

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X

Index Number:

Date Index Number Purchased: 5/20/2024

N.B., an infant, by and through his mother,
S.B.

Plaintiff designates Westchester County as
the place of trial.
The basis of venue is Defendant's residence.

Plaintiff,

SUMMONS

-against-

THE BIONDI EDUCATION CENTER
and RISING GROUND ACADEMY

Defendant.

-----X

To the above named Defendants:

THE BIONDI EDUCATION CENTER
463 Hawthorne Ave
Yonkers, NY 10705

RISING GROUND ACADEMY
463 Hawthorne Avenue
Yonkers, NY 10705

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer on Plaintiff's Attorneys within twenty (20) days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the State of New York, or within thirty (30) days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: May 20, 2024

Mark Hanna

Mark Hanna, Esq.
HANNA & VLAHAKIS
Attorneys for Plaintiff
7504 Fifth Avenue
Brooklyn, NY 11209-3302
(718) 680 – 8400

PETERS BROVNER LLP

By: /s/ Lesley Brovner

Lesley Brovner

Mark Peters

139 Fulton Street – Suite 132

New York, New York 10038

917-639-3270

lbrovner@petersbrovner.com

mpeters@petersbrovner.com

LAW OFFICE OF ALI NAJMI ESQ

By: /s/ Ali Najmi _____

Ali Najmi Esq.

32 Broadway, Suite 1310 New York, NY 10004

T: (718) 637 7707

F: (888) 370-2397

E: ali@najmilaw.com

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X

N.B., an infant, by and through his mother,
S.B.

Plaintiff

Index No.

v.

VERIFIED COMPLAINT

THE BIONDI EDUCATION CENTER
and RISING GROUND ACADEMY

Defendants.

-----X

Plaintiff, by and through his attorneys, Peters Brovner LLP, The Law Office of Ali Najmi, Esq. and Hanna and Vlahakis Law Offices, for his Complaint alleges as follows:

PRELIMINARY STATEMENT

1. From the Spring of 2020 until March 2023, Plaintiff N.B. attended Defendant Biondi Education Center (“Biondi”) a boarding school for children with severe emotional issues in Westchester County. Biondi is owned and managed by Defendant Rising Ground Academy (“Rising Ground”) which, through its various campuses, purports to provide “therapeutic treatments and trauma-informed supports that meet the physical, mental health, psychological, and educational needs of youth and adults facing a myriad of complex challenges.”
2. From September 2022 until February 28, 2023, Biondi teacher Sandra Carazas a/k/a Carazas-Pinez (“Carazas”) routinely sexually abused N.B. both on and off of the Biondi campus. Much of this abuse occurred in a Biondi classroom, in full view of other students, and was captured by the video cameras that Biondi had installed in their

classrooms. Biondi has admitted that they inexcusably failed to review the cameras that they had set up in the classroom – had they done so they would have seen the abuse in real time and limited the unimaginable damage that was caused to N.B.

3. Other abuse occurred off campus when Biondi – in a flagrant violation of their own safety policies – allowed N.B. to be taken off campus by his abuser for the express purpose of abusing him.
4. The abuse occurred multiple times a month. When N.B. tried in vain to stop the abuse, Carazas threatened and manipulated him, stating she would fail him and commit suicide. The latter threat was particularly traumatizing to N.B. who himself had attempted suicide and had lost friends to suicide.
5. Had Biondi followed even their own most basic safety protocols they could have prevented the horrific, ongoing abuse that N.B. suffered.
6. Biondi is a school with roots going back to 1831. It is a school that advertises itself as being specially equipped to help students with emotional disorders. Indeed, it is a school that recruits “the most vulnerable among us.” And students who attend Biondi are especially vulnerable and need strong safety and support mechanisms at all times.
7. Students with severe psychological issues who are sent live at boarding schools designed to care for them are a particularly vulnerable population, not only because of their special needs but because of their age and the fact that they are living away from their parents in the custody and control of an educational institution.
8. Parents rely on such boarding schools to act in their stead to protect their children from the foreseeable harms that can occur in a boarding school atmosphere, including to protect their children from sexual predation by teachers and others

9. N.B. was at the Biondi School because he is a 17-year-old male who suffers from various serious psychological disorders, including schizophrenia and was in need of special care.
10. Defendants the Biondi Education Center and Rising Ground Academy grossly, recklessly and negligently betrayed the trust of N.B. and his parents who placed trust in Defendants' boarding school. Rather than caring for NB as promised, defendants allowed plaintiff N.B., who was entrusted to their care, to be repeatedly sexually abused by a teacher at the school.
11. As a result of Biondi's failure to protect N.B. from Carazas' abuse – including recklessly ignoring multiple warning signs and failing to comply with their own safety protocols - N.B. has suffered and continues to suffer from profound and chronic psychological trauma and harm.
12. N.B. now brings this civil lawsuit to recover compensatory and punitive damages that Biondi caused by failing to supervise and negligently retaining sexual predator Carazas.

PARTIES

13. Plaintiff N.B. is a 17-year-old male who suffers from various psychological issues including schizophrenia. At the time of the events in question, he resided at the Biondi Education Center located in Westchester County.
14. Defendant the Biondi Education Center is a school located in Westchester County that specializes in teaching students with learning disabilities, emotional disorders, autism and other health impairments.
15. Defendant Rising Ground Academy is a human services organization with its address in Westchester County that owns and manages the Biondi School.

JURISDICTION AND VENUE

16. This action arises under New York common law.
17. The jurisdiction of this Court is predicated upon CPLR 301 because both Plaintiff and Defendants reside in the State of New York and the actions giving rise to this Complaint occurred in the State of New York. Finally, the matter in controversy exceeds the sum of fifty-thousand dollars (\$50,000) exclusive of interest and costs.
18. Plaintiff, at the time of the events in question resided in Westchester County, New York. The majority of the events in question also occurred in Westchester County, New York. As such, venue is properly lodged in this Court pursuant to CPLR 503.

TRIAL BY JURY

19. Plaintiff demands a trial by jury.

FACTS

20. N.B. attended the Biondi School – a boarding school for children with psychological disorders – from Spring 2020 until March 2023. N.B. had been diagnosed with schizophrenia and had been hospitalized on several occasions due to his illness and related thoughts of suicide and self-harm. For these reasons, he was placed at the Biondi School for treatment and education.

Carazas Abuse of N.B.

21. Beginning in September 2022, Carazas, who was one of N.B.'s teachers, began to repeatedly sexually and psychologically abuse N.B.. Multiple times a month, Carazas pressured N.B. to get a "day pass" and leave school for a few hours. She met him in her car at a nearby Dunkin Donuts parking lot and manipulated him into having sex with her in her car.
22. Carazas began the abuse by asking N.B. inappropriate personal questions – such as whether he was a virgin and what he did with his girlfriend – and then escalated the abuse by insisting that they have sex. Texts between Carazas and N.B. confirm that she was sexually abusing him for several months. For example:
 - a. On January 23 & 24, 2023, Carazas texted nude photographs of herself to N.B..
 - b. On January 3, 2023, Carazas texted N.B. that she was "sore" after he gave her a "workout."
 - c. On February 3, 2023, Carazas texted N.B. that "I miss seeing you masturbate."
 - d. On February 8, 2023, Carazas texted N.B. that "I am low key upset you said on average you masturbate 8 times a day and not once can you call me to see. You used to call me whenever you did it."
 - e. On February 12, 2023, Carazas texted N.B. that "the only person I've broken the rules with is you." And later that day she sent a semi-nude photograph with the caption "How do I look?" and "I'll see you tomorrow, my outfit is going to drive you crazy." The next day she sent another picture of some lingerie with a note that said, "I got my outfit, you going to take it off."

- f. On February 27, 2023, Carazas texted N.B. “maybe tomorrow you can make me cum.” They met the next day to have sex and after that she wrote to him that “you made me cum too much” and “my butt hole hurts too. Need to rub it tomorrow for me.”
23. After she began sexually abusing N.B., Carazas continually pressured and manipulated him in order to continue her abuse. On the many occasions when he tried to stop the sexual abuse, she threatened to kill herself and threatened him with failing grades if he did not continue. Again, texts between the two demonstrate this:
- a. On January 24, 2023, N.B. texted Carazas that he wanted to stop the having sex with her because “it’s not healthy.”
 - b. On February 19, 2023, after N.B. again questioned the propriety of what they were doing, Carazas texted N.B. that “I sometimes feel like I am taking advantage or that you don’t want to. So I ask. And most of the time you say we should stop. Sorry I should respect your wishes.” Despite this text, as noted above, the abuse continued.

The Biondi School was on Notice of the Abuse

24. The Biondi School was on constructive notice that this was going on but inexcusably and recklessly failed to intervene to protect N.B.. For example, there were cameras in the classroom where Carazas taught N.B. that clearly captured their inappropriate activities. On multiple occasions, Carazas made N.B. sit next to her in class and cuddled with him in view of the cameras. She once, again in full view of the cameras, asked N.B. to rub her crotch. She acknowledged this behavior in her texts, writing to N.B. on January 20, 2023,

that “I love that you were holding and hugging me in school.” Later, on February 19, 2023, she texted that “I call you crazy when you try to finger me in class.”

25. Indeed, most damning in this regard is the fact that on March 10, 2023 – after N.B. had finally reported the abuse to his mother S.B.– Biondi School Headmaster Baker admitted to S.B. that (i) Biondi failed to actually monitor the cameras in real time as they were supposed to; and (ii) that when they went and reviewed them later the camera’s clearly showed that Carazas was being inappropriate with N.B..
26. This admission from the head of school, without more, demonstrates Biondi’s clear negligence and recklessness in this matter. Had the school taken the basic step of watching what was clearly shown on the cameras, the abuse that took place inside of the classroom could have been stopped. Instead, the school negligently and recklessly failed, time and time again, to watch what was being recorded on the cameras, either in real time or even at the end of the day or end of each week. Thus, the school negligently and recklessly missed multiple opportunities to keep N.B. safe while in their care.
27. Moreover, there were other warning signs – and Biondi negligence and recklessness – as well. For example, on January 30, 2023, Carazas was written up by Assistant Principal Michael Greene for engaging in a “boundary violation” with N.B. involving a lunchtime incident. However, the school unconscionably failed to take *any* follow up steps to ensure that other, even more egregious, “boundary violations” did not occur. (Such steps could have included, but did not, watching the video footage from Carazas’ classroom.)And, the school did not investigate whether there was something deeper and more inappropriate about their interactions.

28. Finally, the school violated its own policies to allow the abuse to continue. Specifically, as noted above, at the behest of Carazas, N.B. requested and was granted multiple day passes to leave campus to go meet Carazas. However, N.B. was not eligible for such day passes and they should never have been issued. Indeed, school policy required that before issuing a day pass the school was to contact the student's parent for permission. The school never contacted N.B.'s parents for such permission.
29. If the school had followed its own safety protocols on day passes – which would have prevented N.B. from obtaining a pass – the abuse that took place outside of the school could not have occurred. Instead, the school negligently and recklessly failed, time and time again, to follow its own rules and thus missed yet another opportunity to keep N.B. safe. Furthermore, N.B. told the teachers issuing the day pass that he was going to Target but never returned with anything from Target and would return with hickeys on his neck that were fully visible. Again, the staff failed to inquire or take any action that would have led to the abuse being revealed sooner.
30. Finally, upon information and belief, defendant Rising Ground owns and manages Biondi and is responsible for the safety of its daily activities. However, upon information and belief, Rising Ground failed to take any steps to ensure that Biondi was protecting the students in its care and was therefore reckless and negligent in its ownership and supervision of Biondi.

The effects of the abuse on N.B., have been catastrophic.

31. As a mentally ill child, being abused by a teacher in a residential school where he should have been protected permanently and profoundly harmed N.B. The abuse badly damaged N.B.'s social, emotional and sexual development and he remains deeply traumatized.

NO APPORTIONMENT

32. Neither Carazas' nor any other individuals' conduct should not be considered in determining the Defendants' liability.
33. Specifically, the Defendants are not entitled to protection under CPLR 1601 because of the exclusions set forth in CPLR 1602, including but not limited to CPLR 1602(2)(iv) and 1602(7).
34. Defendants had a non-delegable duty to Plaintiff and acted with reckless disregard for the safety of Plaintiff and others.

FIRST CAUSE OF ACTION

Negligence

35. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1 through 34 as though fully set forth herein.
36. Defendants had a non-delegable duty of care to ensure the safety of their students while those students were on their property and under the care of their employees.
37. Defendants had a non-delegable duty to protect their minor students, like Plaintiff, from unwanted sexual contact, sexual abuse, and the associated trauma resulting there from. Here, Defendants failed to take any reasonable steps to ensure the safety of their students, and Plaintiff in particular. Indeed, Defendants recklessly disregarded the dangers posed by Carazas which, for the reasons noted above, were fully on display to Defendants.
38. Defendants, by and through their agents, servants and/or employees, had actual knowledge, knew, or reasonably should have known of Carazas' dangerous and exploitative propensities and/or that Carazas was an unfit agent because of her sexual interest in and contacts with Plaintiff.

39. It was reasonably foreseeable that if Defendants did not adequately exercise or provide the duty of care owed to children in its custody and control, including but not limited to Plaintiff, the children who were entrusted to their care would be vulnerable to sexual abuse by Defendants' agents, servants, and/or employees, including Carazas.
40. Defendants breached the duty of care owed to the minor Plaintiff by failing to protect him from foreseeable harm of sexual misconduct of its employees or personnel, including Carazas. Indeed, Defendants affirmatively delivered Plaintiff to Carazas' custody, via reckless issuances of day passes, despite these dangers and despite any legitimate reason to do so. Defendants further failed to take other steps – such as reviewing video footage from Carazas' classroom or following up on the “boundary violations” incident – that would have protected Plaintiff from harm.
41. As a result of the above-described conduct, Plaintiff has suffered in the past, and will continue to suffer in the future, from severe mental anguish and emotional and physical distress.

SECOND CAUSE OF ACTION

Negligent Supervision and retention

42. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1 through 41 as though fully set forth herein.
43. Defendants had a duty to provide reasonable supervision of their employee and agent, Carazas, when she interacted with minor students. Defendants also had a duty to follow up on any reports of misconduct. Further, Defendants had a duty not to retain Carazas once they knew or should have known of her misconduct. They negligently and recklessly failed all of these duties.

44. Defendants, by and through each entity's respective agents, servants and/or employees, had actual knowledge, knew, or reasonably should have known, of Carazas dangerous and exploitative propensities and/or that Carazas was an unfit agent, due to her sexual interest in and contacts with Plaintiff.
45. Despite such knowledge, Defendants breached their duty to provide reasonable supervision of Carazas. Indeed, not only did Defendants ignore the multiple red flag warnings that Carazas was sexually abusing Plaintiff, but they affirmatively delivered Plaintiff to Carazas unsupervised custody. Further, Defendants retained Carazas after they knew or should have known that she posed a danger to children in his custody. These failures enabled Carazas, who was routinely in a position of ready access to children, to sexually abuse Plaintiff.
46. As a result of the above-described conduct, Plaintiff has suffered in the past, and will continue to suffer in the future, from severe mental anguish and emotional and physical distress.

PRAAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court grant the following relief:

- A. Awarding compensatory damages for all physical injuries, and the resulting emotional distress, psychological harm, anxiety, humiliation, physical pain and suffering, family and social disruption, and other harm, in an amount to be determined at trial but in excess of \$50,000;
- B. Awarding punitive damages in an amount to be determined at trial;
- C. Awarding pre- and post-judgment interest on all such damages;

D. Awarding such other and further relief as this Court may deem just and proper.

DATED: New York, New York
May 20, 2024

PETERS BROVNER LLP

By: Lesley Brovner
Lesley Brovner
Mark Peters
139 Fulton Street – Suite 132
New York, New York 10038
917-639-3270
lbrovner@petersbrovner.com
mpeters@petersbrovner.com

LAW OFFICE OF ALI NAJMI ESQ

By: /s/ Ali Najmi
Ali Najmi Esq.
32 Broadway, Suite 1310 New
York, NY 10004
T: (718) 637 7707
F: (888) 370-2397
E: ali@najmilaw.com

HANNA & VLAHAKIS

By: /s/ Mark J. Hanna
Mark J. Hanna
7504 5th Avenue
Brooklyn, NY 11209
718-680-8400
HVLawOffices@gmail.com

VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF KINGS)

MARK HANNA, an attorney duly admitted to practice in the Courts of the State of New York, states:

I am an attorney in THE LAW OFFICE OF HANNA AND VLAHAKIS the attorneys for the Plaintiff herein. I have read the foregoing COMPLAINT and know the contents thereof. I affirm this 20th day of May, 2024, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, except as to those matters therein alleged to be on information and belief and, that as to those matters, I believe them to be true, and I understand that this document may be filed in an action or proceeding in a court of law,

The reason this verification is made by me and not by the Plaintiff, is that the Plaintiff is presently outside the county in which THE LAW OFFICE OF HANNA AND VLAHAKIS maintains its office. CVP § 3020(d)(3)

The grounds of my belief as to all matters not stated upon my own knowledge are information, books, records, data and correspondence contained in deponent’s file and conversations had with the Plaintiff herein.

I affirm that the foregoing statements are true under the penalty of perjury.

Dated: New York, New York
May 20, 2024

By: Mark Hanna
Mark J. Hanna
7504 5th Avenue
Brooklyn, NY 11209
718-680-8400
HVLawOffices@gmail.com