

STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

CIVIL ACTION NO. _____

JOHN DOE #441

v.

STATE OF NEW HAMPSHIRE,
DEPARTMENT OF HEALTH AND HUMAN SERVICES, et al.

**SHORT FORM COMPLAINT SUPPLEMENT TO MASTER COMPLAINT
(For all Plaintiffs represented by Rilee & Associates, P.L.L.C. and Nixon Peabody LLP)**

Plaintiff John Doe #441 (“Plaintiff”), by and through counsel, Rilee & Associates, P.L.L.C. and Nixon Peabody, LLP, submits this “Short Form Complaint,” which supplements the Master Complaint filed in the lead docket, *Meehan v. State of N.H., Dep’t of Health and Human Servs.*, Docket No. 217-2020-CV-26, in the Superior Court for Merrimack County, and as may be amended in the future (the “Master Complaint”). Consistent with this Court’s Order Regarding Consolidation of Claims and Cases, dated July 6, 2022 (the “Consolidation Order”), this Short Form Complaint sets forth a statement of material facts entitling Plaintiff to the relief requested in Counts I through VII of the Master Complaint. To the extent Plaintiff has supplemental claims against State Defendants identified in the Master Complaint and any other defendant, those claims, and the material facts sustaining those claims, are additionally set forth herein.

INCORPORATION BY REFERENCE OF MASTER COMPLAINT

1. The Master Complaint filed in the lead docket, Docket No. 217-2020-CV-26, in the Superior Court for Merrimack County, and as may be amended in the future, is expressly incorporated by reference to this Short Form Complaint as if fully set forth herein, except to the extent modified by this Short Form Complaint.

PARTIES

2. Plaintiff is an individual who is a resident of the State of New Hampshire, County of Belknap, and a crime victim pursuant to the New Hampshire Victim Bill of Rights, New Hampshire Revised Statutes Annotated (“RSA”) 21-M:8-k and, as such, Plaintiff’s identity and date of birth are being filed contemporaneously herewith **under seal** with this Honorable Court.

3. Plaintiff expressly incorporates by reference all Defendants as identified in paragraphs 2 through 8 of the Master Complaint, hereinafter referred to as “State Defendants.”

4. Plaintiff identifies additional Defendants, if indicated below:

X	No additional Defendants.
	Additional Defendant/s, hereinafter referred to as the “Contractor Defendant/s”:

FACTS SPECIFIC TO PLAINTIFF

5. Plaintiff was born in the year: 1973.

6. Plaintiff was taken into the custody and control of the State of New Hampshire as a minor and was, while in the state’s custody and control, placed at facilities and placements as directed by State Defendants in or about the following approximate time period(s): at various times between 1984 and 1991.

7. In or about the time period(s) identified in paragraph 6, the State Defendants placed Plaintiff in the State Youth Facility (as defined in the Master Complaint).

8. In or about the time period identified in paragraph 6, while Plaintiff was in the custody and control of State Defendants, and while Plaintiff was residing at the State Youth Facility, agents and employees of State Defendants harmed Plaintiff through specific acts of child abuse including, but not limited to, the incidents indicated (below or attached):

- a) Plaintiff was adopted as a child. The adoption did not go well. His second parents were childless, and the adoption was largely the desire of his new mother. His father was abusive and intolerant. He beat Plaintiff with items like a 2” x 4” and would throw knives and forks at him at the dinner table. His father “regretted adopting” Plaintiff because he was not the son he expected, and ultimately rejected him.
- b) After one particularly bad beating, Plaintiff went to the police and reported his father’s abuse. The police declined to act, so Plaintiff ran away from home. He was 11 years old.
- c) A CHINS petition followed, and for the next several years—from the ages of approximately 11 through 17—Plaintiff cycled in and out of state custody, including several stays at YDC.
- d) Plaintiff was severely depressed throughout his teen years because of his family situation and his sense of not being “wanted.” The severe beatings made him fearful and reactive to authority. That background surfaced at YDC to make his life a living hell.
- e) At YDC, a group of guards – including individuals known to Plaintiff as Cronin, LaVenture, Bob Oullette, Frank Davis, the Searles brothers, “Jonesey”, “Miss P” and others – treated him with unrelenting scorn and abuse. They spit in his face, spit in his food, mocked him incessantly (as they did many other children), locked him in his room or at a bench staring at a wall for days on end, urinated on his bed, and kept him stripped to his underwear for long periods of time.
- f) Additionally, State Youth Facility staff members beat Plaintiff often, twisting his arms high above his back, putting him in painful “pressure holds” to his joints, and punching and kicking him in the head, torso and legs. The excessive force was unlawful and unjustified.
- g) The guards had certain residents they would favor – with better “levels” (privileges), snacks, TV time, or less abuse – if the residents did their bidding. They enlisted a large, muscular older resident to persecute Plaintiff, who, then 13 or 14 years old, was small and thin. The older resident began persecuting Plaintiff with taunts and assaults. Plaintiff complained to staff about the older resident’s abuse and asked to be protected from him. Because the staff was using the older resident as part of their abuse, they responded by purposely placing the older resident in Plaintiff’s cell where, foreseeably, the older resident anally raped Plaintiff. The staff then spread the word that the Plaintiff “liked it,” meaning enjoyed the rape.
- h) Plaintiff became suicidal, an affliction that has plagued him to this day as a legacy of his YDC experience. He sliced his wrists in an attempt to take his life. He was revived and, in

reaction to his suicide attempt, locked in isolation for a lengthy period without justification. The staff's purposeful isolation of Plaintiff only served to exacerbate his emotional turmoil and trauma. Eventually, the State Defendants transferred Plaintiff to another state placement, a privately operated state contractor facility.

- i) At the state contractor facility, Plaintiff was treated harshly but not raped. Eventually, he summoned the courage to disclose the rape to a counselor. His candor was received poorly. Almost immediately, the State ordered him to be returned to YDC, to the "care" of his previous abusers.
- j) Back at YDC, the torture and recrimination began immediately. Unlawful beatings and unjustified isolation became normal. The guards used Plaintiff's previous suicide attempt to discredit him and punish him. The persecution achieved the intended effect: the suicidal ideation returned. In response, the guards locked him in isolation, stripped him to his underwear, and removed almost everything from his room.
- k) The guards began a campaign to induce Plaintiff to commit suicide. The campaign began with unconscionable taunting. According to Rachel Roe, another guard who witnessed but did not participate in the abuse, guards including Cronin, LaVenture, Oullette, Roy and others constantly taunted Plaintiff to "just do it"—i.e., commit suicide. Other taunts included: "Let's have a [John Doe #441] blood bath," "Time for [John Doe #441] to do a 'Carrie'" (a reference to the horror film in which the title character is doused with a copious amount of blood); "When he hangs himself, we will put him up on display."
- l) According to Rachel Roe, the malicious guards actually moved Plaintiff from a secure cell to a cell with a crack under the door. Through that crack, they pushed razor blades into Plaintiff's cell.
- m) Eventually, Plaintiff used one of the blades and cut his wrists. Someone pulled Plaintiff from the cell before he bled out. He survived.
- n) Rachel Roe had already begun to report the abusive treatment of Plaintiff and others by her fellow employees. She placed notes in the Complaint Box. She had handed complaint notes to her supervisor, who generally criticized her for complaining so much and sometimes crumpled the note and threw it at her. She continued to complain, in writing and verbally, about the staff attempting to induce Plaintiff's suicide, as well as the unlawful beatings,

general cruelty of the staff toward the children, excessive solitary confinement and other abuse of other residents.

- o) After Plaintiff had recovered from his suicide attempt, he and other residents learned that several staff – including Bob Oullette (the union representative), Connie LaVenture and others – were angry at Rachel Roe for her reporting staff abuse, and wanted to force her out of YDC or ensure her compliance with their “code of silence” culture. Plaintiff and others learned the staff members were conspiring to induce older residents to jump Rachel Roe and sexually assault her to teach her a lesson. They offered residents extra “levels” or privileges, or that generally their “lives would be made better,” if they attacked Rachel and had sex with her.
- p) Plaintiff and another resident, both of whom respected Rachel Roe as one of the few guards who was fair and kind to them, tipped Roe off to the plot against her.
- q) Roe, a young woman who worked at YDC to support several young children, was alarmed and terrified. She went to Ronald Adams, head of YDC, to report the conspiracy of other guards to instigate her sexual assault. Adams treated her complaint dismissively, saying he did not have time to deal with it, that she should not make a big deal of it, and that she should take the issue to Bob Boisvert, Director of Operations. She went to Boisvert, who also tried to dissuade her from raising the issue and “making a fuss.” Eventually, he agreed half-heartedly to convene a disciplinary hearing for Oullette and others. Throughout the process, she was made to feel like she was a “troublemaker” for complaining about the conspiracy to retaliate against her abuse complaints by sexual assault.
- r) Eventually, a hearing was held, attended by Boisvert, Oullette, LaVenture, Frank Davis and others. Rachel Roe requested an attorney to assist her, but her request was denied. No documents or evidence were shared with her. Oullette made a statement in which he claimed the plan to assault Roe was “just a joke.” He made a half-hearted apology for the record. He kept his job. Rachel Roe was made to sign a “non-disclosure agreement” around which employee and juvenile secrecy laws were recited, and told by representatives of the State Defendants that if she disclosed any of the facts of the episode, she would lose her job and would be in violation of several state laws. Unrepresented by counsel and not knowing any better, she signed the NDA and has abided by it until this time. Shortly thereafter, Oullette was supposed to meet with some of the residents in Spaulding to inform them that the sexual

assault plan was “just a joke” and recite an apology, which he did half-heartedly. During the meeting, Frank Davis gave Roe a “death stare.” As they left the room, he hissed at her: “You don’t fucking even belong here.”

- s) Not long after the sham hearing, three older resident males cornered Rachel Roe in a remote space she had been sent to inexplicably, and tried to sexually assault her. Fortunately, she pushed one into a sharp object and screamed loud enough to attract other personnel before the assault could be completed. Nonetheless, Roe suffered serious injuries to her neck, back, and head, including the loss of numerous teeth and a broken nose. She left YDC shortly after.
- t) Plaintiff, however, was trapped and had no power to leave. Retaliation against him for “ratting” on the guards who wanted Roe punished by rape was swift and brutal. Staff started pushing and shoving him constantly, calling him a “snitch.” They spit on him and spit on his food.
- u) Not long after disclosing the rape conspiracy to Rachel Roe, a posse of guards stormed Plaintiff’s cell, including Frank Davis, Jonesey, Miss P and others. Davis used a martial arts move to partially paralyze Plaintiff. The guards took hold of his arm and wedged his fingers into the door jamb, while one of the guards slammed it shut. Plaintiff, aware of what was happening, pulled his hand with all his might, but the door caught his small finger, crushing it. Plaintiff screamed in pain, and the guards started beating him, telling him to shut up. Blood was everywhere.
- v) Davis and Jonesey took Plaintiff to a doctor. They warned him to tell the doctor the injury was an accident, or he would get it worse when they returned. He did so. The doctor repaired the crushed finger as best he could, removing bone fragments and stitching the incision. The finger is still deformed three decades later.
- w) Thereafter, Plaintiff was subject to beatings or other forms of excessive force by both staff and by residents “deputized,” or incentivized by staff, at least several times a week for the remainder of his time at YDC. These excessive force incidents total in excess of 100 separate incidents. He was also medicated at various times with incapacitating drugs, all of which have continued to affect him to this day.
- x) Additionally, for punishment or for no reason at all, YDC staff members forced Plaintiff “on the bench” many times, meaning that they placed him on a bench facing a wall from which

he could not move, except to sleep at night, for stretches of 3 to 10 days. Staff members also locked Plaintiff in isolation or solitary confinement without justification for multiple days at a time on innumerable occasions. For warning Rachel Roe of the scheme to harm her, Plaintiff was treated as a pariah subject to particularized and severe abuse until he “aged out” of YDC.

9. In or about the time period identified in paragraph 6, and while Plaintiff remained in the custody and control of State Defendants, State Defendants additionally placed Plaintiff in other, privately operated, congregate care residential facilities or programs, if indicated below:

<input checked="" type="checkbox"/>	Not applicable (no private placement)
<input type="checkbox"/>	State Defendants placed Plaintiff at residential facilities operated by the Contractor Defendant/s identified in paragraph 4.

10. In or about the time period identified in paragraph 6, while Plaintiff remained in the custody and control of State Defendants, and while Plaintiff was residing at residential facilities operated by the Contractor Defendant/s following placement by State Defendants, agents and employees of State Defendants and Contractor Defendant/s (collectively, “Defendants”) harmed Plaintiff through specific acts of child abuse including, but not limited to, the incidents indicated below (or attached):

<input checked="" type="checkbox"/>	Not applicable (no private placement)
<input type="checkbox"/>	

CONSOLIDATED CAUSES OF ACTION

11. Plaintiff expressly adopts Counts I through VII of the Master Complaint against State Defendants arising from harm caused to Plaintiff by agents and employees of State Defendants while Plaintiff was in the custody and under the control of State Defendants and residing in the State Youth Facility or any other state-operated residential facility (the “Consolidated Claims”) as alleged in Paragraph 8 of this Short Form Complaint.

SUPPLEMENTAL CAUSES OF ACTION

12. Additionally, Plaintiff alleges supplemental Counts against State Defendants and Contractor Defendant/s (together, “Defendants”) arising from harm caused to Plaintiff by agents and employees of Defendants while Plaintiff was in the custody and under the control of Defendants and residing in residential facilities privately operated by Contractor Defendant/s (the “Supplemental Claims”) as alleged in paragraph 10 of this Short Form Complaint, if any indicated below (and in separate attachments):

X	No Supplemental Claims
	Each of the following Supplemental Claims: Count VIII (Breach of Fiduciary Duty—State Defendants and Contractor Defendant/s) Count IX (Breach of Nondelegable Duty—State Defendants) Count X (Aiding and Abetting Breach of Fiduciary Duty—State Defendants and Contractor Defendant/s) Count XI (Negligent Hiring, Training, Supervision and Retention—State Defendants and Contractor Defendant/s) Count XII (Negligence—State Defendants and Contractor Defendant/s) Count XIII (Negligent Failure to Adopt and Implement Rules—State Defendants) Count XIV (Civil Conspiracy— State Defendants and Contractor Defendant/s)

*Any indicated Counts are attached hereto as an addendum to this Short Form Complaint.

13. In addition to any Counts alleged in paragraph 12, Plaintiff alleges the following additional Supplemental Claims, if any indicated below or in separate attachments:

14. To the extent Plaintiff wishes to dismiss, without prejudice, any Consolidated Claims previously alleged in the Master Complaint, or any grounds in support of any Consolidated Claims, they are so indicated (below or attached):

WHEREFORE, Plaintiff demands a trial by jury on all issues so triable and prays for all relief as set forth in this Short Form Complaint, any addendum hereto, and in the Master Complaint

filed in the lead docket, *Meehan v. State of N.H., Dep't of Health and Human Servs.*, Docket No. 217-2020-CV-26. Plaintiff further demands a jury viewing of all facilities where Plaintiff was harmed by agents and employees of State Defendants and, if applicable, Contractor Defendant/s. As discovery is ongoing, Plaintiff expressly reserves the right to amend or supplement this Short Form Complaint.

Respectfully Submitted,

JOHN DOE #441

Dated: July 14, 2022

RILEE & ASSOCIATES, P.L.L.C.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via the Court's e-filing system on all parties of record on July 14, 2022.

/s/ David A. Vicinanza