

TWO FAMILIES SUE CROTCHED MOUNTAIN FOUNDATION, STAFF FOR CHILD ABUSE
Civil Rights Action Against Renowned Facility Filed in New Hampshire Federal Court
Three Aides Harmed Disabled Youngsters; Teacher and Other Personnel Ignored the Abuse;
Foundation Violated Law in Cover Up - According to Complaint

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October 23, 2014, Concord, NH -- Two families of young, disabled children receiving educational services at the famed Crotched Mountain Foundation filed suit against the institution today in the U.S. District Court of New Hampshire, detailing a number of serious incidents of abuse their youngsters endured at the hands of Foundation staff.

Physical, psychological and emotional abuse by three classroom aides is alleged, all three of whom already face criminal charges in Hillsborough County, NH, for their actions. Today's civil complaint alleges two disabled children, other students attending CMF's elementary school and the members of their families have been seriously damaged not only by the abuse itself, but by the Foundation's blasé attitude upon learning about it and its unresponsiveness to the aides' illegal behaviors.

The plaintiffs are represented by a team of attorneys, Peter Alfert from Hinton Alfert & Kahn LLP of Walnut Creek, CA, Todd Boley of Alameda, CA, and Michael Noonan and Christine Craig of Shaheen & Gordon, PA, of Dover, N.H. Alfert and Boley settled a series of school-based child abuse case against two Contra Costa, CA districts for \$17 million in 2014.

"This case fits into a pattern of egregious abuse against disabled students that is increasingly common across the country," said Alfert. "The maltreatment of these vulnerable children is an extremely disturbing and widespread phenomenon, even at facilities with good reputations. As in this case, the abuse is often exacerbated by institutions' attempts to handle child abuse incidents in-house, in clear violation of state and federal laws."

Founded in 1953, Crotched Mountain Foundation is a well-known East Coast nonprofit that provides special educational and rehabilitation services in residential and day programs for individuals of all ages with disabilities in its school, hospital, residential center, outpatient clinic and other facilities.

Plaintiffs in the suit are J.G., a 7-year old boy with limited communication abilities diagnosed with Global Developmental Delay and Pervasive Developmental Disorder, and his co-guardians ad litem Jessica and James Giberson, residents of Sullivan County, NH. Jessica Giberson is J.G.'s mother; James Giberson is his father. The Gibersons are divorced and J.G. resides with his mother. J.G. was enrolled in CMF's School as a day student from 2011 until June 6, 2014.

Other plaintiffs are A.M., a 12-year-old girl diagnosed with multiple disabilities - including difficulty communicating -- and her guardian ad litem Deborah Emerson, residents of Vermont. Emerson is the grandmother of A.M., a residential student at CMF School from February through July 2014.

"These individuals preyed upon helpless children knowing full well that their impairments and inability to communicate would allow them to get away with their egregious behavior," said attorney Todd Boley. "We hope this litigation will shine of light on this horrible situation, put other parents on notice and end the abuse at Crotched Mountain."

Sunapee School District, NH, placed J.G. at CMF and paid for his care; the Rutland School District, VT, placed A.M. and paid for her care. Federal funds were used by both districts to support J.G.'s and A.M.'s placements, which makes their maltreatment a violation of federal law. The Complaint for Damages details the significant maltreatment suffered by J.G. and A.M. at CMF at the hands of classroom aides Jessica Burt, Bethany Smith and Heather Murawske, who all

worked in the elementary classroom of teacher Ashlee Crouthamel. Burt, Smith, Murawske and Crouthamel are named as defendants in the Complaint as are Ruth Swain, a CMF Human Resources Generalist at the Foundation, and Dee Grimes, a supervisor at CMF School. The abuse perpetrated on A.M. in Crouthamel's classroom included being struck in the buttocks and head, being flicked by aides' fingers; and being sworn at and told that school personnel hated her. From the beginning of her enrollment at CMF, A.M. reported the mistreatment to her grandmother, Ms. Emerson. Despite significant communication disabilities, A.M. also called the local emergency police to report the abuse to local law enforcement authorities. The email record shows Emerson shared her granddaughter's reports of abuse with Crouthamel as soon as Emerson was aware of them, but the school claimed that allegations were unsubstantiated.

The abuse perpetrated on J.G. in Crouthamel's classroom included aides pinching his nose and penis, forceful placement in a chair and being held in place, scaring him with feared objects and threats, photographing him naked on the toilet and distribution of these photographs online and to CMF staff members and other tactics to harm and intimidate him as a means of behavioral control. Because of his age and disabilities, J.G. was not able to fully communicate to his mother the type and extent of abuse he regularly received. On March 4, 2014, when Ms. Giberson reported her son's injuries via email to Crouthamel -- including J.G.'s red, swollen penis -- neither Crouthamel nor CMF took action. In June, the Gibersons were informed by the Foundation that J.G. had been abused at the School and they removed him from the School at that time.

Internal CMF documents show that multiple incidents of physical and verbal abuse in Crouthamel's classroom were observed by other CMF staff who reported these incidents to Foundation officials at the end of May, long before the institution notified the families of the abuse. Although Foundation personnel detailed pinching, taking and sharing photographs of a child on the toilet and other substantive child maltreatment in Crouthamel's classroom, CMF did not promptly report these incidents to local law enforcement, as required by NH state law.

Not until Mr. Giberson informed Foundation officials he intended to notify the police of his son's abuse did Deborah Segedy, Crotched Mountain Student Services Coordinator, contact the Greenfield Police Department.

In the wake of Segedy's report, Greenfield Chief of Police Brian Giammarino instituted a thorough investigation, which resulted in criminal charges being filed against Burt, Smith and Murawske.

On September 3, Murawske pled guilty to violating J.G.'s privacy, a Class B misdemeanor. A case status hearing occurred October 8 for Burt, with pending charges of simple assault, endangering the welfare of a child, and criminal threatening. In addition, there is a felony charge pending against Burt for which she has not yet been indicted.

Today's civil suit asserts the defendants violated the federal Rehabilitation Act of 1973; committed battery against the two children; inflicted emotional distress on the children and their family members; were negligent in their supervision of vulnerable children in their care; were negligent in their personnel hiring and retention practices; deprived the children of the protection of their parents; invaded the children's and families' privacy; and were wanton, malicious and/or oppressive and exhibited reckless indifference or disregarded the consequences of their actions. The award of compensatory damages, enhanced compensatory damages; attorneys fees and costs, and other relief is requested by the plaintiffs.