

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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V.V.

CASE NO.:

Plaintiff,

v.

COMPLAINT

NEW YORK CITY DEPARTMENT OF
EDUCATION

Defendant.

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Plaintiff, V.V., by and through her undersigned counsel, hereby files this Complaint against Defendant, NEW YORK CITY DEPARTMENT OF EDUCATION, and alleges as follows:

PARTIES AND JURISDICTION

1. V.V. is a resident of Richmond County, New York. This action is brought anonymously to protect the identity of V.V. to avoid further embarrassment and further psychological damage, as this matter concerns the sexual harassment and manipulative relationship between an adult male high school teacher and a female high school student, which is a matter of the utmost intimacy.

2. Defendant, NEW YORK CITY DEPARTMENT OF EDUCATION (“DOE”), is a political subdivision, agency, or part of the government of New York City. The DOE receives federal financial funding. The DOE controls, operates, supervises, and maintains all public schools in New York City, including Brooklyn Technical High School (“Brooklyn Tech”). V.V. was a student at Brooklyn Tech at all relevant times.



3. The court has federal question subject matter jurisdiction of this action pursuant to 28 U.S.C. §1331 and 20 U.S.C. §1681(a).

4. The Court has venue of this action under 28 U.S.C. §1391 as Brooklyn Technical High School is located in this District, the Plaintiff resided in this District at all material times, and a substantial part of the events and omissions giving rise to the claim occurred in this District.

FACTS

5. Sean Shaynak was hired to be a teacher at Brooklyn Technical High School in approximately 2009.

6. Due to Shaynak's history and expertise in the area of aeronautics, Shaynak was put in charge of the Brooklyn Tech Aerospace Program. This program was very prestigious and lucrative for the school, as it generated a great deal of donations.

7. During the hiring process, it was revealed to the DOE that Shaynak had previously been arrested for assault and battery upon a minor boy. The DOE hired Shaynak despite this knowledge.

8. Shaynak quickly made a name for himself as "the cool teacher" at Brooklyn Tech. Shaynak would routinely allow students to skip class and "hang out" with him in his classroom, and was often observed smoking cigarettes and drinking alcohol with students just off campus. This inappropriate behavior was grooming behavior, used by Shaynak to manipulate Brooklyn Tech female students into sexually harassing and exploitive relationships. This open and notorious grooming behavior was ignored by Brooklyn Tech officials and administrators.

9. Because Sean Shaynak's Aerospace Program generated prestige and was a great

source of donations, Principal Asher and other Brooklyn Tech officials and administrators viewed Shaynak as the school's "most valuable teacher". As a result of this label, Shaynak's open, notorious, and continuous sexual harassment of female students was tolerated and ignored. Shaynak was provided unfettered freedom and discretion to sexually harass, groom, and manipulate female students, including V.V.

ACTUAL NOTICE OF SEXUAL HARASSMENT

Flashing Female Students while Dressed in Drag

10. In approximately 2010, Sean Shaynak attended a school-sponsored student dance, dressed in drag, wearing a sexually provocative women's French maid costume. This costume was sexually inappropriate and revealed much of Shaynak's body.

11. Throughout the dance, Shaynak continuously sexually harassed female students by making lewd and sexually suggestive gestures, including lifting up his skirt at female students.

12. Upon information and belief, the principal of Brooklyn Tech, Randy Asher was present at the dance, and witnessed Sean Shaynak's sexually harassing and inappropriate behavior.

13. Upon information and belief, other Brooklyn Tech administrators were present at the dance and witnessed Shaynak's sexually harassing and inappropriate behavior.

14. Upon information and belief, the highest ranking officials at Brooklyn Tech, with the authority to take corrective measures on behalf of the DOE to prevent further sexual harassment by Shaynak had actual notice of Shaynak's sexual harassment at the school dance.

15. Due to this actual notice, Brooklyn Tech was aware that Shaynak had a proclivity for sexual harassment and sexually inappropriate behavior, and was substantially certain to

continue to sexually harass female students at Brooklyn Tech.

Complaints by Teachers and Administrators

16. Upon information and belief, in or about 2010 – 2012, a teacher/assistant principal witnessed multiple instances of sexual harassment of female students and sexually inappropriate behavior by Shaynak.

17. The teacher/assistant principal informed Principal Asher of the sexually harassing and inappropriate behavior by Shaynak.

18. Upon information and belief, the highest ranking officials at Brooklyn Tech, with the authority to take corrective measures on behalf of DOE to prevent further sexual harassment by Shaynak, had actual notice of Shaynak's sexual harassment witnessed by the teacher/assistant principal.

19. Due to this actual notice, Brooklyn Tech was aware that Shaynak had a proclivity for sexual harassment and sexually inappropriate behavior, and was substantially certain to continue to sexually harass female students at Brooklyn Tech.

Complaints by Third Parties

20. Upon information and belief, in or about 2010 – 2012, Shaynak would often bring female Brooklyn Tech students to the Connecticut Muffin, a coffee shop around the corner from Brooklyn Tech. While there, Shaynak would engage in sexually harassing and sexually inappropriate behavior with the female students.

21. Upon information and belief, the owner/manager of Connecticut Muffin witnessed this behavior and informed Brooklyn Tech officials and administrators that Shaynak was engaging

in sexually harassing and sexually inappropriate behavior with female students.

22. Upon information and belief, the highest ranking officials at Brooklyn Tech, with the authority to take corrective measures on behalf of the DOE to prevent further sexual harassment by Shaynak, had actual notice of Shaynak's sexually aggressive behaviors directed toward female high school students.

23. Due to this actual notice, Brooklyn Tech was aware that Shaynak had a proclivity for sexual harassment and sexually inappropriate behavior, and was substantially certain to continue to sexually harass female students at Brooklyn Tech.

DELIBERATE INDIFFERENCE

24. Despite actual notice of Shaynak's sexual harassment and inappropriate behavior with female students at the school dance, Principal Asher and the Brooklyn Tech officials and administrators with authority to take corrective measures on behalf of the DOE demonstrated deliberate indifference by choosing not to take any corrective action against Shaynak to prevent future sexual harassment of Brooklyn Tech female students. As a result, Shaynak continued to have unfettered access to the female students at Brooklyn Tech and Shaynak continued to sexually harass female students at Brooklyn Tech, including V.V.

25. Despite actual notice of the teacher/assistant principal's observations of Shaynak's sexual harassment and inappropriate behavior with female students in and around school, Principal Asher and the Brooklyn tech officials and administrators with authority to take corrective measures on behalf of the DOE demonstrated deliberate indifference by choosing not to take corrective action against Shaynak to prevent further sexual harassment of Brooklyn Tech female students.

As a result, Shaynak continued to have unfettered access to the female students at Brooklyn Tech and Shaynak continued to sexually harass female students at Brooklyn Tech.

26. Despite actual notice of Shaynak's sexual harassment and inappropriate behavior with Brooklyn Tech female students at the Connecticut Muffin, Principal Asher and the Brooklyn tech officials and administrators demonstrated deliberate indifference by choosing not to take corrective action against Shaynak to prevent further sexual harassment of Brooklyn Tech female students. As a result, Shaynak continued to have unfettered access to the female students at Brooklyn Tech and Shaynak continued to sexually harass female students at Brooklyn Tech.

SEXUAL HARASSMENT OF V.V.

27. In or about December, 2011, V.V. a female Brooklyn Tech student, began attending Shaynak's Aerospace Club after-school program. Shaynak was very friendly towards V.V. and she began attending on a regular basis.

28. In or about March, 2012, Shaynak began grooming and manipulating V.V. into a sexually harassing, inappropriate, manipulative, and sexually exploitive relationship. This began by Shaynak "friending" her on Facebook.

29. In or about March, 2012, after a competition that took place at Brooklyn Tech, Shaynak voluntarily walked V.V. towards the train. While walking to the train station from school, Shaynak sexually harassed V.V., by unexpectedly opening up his rain coat and revealing his exposed penis to her.

30. After this first incident of sexual harassment, Shaynak began messaging V.V. on a routine basis. A great deal of the messages sent by Shaynak were sexual in nature and were sent

to V.V. both during and after school hours.

31. In or about March, 2012, Shaynak took V.V. to the Museum of Sex. While there, Shaynak plied V.V. with alcohol and then kissed her on the lips.

32. In or about April, 2012, Shaynak took V.V. to a hotel in Long Island, plied her with alcohol, and had sexual intercourse with her. Shaynak began having sexual intercourse with V.V. on a weekly basis, while Shaynak was a teacher and V.V. was a student at Brooklyn Tech.

33. In between approximately April – June, 2012, during the time Shaynak was a teacher and V.V. was a student at Brooklyn Tech, Shaynak began sexually harassing V.V. on a daily basis at school. The sexual harassment included, but was not limited to, text messages sent by Shaynak during school hours of a very explicit sexual nature; text messages sent by Shaynak during school hours in which Shaynak requested they become “boyfriend and girlfriend”, which V.V. resisted; and “meetings” in which Shaynak would request V.V. to get a bathroom pass, leave class, and meet Shaynak somewhere on campus to discuss their relationship and kiss on the lips.

34. In between approximately April – June, 2012, V.V., at the request of Shaynak, would leave class multiple times a week to meet up with Shaynak on campus, talk about sex, talk about their relationship, and kiss on the lips.

35. The sexual messages and meetings with Shaynak took place during school hours, were sexually harassing and deprived V.V. the benefit of an education at Brooklyn Tech.

36. In the period of approximately April – June, 2012, Shaynak would drive V.V. from school to his house to have sex on a daily basis. Shaynak also took V.V. to a nude beach and multiple “rave clubs”.

37. On multiple occasions, Shaynak took V.V. to sex clubs, where he would have V.V. watch him perform and receive oral sex with other males.

38. In or about August, 2012, V.V. told Shaynak that she no longer wanted to continue their sexual relationship.

**SEAN SHAYNAK KIDNAPS, THREATENS, AND TERRORIZES V.V.
WHILE DRESSED IN SCHOOL GIRL COSTUME**

39. As a result of the deliberate indifference of Brooklyn Tech officials, Shaynak had the freedom and discretion to pursue and maintain a highly dysfunctional relationship with V.V., which continued into the Fall, 2012. This relationship, and Shaynak's bizzare and obsessive behavior in this relationship, contributed to and exacerbated the psychological and emotional distress damages suffered by V.V.

40. Among other examples of the dysfunction in Shaynak's relationship with V.V., in or about October, 2012, Shaynak convinced V.V. to accompany him to a Halloween rave in Queens, NY. Shaynak picked V.V. up at Brooklyn Tech in his car wearing a school girl costume, complete with female underwear, high heels, and tights.

41. While on the way to the party, Shaynak began arguing with V.V. about their relationship. Shaynak was repeatedly asking V.V., "don't I deserve to be happy?" V.V. resisted and Shaynak began yelling in a threatening tone that scared V.V.

42. Suddenly, Shaynak's yells grew louder and more threatening and he stopped the car, turned around, and began driving in the opposite direction, against V.V.'s will.

43. Shaynak began speeding and driving recklessly through traffic, while continuing to aggressively scream at V.V. in a threatening tone. V.V. became terrified and began silently

praying for her life while trying to figure out a way to escape the speeding vehicle.

44. Shaynak's belligerent screams grew louder and more terrorizing as he began banging on the steering wheel while continuing to speed recklessly through traffic. This was all the more terrorizing because Shaynak was still dressed in drag.

45. Finally, Shaynak stopped the vehicle near Seagate in Brooklyn and left the car to urinate. During this brief period, V.V. seized the opportunity to save herself from Shaynak and quickly exited the vehicle, quietly closed the door, and discreetly crawled behind a car where Shaynak could not see her.

46. Shaynak then realized V.V. had escaped. Shaynak stood next to his car, in a dark deserted parking lot and screamed the word "bitch" while frantically searching for V.V. Once Shaynak was far enough away, V.V. then ran away from behind the car and hid inside some bushes. Still terrified, V.V. hid in this bushes for approximately 30-40 minutes.

47. While V.V. was hiding in the bushes, Shaynak called and texted V.V. dozens of times threatening to go to her house and speak to her parents. V.V. lied to Shaynak and told him she called the cops and they had picked her up. Shaynak's texts and calls finally ended. V.V. walked through the projects towards the F Train and finally went home.

COUNT I
(Violation of Title IX, Education
Amendments of 1972 - 20 U.S.C. §1681 et seq.)

48. Plaintiff V.V. repeats and re-alleges the allegations set forth in paragraphs 1 through 47 above.

49. At all relevant times, the DOE and the education program or activity at Brooklyn

Technical High School received federal financial assistance.

50. V.V. had a right to not be subject to sexual discrimination, harassment or abuse while she participated in the DOE's education program or activity receiving federal financial assistance.

51. Upon information and belief, the DOE had actual notice that Sean Shaynak was sexually harassing female students and posed a grave danger to female students in the school of further sexual harassment and abuse.

52. The prior complaints to Brooklyn Tech officials and administrators of sexual harassment by Sean Shaynak from the Connecticut Muffin owner and the teacher/assistant principal, as well as the sexual harassment by Sean Shaynak witnessed by Principal Asher at the school dance, alerted Principal Asher and other DOE agents and officials to Shaynak's sexual harassment of and sexually inappropriate behaviors with female students.

53. Randy Asher, as Principal, and other Brooklyn Tech officials and administrators with actual notice, had authority to institute corrective measures on behalf of the DOE, in response to the danger posed by Shaynak.

54. Upon information and belief, the decisions of Principal Asher and the DOE, after receipt of actual notice of sexual harassment by Shaynak, to allow Shaynak to continue to teach without instituting any corrective measures, were official decisions to ignore the danger of sexual harassment or sexual abuse to the female students in their care.

55. In response to actual notice that Shaynak posed a risk of sexual harassment or abuse to students at Brooklyn Tech, Principal Asher, and the DOE could have instituted any of a number

of corrective measures that would have prevented the sexual harassment of V.V., including without limitation, (i) preventing Shaynak from having any unobservable conduct with a student on school grounds; (ii) monitoring and more closely supervising Shaynak's interactions with students; (iii) warning Shaynak that he could not socialize with students; (iv) warning parents that Shaynak was the subject of complaints of sexual harassment and inappropriate behavior of a sexual nature directed toward female students; (v) removing him from the Aerospace Program and/or his duties as a teacher with access to female students; (vi) taking adverse employment action against Shaynak for his inappropriate behavior and sexual harassment of students; (vii) investigating the allegations against Shaynak to determine the extent of his inappropriate behavior and sexual harassment; or (viii) any such other action reasonably intended or designed to protect the students at Brooklyn Tech from sexual harassment by Shaynak.

56. Despite receipt of actual notice, Principal Asher, the DOE, and its agents and representatives, acted with deliberate indifference in failing (i) to take any action to prohibit Shaynak from having unsupervised and unobservable access to students; (ii) to warn parents about the allegations against Shaynak; (iii) to remove Shaynak as a teacher; (iv) to otherwise restrict Shaynak's access to female students; or (v) engage in any other corrective measure to prevent Shaynak from sexually harassing students at Brooklyn Tech, including V.V..

57. As a result of this gross failure to act, V.V. was sexually harassed, sexually abused, kidnapped, threatened, and terrorized by Shaynak.

58. As a direct result and moving force behind the sexual discrimination, harassment and abuse described herein, V.V. was deprived of the benefits of an education at Brooklyn Tech,

and has suffered severe and permanent psychological and physical injuries, mental anguish, pain and suffering, and loss of enjoyment of life.

WHEREFORE, Plaintiff V.V. demands compensatory damages, attorneys' fees, punitive damages, and fees and costs pursuant to 42 U.S.C. §1988, and such other and further relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial in this action.

Respectfully submitted,
HERMAN LAW NEW YORK
Attorneys for Plaintiff
41 Madison Avenue
Suite 2532
New York, NY 10010
Tel: (212) 390-0100
Fax: (305) 931-0877
www.bermanlaw.com

By: /s/ Stuart. S. Mermelstein
Jeff Herman
jherman@bermanlaw.com
Stuart S. Mermelstein (1461)
smermelstein@bermanlaw.com
Arick W. Fudali
afudali@bermanlaw.com

