

IN THE MAHONING COUNTY
COURT OF COMMON PLEAS
GENERAL DIVISION

**Mother Smith, individually and on behalf of her
minor child, Daughter Smith**

(Pseudonyms)

c/o The Chandra Law Firm LLC

The Chandra Law Building

1265 W. 6th Street, Suite 400

Cleveland, OH 44113-1326

Plaintiffs,

v.

Ursuline High School

750 Wick Avenue

Youngstown, Ohio 44505

Margaret Damore

Assistant Principal, Ursuline High School

6097 Herons Circle

Austintown, Ohio 44515

and

Catholic Diocese of Youngstown

c/o Bishop David Bonnar

144 West Wood Street

Youngstown, Ohio 44503

Defendants.

Case No. _____-CV-_____

Judge _____

Magistrate _____

COMPLAINT WITH JURY DEMAND

NATURE OF ACTION

1. This is a state-law civil action brought by a now-former Ursuline High School student and her family against a high school and its assistant principal. It alleges claims for Ohio legal

violations, including statutes establishing civil liability for criminal acts like failure to report abuse. And includes other state-law civil claims for failure to report abuse; negligence; negligent supervision; negligent training, supervision, discipline, hiring, and retention; and negligent infliction of emotional distress.

2. Ursuline High School is a Catholic high school within the Diocese of Youngstown. Rather than act in accordance with its stated values and motto “*Soli Deo Gloria*” (Latin for “*Glory to God alone*”), Ursuline and at least one of its administrators—consistent with Ursuline’s *modus operandi*—opted to violate those values and ignored violence acts, including a planned physical assault, solely to protect the school’s image and reputation.

3. Despite multiple warnings that a planned physical attack on a student was going to occur during the lunch period, and despite having the ability to prevent it, Defendants failed to prevent the attack. This resulted in serious physical harm to the victim-student.

4. Then, after the attack, Defendants failed to provide medical attention to the victim-student, who was suffering from obvious concussion-like symptoms.

5. Victims, both named and unnamed, have endured permanent and lasting harm, degradation, humiliation, intimidation, and retaliation. Ursuline and its administrators could and should have prevented all of this.

6. Now, because of the actions detailed in this Complaint, Defendants must be held accountable.

PARTIES

7. Plaintiff Mother Smith (“Mother”) is the mother of the victim, Daughter Smith. They both reside in Trumbull County, Ohio. She is filing suit on behalf of her minor daughter.

8. Plaintiff Daughter Smith (“Daughter”), a minor at the time of filing, was a freshman at

Ursuline, but has since transferred to another high school. She resides with Mother in Trumbull County, Ohio.

9. Defendant Ursuline High School (“Ursuline”) is a Catholic school under the Catholic Diocese of Youngstown (“Diocese”). Ursuline (with the Diocese’s approval) is responsible for its employee’s hiring, retention, training, supervision, and termination. That includes its administrators. Father Richard Murphy is Ursuline’s president. Ursuline is in Mahoning County, Ohio.

10. Defendant Margaret Damore is Ursuline’s assistant principal. She resides in Mahoning County, Ohio.

11. Defendant Catholic Diocese of Youngstown (“Diocese”) is led by the Bishop, currently Bishop David Bonnar, who owns the Diocesan property and is the final decisionmaker for the Diocese and all entities within it, including Ursuline. The Diocese is headquartered in Mahoning County, Ohio. The Diocese is responsible for the negligent training, supervision, discipline, hiring, and retention of Defendant Damore. The Bishop signed her employment contract and has the authority to fire her.

OTHER NON-PARTY INDIVIDUALS

12. Louise Kotel is an Ursuline guidance counselor.

13. Kristina Dugan is an Ursuline teacher.

14. Sydney Hargis, at all relevant times, was an Ursuline teacher. She has since resigned.

EVIDENCE DISCLAIMER

15. Plaintiffs lawfully possess videos, photos, and messages from social media and other documentation supporting the claims. Although these items are incorporated by reference throughout the Complaint, because they contain photos and names of minors, and other

sensitive materials, they are not attached. These items will be produced during discovery and lodged with the Court or Clerk as needed after the Court enters a protective order.

INCORPORATION BY REFERENCE

16. Plaintiffs incorporate by reference the complaints captioned:
 - (a) *Doe, et al., v. Ursuline High Sch., et al.*, filed in the Northern District of Ohio, Eastern District, Case No. 4:25-cv-01822 (“Ursuline-hazing Complaint”);
 - (b) *Chef, et al. v. Ursuline High Sch., et al.*, filed in the Northern District of Ohio, East Division, Case No. 4:25-cv-01895 (Ursuline-dragging Complaint”); and
 - (c) *Rudolph, et al. v. Ursuline High Sch., et al.*, filed in the Northern District of Ohio, Eastern District, Case No. 4:25-cv-02494 (“Ursuline-harassment Complaint”);
 - (d) all their successor complaints.
17. Defendants Ursuline High School, Assistant Principal Margaret Damore, and the Diocese are named defendants in the Ursuline-hazing Complaint, Ursuline-dragging Complaint, and Ursuline-harassment Complaint.

JURISDICTION AND VENUE

18. Jurisdiction in this matter is proper in the Mahoning County Court of Common Pleas under R.C. 2305.01 because the sum or matter in dispute exceeds the exclusive original jurisdiction of county courts and appellate jurisdiction from the decisions of boards of county commissioners.

19. Venue in the instant matter is proper in the Mahoning County Court of Common Pleas under Civ.R. 3(C), based on the following:

- (a) Defendant Damore resides in Mahoning County, Ohio;
- (b) Defendants Ursuline and the Catholic Diocese have their principal place of business in Mahoning County, Ohio;
- (c) Defendants conducted the activity giving rise to the claim for relief in Mahoning County, Ohio; and
- (d) All or part of the claim(s) for relief arose in Mahoning County, Ohio.

FACTUAL BACKGROUND

In April 2024, Daughter Smith tells Mother Smith that a fellow student is planning to attack her the next day in the school cafeteria during lunch.

- 20. In August 2023, Daughter entered her freshman year at Ursuline High School.
- 21. Daughter was then 14-years old.
- 22. Daughter was best friends with other Ursuline students—Friend-1, Friend-2, and Friend-3.
- 23. On April 9, 2024, during school, Friend-2 told Daughter that Friend-1 was telling other students that she was planning to fight Daughter.
- 24. Later that night, Friend-1 texted Daughter that she was going to fight Daughter the next day at school.
- 25. Daughter told Mother that Friend-1 was threatening to fight her the next day.
- 26. Both the night before and the morning of the planned fight, in the hope of preventing it, Mother contacted Ursuline officials to alert them.

27. On April 9, 2024, at 4:34 PM, Mother emailed Ursuline guidance counselor Louise Kotel:

Hi. One of [Daughter's] friends or ex friend, [Friend-1], is threatening to fight [Daughter] tomorrow at school.
I do not promote fighting, but I do not want to see my daughter get hurt because [Friend-1] has been violent in the past. I didn't tell [Daughter] that I'm sending this email.

On Tue, Apr 9, 2024, 4:34 PM <[REDACTED] MOTHER SMITH [REDACTED]> wrote:

Hi. One of [REDACTED] DAUGHTER'S [REDACTED] friends or ex friend, [REDACTED] FRIEND-1 [REDACTED] is threatening to fight [REDACTED] DAUGHTER [REDACTED] tomorrow at school.

I do not promote fighting, but I do not want to see my daughter get hurt because [REDACTED] FRIEND-1 [REDACTED] has been violent in the past. I didn't tell [REDACTED] DAUGHTER [REDACTED] that I'm sending this email.

Thank you,

[REDACTED] MOTHER SMITH [REDACTED]
[REDACTED]

Sent from my iPhone

28. On April 9, 2024, at 5:30 PM, Kotel responded to Mother's email:

Good evening!

Thanks for letting me know. *I also let administration know.* I will check in with [Daughter] first thing in the morning.

Please keep me posted if you hear anything else.

(Emphasis added.)

From: Louise Kotel <lkotel@youngstowndiocese.org>
Date: Tue, Apr 9, 2024 at 5:30 PM
Subject: Re: DAUGHTER SMITH
To: <MOTHER SMITH>

Good evening!
Thanks for letting me know. I also let administration know. I will check in with DAUGHTER first thing in the morning.

Please keep me posted if you hear anything else.

Louise Kotel

29. One of Damore's assistant-principal responsibilities was student discipline, which would have included addressing and preventing physical assaults and fights.

30. The next morning, April 10, 2024, at 9:18 AM, Mother emailed Kotel:

Hi. Can you call me when you have free time?

From: <MOTHER SMITH>
Date: Wed, Apr 10, 2024 at 9:18 AM
Subject: Re: DAUGHTER SMITH
To: Louise Kotel <lkotel@youngstowndiocese.org>

Hi. Can you call me when you have free time?

MOTHER

Sent from my iPhone

31. Kotel called Mother and informed her that she notified Damore.

32. Kotel also claimed that Damore notified the "administration and teachers" of the threat and they were "on stand-by."

33. Kotel assured Mother that Daughter was safe.

34. But Ursuline and Damore ignored the warnings.

The morning of the planned fight, hoping to prevent the violence, Friend-2 alerts school officials of the planned fight.

35. On April 10, 2024—during second period on the morning of the planned fight—Friend-2, hoping to prevent the fight between her best friends, asked her substitute teacher if she could go to her locker. The teacher permitted this.

36. Because Friend-1 was in the same second-period class with Friend-2, Friend-2 didn't want Friend-1 to know she was leaving class to alert the school about the planned fight.

37. Friend-2 went to her locker and grabbed a book. But rather than return to class, she went to the guidance counselor's office, which was near her locker.

38. Friend-2 told Ursuline guidance counselor Louise Kotel about the planned fight. Kotel assured Daughter that she would alert Damore.

39. Kotel did so.

40. When Friend-2 returned to class, the substitute teacher gave her a detention for taking too long to return to class.

41. After Friend-2 reported the planned fight to Kotel, Kotel called in both Daughter and Friend-1 during third period.

42. Daughter and Friend-1 were in the same Spanish class during the third period.

43. Sydney Hargis was the Spanish teacher.

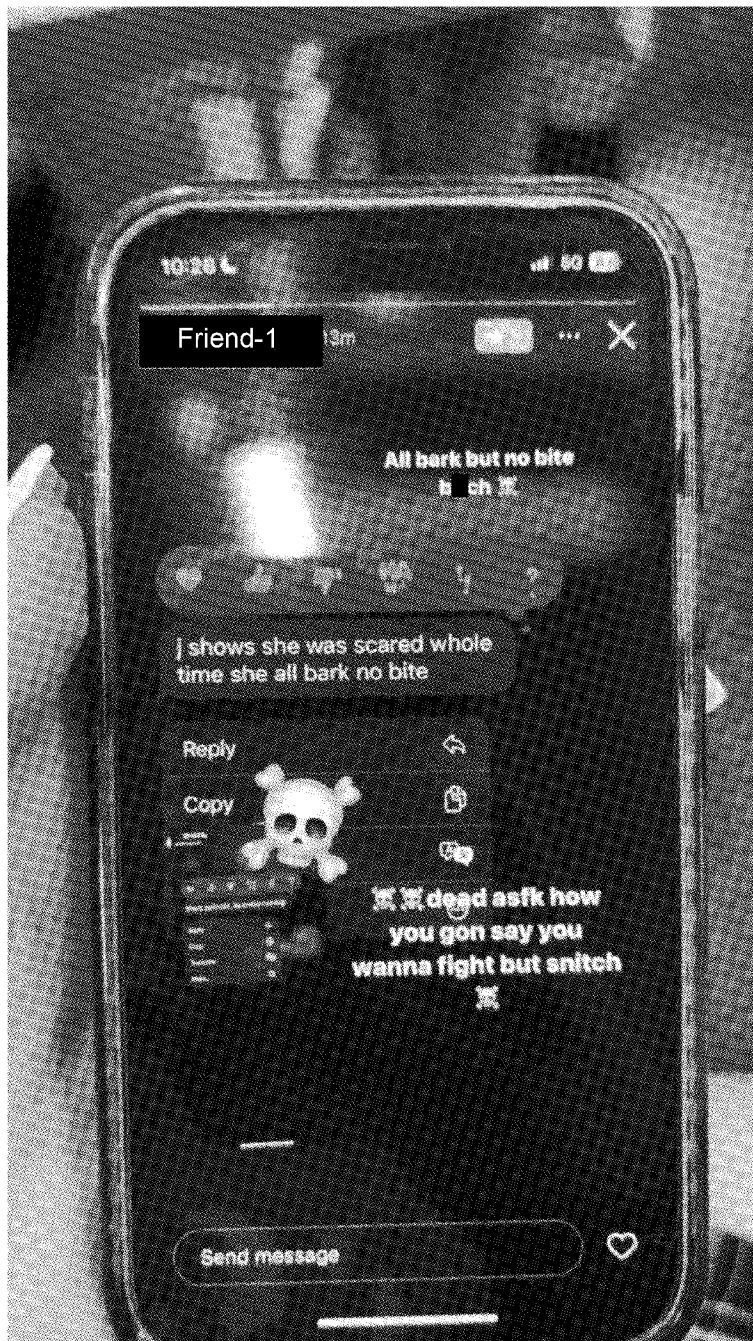
44. Kotel called in Daughter first and spoke to her separately.

45. Daughter told Kotel that she wasn't planning to go forward with fighting Friend-1 and was going to avoid it.

46. When Daughter said that she wasn't going to engage in the fight and thought Friend-1 would not still go forward with it, Kotel dismissed it.

47. Based on information and belief, Kotel called in Friend-1 next and spoke to Friend-1 separately, too.

48. When Daughter and Friend-1 returned to the third-period Spanish class, Daughter saw a social-media post from Friend-1 in which Friend-1 accused Daughter of “snitch[ing]” and wrote that Daughter was “scared” of Friend-1.



49. Daughter asked Friend-1 why she would write that post and, in front of the entire class including the teacher Sydney Hargis, Friend-1 screamed at Daughter, “Stand up! Fight me now! Come on, come on, fight me now!”

50. Hargis yelled at Friend-1, “Stop it! Stop it now! I mean it.”

51. Hargis threatened to issue conduct (detention) cards if Friend-1 didn’t stop yelling, but took no other action.

52. The third-period class ended and the lunch period was after the fourth period.

53. Neither Damore nor any other teacher or administrator tried to prevent the fight still scheduled for the lunch session after fourth period.

In the school cafeteria, during the lunch period, Friend-1 attacks and seriously injures Daughter—just as planned. And Assistant Principal Damore doesn’t even tell Mother about it.

54. Despite the multiple warnings, no administrators, teachers, resource officers, or anyone else was present to prevent the fight.

55. Despite the multiple warnings, the attack occurred.

56. As Daughter was waiting in the cafeteria line to get food, Friend-1 walked up behind Daughter and started screaming at her.

57. When Daughter turned around, Friend-1 had her hands up in a boxer-like stance ready to attack Daughter.

58. Friend-1 yelled at Daughter, “So now you’re scared!”

59. Daughter instinctively put her hands up to defend herself, but Friend-1 started punching Daughter in the head and face.

60. Daughter still had her hands up to defend herself.

61. Friend-1 grabbed Daughter’s hair and slammed Daughter’s head into the wall.

62. Friend-1 then threw Daughter to the ground by the hair.
63. As Daughter was lying on the ground, Friend-1—still holding Daughter’s hair—punched and assaulted Daughter repeatedly.
64. Daughter was able to stand up, but Friend-1 threw Daughter back to the ground by the hair a second time.
65. As Daughter was lying on the ground, Friend-1 continued to repeatedly punch and assault Daughter in the head and face.
66. Ursuline administrators finally broke up the fight and escorted Friend-1 to the office.
67. The attack was videorecorded by other students and shared with other students and the community at-large.
68. When no Ursuline administrators or teachers came to Daughter’s aid, Daughter’s other friends helped her to the bathroom, while Friend-2 retrieved Daughter’s belongings.
69. While in the bathroom being treated to by her friends, Daughter was dazed, confused, and experienced memory loss.
70. When her friends told her that she had just been attacked by Friend-1, Daughter became hysterical and started crying uncontrollably.
71. As Friend-2 was going to check on Daughter, Damore saw her in the hallways and yelled at her for not being at lunch.
72. Daughter explained why she was not at lunch and Damore yelled at her to “Mind your own business.”
73. Damore finally went to check on Daughter in the bathroom and transported her to the school’s office.

74. Neither Damore nor any other school official contacted Mother to inform her of the attack on Daughter.

75. Instead, Daughter's *friends* called Mother and informed her.

76. Mother left home and went directly to Ursuline to check on Daughter.

77. Mother called Ursuline on her way to the school and told them she was on her way.

Neither Damore nor any other school official provides medical attention to Daughter after the attack.

78. After Damore transported Daughter to the school office, Damore placed Daughter in a room by herself—unattended.

79. The room, which is where the school's public announcement system is located, has a large window facing the hallway.

80. As Daughter was in the room—crying hysterically and puking—other students walked past the window, saw her, and took video recordings and photos of Daughter.

81. Despite Daughter displaying obvious signs of a concussion, neither Damore, nor any other school official, called for medical attention.

82. Despite Ursuline employing a school nurse, the nurse didn't immediately check on Daughter.

Mother arrives at Ursuline and finds her Daughter alone, needing immediate medical attention.

83. When Mother arrived at Ursuline, about 15–20 minutes after Daughter's friends called her, Mother went straight to the office.

84. Mother explained that she was there to check on Daughter because Daughter's friends called her and told her about the attack.

85. The Ursuline office staff had Mother wait to see Damore.

86. The Ursuline office staff wouldn't let Mother see Daughter.
87. After about 10 minutes, Damore finally came out and escorted Mother to the room where Daughter was being kept.
88. When Mother saw Daughter, Daughter was in an obvious state of distress—Daughter was convulsing, puking, and having a panic attack.
89. Mother asked Damore how the attack could have happened if Damore had notified the “administration” and “teachers” to be “on stand-by,” as Kotel had claimed.
90. Damore admitted that she only notified two teachers—Kristina Dugan and Sydney Hargis.
91. Based on information and belief, these two teachers were not even responsible for overseeing the cafeteria during the lunch period.
92. Dugan's classroom was on the same floor as Daughter and Friend-1's lockers.
93. Hargis was Daughter and Friend-1's Spanish teacher.
94. Hargis was aware of the threats of the fight and witnessed the altercation in her classroom—yet she took no action to prevent the fight.
95. So no Ursuline officials were placed in the cafeteria to prevent the attack.
96. Damore further admitted that she was held up in a meeting and could not be in the cafeteria when the fight was planned—in other words, Damore confessed that she wasn't where she was supposed to be to prevent the attack.
97. Mother asked Damore if any medical personnel had been notified.
98. Damore acknowledged that no medical personnel had checked on Daughter.
99. As they were talking, the school nurse *finally* came to check on Daughter—about 35–45 minutes after the attack.

100. Mother told Damore that she was taking Daughter to the hospital because she needed immediate medical attention.

101. Damore agreed Daughter needed to go to the emergency room—even though Damore failed to provide or arrange for any medical attention to Daughter before Mother arrived.

102. As Mother and Daughter were leaving, Damore said, “We can discuss her punishment later,” and proceeded to inform Mother that Daughter was being suspended for five days—the maximum punishment allowed without Diocesan approval.

Daughter is diagnosed with a concussion and continues to suffer from the attack.

103. At the hospital emergency room, hospital personnel diagnosed Daughter with a concussion.

104. Daughter missed two weeks of school because of the injury and fear of returning.

105. Daughter missed multiple other days throughout the remainder of the school year because of the injury.

106. Daughter still experiences the long-term effects of having a concussion.

107. Daughter has since transferred to another high school to escape the culture of violence at Ursuline.

Mother reports the attack to the Catholic Diocese, law enforcement, and Safer Ohio Schools.

108. On April 11, 2024, Mother called the Catholic Diocese and left a message about the attack.

109. On April, 12, 2024, Diocesan official Mary Fiala called Mother and, at first, seemed very empathetic to Daughter stating, “That’s terrible” and “I’m so sorry.”

110. Fiala’s mood changed when Mother informed her that they were going to speak to an attorney.

111. Fiala stopped the conversation, asked Mother to notify her if they retained an attorney, and ended the call.

112. On April 15, 2024, Mother filed a police report with the Youngstown Police Department about the attack on Daughter.

113. Damore never notified law enforcement or children services about the attack, even though she is a mandatory reporter and R.C. 2151.421 requires her to make such a report.

114. Later that day, Diocesan official Mary Fiala contacted Mother and asked if Mother was bringing an attorney to the meeting later that day with Ursuline Principal Matthew Sammartino and Damore.

115. Mother wasn't bringing an attorney to the meeting.

116. Later that day, Mother and her husband met with Sammartino and Damore to discuss the incident.

117. Mother requested that several changes be made to protect Daughter from future attacks.

118. Sammartino said they would look into her requests and get back to her.

119. On April 17, 2024, Mother also contacted Safer School Ohio and filed a disciplinary complaint against Damore.

120. Later that same day, when Principal Sammartino learned of the disciplinary complaint, he immediately called Mother and asked her to withdraw the complaint.

121. He did not contradict any of the facts stated above.

122. Mother refused.

123. Mother questioned Sammartino why she should withdraw the complaint when Ursuline had made none of the changes they requested to protect Daughter.

124. Sammartino retorted, "Never mind."

Defendants Catholic Diocese of Youngstown and Ursuline High School failed to train, supervise, and discipline Defendant Damore on how to handle student violence, properly report child abuse, and protect students—that is, how not to treat the school’s image and reputation as more important than student safety.

125. Defendant Catholic Diocese of Youngstown and Ursuline High School failed to train, supervise, and discipline Defendant Damore about how to properly address, investigate, and prevent student violence and all the other misconduct describe above.

126. These institutional Defendants also failed to train and supervise Defendant Damore on fulfilling her mandatory duties to report such misconduct and abuse to law enforcement or children services.

CLAIMS

Although all claims below for Plaintiff Smith are through Mother Smith, Mother Smith’s name is omitted for simplicity’s sake.

CLAIM 1

CIVIL LIABILITY FOR (FAILURE TO) REPORTING CHILD ABUSE UNDER R.C 2151.421

(BY PLAINTIFF DAUGHTER SMITH AGAINST DEFENDANTS URSULINE HIGH SCHOOL AND MARGARET DAMORE)

127. Plaintiffs incorporate all previous allegations.

128. Under the relevant part of R.C. 2151.421(A)(1)(a):

No person described in division (A)(1)(b) of this section who is acting in an official or professional capacity and knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in a similar position to suspect, that a child under eighteen years of age... has suffered or faces a threat of suffering any physical or mental wound, injury... or condition of a nature that reasonably indicates abuse or neglect of the child shall fail to immediately report that knowledge or reasonable cause to suspect to the entity or persons specified in this division. Except as otherwise provided in this division or section 5120.173 of the Revised Code, the person making the report shall make it to the public children services agency or a peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. If the person making the report is a peace officer, the officer shall make it to the public children services agency in the county in which the child resides or in which the abuse or neglect is occurring or

has occurred. In the circumstances described in section 5120.173 of the Revised Code, the person making the report shall make it to the entity specified in that section.

129. Under the relevant part of R.C. 2151.421(B), “Division (A)(1)(a) of this section applies to any person who is [a]... school teacher; school employee; school authority....”

130. Under the relevant part of R.C. 2151.421(M):

Whoever violates division (A) of this section is liable for compensatory and exemplary damages to the child who would have been the subject of the report that was not made. A person who brings a civil action or proceeding pursuant to this division against a person who is alleged to have violated division (A)(1) of this section may use in the action or proceeding reports of other incidents of known or suspected abuse or neglect, provided that any information in a report that would identify the child who is the subject of the report or the maker of the report, if the maker is not the defendant or an agent or employee of the defendant, has been redacted.

131. Defendants Ursuline High School and Damore, acting in professional and official capacities, failed to report the attack on Daughter.

132. Defendant Damore was an agent and employee of Defendant Ursuline High School acting on its behalf and within the scope of her office or employment. Defendant Ursuline is vicariously liable.

133. As a direct and proximate result of these actions, Daughter has suffered and will continue to suffer economic and non-economic damages for which the named Defendants are liable, including, but not limited to, pain and suffering, reputational harm, betrayal, and emotional distress, exceeding \$25,000.00.

134. Defendants’ acts were malicious, in bad faith, performed in a wanton and reckless manner, willful, egregious, and worthy of substantial sanction to punish and deter them and others from engaging in this type of unlawful conduct.

CLAIM 2
CIVIL LIABILITY FOR CRIMINAL ACTS (REPORTING CHILD ABUSE) UNDER
R.C. 2307.60 AND 2151.421

(BY PLAINTIFF DAUGHTER SMITH AGAINST DEFENDANTS URSULINE HIGH SCHOOL
AND MARGARET DAMORE)

135. Plaintiffs incorporate all previous allegations.

136. Under the relevant part of Ohio Rev. Code § 2151.421(A)(1)(a):

No person described in division (A)(1)(b) of this section who is acting in an official or professional capacity and knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in a similar position to suspect, that a child under eighteen years of age... has suffered or faces a threat of suffering any physical or mental wound, injury... or condition of a nature that reasonably indicates abuse or neglect of the child shall fail to immediately report that knowledge or reasonable cause to suspect to the entity or persons specified in this division. Except as otherwise provided in this division or section 5120.173 of the Revised Code, the person making the report shall make it to the public children services agency or a peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. If the person making the report is a peace officer, the officer shall make it to the public children services agency in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. In the circumstances described in section 5120.173 of the Revised Code, the person making the report shall make it to the entity specified in that section.

137. Under R.C. 2307.60, anyone injured in person or property by a criminal act may recover full damages in a civil action. Violations of R.C. 2151.421(A)(1) are criminal acts, indeed misdemeanors, under R.C. 2151.99(C).

138. Defendants Ursuline High School and Damore, acting in professional and official capacities, failed to report the attack on Daughter.

139. The named Defendants are culpable as principal offenders, complicitors, and/or conspirators for the criminal act and are civilly liable.

140. The conduct complained of above constitutes criminal acts by Defendant Damore individually and through personal accountability for organizational conduct under R.C. 2901.24, and, by other Defendants, through vicarious and organizational criminal liability under

R.C. 2901.23.

141. Defendant Damore was an agent and employee of Defendant Ursuline High School acting on its behalf and within the scope of her office or employment.

142. Acting with the kind of culpability otherwise required for the commission of the offense, its commission was also authorized, requested, commanded, and tolerated by Defendant Ursuline High School's administration acting on behalf of the organization and within the scope of the administrator's office or employment.

143. Defendant Damore was an agent and employee of Defendant Ursuline High School as defined in R.C. 2901.24 and acted with the kind of culpability required for the commission of the offense. At least one of the following apply:

- (a) In the name of the organization or on its behalf, she engaged in conduct constituting the offense; and
- (b) She had the primary responsibility to discharge a duty imposed on the organization by law—namely the duty to protect the students whose safety was entrusted to her—and did not discharge that duty.

144. As a direct and proximate result of these actions, Daughter has suffered and will continue to suffer economic and non-economic damages for which the named Defendants are liable, including, but not limited to, pain and suffering, reputational harm, betrayal, and emotional distress, in excess of \$25,000.00.

145. Defendants' acts were malicious, in bad faith, performed in a wanton and reckless manner, willful, egregious, and worthy of substantial sanction to punish and deter them and others from engaging in this type of unlawful conduct.

CLAIM 3
OHIO COMMON-LAW NEGLIGENCE AND RECKLESSNESS

**(BY PLAINTIFF DAUGHTER SMITH AGAINST DEFENDANTS URSULINE HIGH SCHOOL
AND MARGARET DAMORE)**

146. Plaintiffs incorporate all previous allegations.

147. The named Defendants failed to exercise the care that a reasonably prudent person would exercise in a similar situation, resulting in injury.

148. Defendant Damore was an agent and employee of Defendant Ursuline High School acting on its behalf and within the scope of her office or employment. Ursuline High School is vicariously liable.

149. As a school and school officials, the named Defendants owed a duty of care owed to Daughter, who was entrusted to their care at school.

150. They breached that duty.

151. The named Defendants ignored repeated complaints and warnings of violence and that Friend-1 was going to attack, harm, and injure Daughter.

152. The named Defendants failed to provide medical attention to Daughter following the attack.

153. As a direct and proximate result of these actions, Daughter has suffered and will continue to suffer economic and non-economic damages for which the named Defendants are liable, including, but not limited to, pain and suffering, reputational harm, betrayal, and emotional distress, in excess of \$25,000.00.

154. Defendants' acts were in conscious disregard for Daughter's rights, malicious, in bad faith, performed in a wanton and reckless manner, willful, egregious, and worthy of substantial sanction to punish and deter them and others from engaging in this type of unlawful conduct.

CLAIM 4
OHIO COMMON-LAW NEGLIGENT SUPERVISION AND RECKLESS SUPERVISION
(BY PLAINTIFF DAUGHTER SMITH AGAINST DEFENDANTS URSULINE HIGH SCHOOL
AND MARGARET DAMORE)

155. Plaintiffs incorporate all previous allegations.
156. Defendants had a duty to provide reasonable supervision of students.
157. The named Defendants left Friend-1 and Daughter unsupervised, leading to her injuries.
158. The named Defendants ignored repeated complaints and warnings of violence and that Friend-1 was going to attack, harm, and injure Daughter.
159. The named Defendants failed to provide medical attention to Daughter following the attack.
160. The named Defendants failed to meet the standard of reasonable and prudent educators in supervising the students.
161. Defendant Damore was an agent and employee of Defendant Ursuline High School acting on its behalf and within the scope of her office or employment. Ursuline High School is vicariously liable.
162. As a school and a school official, they owed a duty of care to Daughter, who was entrusted to their care at school.
163. They breached that duty.
164. As a direct and proximate result of these actions, Daughter has suffered and will continue to suffer economic and non-economic damages for which the named Defendants are liable, including, but not limited to, pain and suffering, reputational harm, betrayal, and emotional distress, in excess of \$25,000.00.
165. Defendants' acts were in conscious disregard for Daughter's rights, malicious, in bad

faith, performed in a wanton and reckless manner, willful, egregious, and worthy of substantial sanction to punish and deter them and others from engaging in this type of unlawful conduct.

CLAIM 5
NEGLIGENT AND RECKLESS TRAINING, SUPERVISION, DISCIPLINE, STAFFING, HIRING, AND
RETENTION UNDER OHIO LAW

(BY PLAINTIFF DAUGHTER SMITH AGAINST DEFENDANTS URSULINE HIGH SCHOOL
AND THE CATHOLIC DIOCESE OF YOUNGSTOWN)

166. Plaintiffs incorporate all previous allegations.

167. The named Defendants failed to exercise due care and acted in both a negligent and reckless manner in training, supervising, disciplining, staffing, hiring, and retaining Defendant Damore.

168. The named Defendants failed to train, supervise, and discipline Defendant Damore about how to properly address, investigate, and prevent violence, planned physical attacks, and all the conduct described above.

169. The named Defendants also failed to discipline and hold Defendant Damore accountable for failing to fulfill her mandatory duties to report such misconduct to law enforcement or children services.

170. The named Defendants failed to train, supervise, and discipline Defendant Damore about caring about such complaints, warnings, violence, and planned attacks.

171. Defendants Ursuline and the Diocese's negligent and reckless conduct in this regard proximately caused Daughter's injuries.

172. As a direct and proximate result of these actions, Daughter, has suffered and will continue to suffer damages for which the named Defendants are liable, including, but not limited to, pain and suffering, reputational harm, betrayal, and emotional distress, in excess of \$25,000.00.

173. Defendants' acts were malicious, in bad faith, performed in a wanton and reckless manner, willful, egregious, and worthy of substantial sanction to punish and deter them and others from engaging in this type of unlawful conduct.

CLAIM 6
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS UNDER OHIO LAW

(BY PLAINTIFF DAUGHTER SMITH AGAINST DEFENDANTS URSULINE HIGH SCHOOL AND MARGARET DAMORE)

174. Plaintiffs incorporate all previous allegations.

175. Defendants had duties to, and breached those duties, acting negligently and causing harm to Daughter.

176. As a direct and proximate result of Defendants' negligence, Daughter suffered severe physical harm and injury and emotional distress. The distress was severe enough to disrupt her daily life.

177. The harm caused by Defendants' negligence and recklessness was reasonably foreseeable by Defendants at all relevant times.

178. As a direct and proximate result of these actions, Daughter has suffered and will continue to suffer economic and non-economic damages for which the named Defendants are liable, including, but not limited to, pain and suffering, reputational harm, betrayal, and emotional distress, in excess of \$25,000.00.

179. Defendants' acts were malicious, in bad faith, performed in a wanton and reckless manner, willful, egregious, and worthy of substantial sanction to punish and deter them and others from engaging in this type of unlawful conduct.

PRAYER FOR RELIEF

For the above reasons, Plaintiff respectfully requests the following relief from the Court:

- (a) Declare that Defendants' acts and conduct constitute violations of state law and the United States Constitution;
- (b) Enjoin Defendants from retaliating against Mother and Daughter Smith;
- (c) Enter judgment in Mother and Daughter Smith's favor on all claims for relief;
- (d) Award Mother and Daughter Smith full compensatory damages, economic and non-economic, including, but not limited to, medical expenses, pain and suffering, mental anguish, emotional distress, reputational harm, sense of betrayal, and trauma that they have suffered and are reasonably certain to suffer in the future;
- (e) Award Mother and Daughter Smith punitive damages as appropriate for all intentional and malicious violations of state law;
- (f) Award prejudgment and post-judgment interest at the highest lawful rate;
- (g) Award Mother and Daughter Smith their reasonable attorney fees, expert fees, and all other costs and expenses of this suit;
- (h) Award all other relief in law or equity to which Mother and Daughter Smith is entitled and that the Court deems equitable, just, or proper.

JURY DEMAND

Plaintiffs demand a trial by jury on all issues within this complaint.

Dated: November 24, 2025

Respectfully submitted,

/s/ Subodh Chandra

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