

#1994255 FPM\DSK\dmm 2019N-0133

**IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT
KANE COUNTY, ILLINOIS**

JOHN DOE, father and next friend of JANE
DOE, a minor,

Plaintiff,

v.

SEQUEL SCHOOLS, LLC,
a limited liability company, d/b/a
NORTHERN ILLINOIS ACADEMY; and
CODY POMRENKE,

Defendants.

Thomas M. Hartwell
Clerk of the Circuit Court
Kane County, Illinois
10/15/2019 4:34 PM
FILED/IMAGED

No. 19-L-000502

PLAINTIFF DEMANDS TRIAL BY JURY

COMPLAINT AT LAW

Plaintiff, JOHN DOE, father and next friend of JANE DOE, a minor, by and through his attorneys, CORBOY & DEMETRIO, P.C., complaining of defendants, SEQUEL SCHOOLS, LLC, a limited liability company, d/b/a NORTHERN ILLINOIS ACADEMY; and CODY POMRENKE, and each of them, says:

Count I

(Negligence – Special Relationship – Personal Injury – NIA)

1. On and before April 15, 2019, SEQUEL SCHOOLS, LLC owned, operated, managed, and staffed a psychiatric residential treatment facility (PRTF), commonly known as Northern Illinois Academy (hereinafter “NIA”), located at 998 Corporate Boulevard, City of Aurora, County of Kane, State of Illinois.

2. On and before April 15, 2019, NIA was a co-ed facility with custodial care of middle school and high school-aged residents.

NOTICE
BY ORDER OF THE COURT THIS CASE IS HEREBY SET FOR
CASE MANAGEMENT CONFERENCE ON THE DATE BELOW.
FAILURE TO APPEAR MAY RESULT IN THE CASE BEING
DISMISSED OR AN ORDER OF DEFAULT BEING ENTERED.
Judge: Busch, Kevin T
1/2/2020 9:00 AM

3. On and before April 15, 2019, CODY POMRENKE, then 18 years old, was a male resident of NIA.

4. On and before April 15, 2019, minor-plaintiff, JANE DOE, then 13 years old, was a female resident of NIA.

5. On and before April 15, 2019, NIA knew or should have known that CODY POMRENKE, through his prior acts, and specifically his prior communications with minor-plaintiff, JANE DOE, had been grooming minor-plaintiff, JANE DOE, for a sexual encounter and would attempt sexual contact with minor-plaintiff, JANE DOE.

6. On and before April 15, 2019, as a consequence of the aforementioned prior acts and communications by CODY POMRENKE, NIA had or should have had a policy whereby NIA staff had to keep CODY POMRENKE and minor-plaintiff, JANE DOE, separated from one another and under the direct supervision of NIA staff at all times.

7. On April 15, 2019, NIA planned, implemented, and supervised a field trip to the Aurora Public Library for its residents, including CODY POMRENKE and JANE DOE.

8. On April 15, 2019, while at the Aurora Public Library, minor-plaintiff, JANE DOE, was left unseparated from CODY POMRENKE and unsupervised by NIA staff.

9. At the time and place aforesaid, CODY POMRENKE lured minor-plaintiff, JANE DOE, into a men's bathroom wherein he penetrated her vagina with his penis.

10. At the time and place aforesaid, minor-plaintiff, JANE DOE, did not consent to sexual intercourse with CODY POMRENKE, and by virtue of her age did not have the legal capacity to consent to sexual intercourse.

11. On and before April 15, 2019, a special relationship existed between NIA and CODY POMKENKE which imposed a duty upon NIA to control CODY POMRENKE's conduct so as to prevent him from causing physical harm to minor-plaintiff, JANE DOE.

12. On and before April 15, 2019, a special relationship existed between NIA and minor-plaintiff, JANE DOE, which gave her a right to protection by NIA, so as to prevent CODY POMRENKE from causing physical harm to her.

13. At the time and place aforesaid, NIA was negligent in one or more of the following ways:

- a. Took charge of CODY POMRENKE whom NIA knew to be likely to cause bodily harm to female residents if not controlled, and then failed to exercise reasonable care to control CODY POMRENKE to prevent him from doing such harm to minor-plaintiff, JANE DOE;
- b. Took custody of minor-plaintiff, JANE DOE, under circumstances such as to subject her to association with CODY POMRENKE, a person likely to harm her, and then failed to exercise reasonable care so to control the conduct of CODY POMRENKE as to prevent him from intentionally harming minor-plaintiff, JANE DOE, or so conducting themselves as to create an unreasonable risk of harm to minor-plaintiff, JANE DOE, notwithstanding that NIA knew or had reason to know that NIA had the ability to control the conduct of CODY POMRENKE, and knew or should have known of the necessity and opportunity for exercising such control;
- c. Failed to follow NIA's own policies, procedures, rules, and guidelines regarding the segregation and supervision of CODY POMRENKE, an older, sexually active, and/or sexually violent male resident, from female residents, including minor-plaintiff, JANE DOE;
- d. Failed to follow NIA's own policies, procedures, rules, and guidelines regarding the supervision and protection of female residents, including minor-plaintiff, JANE DOE, from CODY POMRENKE, an older, sexually active, and/or sexually violent male resident;
- e. Transported minor-plaintiff, JANE DOE, to the Aurora Public Library and left her unsupervised and unaccompanied in the presences of CODY POMRENKE, an older, sexually active, and/or sexually violent male resident;

- f. Transported CODY POMRENKE, an older, sexually active, and/or sexually violent male resident, to the Aurora Public Library and left him unsupervised and unaccompanied with access to younger female residents, including minor-plaintiff, JANE DOE; and
- g. Failed to take any and all reasonable, proper, and necessary measures to prevent CODY POMRENKE from sexually assaulting minor-plaintiff, JANE DOE.

14. As a proximate result of one or more of the above negligent acts and/or omissions, minor-plaintiff, JANE DOE, was sexually assaulted and sustained injuries of a personal and pecuniary nature.

WHEREFORE Plaintiff, JOHN DOE, father and next friend of JANE DOE, a minor, demands judgment against Defendant, SEQUEL SCHOOLS, LLC, a limited liability company, d/b/a NORTHERN ILLINOIS ACADEMY, for a sum in excess of the jurisdictional limits of the Law Division of the Sixteenth Judicial Circuit, Kane County, Illinois.

Count II

(Wilful and Wanton – Special Relationship – Personal Injury – NIA)

1. On and before April 15, 2019, SEQUEL SCHOOLS, LLC owned, operated, managed, and staffed a psychiatric residential treatment facility (PRTF), commonly known as Northern Illinois Academy (hereinafter “NIA”), located at 998 Corporate Boulevard, City of Aurora, County of Kane, State of Illinois.

2. On and before April 15, 2019, NIA was a co-ed facility with custodial care of middle school and high school-aged residents.

3. On and before April 15, 2019, CODY POMRENKE, then 18 years old, was a male resident of NIA.

4. On and before April 15, 2019, minor-plaintiff, JANE DOE, then 13 years old, was a female resident of NIA.

5. On and before April 15, 2019, NIA knew or should have known that CODY POMRENKE, through his prior acts, and specifically his prior communications with minor-plaintiff, JANE DOE, had been grooming minor-plaintiff, JANE DOE, for a sexual encounter and would attempt sexual contact with minor-plaintiff, JANE DOE.

6. On and before April 15, 2019, as a consequence of the aforementioned prior acts and communications by CODY POMRENKE, NIA had or should have had a policy whereby NIA staff had to keep CODY POMRENKE and minor-plaintiff, JANE DOE, separated from one another and under the direct supervision of NIA staff at all times.

7. On April 15, 2019, NIA planned, implemented, and supervised a field trip to the Aurora Public Library for its residents, including CODY POMRENKE and JANE DOE.

8. On April 15, 2019, while at the Aurora Public Library, minor-plaintiff, JANE DOE, was left unseparated from CODY POMRENKE and unsupervised by NIA staff.

9. At the time and place aforesaid, CODY POMRENKE lured minor-plaintiff, JANE DOE, into a men's bathroom wherein he penetrated her vagina with his penis.

10. At the time and place aforesaid, minor-plaintiff, JANE DOE, did not consent to sexual intercourse with CODY POMRENKE, and by virtue of her age did not have the legal capacity to consent to sexual intercourse.

11. On and before April 15, 2019, a special relationship existed between NIA and CODY POMKENKE which imposed a duty upon NIA to control CODY POMRENKE's conduct so as to prevent him from causing physical harm to minor-plaintiff, JANE DOE.

12. On and before April 15, 2019, a special relationship existed between NIA and minor-plaintiff, JANE DOE, which gave her a right to protection by NIA, so as to prevent CODY POMRENKE from causing physical harm to her.

13. At the time and place aforesaid, NIA acted with a conscious disregard for the safety of minor-plaintiff, JANE DOE, and was willful and wanton in one or more of the following ways:

- a. Recklessly took charge of CODY POMRENKE whom NIA knew to be likely to cause bodily harm to female residents if not controlled, and then failed to exercise reasonable care to control CODY POMRENKE to prevent him from doing such harm to minor-plaintiff, JANE DOE;
- b. Recklessly took custody of minor-plaintiff, JANE DOE, under circumstances such as to subject her to association with CODY POMRENKE, a person likely to harm her, and then failed to exercise reasonable care so to control the conduct of CODY POMRENKE as to prevent him from intentionally harming minor-plaintiff, JANE DOE, or so conducting themselves as to create an unreasonable risk of harm to minor-plaintiff, JANE DOE, notwithstanding that NIA knew or had reason to know that NIA had the ability to control the conduct of CODY POMRENKE, and knew or should have known of the necessity and opportunity for exercising such control;
- c. Recklessly failed to follow NIA's own policies, procedures, rules, and guidelines regarding the segregation and supervision of CODY POMRENKE, an older, sexually active, and/or sexually violent male resident, from female residents, including minor-plaintiff, JANE DOE;
- d. Recklessly failed to follow NIA's own policies, procedures, rules, and guidelines regarding the supervision and protection of female residents, including minor-plaintiff, JANE DOE, from CODY POMRENKE, an older, sexually active, and/or sexually violent male resident;
- e. Recklessly transported minor-plaintiff, JANE DOE, to the Aurora Public Library and left her unsupervised and unaccompanied in the presences of CODY POMRENKE, an older, sexually active, and/or sexually violent male resident;
- f. Recklessly transported CODY POMRENKE, an older, sexually active, and/or sexually violent male resident, to the Aurora Public Library and left him unsupervised and unaccompanied with access to younger female residents, including minor-plaintiff, JANE DOE; and
- g. Recklessly failed to take any and all reasonable, proper, and necessary measures to prevent CODY POMRENKE from sexually assaulting minor-plaintiff, JANE DOE.

14. As a proximate result of one or more of the above reckless acts and/or omissions, minor-plaintiff, JANE DOE, was sexually assaulted and sustained injuries of a personal and pecuniary nature.

WHEREFORE Plaintiff, JOHN DOE, father and next friend of JANE DOE, a minor, demands judgment against Defendant, SEQUEL SCHOOLS, LLC, a limited liability company, d/b/a NORTHERN ILLINOIS ACADEMY, for a sum in excess of the jurisdictional limits of the Law Division of the Sixteenth Judicial Circuit, Kane County, Illinois.

Count III

(Common Law Intentional Tort -- Sexual Assault/Battery -- Pomrenke)

1. On April 15, 2019, CODY POMRENKE was 18 years old.
2. On April 15, 2019, minor-plaintiff, JANE DOE, was 13 years old.
3. On April 15, 2019, while at the Aurora Public Library in Aurora, Illinois, CODY POMRENKE inserted his penis into the vagina of minor-plaintiff, JANE DOE.
4. At the aforesaid time and place, minor-plaintiff, JANE DOE, was legally incapable of consenting to sexual intercourse with CODY POMRENKE and did not consent to sexual intercourse with CODY POMRENKE.
5. As a proximate result of the aforementioned intentional act of CODY POMRENKE, minor-plaintiff, JANE DOE, was sexually assaulted and/or battered, and suffered injuries of a personal and pecuniary nature.

WHEREFORE Plaintiff, JOHN DOE, father and next friend of JANE DOE, a minor, demands judgment against Defendant, CODY POMRENKE, for a sum in excess of the jurisdictional limits of the Law Division of the Sixteenth Judicial Circuit, Kane County, Illinois.

Count IV

(Illinois Gender Violence Act – Pomrenke)

1. On April 15, 2019, CODY POMRENKE was 18 years old.
2. On April 15, 2019, minor-plaintiff, JANE DOE, was 13 years old.
3. On April 15, 2019, while at the Aurora Public Library in Aurora, Illinois, CODY POMRENKE inserted his penis into the vagina of minor-plaintiff, JANE DOE.
4. At the aforesaid time and place, minor-plaintiff, JANE DOE, was legally incapable of consenting to sexual intercourse with CODY POMRENKE and did not consent to sexual intercourse with CODY POMRENKE, thereby constituting an act of sexual assault and/or battery.
5. At the time and place aforesaid, CODY POMRENKE violated the Illinois Gender Violence Act in one or more of the following ways:
 - a. Perpetrated by personally committing an act of violence or physical aggression satisfying the elements of battery under the laws of Illinois that are committed, at least in part, on the basis of a person's sex, in violation of 740 ILCS 82/5(1); and
 - b. Perpetrated by personally committing a physical intrusion or physical invasion of a sexual nature under coercive conditions satisfying the elements of battery under the laws of Illinois, in violation of 740 ILCS 82/5(2).
6. As a proximate result of the aforementioned statutory acts of gender violence perpetrated and committed by CODY POMRENKE, minor-plaintiff, JANE DOE, suffered injuries of a personal and pecuniary nature.

WHEREFORE Plaintiff, JOHN DOE, father and next friend of JANE DOE, a minor, demands judgment against Defendant, CODY POMRENKE, for a sum in excess of the jurisdictional limits of the Law Division of the Sixteenth Judicial Circuit, Kane County, Illinois,

and all other relief allowed for under 740 ILCS 82/15, including three (3) times actual damages, punitive damages, attorney's fees, and costs.

Count V

(Illinois Gender Violence Act – NIA)

1. On and before April 15, 2019, SEQUEL SCHOOLS, LLC owned, operated, managed, and staffed a psychiatric residential treatment facility (PRTF), commonly known as Northern Illinois Academy (hereinafter “NIA”), located at 998 Corporate Boulevard, City of Aurora, County of Kane, State of Illinois.

2. On and before April 15, 2019, NIA was a co-ed facility with custodial care of middle school and high school-aged residents.

3. On and before April 15, 2019, CODY POMRENKE, then 18 years old, was a male resident of NIA.

4. On and before April 15, 2019, minor-plaintiff, JANE DOE, then 13 years old, was a female resident of NIA.

5. On and before April 15, 2019, NIA knew or should have known that CODY POMRENKE, through his prior acts, and specifically his prior communications with minor-plaintiff, JANE DOE, had been grooming minor-plaintiff, JANE DOE, for a sexual encounter and would attempt sexual contact with minor-plaintiff, JANE DOE.

6. On and before April 15, 2019, as a consequence of the aforementioned prior acts and communications by CODY POMRENKE, NIA had or should have had a policy whereby NIA staff had to keep CODY POMRENKE and minor-plaintiff, JANE DOE, separated from one another and under the direct supervision of NIA staff at all times.

7. On April 15, 2019, NIA planned, implemented, and supervised a field trip to the Aurora Public Library for its residents, including CODY POMRENKE and JANE DOE.

8. On April 15, 2019, while at the Aurora Public Library, minor-plaintiff, JANE DOE, was left unseparated from CODY POMRENKE and unsupervised by NIA staff.

9. At the time and place aforesaid, CODY POMRENKE lured minor-plaintiff, JANE DOE, into a men's bathroom wherein he penetrated her vagina with his penis.

10. At the time and place aforesaid, minor-plaintiff, JANE DOE, did not consent to sexual intercourse with CODY POMRENKE, and by virtue of her age did not have the legal capacity to consent to sexual intercourse.

11. On and before April 15, 2019, a special relationship existed between NIA and CODY POMKENKE which imposed a duty upon NIA to control CODY POMRENKE's conduct so as to prevent him from causing physical harm to minor-plaintiff, JANE DOE.

12. On and before April 15, 2019, a special relationship existed between NIA and minor-plaintiff, JANE DOE, which gave her a right to protection by NIA, so as to prevent CODY POMRENKE from causing physical harm to her.

13. At the time and place aforesaid, Defendant, NIA, violated the Illinois Gender Violence Act in one or more of the following ways:

- a. Perpetrated by assisting in the committing of an act of violence or physical aggression satisfying the elements of battery under the laws of Illinois that are committed, at least in part, on the basis of a person's sex, in violation of 740 ILCS 82/5(1); and
- b. Perpetrated by assisting in the committing of a physical intrusion or physical invasion of a sexual nature under coercive conditions satisfying the elements of battery under the laws of Illinois, in violation of 740 ILCS 82/5(2).

14. As a proximate result of the aforementioned statutory acts of gender violence perpetrated and committed by NIA, minor-plaintiff, JANE DOE, suffered injuries of a personal and pecuniary nature.

WHEREFORE, plaintiff, JOHN DOE, father and next friend of JANE DOE, a minor, demands judgment against defendant, SEQUEL SCHOOLS, LLC, a limited liability company, d/b/a NORTHERN ILLINOIS ACADEMY, for a sum in excess of the jurisdictional limits of the Law Division of the Sixteenth Judicial Circuit, Kane County, Illinois, and all other relief allowed for under 740 ILCS 82/15, including three (3) times actual damages, punitive damages, attorney's fees, and costs.

CORBOY & DEMETRIO, P.C.

A handwritten signature in black ink that reads "Francis Patrick Murphy". The signature is written in a cursive style with a large, prominent initial "F".

By: Francis Patrick Murphy
One of the Attorneys for Plaintiff

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