

IN THE CIRCUIT COURT OF THE 12TH
JUDICIAL CIRCUIT IN AND FOR
MANATEE COUNTY, FLORIDA

A.R.,

CASE NO.:

Plaintiff,

vs.

CHILDREN'S EDUCATIONAL SERVICES, INC.
D/B/A THE BROACH SCHOOL,

Defendant.

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, A.R., by and through his undersigned counsel, hereby files this Complaint and Demand for Jury Trial against Defendant, CHILDREN'S EDUCATIONAL SERVICES, INC. D/B/A THE BROACH SCHOOL and alleges as follows:

PARTIES, JURISDICTION, AND VENUE

1. This Complaint arises from the child sexual abuse of a minor boy, A.R., by his trusted private school teacher, Kassandra Moore (also known as Kassandra Thomas). Kassandra Moore molested her student, 15-year-old A.R., during the 2018-2019 school year at CHILDREN'S EDUCATIONAL SERVICES, INC. D/B/A THE BROACH SCHOOL (hereinafter "THE BROACH SCHOOL") in Bradenton, Florida.

2. At all material times, Plaintiff, A.R., was a minor boy. He is now an adult. A.R. is a citizen and resident of the State of Florida. A.R.'s full name is known to Defendant, but he is identified by a pseudonym in this lawsuit to protect A.R.'s identity as the victim of childhood

sexual abuse. Further, A.R. has a well-grounded fear that public disclosure of his real name would result in further psychological injury.

3. Defendant, THE BROACH SCHOOL is a registered fictitious name of CHILDREN'S EDUCATIONAL SERVICES, INC., a Florida Corporation registered to do business in Florida with its principal place of business located at 12276 San Jose Blvd. Suite 528 Jacksonville, FL 32223.

4. THE BROACH SCHOOL is a private school for kindergarten through twelfth grade students. THE BROACH SCHOOL specializes in educating students, such as A.R., who have learning disabilities, mood disorders, and attention deficit disorder (ADHD).

5. At all material times, Kassandra Moore was employed as a teacher at THE BROACH SCHOOL where A.R. attended school.

6. Venue properly lies in this judicial circuit in that the sexual abuse and other tortious acts that are the subject of this lawsuit were committed in Manatee County, Florida.

7. This Court has jurisdiction in that this is a claim for monetary damages far in excess of the jurisdictional minimum of this Court of thirty thousand dollar (\$30,000), exclusive of interest, costs, and attorney's fees.

FACTUAL ALLEGATIONS

8. Prior to attending THE BROACH SCHOOL, A.R. had academic and social difficulties at a public school. In addition, A.R. was diagnosed with ADHD, mood disorder, and had significant developmental delays.

9. A.R.'s parents felt that the small private school setting offered at THE BROACH SCHOOL which specialized in working with students with learning disabilities and ADHD would be more suitable for A.R.

10. A.R.'s parents enrolled him at THE BROACH SCHOOL for seventh grade during the 2016-2017 school year.

11. A.R. continued attending THE BROACH SCHOOL for the eighth grade during the 2017-2018 school year and the ninth grade during the 2018-2019 school year. A.R. did not know Cassandra Moore until meeting her through THE BROACH SCHOOL.

12. During the period of A.R.'s enrollment at THE BROACH SCHOOL, Cassandra Moore was A.R.'s teacher for the seventh, eighth, and ninth grade.

13. When A.R. was in ninth grade, during the 2018-2019 school year, Cassandra Moore was his teacher for Homeroom, Biology, and Performing Arts.

14. Cassandra Moore took an obvious and demonstrable liking toward A.R. in particular as well as other male students with whom she would openly engage in flirtatious behavior during school hours.

15. During class, on more than one occasion, Cassandra Moore approached A.R., who was sitting at his personal desk, and sat directly on top of his desk in very close proximity to him. Cassandra Moore then softly stroked his arms and groped his arm muscles, in front of the other students in the classroom.

16. Cassandra Moore was open and obvious in displaying her interest in and inappropriate sexual behavior toward her male students, including A.R.

17. Cassandra Moore also developed a reputation at THE BROACH SCHOOL for being immature and being child-like in her interactions with students.

18. Cassandra Moore's inappropriate behavior was open and obvious at THE BROACH SCHOOL.

19. On more than one occasion, Cassandra Moore wore inappropriate and revealing clothing, including short skirts, high heels, and would sit on top of her desk during class in a provocative manner.

20. Cassandra Moore even told a fellow BROACH SCHOOL teacher that her students have been circulating risqué modeling photographs of her wearing lingerie.

21. It was open and obvious that her former and current male students viewed Cassandra Moore as a sexual figure and she would regularly develop special “friendships” and relationships with few boundaries with her minor male students, including A.R.

22. Further, Cassandra Moore would typically become “friends” with her former and current male students on publicly-viewable social media applications, including Instagram.

23. Cassandra Moore had inappropriate relationships with multiple male students, including but not limited to A.R., and she would frequently engage in messaging with her male students on Instagram during school and outside of school.

24. In or about the end of 2018 and beginning of 2019, Cassandra Moore began experiencing extreme manic episodes and emotional instability due to her bipolar disorder. She became unpredictable and had difficulty following direction from the administration. These behaviors interfered with Cassandra Moore’s job performance and were known to faculty and administrators at THE BROACH SCHOOL.

25. During this period, Cassandra Moore had a complete lack of judgment and regard for the consequences of her behavior. She also became hypersexual during this period.

26. The above-described behaviors, individually and collectively, constitute red flags of an adult interested in developing a sexual interest in a child. These red flag behaviors displayed by Cassandra Moore were known and/or should have been identified and addressed at THE

BROACH SCHOOL, particularly by educators who work full-time with youth and who should be trained in identifying sexual predator behavior.

27. In or about March 2019, Cassandra Moore's inappropriate behavior regarding A.R. began to escalate.

28. In or about March 2019, Cassandra Moore and A.R. began incessantly messaging each other through Instagram during school hours and after school hours.

29. These initial messages were regarding schoolwork, study techniques, mentoring, and extra help. However, the messages progressed to a more flirtatious tone, initiated by Cassandra Moore.

30. In or about March 2019, Cassandra Moore and A.R. began exchanging messaging of a graphic sexual nature and arranging to meet for sexual intercourse.

31. Further, Cassandra Moore disseminated multiple photographs of herself to A.R. wearing lingerie style clothing with her buttocks and breasts exposed.

32. Cassandra Moore and A.R. discussed plans to have sexual intercourse at THE BROACH SCHOOL on top of Cassandra Moore's classroom desk but decided against it because she knew there were surveillance cameras located on school grounds.

33. At the time, A.R. was a 15-year-old minor boy who had never previously engaged in sexual intercourse.

34. After Cassandra Moore and A.R. had sexual intercourse for the first time, Cassandra Moore sent a message to A.R. stating, "I knew you'd be nervous, but I wasn't going to judge you before giving you a chance. I wanted to just grab you and kiss you, but I didn't want to make the first move and you reject me."

35. Kassandra Moore and A.R. had sexual intercourse on approximately four occasions in March 2019.

36. Shortly thereafter, A.R. ended the sexual contact with Kassandra Moore.

37. Kassandra Moore retaliated against A.R. during school and gave A.R. a failing grade in her class at THE BROACH SCHOOL.

38. On one occasion after A.R. had ended the sexual contact, Kassandra Moore pulled A.R. and another male student, J.K. outside of the classroom at THE BROACH SCHOOL to speak with them.

39. During this private meeting at THE BROACH SCHOOL, J.K. acknowledged that he knew of the sexual contact between Kassandra Moore and A.R.

40. Kassandra Moore then became visibly upset and sent J.K. back into the classroom and spoke to A.R. privately, asking him if he told anyone else at THE BROACH SCHOOL about the sexual contact.

41. Once A.R. confirmed that he had not told anyone else about the sexual contact, Kassandra Moore instructed him to not disclose the sexual contact to anyone else and sent him back inside the classroom.

42. On or about April 10, 2019, a male student in Kassandra Moore's class, J.K. reported the sexual contact between Kassandra Moore and A.R. to the school principal, Ms. Potter, who then notified the Bradenton Police Department.

43. In March of 2022, Kassandra Moore pleaded guilty to four counts of felony sexual battery upon person 12 or older but less than 18 by a person in familial/custodial authority and one count of transmission of material harmful to minors. A.R. was the victim in that case.

44. In May of 2022, Kassandra Moore was sentenced to twenty (20) years in Florida state prison and was designated as a sexual offender.

45. At all material times, A.R. was a fifteen-year-old minor boy who lacked the legal capacity to consent to sexual molestation by his adult teacher Kassandra Moore.

COUNT I
NEGLIGENT HIRING, RETENTION, AND SUPERVISION

46. Plaintiff repeats and re-alleges the allegations set forth in paragraphs 1 through 45 above.

47. At all material times, THE BROACH SCHOOL owed a duty to Plaintiff to use reasonable care to ensure his safety, care and well-being while he was enrolled as a student.

48. These duties encompassed the hiring, retention, and supervision of Kassandra Moore as a teacher.

49. Prior to and during the period of Kassandra Moore's sexual molestation of A.R., THE BROACH SCHOOL knew or in the exercise of reasonable care should have known that Kassandra Moore was unfit for the duties assigned, did not exhibit appropriate boundaries with Plaintiff and/or other boys, demonstrated red-flag behavior for sexual misconduct, exhibited undue favoritism toward Plaintiff and/or other boys, was physically inappropriate with Plaintiff, and/or posed a risk of perpetrating sexual contact on Plaintiff.

50. Despite having such information, THE BROACH SCHOOL failed to conduct and adequate background check of Kassandra Moore, and then ultimately hired and retained Kassandra Moore without any limitations on her employment, failed to provide additional supervision or

training of Kassandra Moore, ignored red-flag behavior by Kassandra Moore, and took no action protect or warn A.R.

51. At all relevant times, THE BROACH SCHOOL knew or in the exercise of reasonable care should have known that Kassandra Moore was unfit, dangerous, and a threat to the health, safety and welfare of A.R. and/or other minors.

52. Further, THE BROACH SCHOOL knew that its student population was vulnerable due to their tender age and special needs.

53. Despite such actual or constructive knowledge, THE BROACH SCHOOL hired and retained Kassandra Moore, failed to exercise adequate supervision of Kassandra Moore, and/or failed to investigate suspicious behavior, failed to implement appropriate protections for A.R., and otherwise placed Plaintiff in a vulnerable position with Kassandra Moore.

54. As a direct and proximate cause of the foregoing, Plaintiff, A.R., has suffered psychological, emotional, and physical injuries, emotional distress, mental anguish, pain and suffering and the loss of enjoyment of life.

WHEREFORE, Plaintiff, A.R., demands judgment against Defendant, CHILDREN'S EDUCATIONAL SERVICES, INC. D/B/A THE BROACH SCHOOL for compensatory damages, costs, and such other and further relief as this Court deems just and proper.

COUNT II
NEGLIGENT BUSINESS OPERATIONS (PROTOCOLS AND TRAINING)

55. Plaintiff repeats and re-alleges the allegations set forth in paragraphs 1 through 45 above.

56. At all material times, A.R. was an invitee and/or authorized visitor and paying student at THE BROACH SCHOOL.

57. At all material times, THE BROACH SCHOOL owed a duty to A.R. to use reasonable care to ensure his safety, care and well-being while he was enrolled at THE BROACH SCHOOL.

58. Prior to and during the period of Kassandra Moore's sexual molestation of A.R., THE BROACH SCHOOL knew or in the exercise of reasonable care should have known that Kassandra Moore was unfit for the duties assigned, did not exhibit appropriate boundaries with Plaintiff and/or other boys, demonstrated red-flag behavior for sexual misconduct, exhibited undue favoritism toward Plaintiff and/or other boys, was physically inappropriate with Plaintiff, and/or posed a risk of perpetrating sexual contact on Plaintiff.

59. THE BROACH SCHOOL did not have reasonable policies and procedures in place to protect its students from the risk of molestation by adult employees.

60. THE BROACH SCHOOL breached its duty of care by failing to act as a reasonable and prudent operator of a private school for special needs students would have under the same or similar circumstances. Specifically, THE BROACH SCHOOL committed negligence by:

- a. Failing to adopt or enforce adequate policies to prevent incidents of sexual misconduct;
- b. Failing to warn, reprimand, punish and/or train adult employees who exhibited red-flag behavior for sexual misconduct and boundary violations;
- c. Failing to adopt, enforce, and train employees on adequate policies regarding interactions between teachers and students;

- d. Failing to identify and/or react to red-flag behavior for sexual misconduct and boundary violations when committed by its adult employees;
- e. Failing to create, implement, and establish protocols to train employees on policies and procedures to ensure proper supervision of students;
- f. Failing to adopt or enforce social media use policies to prevent inappropriate relationships between teachers and students; and
- g. Failing to educate students on the risk of sexual misconduct by adults.

61. As a direct and proximate cause of the foregoing, Plaintiff, A.R. has suffered psychological, emotional, and physical injuries, emotional distress, mental anguish, pain and suffering, and the loss of enjoyment of life.

WHEREFORE, Plaintiff, A.R., demands judgment against Defendant, CHILDREN'S EDUCATIONAL SERVICES, INC. D/B/A THE BROACH SCHOOL, for compensatory damages, costs and such other and further relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial in this action.

CERTIFICATE RE: E-FILING AND E-SERVICE

I HEREBY CERTIFY that this Complaint was filed electronically in compliance with Florida Rules of Judicial Administration 2.515 and 2.516(e).

I FURTHER CERTIFY for purposes of service of any documents after initial process that adam@adamhorowitzlaw.com and deedee@adamhorowitzlaw.com are primary.

DATED: November 8, 2022

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