta onto Plaintiff and away from Defendants.

39. On April 10, 2014, Defendants terminated Plaintiff’s employment.

40. The April 10, 2014 termination letter included an attached summary completed by the Director of Human Resources for the Parishes and Schools of the Archdiocese of Baltimore

which stated Plaintiff was terminated for cause for (1) “failure to timely report information about possible sexual abuse of a student to appropriate authorities” and (2) “failure to comply with a directive not to discuss this matter pending investigation by law enforcement officials.” The letter further stated that “The reason for separation, as stated in this Summary, will be shared with potential employers.”

41. Lynette Trotta’s sexual abuse of the CHS Student and Curley High School’s inadequate response violated his rights under Title IX.

42. In or before February 2014, Defendant Curley High School had knowledge of one or more acts of sexually inappropriate behavior by Trotta with one or more current and former Curley High School students.

43. In or before February 2014, Defendant Archdiocese of Baltimore had knowledge of one or more acts of sexually inappropriate behavior by Trotta with one or more current and former Curley High School students.

44. Until Plaintiff’s report, Defendants showed deliberate indifference to known acts of sexually inappropriate behavior by Trotta toward Curley High School’s current and former students.

45. Defendants’ deliberate indifference exposed Defendants to civil liability to the CHS Student under Title IX.

46. Defendants retaliated against Plaintiff for reporting that a teacher was sexually abusing a student by suspending her without pay, terminating her employment, informing her that it would share its reasons for termination with potential employers when contacted for a reference, publicly blaming her, and ruining her reputation, in violation of Title IX.

COUNT I

(Retaliation in Violation of Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.*, and 34 C.F.R. § 100.7)

47. Plaintiff incorporates by reference and re-alleges each of the allegations contained in paragraphs 1-46 of this Complaint with the same force and vigor as if set out here in full.

48. By reporting Trotta's sexual abuse of the CHS Student to Vice Principal Kohler, Plaintiff engaged in activity legally protected under Title IX of the Education Amendments of 1972.

49. By reporting Trotta's sexual abuse of the CHS Student to Principal Piercy, Plaintiff engaged in activity legally protected under Title IX of the Education Amendments of 1972.

50. By reporting Trotta's sexual abuse of the CHS Student to the city detectives, Plaintiff engaged in activity legally protected under Title IX of the Education Amendments of 1972.

51. By responding to and speaking with the CHS Student, in connection with Trotta's sexual abuse of the CHS Student, Plaintiff engaged in activity legally protected under Title IX of the Education Amendments of 1972.

52. Plaintiff had a sincere and reasonable good faith belief that she opposed an unlawful practice.

53. By ignoring and angrily glaring at Plaintiff, Defendants' agent, Father Joe Benicewicz, intimidated, threatened, coerced, or discriminated against Plaintiff and attempted to do so, for the purposes of interfering with her protected rights under Title IX of the Education Amendments Act of 1972.

54. By yelling at Plaintiff, "I am VERY, VERY upset with you! Were you or were you

not told not to speak to anybody?” Defendants’ agent, Father Joe Benicewicz, intimidated, threatened, coerced, or discriminated against Plaintiff and attempted to do so, for the purpose of interfering with her protected rights under Title IX of the Education Amendments of 1972.

55. By suspending Plaintiff’s employment without pay, Defendants intimidated, threatened, coerced, or discriminated against Plaintiff and attempted to do so, for the purpose of interfering with her protected rights under Title IX of the Education Amendments of 1972.

56. By terminating Plaintiff’s employment, Defendants intimidated, threatened, coerced, or discriminated against Plaintiff and attempted to do so, for the purpose of interfering with her protected rights under Title IX of the Education Amendments of 1972.

57. By informing Plaintiff in writing that, “The reason for separation, as stated in this Summary, will be shared with potential employers,” Defendants intimidated, threatened, coerced, or discriminated against Plaintiff and attempted to do so, for the purpose of interfering with her protected rights under Title IX of the Education Amendments of 1972.

58. By issuing the information in the press statement referring to Plaintiff, Defendants intimidated, threatened, coerced, or discriminated against Plaintiff and attempted to do so, for the purpose of interfering with her protected rights under Title IX of the Education Amendments of 1972.

59. As a direct and proximate result of Defendants’ unlawful acts, Plaintiff suffered and continues to suffer lost earnings and benefits, emotional pain, suffering, professional and personal embarrassment, humiliation, and loss of enjoyment of life.

WHEREFORE, the premises considered, Plaintiff respectfully prays that this Honorable Court:

1. Enter judgment on behalf of Plaintiff Annette Goodman against Defendants

Archbishop Curley High School and Defendant Roman Catholic Archbishop of Baltimore, jointly and severally, on all counts contained herein;

2. Award Plaintiff backpay, compensatory damages, reinstatement or lost front pay, and other damages, from Defendants;

3. Award Plaintiff her court costs and expenses, reimburse her reasonable attorneys' fees, and award prejudgment interest and post-judgment interest;

4. Declare that Defendants' conduct is in violation of Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., and its implementing regulations; and

5. Grant such other relief as this Court deems just and proper.

Respectfully Submitted,

CORREIA & PUTH, PLLC



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Attorney for Plaintiff Annette Goodman

JURY DEMAND

Plaintiff demands a trial by jury on all issues contained herein.



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Attorney for Plaintiff Annette Goodman

VERIFICATION

I, Annette Goodman, declare under penalty of perjury that I have read the foregoing Complaint and that it is true to the best of my knowledge, information, and belief.


Annette Goodman