

**STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE**

OF DOE 2,

Plaintiff,

vs.

SUMMONS

Index No.

**BUFFALO PUBLIC SCHOOLS,
City Hall
65 Niagara Square
Buffalo, NY 14202**

Defendant.

TO THE ABOVE-NAMED DEFENDANT:

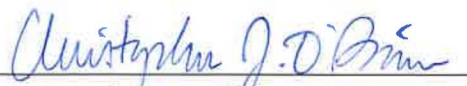
YOU ARE HEREBY SUMMONED AND REQUIRED to serve upon the plaintiff's attorneys, at the address stated below, a written Answer to the attached Complaint.

If this Summons is served upon you within the State of New York by personal service you must respond within twenty (20) days after service, not counting the day of service. If this Summons is not personally delivered to you within the State of New York, you must respond within thirty (30) days after service is complete, as provided by law.

If you do not respond to the attached Complaint with the applicable time limitation stated above a Judgment will be entered against you, by default for the relief demanded in the Complaint, without further notice to you.

This action is brought in the County of Erie because it is the Defendant's location of business.

DATED: Buffalo, New York
September 12, 2019



Christopher J. O'Brien, Esq.
O'Brien & Ford, P.C.
Attorneys for Plaintiff
4925 Main Street, Suite 222
Buffalo, New York 14226
TEL: (716) 907-7777

**STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE**

OF DOE 2,

Plaintiff,

COMPLAINT

vs.

Index No.

BUFFALO PUBLIC SCHOOLS,

Defendant.

Plaintiff OF DOE 2, by and through her attorneys, O'BRIEN & FORD, P.C., as and for her complaint against the Defendant, Buffalo Public Schools, hereby states:

1. At all times hereinafter referenced, OF DOE 2 was and is an individual residing in the State of Delaware.

2. Upon information and belief and at all times hereinafter referenced, Defendant Buffalo Public Schools was and is a school district located in the County of Erie and State of New York.

3. This case arises under New York's Child Victims Act; as such, the filing of any Notice of Claim is inapplicable.

4. Upon information and belief and at all times hereinafter referenced, Buffalo Public School Number 60, located at 238 Ontario Street in the City of Buffalo, was and is a public school owned, controlled, supervised, operated and managed by the Buffalo Public School District.

**AS AND FOR A FIRST SEPARATE
AND DISTINCT CAUSE OF ACTION**

5. OF DOE 2 repeats and realleges the allegations contained in paragraphs "1" through "4" as if more fully stated herein.

6. During the time period from 1973 until 1976, the Plaintiff was a student under eighteen (18) years of age and was legally and lawfully upon the premises of the Defendant school district located at School 60.

7. During the aforementioned time period, the Plaintiff was an infant student and suffered injury on the Defendant's grounds when she was sexually groomed, assaulted, abused and/or sodomized by Mary Boblak, a teacher who was an employee, agent or servant of Defendant School District. Said activity also incurred off school grounds as a result of the grooming which had occurred on school grounds.

8. As a result of the foregoing, OF DOE 2 sustained pain, suffering and emotional, mental and psychological injuries inflicted upon her by the employee of the Defendant School District.

9. Upon information and belief, OF DOE 2 sustained injuries due to the negligence, carelessness and lack of appropriate policies of the Buffalo School District.

10. As a result of the negligence of the Defendant in the first cause of action, the Plaintiff has suffered damages in an amount which exceeds the jurisdictional limits of all Courts of lower jurisdiction.

**AS AND FOR A SECOND SEPARATE
AND DISTINCT CAUSE OF ACTION**

11. OF DOE 2 repeats and realleges the allegations contained in paragraphs "5" through "10" as if more fully stated herein.

12. During 1993-1994, OF DOE 2 notified the Defendant of the abuse that had taken place during the 1970's.

13. Further, OF DOE 2 gave a deposition to Buffalo Public School employees or agents acting on the Defendant's behalf wherein she detailed the exact nature and incidences of sexual abuse she had sustained from Mary Boblak, the Buffalo Public School teacher.

14. Following the request of the school district to provide such difficult and heart-wrenching testimony, the school district did not discipline Mary Boblak. Rather, in an outrageous action, the school district offered Boblak the opportunity to retire with full benefits. At the time of this action, the school district was well aware of the extreme mental hardship previously suffered by the plaintiff and also knew that the plaintiff would suffer additional emotional distress and suffering from such a coverup.

15. As a result of the foregoing, the school district intentionally inflicted emotional distress, pain and suffering on the Plaintiff as the school district intentionally covered up the nature of Mary Boblak's sexual abuse in an attempt to avoid negative publicity.

16. As a result of the foregoing, OF DOE 2 has suffered damage in an amount that exceeds the jurisdictional limits of all Courts of lower jurisdiction.

WHEREFORE, the Plaintiff seeks judgment against the Defendant on both causes of action in an amount which exceeds the jurisdictional limits of all Courts of lower jurisdiction.

DATED: Buffalo, New York
September 12, 2019



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