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IRIS Y. MARTINEZ
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2022L003763
Calendar, H
23647608

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

ROBERT BRONSTEIN, individually, and as)
Independent Administrator of the Estate of Nathan)
Bronstein, a minor, Deceased;)
ROSELLENE BRONSTEIN,)
individually, and as Next Friend of M.B. and S.B.,)
minors,)
)
Plaintiffs,)
)
vs.)
)
LATIN SCHOOL OF CHICAGO, an Illinois)
not-for-profit corporation, *et al.*,)
)
Defendants.)

Case No. 2022 L 003763
Hon. Scott D. McKenna
Calendar H
JURY DEMAND

NOTICE OF FILING

To: See Attached Certificate of Service

PLEASE TAKE NOTICE that on July 22, 2023, we caused to be filed with the Clerk of the Circuit Court of Cook County, County Department, Law Division, Plaintiffs' **Second Amended Complaint**, copies of which are attached and hereby served upon you.

Dated: July 22, 2023

Respectfully submitted,

ROBERT BRONSTEIN, individually, and as
Independent Administrator of the Estate of Nathan
Bronstein, a minor, Deceased; **ROSELLENE
BRONSTEIN**, individually, and as Next Friend of
M.B. and S.B., minors

By: /s/ Danielle J. Gould
One of Their Attorneys

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that she caused true and correct copies of the foregoing **Notice of Filing** and **Second Amended Complaint**, to be electronically served by Green Filing Illinois LLC & electronic mail on the parties listed below on July 22, 2023, upon:

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/s/ Morgan M. Hess

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Independent Administrator of the Estate of Nathan)	
Bronstein, a minor; Deceased;)	Case No. 2022 L 003763
ROSELLENE BRONSTEIN,)	
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minors,)	
)	Calendar H
Plaintiffs,)	
)	
vs.)	JURY DEMAND
)	
LATIN SCHOOL OF CHICAGO, an Illinois)	
not-for-profit corporation, <i>et al.</i> ,)	
)	
Defendants.)	

SECOND AMENDED COMPLAINT

NOW COME Plaintiffs Robert Bronstein, individually and as Independent Administrator of the Estate of Nathan Bronstein, a minor, deceased, and Rosellene Bronstein, individually and as Next Friend of M.B. and S.B., minors, by and through their undersigned counsel, and for their Second Amended Complaint against the Latin School of Chicago, certain current and former administrators and a former board chair, state the following:

INTRODUCTION

1. This case stems from the Latin School of Chicago’s (“Latin”) insistence on withholding essential information from the parents of a 15-year-old student in crisis, with tragic results. That student, Nate Bronstein, was evaluated by a Latin school counselor for suicidal ideation, but his parents were not told and no safety plan or mechanism for Latin to communicate with Nate’s outside counselors was put in place. Nate then expressly asked a Latin dean for help to stop the cyberbullying that was tormenting him, but no help came. Despite a legal obligation to notify Nate’s parents, Latin chose silence – selfishly, willfully, and recklessly denying these now

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grieving parents the ability to help their son before it was too late. Latin's stubborn and self-serving adherence to its "NO PARENTS" policy continued even after Nate's death, as it schemed to cover up their wrongdoing.

2. For Nate's parents and siblings, the nightmare started on January 13, 2022, at 9:30 p.m. when Plaintiff Robert Bronstein, the father of Nate, made the ghastly discovery of his only son hanging from a shower head, with a cord wrapped around his neck as a noose. Within moments, Plaintiff Rosellene Bronstein, Nate's mother and two minor sisters ran toward Mr. Bronstein's screams only to discover the unimaginable. The trauma that took place following their discovery of Nate and the unforgettable images of Nate's young, lifeless body will forever haunt the family. Nate's father and older sister, M.B., performed CPR on their son and brother, mustering all of their strength and energy, desperately attempting to revive and save him. Despite the family's unrelenting efforts at resuscitation, it was too late to bring back Nate. He was pronounced dead that night, forever age fifteen.

3. Following Nate's death, the family was in a state of shock and deep grief, struggling to understand what could have driven Nate to such desperation. But Latin (and its agents) already knew – not only had Nate been cyberbullied in his last days at Latin, Nate had reported cyberbullying to Bridget Hennessy (a Dean of students) only to have her disregard his report of cyberbullying and declare it instead, a social media incident that Nate brought on himself.

4. Knowing it did wrong, Latin had two options following Nate's death, either circle the wagons and engage in self-preservation at all costs, including to the detriment of the Bronsteins and other students and families at Latin, or own what Latin did even if that meant scandal and loss of reputation, because it's the right thing to do. Latin chose the former and as part of its self-preservation, Latin not only cruelly conspired to hide the true facts of Nate's cyberbullying report

and Latin's response to it from a grieving family, it had no qualms in spreading, and allowing the spread of, a misleading and false narrative that pointed blame everywhere, but at Latin.

5. While Latin has engaged in a campaign of misinformation and extreme efforts to keep the truth from coming out, the Bronsteins have learned a good amount, including that:

a. On December 12, 2021, Nate wrote an e-mail to Hennessy complaining specifically of cyberbullying by Latin students and stating that he was upset. Nate also attached a copy of a Snapchat post identifying three students, which was posted and reposted by Latin students and included threatening messaging that meant **smoking Nate's ashes**.

b. Nate also told Hennessy about an "fu" (fuck you) group chat that involved at least some students on the JV boys' basketball team and was based on their belief that Nate had posted a win post in support of Francis W. Parker School ("Parker") on the team's Instagram page during a basketball game the prior Friday night.¹

c. Another student had reported the "fuck you" group chat to the JV boys' basketball coach on Saturday (the day before Nate's e-mail to Hennessy).

d. Nate wanted the cyberbullying to stop.

e. Hennessy knew about three students by name and could identify others to reach out to on the JV team.

f. However, Hennessy contacted only one student, took his story at face value, declared the problem a social media incident between only two students that did not require

¹ Nate repeatedly stated that he did not make this post (referred to herein as the "W Post"), but another Latin student had done so from his phone. The Bronsteins' belief, based on all the information known to them to date, is that Nate did not post the W Post, but that he may have felt responsible for it.

discipline, and that was it. Hennessy contacted the other student's mother to share just that and move on to winter break.

g. Hennessy did not contact the Bronsteins.

h. On December 13, 2021, Nate was bullied with another group chat post five hours after meeting with Hennessy.

i. That night Nate researched suicide by hanging.

j. Hennessy, including from prior consultation with a school counselor (Anneliese Kranz), knew that Nate was "at risk" and had been assessed by Kranz for suicidal ideation. Hennessy also knew that following this, she and Kranz had agreed to wash their hands of the Bronstein family when they should have, instead, put a safety plan in place to help Nate. Such a safety plan should have required notification to Nate's parents and outside counselors of any concerning peer dispute and certainly cyberbullying.

k. Even if Nate was not "at risk" and in need of a safety plan, Illinois School Code's Bullying Prevention statute, (the "Anti-Bullying Law") requires that all schools in Illinois have a policy and implement procedures to promptly inform parents or guardians of all students involved in an alleged incident of bullying, and to promptly investigate and address all reports of bullying.

l. Latin had been told by the Illinois State Board of Education ("ISBE") two months prior to Nate's report that it had failed to submit a policy compliant with the Anti-Bullying Law. It took Latin another four months after Nate's death to get a compliant policy in place to momentarily appease the ISBE, before it discarded that policy, including its parental notice requirements, in the next school year.

m. Latin blamed Nate for the failure to contact the Bronsteins, suggesting that Nate "advised" Hennessy not to do so and she was somehow respecting his wishes. However, Hennessy

knew that in a serious circumstance of cyberbullying of a student known to her to be “at risk” she could not ignore her obligations and duties based on the “advice” of a 15-year old boy. Further, the circumstances of such “advice” are highly suspect and support that Hennessy, in consultation with other Latin Defendants such as Latin’s then Upper School Director, Kristine Von Ogden, made the decision not to notify the Bronsteins – consistent with a “No Parents” policy preferred by then Head of School, Randall Dunn – because Latin had decided they were difficult (certainly, they would never allow the brush off of Nate’s report) and Nate was soon to transfer to Parker.²

6. The Bronsteins also learned about a kill yourself (“KYS”) Snapchat message sent to Nate, which was reported to Latin after Nate’s death and disregarded by the school as false rumor at the direction of Dunn and Von Ogden because they had not been provided documentary proof of the Snapchat message. Latin and its agents gave no consideration to the KYS message or how their gross mishandling of Nate’s cyberbullying report had prevented the discovery of that message by adults who could help Nate process it before it was too late.

7. Not only did Latin disregard Illinois’ Anti-Bullying Law to the detriment of the health, safety and well-being of Nate, Latin acted with willful and reckless indifference for the standards of care imposed upon licensed school professionals, including school counselors, and failed to put measures in place to ensure the health, safety and well-being of Nate.

² Even if Nate in any way requested that his parents not be informed, Hennessy caused, influenced, manipulated and/or supported a “NO PARENTS” conclusion because, in consultation with or at the direction of others such as Von Ogden, Hennessy and Von Ogden did not want to be troubled with contacting the Bronsteins and were looking for a “justification” to avoid doing so. The one student Hennessy spoke to helped her cause as she took his comments at face value to turn the report of cyberbullying by many students at Latin into a **social media incident** between two students. The Bronsteins expect that Hennessy’s victim-blaming assessment of the situation, wherein she turned Nate into a wrongdoer, would influence Nate in not wanting his parents contacted, although this was not a choice he could make nor one upon which Latin and its agents were entitled to solicit or take into consideration.

8. Hennessy received Nate’s cyberbullying report knowing that an “intolerable loss of face,” such as cyberbullying that reaches hundreds of students, as was the case here, heightens the risk of suicide. And, Hennessy knew that Nate was at-risk of self-harm based on, among other things, a prior incident where Mrs. Bronstein reported to the school that she was “**afraid [Nate] is going to hurt himself.**” Nate’s specific triggers – known to Latin (and its agents) – included peer conflict, isolation, and rejection, which necessarily encompasses what Nate reported to Hennessy even with her re-categorization of the cyberbullying report as a social media incident.

9. Both Illinois’ Anti-Bullying Law and the standards of care imposed upon Latin gave the school no choice, but to inform the Bronsteins. Latin, however, did not want to deal with the Bronsteins, having labeled them difficult, and Nate was soon to be gone from the school anyway.

10. Latin’s deliberate indifference and willful refusal to acknowledge and comply with its legal obligation to inform the Bronsteins of the cyberbullying reflects a callous disregard for the safety of Nate. Latin knew and could have foreseen that the cyberbullying Nate experienced created a real and likely danger and increased risk of self-harm and suicide, even more so for Nate given his triggers, which were known to Latin.

11. Latin ignored Nate’s report and documented evidence of the cyberbullying, deliberately refused to investigate Nate’s report, and intentionally failed to notify all parents/guardians of the students involved in the bullying, including the Bronsteins.

12. Latin left Nate, a 15-year old boy, on his own to internalize and cope with not only cyberbullying, but also the realization that no one at Latin was going to help him or validate what he experienced as anything other than something he deserved.

13. By its acts and omissions, Latin caused the needless death of a 15-year old boy.

14. Latin also ensured that its students were part of a suicide story instead of a cyberbullying story from which everyone could have learned something with Nate still alive.

15. Then, after Nate's death by suicide, Latin doubled down on its narrative that no one at Latin failed Nate, refused to investigate or share any true information with the Bronsteins, and blamed, and allowed blame to be directed at, anyone and everyone else. The cover up, including extensive and consistent lying to the Bronsteins, the Latin community and the greater public continues to this day because Latin does not want to world to know how dangerous it can be to enroll a child in that school.

JURISDICTION AND VENUE

16. This Honorable Court has personal jurisdiction over Defendants because all of the events at issue occurred in Cook County, Illinois.

17. Venue is proper pursuant to 735 ILCS 5/2-101, as all Defendants reside, and at all times relevant to this action resided, in Cook County, Illinois.

THE PARTIES

18. Plaintiff Robert Bronstein is the father of Nate and the Independent Administrator of the Estate of Nathan Bronstein, a minor, deceased, and a resident of Cook County, Illinois.

19. Plaintiff Rosellene Bronstein is the mother of Nate, a minor, deceased, and Next Friend of M.B. and S.B., minor children and Nate's siblings, and a resident of Cook County, Illinois.

20. Defendant Latin School of Chicago ("Latin") is a not-for-profit corporation with its principal place of business and citizenship in Cook County, Illinois. Latin operates a private Upper School (high school) located at or about 59 West North Boulevard in Chicago, Illinois, and was and/or still is the employer of Defendants Randall Dunn, Kristine Von Ogden, Bridget Hennessy,

Jane Knoche, and Anneliese Kranz (collectively referred to as the “Individual Latin Defendants”), Andrew Sanchez, Shelley Greenwood and Thomas Hagerman. Latin was at all relevant times a member of the National Association of Independent Schools (“NAIS”). Latin and the Individual Latin Defendants are collectively referred to as the “Latin Defendants.”

21. Defendant Randall Dunn (“Dunn”) was, from approximately 2011 to July 2022, the Head of School at Latin and, upon information and belief, a resident of Cook County, Illinois, and is currently the Head of School at Rye Country Day School (“RCDS”) located in Rye, New York and Board Chair of NAIS.

22. Defendant Kristine Von Ogden (“Von Ogden”) was, for the 2021-2022 school year until approximately February 2023, the Upper School Director at Latin and, upon information and belief, a resident of Cook County, Illinois.

23. Defendant Bridget Hennessy (“Hennessy”) was at all relevant times the 9th and 10th Grade Dean of Students at Latin and, upon information and belief, a resident of Cook County, Illinois.

24. Defendant Jane Knoche (“Knoche”) is a licensed clinical professional counselor (LCPC) and licensed counselor in Illinois and was, for the 2021-2022 school year to present, a counselor at Latin’s Upper School and, upon information and belief, a resident of Cook County, Illinois.

25. Defendant Andrew Sanchez (“Sanchez”) is a teacher at Latin and was, during the Fall semester 2021, Nate’s geometry teacher and, upon information and belief, a resident of Cook County, Illinois.

26. Defendant Anneliese Kranz (“Kranz”) is a licensed clinical professional counselor (LCPC) and licensed mental health counselor in Illinois and was, for the 2021-2022 school year

to present, a counselor at Latin’s Upper School and, upon information and belief, a resident of Cook County, Illinois.

27. Defendant David Koo (“Koo”) was, at all relevant times, the Chair of Latin’s Board of Directors and, upon information and belief, is a resident of Cook County, Illinois.

28. Defendant Shelley Greenwood (“Greenwood”) was at all relevant times until her retirement in June 2023, Latin’s Assistant Head of School and, upon information and belief, a resident of Cook County, Illinois.

29. Defendant Thomas Hagerman (“Hagerman”) is the current Head of School at Latin, where he started working sometime in May 2022 while officially taking the position of Head of School no later than July 1, 2022, and, upon information and belief, is a resident of Cook County, Illinois.

FACTS

I. The Latin School of Chicago

30. Latin is a private school in Chicago, charging over \$40,000.00 per year in student tuition for high school to most of its consumers – the parents and guardians of school age children (referred to herein as “parents”).

31. In addition to a hefty tuition, Latin depends on additional financial support from parents and urges them to prioritize their philanthropic contribution to Latin.³

32. Latin relies upon its image and reputation among the Chicago community as a premier, elite, and connected school that will propel a child to success by mere association with the school. This ensures demand for the school and, in turn, enables Latin to charge high tuition rates and to influence, or even subtly demand, additional and significant donations to the school.

³ See <https://www.latinschool.org/support-latin/latin-fund>

33. While Latin promotes and solicits itself to its consumers as providing a premier education to its students, and also as an inclusive community,⁴ Chicago Public Schools has some of the best (and more inclusive) high schools in the country, including Payton College Preparatory High School, Northside College Preparatory High School, and Whitney M. Young Magnet High School.

34. Part of Latin's appeal is the community of connections it offers. Latin parents and alumni are powerful and influential people, and families and students often benefit from the business and networking opportunities afforded to those in the Latin community, as well as from having an elite name on a child's college application.⁵ As a result, the need to keep powerful, influential, and connected families at the school is a priority superseded only by Latin's need to protect its image and reputation at all costs. When either of these priorities conflict with student well-being and protection, following the law, protection of staff, inclusivity, morality or basic human decency, Latin puts image and reputation first.

35. This has, over the years and certainly during the tenure of Dunn and continuing today under Hagerman, created a toxic and unstable environment for students and staff in the Upper School (high school)⁶ that is often not obvious to families in the community until it is their child's well-being and protection that has been trampled by Latin's self-serving priorities.

⁴ See <https://www.latinschool.org>

⁵ See <https://www.latinschool.org/about-us/at-a-glance>

⁶ The allegations in this Second Amended Complaint address practices, an environment and conduct at Latin's Upper School. Whether and to what extent these same practices, environment and conduct may exist or be different at Latin's Lower and Middle Schools is not alleged herein unless specific reference is made to the "Lower School" or "Middle School."

II. Randall Dunn's Failure of Leadership

36. If there was any structure or foundation in the form of fair, legally compliant and implemented policies and procedures at Latin's Upper School prior to Dunn's arrival in 2011, it was eroded entirely by the time of the Bronstein family's arrival at the Upper School as a result of Dunn's failure of leadership, disregard of the law, refusal to make decisions, severe conflict avoidance or inability to handle conflict, and hiring people to do the hard parts of his job and then undermining them along the way or forcing them to leave Latin.

37. Dunn's failure of leadership, and purposeful disregard of rules and/or laws that impeded his preferences, caused a significant exodus of senior leadership at the Upper School and a difficulty in filling positions with the best candidates. It was a chaotic environment that impacted both the protection of students and staff, but one that Latin (and Dunn) kept unseen by parents and donors through generally subtle threats of repercussion should current staff speak out, and a diligent practice of subjecting departing staff to non-disclosure agreements ("NDAs") in exchange for severance or settlement.

38. Dunn's apathetic, and therefore purposeful, disregard of rules or laws that impeded his methods was reflected when Latin had to engage with the ISBE, including, upon information and belief, when the ISBE sought a meeting in August 2020 following the posts on the Survivors of Latin Instagram Account and, as set out in Sections XL-XLII, *infra*, regarding Latin's non-compliance with Illinois' Anti-Bullying Law.

39. To Latin (and Dunn), the ISBE is a nuisance; Latin believes the ISBE should not be telling a private school what it can and cannot do. For Latin, being an elite private school effectively means the law and rules should not apply to them.

40. When the ISBE made inquiry, the goal was not to make any real or permanent changes in the practices at Latin, but to do just enough to get past the ISBE and get back to doing things the way Latin (and Dunn and now current Head of School, Hagerman) preferred.

III. “NO PARENTS” Was Dunn’s Modus Operandi At Latin

41. One critical failure of leadership on the part of Dunn that impacted the Bronsteins in the worst and most unimaginable way, was to perpetuate a system where notification to parents regarding any issue involving their child was optional and could be discriminately applied depending on the circumstances, especially if parental notice would require Latin to have to address a perceived difficult parent or trigger action by the school that could impact Latin’s image and reputation.

A. Dunn’s Fundamental Belief Was That “Parents Should Stay Out of It”

42. After Nate’s death, one member of the Latin faculty took “great personal risk in reaching out to [the Bronsteins] as [they] have witnessed Mr. Dunn’s tendency toward vindictive behavior on several occasions.” They shared:

[I]t is Mr. Dunn’s fundamental belief that ‘parents should stay out of it’ and should have no say on what happens at Latin. [Dunn] has a long history of blocking out parents from important decisions involving their children, believing that many Latin parents are ‘privileged’ and ‘entitled.’ We have been told at numerous times and on numerous occasions to not communicate with parents about matters which many of us believed *should* involve families. When challenged by members of the community, [Dunn] simply gives lip service to their concerns and keeps on doing what he was doing. Nate is the tragedy in *this* situation and I wish someone would have intervened to stop the harassing and bullying. But Mr. Dunn had the final say like he always does and he will have the final say at Rye Country Day School too and another child could die.

43. Dunn preferred parents to be kept in the dark as much as possible, which allowed him (and members of his staff) to avoid conflict with parents regardless of the consequence to Latin students.

44. Parents with notice and a motivation to advocate for fairness, safety, and protection of their child created work and conflict for Dunn and his staff, including senior administrators and counselors. In circumstances involving multiple students, such as a report of bullying, notice to the parents (especially the parents of the child reporting bullying) meant that Dunn and his senior administrators/counselors would lose some amount of control over the situation, would have to deal with perceived difficult or upset parents, and would risk Latin's number one priority – protecting the image and reputation of Latin.

45. Giving notice to parents would also make it more likely that Dunn and his senior administrators/counselors would have to address the behavior of other students, which could be made more difficult if the parents of those students had leverage – including big donors and members of Latin's Board of Trustees – and chose to use it.

46. Dunn knew he would appease the more influential parents when such leverage was imposed,⁷ so better to avoid having parents notified who would then know Dunn did nothing to address the situation he gave them notice about, or that what little was done regarding the safety and well-being of one child was because of the status of the parents of the other children involved.

47. All these factors led to a “NO PARENTS” practice by Latin, resulting in non-existent, discriminate and/or meaningless parental notice, including when the school received reports of bullying and cyberbullying.

48. Dunn imposed this practice and directive upon other employees at the school, including by preventing them from providing parental notice in circumstances of bullying and

⁷ As an example, one particularly influential family was not happy when their child was not playing in a certain tennis tournament for the top eight players on a team. When the coach explained that the student was maybe number eleven on the team, the influential parent went to Dunn and Dunn changed the roster to appease the influential family to the detriment of another Latin student who deserved, but lost out on, a spot in the tournament.

similar abhorrent conduct by directing that only certain senior administrators and counselors address the issue of parental notice.

49. Dunn then made sure that he surrounded himself with senior administrators and counselors willing to follow a practice of non-existent, discriminate and/or meaningless parental notice, whether they welcomed the authorization to avoid notifying and dealing with parents or simply demonstrated a willingness to comply with Dunn's practices.

50. This practice of avoiding notice to parents enabled Latin to apply its deliberate indifference when Latin students reported bullying and similar abhorrent acts by ignoring them, blaming them, or cruelly leaving them to handle the bullying on their own.

51. The following are just a few of the hundreds of online posts where Latin students have shared their experience at the school:

- A Class of 2022 alumni posting that “[e]veryday I spent at Latin was dreadful,” and sharing an example where the student was put in detention, while the bullies who had locked the student in a classroom “were left without any punishment because their **parents were big donors.**”
- A post sharing that after reporting harassment as a student at Latin, the Latin staff “victim blamed” the student and “completely threw everything under the rug.”
- A Class of 2018 alumni sharing that Latin took **no action in response to reports of rape.**
- A post sharing that complaints made to Latin about bullying behavior fell on deaf ears because at least one of the bullies “**had parents who were big donors to the school.**”
- A post sharing that there is a student currently the school who was known by Latin to be an active threat to female students at the time of admission, and whose prior sexual assault was ignored by the school. The poster noted, “[t]he fact that the family is also **one of Latin's biggest donors** is undeniably a factor” in the administration's decision making about this student.

(**Exhibit B**, Printout from the Survivors of Latin IG Account, at 15, 21, 56, 64 (emphasis added).)

52. One key aspect of Latin's management of its public image and reputation is controlling both the ability and the motivation for the people in its community to speak.

53. Latin controls its employees with the threat of loss of employment and disparagement or other action that could prevent employment elsewhere.

54. Latin controls its former employees through NDAs and the threat of disparagement if they speak.

55. Latin controls parents in the community with express demands for loyalty and the constant risk that the family could be ejected from the community and their children not offered re-enrollment for almost any reason. (**Exhibit C**, Enrollment Contract; **Exhibit D**, 2021-2022 Student Family Handbook.)

56. Latin also benefits from the reality that a family speaking out about Latin (and tarnishing the image and reputation of the school) risks negative impact and ostracization in the social circles of the Latin community.

57. When there was no leverage over the parent of a child who has reported bullying or any other abhorrent conduct that could tarnish the image and reputation of the school, whether inside or outside of the Latin community – as was the case with the Bronsteins – Latin's "NO PARENTS" practice applied all the more.

B. Dunn Removed A Senior Administrator Who Was Not On Board With His Fundamental Belief That "Parents Should Stay Out of It"

58. Monica Rodriguez, the former Head of Upper School at Latin from July 2016 to July 2018, was subpoenaed to testify on February 1, 2023 in a matter brought against Latin by a former Latin employee. (**Exhibit E**, M. Rodriguez Dep. Tr.)⁸ Rodriguez started the deposition

⁸ Latin filed the Rodriguez deposition transcript in the public court record for the matter *Tempone v. The Latin School of Chicago, et al.*, Case No. 2021-L-001474.

stating she was uncomfortable because she did “[n]ot want[] to be involved with Latin anymore. (*Id.* at 10:3-8.)

59. Dunn fired Rodriguez and/or forced her to leave Latin for two reasons: (1) her concerns about “[s]tudent safety as it pertains to risk management,” and (2) “a situation that happened with [Rodriguez] and another administrator, where [they] reported something to [Dunn] and some confidence was broken there.” (*Id.* at 24:18-25:6.)

60. Regarding the report, Rodriguez and another female colleague (both women of color) reported to Dunn, in confidence, that Jed Silverstein made them feel uncomfortable in one-on-one and small group meetings with crude and constant ogling and heavy breathing, so much so that other people noticed the behavior. (*Id.* at 32:11-33:24.)

61. Dunn claimed he would conduct an investigation, which was comprised of Dunn asking Silverstein about his actions and confirming there was nothing more to do when Silverstein denied any inappropriate behavior. Not only was this the limit of Dunn’s “investigation,” he informed Rodriguez that Silverstein had gotten a lawyer and implied to Rodriguez that she needed to stay quiet. (*Id.* at 34:14-36:7.)

62. Dunn also brushed off his total disregard for the confidentiality of the report, by telling his assistant (Kristin Provencher) who in turn told Silverstein. With his breach of confidentiality, Dunn left Rodriguez to exist in an even more contentious environment with Silverstein giving Rodriguez dirty looks, pulling rank, making negative comments about her, and involving himself in her work. (*Id.* at 36:11-37:21, 39:7-15.)

63. The student safety concern arose around May 2017, after Rodriguez learned that a female Latin student reported a sexual assault by another Latin student at a party. “I shared it with [Dunn] and the associate head of school at the time [Shelley Greenwood] and the assistant upper

school director [Karen Horvath] what was going on, and I made a strong suggestion that we needed to tell the police or at least the student's parents, and [Dunn] said no." (*Id.* at 25:13-26:13.)

64. Rodriguez's view was, whether based on Illinois law or Latin policies, "you gotta tell the parents or the police." (*Id.* at 29:4-8.) Dunn's view was that the counselors should handle it and decide whether or not to inform the parents or the police. (*Id.* at 29:9-17.)

65. Rodriguez did not know for sure whether the parents were informed or what was communicated to the mother despite her position as the Head of Upper School. (*Id.* at 30:13-24.)

66. While at Latin, Rodriguez believed there were "deficiencies in the risk management approach" to students' mental and emotional safety. . . "those things in a school that are employed to help make sure kids are safe." (*Id.* at 44:19-45:7.)

67. Rodriguez saw an improvement in the deficiencies when a second incident arose and she and another faculty member took the lead and were able to report the matter, including to the family and the police. (*Id.* at 48:4-50:5.)

68. However, following this incident, Dunn told her she was "a great administrator and had served the students well, but that [Rodriguez] wasn't the right fit for Latin." (*Id.* at 51:3-5.) When Rodriguez pushed Dunn for more information, he would not answer and said he felt she would do better at a different school. (*Id.* at 52:18-53:6.)

69. When Rodriguez would not resign, Dunn fired her or forced her to leave, but Dunn gave Rodriguez a recommendation and/or served as a reference for her. (*Id.* at 24:6-23, 54:17-55:11.) Separately, Dunn communicated negatively about Rodriguez.

IV. Latin Has a Prolific History, Knowledge and Indifference to Student Bullying, Cyberbullying, Hate Speech and Student Attempted Suicides

70. Despite its promoted outward image, the Latin Defendants (and Greenwood and Koo, former Latin Board Chair) knew, and were on notice, that Latin was not an inclusive

environment where all students felt known, respected and cared for, and instead that Latin maintained an environment that enabled bullies and was dangerous for victims of bullying, including cyberbullying, hate speech and other harassment.

A. Latin's Student Wellness Survey

71. In Spring 2014, Latin conducted its annual student wellness survey (the "2014 Wellness Survey"), which included a single question on the pervasiveness of bullying. The results of the 2014 Wellness Survey indicated that 21% of students had been bullied at Latin.⁹

72. Shortly after Latin released the results of the 2014 Wellness Survey, members of Latin's student newspaper conducted an independent survey (the "2014 Independent Bullying Survey") of 40 randomly selected students to determine whether the prevalence of bullying was even higher than Latin suggested. The results of the 2014 Independent Bullying Survey not only confirmed the students' hypothesis but also exposed a much more shocking and dire situation than expected: **92.3% of those who responded said they had been bullied at Latin.**¹⁰

73. In June 2014, Latin faculty reviewed and authorized the publication of the results of the 2014 Independent Bullying Survey in the Latin student newspaper. The article was titled "AP Stat: Bullying at Latin," and was made available for viewing on Latin's website, among other places.¹¹

74. At all relevant times, including prior to the start of the 2021-2022 school year, the Latin Defendants, Greenwood and Koo had actual and/or constructive knowledge that:

- Latin's bullying culture has caused students and former students of Latin to consider, attempt, or die by suicide;

⁹ See Eric Gofen & Tyler Goff, *AP Stat: Bullying at Latin*, The Forum (June 2, 2014) (available at <https://readtheforum.org/4075/features/ap-stat-bullying-latin/>) (last visited March 3, 2022)

¹⁰ *Id.*

¹¹ *Id.*

- Latin has received reports of student bullying, and that bullied students have attempted suicide, harmed themselves and/or had suicidal ideations because of the bullying experienced at Latin;
- Latin knowingly and consciously disregarded, and/or selectively followed, the policies, rules and regulations set out in the Handbook;
- Latin did not have any internal mechanisms to ensure compliance with its own anti-bullying rules, policies, and regulations contained in the Handbook or the mandates under the Anti-Bullying Law; and
- Latin is a dangerous environment for victims of bullying.

75. Notwithstanding this knowledge, the Latin Defendants, Greenwood, Eleanor Maajid (Director of Diversity), Suzanne Callis (Dean of Community Learning), Kate Lorber-Crittenden (Diversity Coordinator), Nick Baer (Upper School Dean, now Interim Upper School Director), and Brandon Woods (Diversity, Equity, and Inclusion Curriculum Coordinator) turned a blind eye and/or were prevented from responding to the well-documented toxic culture and history of bullying at Latin, as well as the dangers and risks of bullying and cyberbullying.

76. While Latin promoted an image that it was an inclusive and supportive community for all its students, taking steps to turn this image into a reality would have required Latin to acknowledge the bullying culture that it had allowed to fester and grow for decades – including during Dunn’s tenure. This of course, would never happen because, as in the instant case, doing so would have required that Latin actually report and investigate allegations of bullying.

B. Survivors of Latin Instagram Account

77. Nate experienced first-hand, Latin’s severe indifference to cyberbullying, but sadly, Nate was just one in a long line of students discarded by Latin.

78. Indeed, this same pattern of experience is repeated over and over in the stories set out in the Survivors of Latin Instagram Account.

79. In June 2020, a public Instagram account called @SurvivorsOfLatin was created by an anonymous¹² former Latin student to provide a forum for other former and current Latin students to share their own personal experiences as victims of bullying, cyberbullying, hate speech and other harassment while enrolled at Latin. (**Exhibit B.**)

80. Since creating this online forum, **hundreds** of individuals have publicly shared their personal experiences while attending Latin. These posts reflect abhorrent conduct by current and former Latin teachers and students that can only be characterized as racist, sexist, homophobic, transphobic, belittling, cruel and simply mean. (*See id.*)¹³

81. A review of just a few of these public posts reveals a pattern of deliberate indifference by Latin whereby Latin students who reported being victims of these abhorrent acts were either ignored, blamed, or left to handle the bullying on their own. (*See id.*)

82. Notably, the posts on the Survivors of Latin Instagram Account contain references to suicide. For example:

- A Class of 2013 alumni posting: “I have lost two friends to suicide. Both Black women, and both went to Latin. And no one can tell me that Latin didn’t have anything to do with that.”
- A student posting that “[e]very single year at latin, at least 2 classmates close to me have seriously considered suicide. I was one of them. You cannot tell me that Latin had no involvement. There was no safe space to go to . . .”

¹² In a June 2020 interview for Latin student newspaper, *The Forum*, the owner of the Survivors of Latin IG Account explained that the operators of the account “maintain our anonymity because we recognize that Latin has an immensely powerful network of associates that have the ability to damage our livelihoods. Our main intention is to protect our identities, whether that is for us, our families, or for the people brave enough to come forward with their stories.” (**Exhibit F**, “June 2020 Forum Article.”)

¹³ The Bronsteins were not aware of Latin’s history of student bullying or of the existence of this Instagram account until after Nate’s death.

- A post from a mother whose daughter was bullied by students whose parents were big donors (and whose complaints to Latin fell on deaf ears as a result) and later committed suicide.
- A Class of 2020 alumni posting: “I’ve had suicidal thoughts because of Latin.”
- An alumni posting that being in the Latin environment “caused me to be suicidal.”

(Exhibit B, at 20, 33, 47, 64, 79.)

83. At all relevant times, each of the Latin Defendants, Greenwood and Koo, and no later than May 2022, Hagerman, had actual knowledge of the Survivors of Latin Instagram Account, including the content of the online posts.

84. Latin also had actual knowledge that one or more students, while enrolled at Latin, has previously attempted suicide after being bullied by other fellow students.¹⁴

V. Latin’s Board of Trustees Was On Notice of Dunn’s Failure of Leadership, and Knew of Its Own Leadership Failures Before and After Nate’s Death

85. At all relevant times Latin was and is a tax-exempt entity under section 501(c)(3) of the Internal Revenue Code and a not-for-profit entity organized under the laws of Illinois.

86. In accordance with Illinois law, the affairs of Latin are to be managed by or under the direction of a board of trustees. *See* 805 ILCS 105/108.05.

87. Koo is a long time Trustee on Latin’s Board of Trustees (the “Board”). During the 2021-2022 school year, Koo was the Chairman of the Board and also a parent of one or more students enrolled at Latin. One of Koo’s children was a classmate and teammate of Nate.

88. The NAIS recognizes the acute conflict of interest that can arise when the Chairman is also a parent at the school; the NAIS expressly recommends against putting the parent of a

¹⁴ Information and records relating to those Latin students who attempted to commit suicide because of bullying, and Latin’s knowledge of these instances, remains in the exclusive possession of Latin.

current student in the chair's position. *See* The Board Chair Handbook, an essential Guide for Board Leaders at Independent Schools, NAIS Trustee Series, John Creeden, 2019 by the NAIS, at 59.

89. “[B]oards should appoint chairs who do not have children who are currently enrolled in the school” so that the Board “[c]hair[] can lead and make decisions without raising questions about possible conflicts that might affect their own children” and so that “[t]here will never be any question . . . about the chair’s ability to make decisions that are free from the impact on the chair’s children.” *Id.*

90. In addition to Koo’s ever-present potential conflict of interest in performing his duties as Chairman, Koo and Latin’s Board knew or should have known of Dunn’s failure of leadership since at least 2016 when, upon information and belief, the board gave Dunn a vote of no confidence and only a one-year contract to reflect disapproval in Dunn’s job performance.

91. The issue in 2016 related to Dunn’s hiring of a teacher/administrator and implementation of a curriculum that upset parents. Dunn caused blame to be laid on the teacher/administrator, who was forced to leave the school, even though Dunn, as the Head of School, had approved the curriculum.¹⁵

92. However, this issue in 2016 was not the first or last time that Dunn showed a lack of leadership. Latin’s Board, or at least its officers and certain others making up its more than 30 members, knew or should have known from the events in 2016, as well as prior events and events that followed, including Dunn’s failure of leadership during COVID, that overall, Dunn showed a concerning lack of leadership, helped create an unstructured and chaotic environment, and had

¹⁵ Having taken the fall for Dunn, the teacher/administrator warned Monica Rodriguez to be careful, describing Dunn as “a snake.”

contempt for any process that would ensure parents were informed and involved, including with respect to their children's safety, mental health, and well-being.

93. Upon information and belief, Koo and the rest of the Board had more than enough notice to warrant removal of Dunn as Head of School, and they did not.

94. In fact, Koo knew Dunn was failing in his duties as Head of School and he wanted Dunn out, but rather than take the necessary steps to ensure Dunn's ouster, Koo acquiesced to a process that made Dunn look good and allowed him to transfer out of Latin. This was especially important (but not appropriate) given that Dunn was and is the Board Chair of the NAIS, and he could help or hurt Latin going forward in that role.

95. As a result, during Dunn's tenure, and despite disapproval from the Board, Koo and the rest of the Board acquiesced to Dunn's proposals and their mutual goal of protecting Latin's reputation at all costs.

96. This is reflected in the issue spanning most of the 2021-2022 school year related to Latin's noncompliance with the Anti-Bullying Law. *See infra* Sections XL-XLII.

97. All schools in Illinois – public or private – must comply with this law, including Latin. In addition, Latin's Board had a "fiduciary responsibility to ensure that the policies and practices in place support that safety assurance. All schools must track their state laws in this area...." *See* The Trustee's Guide to Fiduciary Responsibilities, Third edition, NAIS Trustees Series, Ormstedt and Wilson, 2016 by the NAIS at 4.¹⁶

¹⁶ Latin is accredited by the regional accrediting association known as the Independent Schools of Central States ("ISACS"). ISACS's accreditation standards are derived from the standards, guidelines and principles established by the NAIS.

98. Dunn knew of Latin's noncompliance with Illinois' Anti-Bullying Law no later than October 20, 2022. Koo, and at least certain other members of the Board, also knew or should have known of Latin's noncompliance with Illinois' Anti-Bullying Law around October 20, 2022.

99. Despite this duty and knowledge, on February 26, 2022, after Dunn and his administration sent a noncompliant policy to the Board for approval, the Board approved it without understanding or knowing whether the policy was legally compliant.

100. This rubber-stamping of a non-compliant bullying prevention policy on February 26, 2022 was done with the knowledge that Nate Bronstein had died by suicide following cyberbullying at the hands of Latin students and while Latin was not in compliance with the law.

101. Further, by this time, Latin's Board – or at minimum, the task force created to protect Latin from consequences related to Nate's death and eventually this lawsuit¹⁷ – had more than enough information to require an investigation into Dunn and his administration's handling of reports to the school, including Nate's cyberbullying report, Student 5's¹⁸ report to Coach Moran (discussed herein), another parent's report of the "fuck you" group chat, and the reports relating to the KYS message.

102. Indeed, the NAIS advises that the Board hire an independent third party to conduct the requisite investigation. Specifically, the NAIS explains that a trustee may:

rely on the advice and opinions of an employee or officer of the corporation if the trustee believes that person to be reliable and competent. **However, greater care should be exercised with respect to the latter because of the inherent self-interest of management and other compensated employees.** This is one of the areas where the Penn State report would suggest that school boards balance the gravity of their responsibility to a vulnerable community with the board's trust and delegation of authority to

¹⁷ The Bronsteins understand the following persons are or were on the Task Force: Robert Chapman (Chair), Diane Saltoun (Secretary), Colleen Batcheler, and David Williams.

¹⁸ **Exhibit A** to this Second Amended Complaint is a Reference Key identifying students by name who are otherwise identified only by number herein. **Exhibit A** is filed under seal.

management. **Where issues of child safety and well-being are concerned, boards must remain aware of the risks and strengths of a school's programs and stay well-informed about any issues that arise in this area. Indeed, the ongoing reporting of past abuse cases independent schools has caused many schools to hire third-party investigators to ensure that investigations and follow-up steps are not tainted by internal conflicts of interest."**

Trustee's Guide to Fiduciary Responsibilities at 11-12 (emphasis added).

103. Koo should have, but did not, take action to ensure that an untainted investigation of Nate's reports of cyberbullying was conducted. Koo did not direct anyone, and did not hire a third-party investigator, to carry out this mandatory obligation that Latin was required to satisfy.

104. The Board failed to conduct an adequate investigation, if any, instead again turning a blind eye to Dunn's failure of leadership and blaming someone else – this time the Bronsteins.

VI. The Bronsteins Enrolled Their Children at Latin Relying on Latin's Public Façade

105. Based on its outwardly presented image, the Bronsteins believed that Latin was one of the best, if not the best, schools in Chicago.

106. In late 2017 and early 2018, the Bronsteins were moving from the suburbs to Chicago and they began the application process for enrollment at private schools in the city, including Latin.

107. During this time, the Bronsteins researched Latin on its website, attended open house meetings and went through the application and interview process with Mark Copestake. During this application and interview process Mr. Copestake and other Latin representatives reiterated the messaging on Latin's website and promoted Latin as a premier school.

108. The Bronstein children were not, however, accepted to Latin at that time and started attending school at Parker.

109. In approximately March 2021, after a year of remote learning in schools across Chicago because of the COVID-19 pandemic, the Bronsteins learned that Latin would return to in-person learning that fall while Parker had not yet made that commitment.

110. Nate, a 9th grader at the time, had remotely attended Parker for his first year of high school, but with the announcement that Latin would return to in-person learning and believing it beneficial to have Nate at the same school as his sister, S.B., who had already applied to start 9th grade at Latin, the Bronsteins applied for Nate to also attend Latin starting in the fall of 2021.

111. The Bronsteins reasons for applying to Latin went far beyond the opportunity for in-school learning for their children. The Bronsteins applied to Latin based largely and materially on Latin's own representations about what Latin would provide to the Bronstein children. These were the same general representations Latin had made to the Bronsteins in late 2017 and early 2018, and that Latin continues to promote on its website and in Latin's Student Family Handbook.

112. The Bronsteins relied on the representations contained on Latin's website (*see* <https://www.latinschool.org/>) and in the Handbook, and made by Latin representatives, including Mark Copestake, during the application and interview process.

113. Latin made numerous representations the same as, or virtually identical to, the following examples of Latin's messaging on its website:

For more than 130 years we've put students at the heart of everything we do. We're committed to seeing everyone within these walls succeed and reach their full potential through an educational experience that will empower them to tinker, to make mistakes, to ask questions, to change how they see the world around them.

See <https://www.latinschool.org/> (emphasis added).

Excellence

- We develop the skills, knowledge and desire to solve complex problems through a global, liberal arts curriculum and master teaching.
- We identify our interests, learn to advocate for ourselves and others and become architects of our own educations.
- **We promote physical and emotional wellness** because they are essential to the pursuit of educational excellence and our happiness.

Community

- **We support and celebrate one another and take responsibility for our words and actions, because we shape the lives of others in our community.**
- We embrace diversity within our school and in Chicago, knowing that it deepens our learning and enhances our empathy.
- We use our resources wisely in order to be good stewards of our community and our world.

Integrity

- **We are honest, fair** and fulfill the commitments we make, building a culture of respect and mutual trust.
- We give our best effort, take intellectual risks and learn to persevere.
- We reflect and live with purpose, working toward goals that embody our genuine interests.

See <https://www.latinschool.org/about-us/welcome-from-the-head> (emphasis added).

We have a number of resources and extensive material on our website, so please click around to learn more about the outstanding academic and extracurricular opportunities, the devoted faculty and **the welcoming community that make Latin an exceptional learning environment.**

See <https://www.latinschool.org/admissions/admissions-welcome> (emphasis added).

[The student] will be part of a **caring community** that encourages you to reach your full potential without fear of failure.

See <https://www.latinschool.org/admissions/admissions-welcome> (emphasis added).

Inclusion

At Latin School of Chicago, inclusion is defined as **actively creating and sustaining an environment of respect in which all members of the community feel accepted, affirmed, empowered and safe**. We agree that creating such an environment is a shared responsibility of all community members.

See <https://www.latinschool.org/about-us/diversity> (emphasis added).

Mission

Latin School of Chicago provides its students with a rigorous and innovative educational program in a community that embraces diversity of people, cultures and ideas. Latin inspires its students to pursue their passions and lead lives of purpose and excellence.

Latin School achieves its mission by:

- encouraging excellence in all academic and personal pursuits
- **creating an educational environment in which the pursuit of academic excellence and intellectual growth is complemented by a concern for the moral, physical, psychological and aesthetic development of each student**
- developing and retaining excellent faculty and staff
- **recognizing the fundamental importance of honesty, civility, public service and respect for others and the environment**
- cultivating resilience, independence, leadership and moral courage
- **sustaining a diverse, inclusive and multicultural community that affirms and values each individual**
- attracting dedicated families committed to the mission of the school
- promoting programs in all divisions that integrate our students with the community
- developing the financial and physical resources to support the school's needs.

See <https://www.latinschool.org/about-us/mission-history> (emphasis added).

114. The representations presented on Latin's website, contained in the Handbook, and made by its representatives were material to the Bronsteins' decision to apply to Latin and to send their children to the school.

115. At the time the Bronsteins enrolled their children at Latin and thereafter, Latin failed to disclose Latin's prolific history of bullying, cyberbullying, hate speech and other harassment, Latin's systemic failure to enforce its Handbook (including disciplinary provisions) or follow Illinois law (including Illinois' Anti-Bullying Law), the existence of the Survivors of Latin IG Account, or Latin's deliberate indifference, and failure to respond, to its endemic bullying culture, and Latin's "NO PARENTS" practice.

116. Prior to and during their children's enrollment at Latin, the Bronsteins were not aware of Latin's prolific history of bullying, cyberbullying, hate speech and other harassment, Latin's systemic failure to enforce its Handbook (including disciplinary provisions) or follow Illinois law (including Illinois' Anti-Bullying Law), the existence of the Survivors of Latin IG Account, or Latin's deliberate indifference, and failure to respond, to its endemic bullying culture or Latin's "NO PARENTS" practice.

117. If the Bronsteins had been made aware of these things, the Bronsteins would never have enrolled their children, Nate and S.B., at Latin.

118. In March of 2021, Nate and S.B. were informed that they were accepted into Latin for the school year beginning in August of 2021.

119. As a requirement for Nate to attend Latin, the Bronsteins had to agree to pay tuition for the year and sign an "Enrollment Contract" through an online portal. The Enrollment Contract provides that: "Enrollment is for the entire school year, in compliance with the policies, rules, and regulations of the Latin School of Chicago as stated in the Student/Parent Handbooks as revised from time to time."

VII. About Nate Bronstein

120. Nate Bronstein was a sweet kid and dedicated sports fan who loved to play competitive sports including basketball. Nate also loved video games, ran fantasy sports competitions, was great with numbers and showed business savvy.

121. Nate was a good student, but he was inconsistent and sometimes struggled with focus in his classes. Despite sometimes struggling or showing inconsistency in class, Nate was proactive with teachers and wanted to perform well and get good grades.

122. Nate's friends knew him to be a pure-hearted, hilarious kid who always contributed to conversation. Nate was a jokester who added energy and light to the people around him. Nate made it his mission to add levity to any situation and find a way to make his friends smile and laugh. Joking and humor was also a coping mechanism for Nate.

123. Nate was young – he turned fifteen years old on June 6, 2021 – and faced the stressors most young teens face, as well as a tendency to worry and experience anxiety.

124. Nate was initially comfortable, and even excited, with the idea of attending Latin. However, as in-person activities increased in schools throughout Illinois in that Spring of 2021, including at Parker where Nate was in 9th grade, Nate started to express anxiety about changing over to Latin.

VIII. Mrs. Bronstein Sought to Ease Nate's Transition to Latin in the Summer of 2021

125. In mid-June 2021, Mrs. Bronstein reached out to Latin to express that Nate was showing signs of anxiety with the transition to Latin and sought guidance. Mrs. Bronstein was directed to Hennessy, who acknowledged Nate's anxiety.

126. In early July 2021, Hennessy engaged with Mrs. Bronstein regarding orientation, and in response, Mrs. Bronstein shared that after school ended for the year, Nate's "full-fledged anxiety set in" and he was no longer wanting to transfer to Latin.

127. Mrs. Bronstein again sought Hennessy's help in preventing Nate from feeling isolated or lost upon starting at Latin noting he was good friends with their neighbor, (Student 15), and had recently met another boy, (Student 16), both of whom attended Latin, but Nate did not have classes with these boys. Hennessy responded that she would help Nate connect with other students.

128. At all relevant times, the Latin Defendants including Hennessy knew that transferring schools in high school can be stressful for any student.

129. By June and July 2021, Latin and Hennessy knew specifically that Nate was having anxiety about transferring high schools.

130. Latin and Hennessy determined, however, that they could meet Nate's needs, including his safety and social and emotional well-being.¹⁹

IX. The Latin Defendants Knew of The Serious Mental Health Risks Facing Teens, And That Parental Notice Is Critical and Essential To The Safety And Well-Being of Its Students

131. The Latin Defendants and Greenwood knew that Nate, along with most other children in the Chicagoland area, had spent almost all of the prior year and half attending school remotely – meaning at home and isolated.

¹⁹ Latin's accrediting association, the ISACS requires that its accredited schools follow and endorse the ISACS statement of "Principles of Good Practice in Admissions and Employment." See <https://resources.finalsite.net/images/v1566322244/isacsorg/ofyd5aj62pssyowhcid/ISACStandardsforMembership.pdf>

132. By August 2021, the Latin Defendants and Greenwood knew that there was collateral impact on teens from a health pandemic (COVID-19) and other societal strains that were impacting kids.

The pandemic has exposed many teens to trauma and tested their fragile resilience. The school closures, canceled proms, and separation from friends seemed a small price to pay to save the lives of thousands. But in exchange, the 14- to 18-year-olds who represent the younger side of Generation Z were robbed of the capstone of their formative years. It created an atmosphere of uncertainty and anxiety among some teens, about both the future and their place in it.

As if the pandemic was not enough, teens watched as police violence and racial tensions reached breaking points. They saw angry mobs take over cities and storm the Capitol. Then Mother Nature swept in with deadly wildfires and other natural disasters that underscored the threat of climate change.

Throughout COVID-19, the physical health needs of the most vulnerable often took priority over the mental health needs of others. But as the pandemic dragged on, health care providers expressed concern over its long-term mental effects on youth and teens. Against expectations, suicide rates for all ages dropped by 5.6% in 2020 compared to 2019.[] But this is not entirely unusual. Known as the “pulling together” effect, suicide rates tend to dip during shared experiences of catastrophe. Despite this decline, there are indications that the pandemic has triggered a ripple of mental health concerns across all age groups.²⁰

133. The Latin Defendants and Greenwood recognized the ripple of mental health concerns triggered by the pandemic by August 2021. After Nate’s death, Latin (Upper School), sent a notice to parents claiming that in “August of 2021, Latin partnered with Elyssa’s Mission to implement the evidence-based curriculum Signs of Suicide (SOS) through Mindwise.”

134. According to the Elyssa’s Mission website, SOS “teaches students how to identify signs of depression and suicide in themselves and their peers, **while training school professionals, parents, and community members to recognize at-risk students and take appropriate action.**”²¹

²⁰ <https://www.psychiatrictimes.com/view/teens-in-america-how-the-covid-19-pandemic-is-shaping-the-next-generation>

²¹ <https://elyssamission.org/signs-of-suicide/> (emphasis added)

135. Latin's announcement reveals that Latin and its staff understood the need to identify and help students at-risk for depression and suicide in the months preceding Nate's death. The announcement does not, however, reveal when or if any aspect of Elyssa's Mission had in fact been implemented in August 2021 or even at the time of Latin's post in early March 2022.

136. The announcement also does not reveal what Latin would do upon identifying a student at-risk for depression and suicide, but Nate's experience demonstrates that Latin employed a purposeful disregard for the safety and wellbeing of Nate and the Bronstein family.

137. Latin and its staff, of course, did not need Elyssa's Mission to understand that feelings of isolation, rejection, bullying and cyberbullying lead to mental health issues and risk of self-harm in children. Sadly, this is now common knowledge in our society, and certainly known to the trained and licensed professionals tasked with running a high school. The Latin Defendants and Greenwood had this knowledge no later than August 2021.

138. Latin includes as part of its staff, counselors who are trained and licensed professionals with whom any other staff member could consult regarding mental health issues and risks faced by Latin's student population.

139. Defendants Kranz and Knoche have professional knowledge and training regarding bullying, mental health issues and the risk of self-harm in teenagers, and they are both licensed (LCPC) and working as counselors in a school.

140. The American School Counselor Association (ASCA) sets out ethical standards for school counselors noting in the preamble that "School counselors have unique qualifications and skills to implement a comprehensive school counseling program that addresses pre-K students' academic, career and social/emotional development needs." (**Exhibit G** at 1.)

141. In identifying the rights of students, the ASCA states that all students have the right to a “physically and emotionally safe, inclusive and healthy school environment, both in-person and through digital platforms, free from abuse, bullying, harassment, discrimination and any other forms of violence.” (*Id.*)

142. The ASCA identifies a long list of responsibilities that the school counselor, here Kranz and Knoche, owe to students (including Nate) and states that, among other things, school counselors:

- “Acknowledge the vital role and rights of parents/guardians, families and tribal communities.”
- “Are knowledgeable of local, state and federal laws, as well as school and district policies and procedures affecting students and families and strive to protect and inform students and families regarding their rights.”
- “Recognize their primary ethical obligation for confidentiality is to the students but balance that obligation with an understanding of parents’/guardians’ legal and inherent rights to be the guiding voice in their children’s lives.”

(*Id.*)

143. At all relevant times, each of the Latin Defendants also had actual knowledge that student bullying and cyberbullying created a danger and risk of suicide.

144. At all relevant times, each of the Latin Defendants knew or should have known that, regardless of the sender’s intention, messages directed at a person (here, a teenager) about their death and suicide, *e.g.*, smoking Nate’s ashes and a KYS message, are suicide baiting. Such messages have the impact of influencing and inducing the target to self-harm or attempt suicide.

145. While the level of training and education Latin provided its faculty, including the Individual Latin Defendants, is unknown, each had sufficient training and education (either outside of Latin or from Latin) to know that student bullying and cyberbullying can have a severe impact on a teenager’s mental health and lead to suicide.

146. Such training and education informed the Latin Defendants of, among other things, (i) the risk factors for suicide, which include but are not limited to, social isolation, interpersonal difficulties, and bullying, including cyberbullying; and (ii) the warning signs for suicide, which include but are not limited to, withdrawal from family, friends and regular activities, increased anger and irritability, and behaving irrationally or recklessly, including joking when inappropriate or in managing stressful situations.

147. Based on their professional positions and training, the Latin Defendants knew that teenagers perceive cyberbullying as more severe and harmful than traditional bullying because of the increased potential for a larger audience through group communications and social media, and decreased time and space limitations. The Latin Defendants also knew or should have known that teenage users of Snapchat check the app on an average of 30 times per day.²²

148. Further, published studies, of which the Latin Defendants had notice, have also demonstrated the connection between bullying and suicide in school children.²³

149. NAIS on its website, regularly publishes articles referencing studies and other data showing the connection between bullying and suicide in school children.²⁴

X. As Nate Struggled at Latin, The Bronsteins Tried to Help

150. Nate's stressors, including from the transfer from Parker to Latin, did not alleviate upon starting classes or as the fall semester went on.

²² See, e.g., <https://piper2.bluematrix.com/docs/pdf/3bad99c6-e44a-4424-8fb1-0e3adfcabd1d4.pdf>

²³ See Suicidal ideation among suburban adolescents: The influence of school bullying and other mediating risk factors. *J. Child Adoles. Ment. Health*, 2016 Oct; 28(3): 213-231.

²⁴ See e.g., <https://www.nais.org/articles/pages/books/trendbook-excerpt-rates-of-bullying-vary-by-race-and-ethnicity/>

151. Nate complained to his parents about Latin and students there, and that he felt like the weird transfer kid with other students asking him intrusive and uncomfortable questions, and seeming to question why Nate transferred in 10th grade with the implication being that something went wrong at Parker.

152. Nate also shared with Mrs. Bronstein how he felt mistreated and ostracized by his neighbor, (Student 15), a student at Latin that Nate believed to be his friend. Nate was in great distress and tears in front of Mrs. Bronstein.

153. Wanting badly for this issue to get fixed and to go away for their son, the Bronsteins attempted to engage their neighbor's (the father) help twice. Based on their interactions with the father, the Bronsteins believed that the parents took no concern, made no effort to help and actually took steps to make the situation worse for Nate by telling their son about the Bronsteins' efforts to engage with them.

154. The Bronsteins also believe, based on information provided to them by Nate and their own experiences with the neighbors, that the neighbor boy made efforts and took whatever steps he could to reject and ostracize Nate at school.

155. At the same time Nate was sharing information with his parents, he was also directing his increasing anger and blame about his experiences at Latin toward his parents, with Mrs. Bronstein experiencing the brunt of Nate's anger, frustration, and blame.

156. As Nate continued to express unhappiness, isolation and overall bad experiences at Latin to his parents, outwardly presenting to them as exhausted and devastated with increased anxiety and distress, the Bronsteins reached out to try to fix the social isolation and rejection that Nate, as well as his younger sister, were expressing to their parents about the Latin experience.

157. Mrs. Bronstein emailed Latin's 10th Grade Parent Chairs on or around October of 2021 to notify them that because her children were new to Latin, they were having difficulties making connections. Mrs. Bronstein inquired whether social events could be planned so the children could get to know each other better.

158. One member of the group indicated to Mrs. Bronstein that she would inquire, and emailed Hennessy about the inquiry and options. Mrs. Bronstein was told that Hennessy responded that she would not or could not help, and further that such events could not be funded because it is not Latin's role.

159. Mrs. Bronstein also reached out in confidence to other parents whose children she believed were friends with Nate to inquire about social events, but Mrs. Bronstein believes those confidences were breached and Nate came to learn about the communications, increasing his focused blame on his parents for his experience at Latin.

XI. The Bronsteins Sought Help From Latin

160. The Bronsteins also turned directly to the school to communicate their concern about Nate.

161. In response, on October 8, 2021, Kranz reached out to Nate to discuss the transition to Latin, acknowledging that "transferring to a new school can be really tough, especially after a year like last year, and I want to make sure you feel supported."

162. On October 11, 2021, after Nate had not responded, Kranz reached out to Mrs. Bronstein to ask whether she thought Nate would meet with Kranz. In following up, Mrs. Bronstein learned that Nate had skipped school and requested a meeting with Kranz.

163. Mrs. Bronstein separately communicated with Hennessy about Nate skipping school and seeking her help. Mrs. Bronstein informed Hennessy that Nate expressed to her that he hated Latin, and she did not know what to do.

164. Hennessy and Kranz looped each other into their respective e-mails “so that we are all communicating together to best support Nate.” Hennessy and Kranz indicated that they hoped Nate “is safe at home,” and Hennessy stated she would pull Nate from class or catch him between classes the next day.

165. Mrs. Bronstein responded:

May I suggest not to pull him from class in front of everyone. He already alluded that some boys were making fun of him while playing basketball with them today, which really upset him.

He also says he is alone at lunch and has no friends.

I do feel that he just got thrown into school this year without enough proactive support [from Latin] and now we are paying the consequences at home and at school.

He also had an issue with [a Latin student believed to be a friend] which threw all of us off guard, [Nate] was really upset and felt dejected by his actions . . .

166. Hennessy responded “rest assured that any steps we take will be in Nate’s best interest. We always take a great deal of care in making students feel comfortable in situations like this.”

167. Mrs. Bronstein also informed Hennessy and Kranz that while her teenage son was sharing about his difficulties at school, he did not want Mrs. Bronstein to do anything about it, specifically that “Nate is very upset with me for meddling.”

168. Mrs. Bronstein was in a difficult position in that she was trying to find help for her child to address his poor experience at Latin, but without making it worse for Nate and the dynamic between them.

169. On October 12, 2021, Kranz and Hennessy were together when Nate stopped by Kranz's office. Nate shared that he was struggling with making friends at Latin, but he acknowledged that he had not made an effort to get involved. Nate also expressed his agreement in having a meeting with Kranz and his parents.

170. Following this, Kranz e-mailed Mrs. Bronstein:

As you know, it seems like Nate is really struggling with the transition to Latin and is really missing Parker. It sounds like he was missing his friends yesterday and that skipping classes is not something he has ever done before. I think the three of us should connect to develop a plan to support him moving forward.

171. On October 14, 2021, the Bronsteins and Nate met in-person with Kranz to discuss Nate's recent absence from school. Nate was upset during the meeting and expressed that he felt isolated and rejected, and ostracized by the neighbor who attended Latin, specifically that he did not want to be at Latin because he has no friends there, and he was resentful as a result of his experience at Latin.

172. During the meeting, the Bronsteins shared that they had called Parker about re-enrollment for Nate mid-year or the next year, but that readmission at Parker may not work out for Nate. The Bronsteins wanted Nate to give Latin a chance, and while Nate was frustrated, he agreed to tryout for the basketball team to meet people.

173. In the days that followed, Mrs. Bronstein remained in communication with Kranz and encouraged her to schedule a separate meeting with Nate, and that she continue to encourage Nate to try out for junior-varsity basketball.

174. During these communications, Mrs. Bronstein shared with Kranz that they were communicating with Parker about a transfer, but that officials from Parker indicated that a mid-year transfer would not then be possible, and that Nate could apply for 11th grade.

175. Mrs. Bronstein concluded the email by asking Kranz for help with navigating the situation to maximize the possibility of keeping Nate at Latin while simultaneously showing Nate that they were his advocates.

176. Around this time, Latin personnel recommended Jenny Stevens, a counselor who was previously employed as a counselor at Latin. On October 17, 2021, Mrs. Bronstein signed a Consent for Release of Information allowing for Ms. Stevens to share information to “support the social, emotional, and educational development of [Nate] at Latin.” However, by October 19, 2021, Kranz and Hennessy knew that Stevens viewed herself to be counseling Mrs. Bronstein not Nate.

177. On or around October 17, 2021, Mrs. Bronstein emailed Kranz to inform her that Latin students were upsetting him with repeated questioning into why he left Parker, and the tone of the questioning made Nate uncomfortable and angry as he felt there was no response he could give that would not cause him to be judged by the students asking. Mrs. Bronstein asked Kranz to work with Nate to come up with a response to avoid the judgment of his peers.

178. On or around October 18, 2021, Kranz responded to Mrs. Bronstein’s email from October 15, 2021, and stated that she agreed to tell Nate his chances of being readmitted to Parker mid-year were low and would encourage Nate to make the most of his time at Latin. Kranz further noted that she would encourage Nate to join the junior-varsity basketball team and would report back to Mrs. Bronstein if she learned “anything important” after meeting with Nate.

179. On October 18, 2021, Kranz sent two e-mails to Nate to check in. Nate responded to the second e-mail to state that he would come to Kranz's office the next day.

180. On or around October 19, 2021, Mrs. Bronstein emailed Kranz to see if Nate had responded to Kranz's request to meet that day. Mrs. Bronstein further stated, "Things at home are horrific. [Nate] has gone crazy. [Mr. Bronstein and I] think we need to send [Nate] away, [Nate] is terrorizing us and sabotaging his school responsibilities[.]"

181. Kranz responded to Mrs. Bronstein's email from October 19, 2021, and wrote:

Yes, I am meeting with [Nate] at 10:15am today. I'm sorry that [Nate] is having such a hard time with everything. I think [Nate] needs to accept that he is at Latin for the foreseeable future and realize he's only hurting himself by not giving it a chance. [Nate's] in a stage where he wants to blame you though because it makes him feel better. It won't benefit [Nate] in the long run. I will talk to him and let you know how it goes.

XII. Kranz Assessed Nate For Suicidal Ideation and Failed to Inform the Bronsteins

182. On or around October 19, 2021, at 8:00 a.m., Mrs. Bronstein responded to Kranz's email from October 19, 2021, and wrote, "I need a psychiatrist [for Nate], [Nate] needs to be medicated. **I'm afraid [Nate] is going to hurt himself or hurt me.** Can [you] [please] refer me to one that is available ASAP."

183. Following receipt of this e-mail from Mrs. Bronstein and her request for a referral, Kranz advised Mrs. Bronstein regarding outside resources and raised getting a safety evaluation/assessment. Kranz recommended AMK Counseling and Compass Health Center; the Bronsteins followed up with both facilities.

184. In responding, Kranz did not communicate with Mrs. Bronstein in any way about the possibility that Kranz might conduct an assessment of Nate for suicidal ideation, or what such

an assessment would entail, or how it might impact Nate, *e.g.*, increase his anger directed at his parents.

185. A year and a half later, in April 2023 – and only after the Bronsteins made a request pursuant to Illinois’ Mental Health and Developmental Disabilities Confidentiality Act and Latin had no choice but to comply – did the Bronsteins learn that Kranz made the decision to assess Nate for suicidal ideation.

186. In April 2023, the Bronsteins learned that on October 19, 2021, at 10:15 a.m., Kranz met with Nate and assessed him for suicidal ideation (SI) because of the concern raised by Mrs. Bronstein.

187. Kranz identified to Nate that Mrs. Bronstein raised her concern that Nate was going to hurt himself or his mother and that was the reason she was assessing Nate for suicidal ideation and/or revealed enough information for Nate to draw such a conclusion and blame his mother for the assessment. According to Kranz’s contemporaneous notes, Nate denied suicidal ideation or any safety concerns and lashed out at his mother calling her a liar and stating that nothing good comes if she is involved.

188. During the assessment, Nate was angry, irritable, and showed resentment (verbally and nonverbally) toward his parents for transferring him from Parker to Latin. In his agitated state, Nate rejected Kranz’s suggestion that he be more engaged at Latin, and Nate shared the only solution for him was a return to Parker. Nate also sought to end the meeting by asking to leave Kranz’s office.

189. Kranz noted that Nate showed early signs of school refusal and depression in her notes.

190. Kranz communicated with Hennessy and, upon information and belief, Knoche, Kranz's colleague and fellow counselor at Latin, about Mrs. Bronstein's concerns that Nate was at risk of self-harm or harming another person (his mother), and her meeting with, assessment of, and conclusions about Nate.

191. Every Latin Defendant, including Kranz, Knoche and Hennessy knew no later than October 19, 2021, that a "professional educator makes concerted efforts to communicate to parents all information that should be revealed in the interest of the student." (**Exhibit H** at 2.)

192. Kranz and Knoche, trained and licensed mental health professionals, and upon information and belief Hennessy, further knew on and before October 19, 2021, that Latin had a duty to contact the Bronsteins regarding Kranz's assessment of Nate for suicidal ideation as required by the ASCA Ethical Standards for School Counselors and other standards to which Kranz and Knoche are subject under their licensure. Specifically, each knew:

- a. The ASCA Ethical Standards for School Counselors dictates that school counselors working with minors in a school setting must collaborate with students' parents, and sets forth the following duties, among others:

Inform parents/guardians and school administration when a student poses a serious and foreseeable risk of harm to self or others. This notification is to be done after careful deliberation and consultation with appropriate professionals, such as other school counselors . . . **Even if the danger appears relatively remote, parents/guardians must be notified. The consequence of the risk of not giving parents/guardians a chance to intervene on behalf of their child is too great. . . .**

Recognize the level of suicide risk (e.g., low, medium, high) is difficult to accurately quantify. If required to use a risk assessment, it must be completed with the realization that it is an information-gathering tool and only one element in the risk-assessment process. **When reporting risk-assessment results to parents/guardians**, school counselors do not negate the risk of students' potential harm to self even if the assessment reveals a low risk, **as students may minimize risk to avoid further scrutiny and/or parental/guardian notification.** The purpose of reporting any risk-

assessment results to parents/guardians is to underscore the need for parents/guardians to act, not to report a judgment of risk.

(**Exhibit G** at 3.)

b. It is especially important to provide notice to, and work with, the parents because students sometimes deceive and minimize risk to avoid further scrutiny and the involvement of parents. (*Id.*) “It is a well-known fact that students will often deny suicidal ideation to escape the gaze of adults while confiding their true intentions to their peers.” (**Exhibit I** at 2.)

c. When school counselors work with a potentially suicidal student, the end result “must always be to notify the parent.” (**Exhibit J** at 1.)

d. If a school counselor (here Kranz) informally or formally conducts a suicide assessment and considers the student to be at low risk for suicide, the counselor “still needs to contact the student’s parents.” (*Id.* at 2.) The ASCA Ethical Standards call for school counselors to report risk assessments to parents when they underscore the need for the parent to act on behalf of the child, which was the case here with Nate. (**Exhibit G** at 3.)

193. Kranz and Knoche, and upon information and belief Hennessy, knew on and before October 19, 2021, that a significant number of people assessed for suicidal ideation deny suicidal thoughts. *See, e.g.,* <https://www.eurekaalert.org/news-releases/775571>; <https://psychnews.psychiatryonline.org/doi/full/10.1176/appi.pn.2021.10.9>.

194. Kranz and Knoche, and upon information and belief Hennessy, also knew on October 19, 2021, that Nate’s accusations directed toward his mother could only be understood within the context within which they were being made – **in response to** Kranz questioning Nate about concerns of suicidal ideation raised by his mother, which made him more angry, more

irritable and more resentful than he already was at his parents for the fact that he was attending Latin where Nate felt isolated and rejected.

195. Kranz and Knoche, and upon information and belief Hennessy, also knew on October 19, 2021, that Nate's reaction in being questioned about suicidal ideation – including his anger, irritability, and resentment – is, itself, a key sign of suicidal ideation.

196. Following her meeting with, and assessment of, Nate, Kranz called Mrs. Bronstein. Kranz, during this phone call and at all relevant times thereafter, **failed to notify** Mrs. Bronstein that: (i) Kranz had performed an assessment of Nate for suicidal ideation, (ii) what Kranz did to perform such an assessment, (iii) what Kranz learned, gleaned or concluded from her assessment, or (iv) Nate was highly agitated and even more angry at his mother and father because of the assessment.

197. Kranz took time on the call to learn more information from Mrs. Bronstein that revealed additional key signs of suicidal ideation, specifically that Nate was skipping classes and school, that he has not been eating and his anger at his mother was increasing. Still Kranz kept her SI assessment of Nate and material details of her communication with Nate from Mrs. Bronstein, including that Kranz's meeting with Nate had increased his anger at his parents, which followed Mrs. Bronstein having informed Kranz that she feared Nate could hurt her.

198. Though she had no information about Kranz's assessment of Nate for suicidal ideation, Mrs. Bronstein indicated she would contact Compass (and outside referral provided by Kranz) because she was not sure what else to do, and because she continued to believe that Nate needed support and was attempting to work in partnership with Latin to provide whatever support Nate needed.

199. Mrs. Bronstein ended the call because Nate was calling and texting Mrs. Bronstein and asking to come home. Mrs. Bronstein believes this was the result of Nate's general desire to leave Latin and she did not understand how Kranz's meeting with Nate may have angered and agitated him.

200. At no time during or after the call on October 19, 2021 did Kranz or anyone at Latin raise, discuss or encourage that the Bronsteins provide Consent for Release of Information forms with respect to Compass or any other outside counselor who the Bronsteins might engage for Nate to ensure information was shared with Latin for the social, emotional and educational development of Nate.

201. All of the Latin Defendants and Greenwood knew or should have known by no later than October 2021 of the "significant rise in teenage hospital visits for potential suicide" post-pandemic. (**Exhibit K**, "2021 Mental Health Survey Article.")

202. Latin itself reported that it had been alerted to information from its student body, including information about bullying and mental health, to help it see wellness patterns that might otherwise be overlooked. Specifically, in October 2021, Latin published an article in its student newspaper titled, "Student Wellness Survey: How Latin is Addressing Mental Health." (*Id.*)

203. The article discussed Latin's annual wellness survey, which every high school student at Latin was required to complete on October 1, 2021, and noted that "questions surrounding 'academic functioning and stress, school climate and bullying, mental health, social and emotional wellness/supports, substance use, and student demographics'... **alerted [Latin officials] to wellness patterns that might otherwise be overlooked.**" (*Id.* (emphasis added).)

204. Kranz and Knoche, were interviewed for the article which cites CDC data portraying a significant rise in teenage hospital visits for potential suicides as compared to pre-pandemic times. (*Id.*)

205. At no time during or after the call on October 19, 2021 did Kranz or anyone at Latin discuss with the Bronsteins or raise the need for help the school could provide, including a “safety plan.”

206. At no time during or after the call on October 19, 2021 did Kranz or anyone at Latin discuss with Nate the need for help the school could provide, including a “safety plan.” While Nate indicated resistance to things like trying out for the basketball team, he was never offered support in the form of a safety plan (or anything like it) by anyone at Latin.

207. An individualized school safety plan is tailored to the specific needs of the students. A safety plan involves the school, the parents and the student and is designed to provide special supervision to individual students and includes specific interventions which target dangerous or potentially dangerous behavior. (*E.g.*, **Exhibit L**, Safety Plan Overview found on isbe.net.)

208. Given that Nate was already reporting feeling social rejection, ostracization and judgment from his peers at Latin, it was critical for Latin to put a safety plan in place that factored in and addressed circumstances where Nate was feeling socially rejected, ostracized and judged. Such a safety plan unquestionably would be triggered by Nate reporting not only feeling socially rejected, ostracized, and judged, but also reporting that he experienced any form of harassment, bullying, cyberbullying, as well as any level of strain resulting from negative or stressful social interactions.

209. At no time during or after the call on October 19, 2021 did Kranz or anyone at Latin put in place a “safety plan” for Nate.

XIII. Kranz and Hennessy Met and Agreed to Wash Their Hands of the Bronsteins

210. Rather than obtain consents so that Latin could communicate with Nate's counselors (as Latin had promoted doing just days earlier) or take the steps Latin could to ensure Nate's safety and well-being, *e.g.*, a safety plan, Latin preferred to wash its hands of the Bronsteins.

211. Following Kranz's meeting with Nate on October 19, 2021, Kranz and Hennessy consulted and "[a]greed that this is a family issue and that Latin has exhausted the supports available to Nate, especially because he is resistant to any support."

212. Despite an assessment for suicidal ideation, knowledge that Nate showed signs of suicidal ideation (*e.g.*, increasing anger/frustration/irritability, not eating, stating difficulty in social situations, etc.), and acknowledgment of Nate's school refusal and depression, Kranz and Hennessy decided that Latin did not need to do anything more – a few recommendations for outside resources was enough for them to decide their help of Nate and the Bronstein family was sufficient and concluded.

213. On or around October 20, 2021, at 9:53 a.m., Kranz emailed Mrs. Bronstein in response to Mrs. Bronstein's email to Kranz from October 19, 2021, at 8:00 a.m. Kranz's email stated:

Hey Rose,

Hope your day got better yesterday after we spoke. I wanted to follow-up to see what you decided for [Nate] after our conversation. We had a fire drill later in the day yesterday, and I saw him outside for that, so I was at least glad to see that you were able to get him back to school.

Also, Jenny Stevens shared that she is not [Nate's] counselor. I know you were considering having [Nate] evaluated by Compass (given some of the concerns you noted with him), but if you decide to hold off on Compass for now, I hope you might be able to still find a therapist for him. I would recommend looking into a therapist

at AMK Counseling (<https://amkcounseling.com/>). With that said, **given that this is a family issue**, I also wonder if it might be best to look into family counseling. I would recommend The Family Institute if you think it might be helpful to meet as a family with a counselor as well (<https://www.family-institute.org/>).

I hope this helps, but let me know if you have any questions. **Given [Nate's] resistance to any support at Latin (and his refusal to be open to any alternatives other than returning to Parker), I think this issue needs to be addressed with professionals outside of school.**

Thank you,
Anneliese

214. In writing this email, Kranz was carrying out the plan to which she and Hennessy had agreed – recommend outside resources and tell the family it's their problem, because Nate was not open to getting involved in school activities at Latin – while failing to mention Kranz's assessment of Nate for suicidal ideation and failing to address or consider with the Bronsteins a plan to ensure Nate's safety and protection, which could have (and should have) included engaging with Nate's outside counselors and implementing a safety plan with direction for Nate and his parents when experiencing social rejection, ostracization and isolation.

215. Mrs. Bronstein – not understanding the subtlety of Kranz's messaging, *i.e.*, that Kranz would no longer be providing any help to the Bronsteins – responded that Nate left school again.

216. In response, Kranz directed Mrs. Bronstein to Compass, offering no suggestion of what Latin itself could do to help. When Mrs. Bronstein confirmed the appointment was set at Compass and questioned why there is no response from Latin for Nate skipping school, Kranz again deferred to Compass.

217. On October 20, 2021, Hennessy e-mailed Nate (copying Mrs. Bronstein) about missing classes and being late to math. Hennessy added that three faculty members commented that Nate was not properly wearing his facemask, reprimanding him.

XIV. The Bronsteins Sought Outside Help For Nate

218. On October 21, 2021, the Bronsteins took Nate for an evaluation at Compass during which Nate conveyed that his relationship with his parents was warm and close, but conflictual, and that his relationship with his siblings was typical.

219. Nate identified social support from friends at Parker, but that he felt socially isolated at Latin. Nate identified his stressors as the change in schools (Parker to Latin) and bullying.

220. Nate did not like Compass and was opposed to in-person treatment there, and the Bronsteins agreed to outpatient treatment only because they were trying to balance Nate's needs with his wants based on the information known to them.

221. Compass did not have availability for immediate participation in out-patient treatment, but eventually a follow up at Compass was scheduled for November, after which Nate would start counseling at AMK after Thanksgiving with participation in the Compass out-patient program to follow.

XV. Kranz and Hennessy Continued to Brush Off Mrs. Bronstein, Which Caused Her to Reach Out to Von Ogden

222. On October 21, 2021, following the Compass appointment, Mrs. Bronstein contacted Kranz to follow up. Kranz responded that she would not have time to talk to Mrs. Bronstein until October 25, 2021.

223. On October 25, 2021, Kranz called Mrs. Bronstein who relayed that Nate had shared that students at Latin were questioning why Nate transferred and that he has tried to make friends, but that he still felt excluded.

224. Mrs. Bronstein raised that she was not seeing programming at Latin that taught about students being inclusive and accepting to each other. Kranz made reference to bystander intervention training and was agitated that her reference to such training did not end the concern for Mrs. Bronstein. Kranz also put it upon Mrs. Bronstein to come up with ideas about programming to help transfer students and reach out to Hennessy with any ideas.

225. Mrs. Bronstein updated Kranz about Compass and finding a therapist for Nate. Kranz did not make any comment about what Latin itself could (and should) do for Nate, including engaging with outside counselors and implementing a safety plan.

226. At no time ever, did Kranz or anyone else at Latin engage with the Bronsteins about a plan for Nate – whose triggers included peer conflict, rejection, isolation, and ostracization – to ensure his safety upon Nate reporting, or the school otherwise having knowledge of Nate experiencing, such triggers.

227. By October 25, 2021, Mrs. Bronstein could sense that she was being ignored by Kranz, which increased Mrs. Bronstein's desperation to ensure some help from Latin while Nate was in school there.

228. On October 25, 2021, Mrs. Bronstein spoke with Knoche who directed her to Kranz.

229. On October 26, 2021, Mrs. Bronstein reached out to Adriana Durant (head of Nate's advisory group) to help Nate.

230. Mrs. Bronstein also reached out to Kranz as directed by Knoche and shared the following:

Nate has complained to me this morning and he's really upset [because] he feels [] he started [Latin] and then there's been no support for him nobody took the time to get him acclimated and he is right. he's struggling with the eight day rotation on top of everything else that is overwhelming. He is actually right he really has had no support from any department to check in with him to see if everything's OK

231. Upon information and belief, Kranz did not respond to Mrs. Bronstein.

232. Near the end of the school day on October 26, 2021 (Tuesday), Kranz e-mailed Nate about checking in and Nate responded that night that he could meet the next morning (Wednesday). Kranz did not meet with Nate, but she suggested instead that they meet two days later, at 11:20 a.m. on Friday.

233. On October 27, 2021, Mrs. Bronstein forwarded her e-mail to Durant to Hennessy to inquire as to how best to reach Durant, who had not responded. Hennessy provided Durant's contact information.

234. On October 28, 2021, Mrs. Bronstein and Durant discussed Nate and the idea of encouraging him to get involved in clubs at the school.

235. On October 28, 2021 (Thursday night), Nate responded to Kranz and asked to meet any day before school started. On Friday, Nate confirmed a meeting with Kranz for the following Monday morning.

236. On October 29, 2021 (Friday), Hennessy e-mailed Nate about his unexcused absences with no regard for what she had learned from Kranz – that school refusal was an issue that tied to Nate's depression and suicide risk. Instead, Hennessy engaged in a tone-deaf reprimand noting five unexcused absence in a week's time and noting that "further unexcused absences will result in disciplinary consequences, starting with detention."

237. Hennessy blind copied Kranz and Durant on the e-mail.

238. Hennessy also copied Mrs. Bronstein on the e-mail, and Mrs. Bronstein -- lacking all of the information known to Latin and its licensed experts (including Kranz) -- thanked Hennessy for her e-mail.

239. The next Monday after engaging in multiple communications with Kranz to schedule the meeting before the Hennessy reprimand, Nate missed the meeting with Kranz. Kranz e-mailed Nate on Tuesday about rescheduling and Nate did not respond.

240. Kranz did not contact the Bronsteins about scheduling the meeting with Nate, Nate missing the meeting and not responding to Kranz, or any concerns she might have about Nate. Kranz also did not again reach out to Nate.

241. On November 2, 2021, Durant e-mailed Nate noting that he missed the advisory meeting.

242. On November 2-3, 2021, Durant e-mailed Mrs. Bronstein about Nate. Mrs. Bronstein, still desperate for help at the school, asked for a Learning Resources contact for 10th grade and was directed to Stephen Wright.

243. On November 5, 2021, Hennessy e-mailed Nate regarding his reactions during a school program, and Nate confirmed a time to meet.

244. Nate shared with Mrs. Bronstein that he was reprimanded at school because he laughed during a serious program, and that he felt singled out because other kids were laughing too.

245. On November 8, 2021, Mrs. Bronstein e-mailed Knoche and Hennessy to understand the situation. Knoche said that Nate made light of a serious situation during the program, but he was not reprimanded. Mrs. Bronstein asked for a link to the program and was told

no link was available, but the program addressed consent, abusive relationship, feelings, and similar topics.

246. On November 9, 2021, Mrs. Bronstein explained she wanted details about the program because what Nate told her is “honestly a bit disturbing.” Communications continued and Mrs. Bronstein confirmed that she still wanted to meet on the issue.

247. Separately, on or around November 9, 2021, Mrs. Bronstein met with Von Ogden, the Upper School Director at Latin.

248. Von Ogden was the signatory to the November 2021 update to Upper School families about the social and emotional difficulties the school was observing in its students after coming back from remote learning. Von Ogden states:

[W]e meet our students where they are. We are putting extra structure in place to help them readjust, for example, to group dynamics. . . . We are providing extra guidance and support as the reactivate and continue to develop these skills.

(Exhibit M.)

249. Mrs. Bronstein requested the meeting with Von Ogden because she felt she needed to escalate her concerns about Nate.

250. During the meeting, while Von Ogden took notes, Mrs. Bronstein shared about Nate’s experience at Latin and how much he had expressed feelings of social isolation, rejection and ostracization at the hands of other students at Latin. Mrs. Bronstein also shared that she was trying to get Nate out of Latin and back to Parker.

251. Mrs. Bronstein also notified Latin that Nate felt singled out by his Latin geometry teacher, Andrew Sanchez, and explained that Nate believed Sanchez was rude to him and hated him. Von Ogden offered to speak with Sanchez about Nate, and this offer gave some relief to Mrs. Bronstein.

252. Upon information and belief, Von Ogden (Upper School Director) and also Dunn (Head of School) knew at the time of the meeting with Mrs. Bronstein or soon thereafter about communications between Nate, Mrs. Bronstein and Mr. Bronstein and school personnel, including that Mrs. Bronstein raised concern about Nate hurting himself, that Kranz assessed Nate for suicidal ideation, and that Kranz and Hennessy made an agreement not to further provide help from the school to Nate along the lines of communication with outside counselors or a safety plan.

253. Upon information and belief, by the time of the Von Ogden meeting on or around November 9, 2021, the Latin Defendants had categorized the Bronstein family, and specifically Mrs. Bronstein, as difficult and, as a result, a family to avoid dealing with even if that foreseeably and recklessly caused great risk to Nate's safety.

XVI. The Bronsteins Continued to Seek Outside Help For Nate

254. While Latin did not concern itself in any meaningful or required way with Nate's safety and wellbeing, the Bronsteins were trying to get him help.

255. Nate was meeting with counselors, including another appointment at Compass on November 9, 2021. Nate shared about his struggles with his parents, including his verbal aggression and swearing toward them due to frustration with their decision to transfer him to Latin.

256. While the Bronsteins had acknowledged their regret and mistake with transferring from Parker to Latin, Nate had nowhere to express his feelings about what he was experiencing at Latin except to direct anger and resentment toward his parents, which exponentially increased the conflict in the Bronstein home.

257. Nate shared part of his frustration and anger with the transfer and experience at Latin:

I talk to people in the hallways, but it's not fun. You have to go out of your way to get involved with other peoples' groups, and I don't want to deal with that now. It takes a lot of effort mentally.

XVII. Nate Made an Effort at Latin, But Still Struggled

258. On November 8, 2021, Nate tried out for the Latin basketball team, but he rolled his ankle so he was not yet committed to participating on the team.

259. On November 9, 2021, Nate e-mailed with Aubrey DeNard, a Lower School physical education teacher involved with the sports program at Latin, regarding the JV basketball team. Nate indicated he injured his ankle, but still wanted to be considered for the team.

260. On November 10, 2021, Nate continued to message to Mrs. Bronstein that he had no friends and he did not want to be at school during free periods and lunch. Mrs. Bronstein emailed Durant for help.

261. On November 11, 2021, Durant had what she believed was a good talk with Nate, encouraging that he join clubs. Nate brought up checking out the Jewish affinity group, but also that he wanted to return to Parker.

262. On November 12, 2021, DeNard emailed Nate and the Bronsteins to share that Nate made the JV basketball team and though injured, he should come to practices and learn the plays.

263. By this time, Wright (Learning Resources), whom Mrs. Bronstein had taken the initiative to identify and track down, had connected with Nate and reached out to Nate's teachers.

264. Wright communicated with Mrs. Bronstein regarding accommodations for Nate related to his ADHD. In these communications, Mrs. Bronstein raised that Nate is butting heads with Sanchez and believed Sanchez did not like him. Mrs. Bronstein believed Nate to be the issue with Sanchez based, in part, on a parent-teacher conference with Sanchez, but she hoped that

Wright could help the situation so that Nate could apply himself in Sanchez's class and improve his grade.

265. Around this time, the Bronsteins were trying to get Nate transferred back to Parker, but believed, based on their experience with the admissions process at private schools, that a mid-year transfer was unlikely. Nate, however, met with Parker's Principal Daniel B. Frank and strongly advocated for his return to Parker. Nate's advocacy influenced Parker accepting him for the next semester (starting January 24, 2022), and Nate's role in the process built up his confidence.

266. Nate's acceptance to return to Parker brought a palpable relief to Nate and improvement in his mental health that was witnessed by his family.

267. In addition, the Bronsteins were relieved, and believed and hoped that Nate could get past all of the social rejection, isolation, ostracization and bullying he had talked to his parents and counselors about by just leaving Latin and getting back to his friends at Parker.

268. On November 30, 2021, Mrs. Bronstein reached out to Von Ogden, Hennessy, Kranz, Durant and Wright to inform them that Nate was returning to Parker. Mrs. Bronstein's e-mail to Hennessy copying Durant stated:

Hi Ms Hennessy,
I regret to inform you that [Nate] will be transferring back to Parker this January. I will say, [Mr. Bronstein] and I are disappointed that his experience at Latin did not pan out as we hoped it would.

[Nate] has emailed Mr. Wright tonight to ask for assistance in getting organized to complete his course requirements before the end of this semester.

Ms. Hennessy, please advise us on things [Nate] needs to complete/turn in before he leaves.

Thank you,
Rose Bronstein

269. Mrs. Bronstein separately noted to Durant that she saw improvement in Nate's mood with the knowledge he could return to Parker. Durant shared that she also witnessed improvement in Nate.

270. By November 30, 2021, Nate shared with Wright that he was leaving Latin and sought Wright's guidance on the transfer.

271. Nate sent e-mails to his teachers seeking information about the status of his grades in their classes and asking what he could do to finish as strong as possible. Nate's teachers responded in support and provided him with guidance. Nate also followed up with Wright who supported the steps Nate was taking to finish the semester strong.

272. While Latin knew that Nate was leaving Latin, that did not mean the Bronsteins were leaving Latin. Nate's sister, S.B., intended to continue at Latin in January despite her own bullying experiences at the school, including difficulty fitting in due to severe ostracization, rejection and social isolation by fellow students at Latin.

273. Latin knew that S.B. was being bullied because of repeated communications involving Mrs. Bronstein and S.B. during the Fall of 2021 to Latin, including to Knoche and Durant, wherein Latin was informed of bullying severe enough to cause a physical reaction from S.B.

274. On December 8, 2021, Nate went to a counseling session during which he was expressive, open and alert. Nate expressed that he did not believe he needed any counseling and was only there at the requirement of his parents.

XVIII. The Weekend Before Finals, Nate is Cyberbullied By Latin Students

275. As an injured member of Latin's JV basketball team, Nate attended practices to help out and learn plays, and also attended games in support of the team. The coaches of the JV basketball team were Dustin Moran (head coach) and Nick Haldes (assistant coach).

276. As was customary at Latin, at the start of the season, the team created group chats with and without coaches included on the chats. The team-only student chat was labeled "Hoop Dreams," and included the members of the JV basketball team, all of whom were Nate's classmates in the 10th grade at Latin.

277. The team used the Hoop Dreams group chat to communicate about games, meetings, practices and to stay connected. Some members of the team posted frequently in the Hoop Dreams chat and dominated the conversations. Other members of the team, like Nate, rarely posted in the group chat.

278. Despite being injured and unable to play, Nate showed up to team practices, attended games, and supported the team.

279. On Thursday, December 9, 2021, the Parker and Latin freshman and JV boys' basketball teams played their games at the Parker gym. Nate attended the game in support of Latin, sitting on the bench with the Latin team during the game.

280. Student 2 was another player on the team and someone with whom Nate had become friends. They had at least one friend in common who used to attend school at Parker with Nate.

281. Near the end of the December 9 JV game, when Latin had a large lead, Coach Moran called Student 2 into the game, but then immediately told him to sit back down, seemingly because Coach Moran was not happy with how Student 2 responded to entering the game.

282. After the game, group pictures of the team were taken and posted on the Hoop Dreams group chat. While Nate was included in those pictures, he was on the side or in the back.

283. Also, while the players joked around and celebrated their win on the Hoop Dreams group chat, Nate minimally participated and gave a “thumbs down” to one of the derogatory posts about Parker.

284. By this time, Nate had told at least some of his teammates that he was transferring back to Parker for the next semester.

285. The next evening, December 10, 2021, was the varsity boys’ basketball game between Parker and Latin, held at the DePaul University arena. This was a big game. Latin and Parker are rivals, and this century-long rivalry between Latin and Parker has led to unsportsmanlike, derogatory, and disparaging conduct among the students. The Latin administration is and was aware of this rivalry and imposed rules of conduct upon its students and arranged for the presence of Latin faculty at these games as a result.

286. Nate, as well as his friends from Parker, Student 2 and other members of the JV Latin basketball team were all at the game. Nate was sometimes with Student 2 during the game, spending time with Parker friends and sometimes moving between the two sides.

287. At one point during the game, Student 2 used Nate’s phone to make a post on the Latin JV boys basketball team’s Instagram page. The post was a live screenshot photo of the varsity basketball game scoreboard showing Parker leading the game by a wide point-margin, with a “W” overlaying the photo (the “W Post”).²⁵

²⁵ Nate claimed more than once, and to more than one audience, that Student 2 posted the “W Post” from Nate’s phone.

288. During the game, Latin students, including members of the JV boys' basketball team, saw the post. Members of the JV basketball team were confused about the post, including how it came to be posted and who made the post. While the post was promptly taken down, members of the JV boys' basketball team came to believe that it was Nate who made the post.

289. While some viewed the W Post as a joke or, at least, something to let go especially given that Latin came back and won the game, others viewed the W Post as a serious betrayal not to be taken lightly. Many were angry because, in their view, Nate had picked Parker over Latin and wanted the team to know it.

290. While at the point of the W Post, Parker was winning the game, Latin game back and one the game by one point. This caused the Latin students to rush the floor in celebration.

291. During or after this celebration, some members of the JV team started going after Nate for the W Post, which Nate later tells Hennessy is a "fuck you" group chat.

Student 3

nate bro
ur kicked²⁶

Student 4

what happened

Student 3

he posted on the jv hoops account
of us losing
and said w
snake ass nigga²⁷

Student 5

followed a bunch of parker accs

²⁶ This word is used to describe when someone is "forcibly excluded from internet chat." *See* <https://www.urbandictionary.com/define.php?term=kicked>

²⁷ This phrase is used to describe "a person who is shady and secretive." *See* <https://www.urbandictionary.com/define.php?term=snake%20ass%20nigger>

and posted onna story

Student 6

Na get him tf²⁸ out

Student 7

nah kick him²⁹

Student 8

fuck you nate

Student 7

he's not coming back anyways

Student 9

Nate not cool

Student 10

Fuck u bronstein

Student 11

Everybody hates Nate

Nate



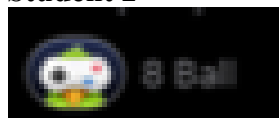
Student 4

L

Student 10

L

Student 2



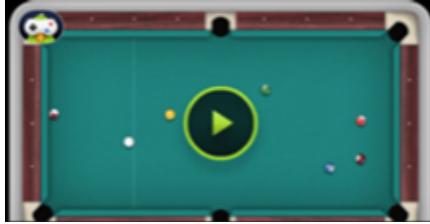
Nate

²⁸ “tf” means “the fuck.” See <https://www.urbandictionary.com/define.php?term=tf>

²⁹ “kick him” means out of the text chain



Student 2



You Won!

Student 8



the fucking feds

Student 12

Bronstein is shivering right now

Student 6

Scared out of his mind



Student 2

Laughed at “Bronstein is shivering right now”
Laughed at “Scared out of his mind”

Student 7

Loved “Bronstein is shivering right now”

Student 6

W right bronstein

Student 8

fuck you nate!!! you a bitch!

Student 12

Bronstein is silent
He has nothing to say

Nate

Im in shambles

Student 4

Ironstein

Student 2

Laughed at “Im in shambles “

Student 13

[] gonna get the best top

Student 6

Fr³⁰
[Posting a video of the game]

Student 10

L³¹ Nate
Rest in piss³² Parker

³⁰ “Fr” means for real

³¹ “L” is a reference to [Parker] taking a loss. See <https://www.urbandictionary.com/define.php?term=L>

³² “Rest in piss” means pissing on someone’s grave, which here is a reference to Parker. See <https://www.urbandictionary.com/define.php?term=Rest%20In%20Piss>

(**Exhibit N**, Hoop Dreams Text Chain Anonymized Excerpt (12.10.21).)

292. These text messages are all directed at Nate and only Nate, with the students calling him names, swearing at him, and putting up a picture as if Nate was a “wanted” criminal.

293. Nate’s responses at this point reflect his coping mechanism – humor – but this type of peer attack was a stressful, dangerous trigger for Nate. (**Exhibit J** at 2 (“In adolescence, indirect clues [of mental health and suicide risk] could be offered through joking[.]”))

294. Soon Nate, who remained the sole target of the “fuck you” group chat, started pleading for the students who were ganging up on him to stop:

Student 8

nate fuck you on bro you a lame

Student 2

luv u nate don’t let the haters get to u!! 🤪🤪

Student 8

in case you forgot nate fuck you!

Student 4

Emphasized “in case you forgot nate fuck you!”

Student 10

Emphasized “in case you forgot nate fuck you!”³³

Student 6

Boys remember that we got 9am practice tmrw with some speed work

Student 9

Yay 😊

Student 10

Bronstein I say this with pure respect but don’t show up tmr

Nate

Please stop texting about me 👍

³³ After Nate’s death, Student 10 removed his emphasis on this specific post.

Student 5

Also heard u threw for Parker 😊³⁴

Student 3

if u didn't post that shit on the instagram it would be fine
u made that choice bud
not our fault

Nate

you don't gotta tell me to fuck of 5 times
Seems excessive

(Exhibit N, Hoop Dreams Text Chain Anonymized Excerpt (12.11.21).)

295. Nate was next asked why he made the W Post, and Nate told the team that he did not create the post or put it up. Instead, Nate said Student 2, whom all or some of the team knew to be a prankster, had made the post from Nate's phone.

Student 14

Nate I have a genuine question why would you think that was a good idea. What did you look to gain

Nate

Especially for a post I didn't create

Nate

Posted by [Student 2]
[1 Reply]

Student 3

mhhhhmmm

Student 5

Mmmmmmm [Reply to "Posted by [Student 2]"]

Student 13

Cap asf³⁵

³⁴ "threw for Parker" is a reference to Student 5 hearing that Nate was throwing a party for Parker kids that night.

³⁵ "Cap" is a verb meaning "[t]o lie and deceive," and "asf" is a wrong way of abbreviating the words "as fuck," which is more typically "af." See

Student 5

Did u throw for parker?

Student 13

Why would [Student 2] do that

Nate

I don't mind the backlash but the fuck you is a little excessive NGL

Student 3

so did u or did u not post the photo?

Nate

It was [Student 2] from my phone

(**Exhibit N**, Hoop Dreams Text Chain Anonymized Excerpt (12.11.21).)

296. Despite having participated on the text chain prior to this point in support of Nate, Student 2 does not weigh in that night or, upon information and belief, at any point thereafter, about his role in the posting of the W Post.

297. The participants in the text chain, in turn, did not demand that Student 2 acknowledge or deny his participation in the W Post. Instead, some of them continued attacking Nate:

Student 5

and did u or did u not throw for parker

Student 16

Removed an exclamation from “fuck you nate!!! you a bitch!”³⁶

Nate

? 😊

<https://www.urbandictionary.com/define.php?term=cap%20as;>
<https://www.urbandictionary.com/define.php?term=asf>

³⁶ Student 16 did not participate in the text chain beyond this one exclamation, which he removed after Nate informed the group he did not put up the W Post.

Student 3

also why did u play for latin basketball?

Student 5

They said u threw for parker tm³⁷

tm*

Emphasized “also why did u play for latin basketball?”

Student 3

if ur gonna join a team and watch us play and practice then how are u gone sit on the other side on game day?

Nate

I enjoyed playing basketball but unfortunately I injured my leg and the recovery took much long than expected

Student 3

it’s not adding up

Nate

It was expected healed 1 month ago

Nate

I was also unaware of my return to Parker at the time

(**Exhibit N**, Hoop Dreams Text Chain Anonymized Excerpt (12.11.21).)

298. As the messaging continued, Student 5 started to appreciate, by Nate’s reactions, that the group interrogation appeared to be impacting Nate in a negative manner and Student 5 could see that Nate might feel ganged up on. Student 5 still wanted Nate to see his point of view, but also to attempt to calm Nate and the group down.

Student 5

Chill on him bro³⁸

³⁷ After Nate responded with a “?” meaning he did not understand what the inquiry about “throw for parker,” Student 5 attempted clarification by adding “tn” meaning “tonight,” but instead made a typo twice putting “tm” instead.

³⁸ Student 5 intends a total message here as follows:

Chill on him bro
Nate u know u fucked up

Nate

But I'm glad I am now looking at the texts I received

Student 5

Nate u know u fucked up

Nate

Leaving*

I didn't even post it y'all get like 40 views at most anyways (no disrespect)

Student 5

and u should also know that no one is srsly mad at u we dont care

Nate

Y'all clearly mad if your telling me fuck off at '12 AM

Student 5

its not ab views its ab disrespect

Nate

Im still on your mind in the dead of night

Student 3

Emphasized "its not ab views its ab disrespect "

Nate

Move on I didn't post it

I apologize for allowing it to be posted

But the disrespect is way too fucking far

Student 5

nigga³⁹ i just told them to chill on u

but onb⁴⁰ u should know [Student 10] and everyone else is joking

and u should also know that no one is
srsly mad at u we dont care

However, Nate responded at the same time, so the messages crossed.

³⁹ The term "nigga" can be used in both a friendly way and as an insult, "[s]o it all depends on the mood: good mood and nigga means friend, bad mood and nigga means enemy." See <https://www.urbandictionary.com/define.php?term=nigga>

⁴⁰ "onb" could mean "On Bro," "on blood" or as a replacement for "god." See <https://www.urbandictionary.com/define.php?term=Onb>

[1 Reply]

Student 7

ay let's just all chill
we good

Student 5

no one cares that u are going to parker or that u made sum mistakes bro ur good⁴¹

Student 14

I'm gonna wake up tomorrow do shit I actually have to do like finals. I could give two shits about what you post but it was a dumbass decision

Student 5

u gotta see it from our pov tho u join our team our family be a part of the family just go get sum milk and disrespect us indirectly on ur way out
its shitty

Student 8

^42

Nate

Liked "u gotta see it from our pov tho u join our team our family be a part of the family just go get sum milk and disrespect us indirectly on ur way out"
Took things too far from someone else's post

Student 5

but i guarantee no one is rly tripping bro its all love

Student 7

at least done post something on our account
don't

⁴¹ Student 5 again attempts to convey a complete message that is broken up:

no one cares that u are going to parker or that u made sum mistakes bro ur good
u gotta see it from our pov tho u join our team our family be a part of the family just go
get sum milk and disrespect us indirectly on ur way out [Nate gives a thumbs up]
its shitty
but i guarantee no one is rly tripping bro its all love
its jokes bro
no one is srs
ik uk that

⁴² “^” reflects agreement with a statement.

See <https://www.urbandictionary.com/define.php?term=%5E>

Student 10

Exactly don't take everything too seriously [Reply to "but onb u should know [Student 10] and everyone else is joking"]

Student 5

Emphasized "at least done post something on our account"

Nate

I agree but y'all been telling me to fuck off for five hours move on

Student 7

like it's different if it's on urs

Student 5

its jokes bro

Nate

Especially if someone else took my phone and posted it

Student 5

no one is srs
ik uk⁴³ that

Nate

Some pretty harsh jokes

Student 10

Well if u want us to stop being on ur ass abt it then u hush that's my advice for u

Student 8

lmao⁴⁴ nate

Student 5

[Student 10] thats only taking steps backwards 😂
i feel u but leave him be bro
if he dont get it he just doesn't

⁴³ "Ik" means "I know." See <https://www.urbandictionary.com/define.php?term=ik> The statement intended here is "I know, you know."

⁴⁴ "lmao" means "laughing my ass off." See <https://www.urbandictionary.com/define.php?term=lmao>

Student 10

Well idc⁴⁵ who did what just calm down and don't take everything so directly

Student 3

^^⁴⁶

Student 10

We dont actually hate u lol

Student 3

fax⁴⁷

Nate

Liked "fax"

Student 5

Nate like I said just know u fucked up and move on stop caring what we are saying in a gc⁴⁸

Student 8

yeah nate truss⁴⁹

Student 5

dnd⁵⁰ or leave
either way its love bro

Student 5



⁴⁵ "Idc" means "I don't care." See <https://www.urbandictionary.com/define.php?term=idc>

⁴⁶ ^^ means agreement. See n. 42.

⁴⁷ "fax" means "[s]omething that is very true. So true that it cannot just be called true. It's fax." See <https://www.urbandictionary.com/define.php?term=fax>

⁴⁸ "gc" means "group chat." See <https://www.urbandictionary.com/define.php?term=gc>

⁴⁹ "tru" means "basically what it says, a 'true' or 'real' thug." See <https://www.urbandictionary.com/define.php?term=Tru> (second definition)

⁵⁰ "dnd" means "do not disturb." See <https://www.urbandictionary.com/define.php?term=dnd>

Student 12

Yea Nate bro, we dont hate you
 We're just giving you shit for that
 It's still bogus of you tho

Student 8

nate once you go to parker it's on sight⁵¹ but luv until then 🍷

Student 10

Yea dw abt⁵² it if we offended u ik⁵³ I can speak for everyone saying our bad it's not that actually that serious to us

(**Exhibit N**, Hoop Dreams Text Chain Anonymized Excerpt (12.11.21).)

299. When the group chat finally ended that night for Nate, he had experienced hours of bullying via text for, as Nate said, allowing the W Post to be posted by someone else from his phone. Upon making clear to the participants in the group chat that he wanted the attack to stop, the participants transitioned into passive reassurance while still blaming Nate for the W Post. None of the active participants acknowledged or accepted that Nate said he did not put up the W Post.

300. The participants in the group chat then appeared to move on to communicate about basketball practice the next morning without further concern about the dispute or Nate.

301. The exchange with Nate did, however, weigh on Student 5. The next day at basketball practice, Student 5 was in a private conversation with Coach Moran. Student 5 told the coach that Nate posted the W Post on the JV team's Instagram page and everyone went after Nate in a group chat.

⁵¹ "on sight" means that "when you have [a] beef with somebody you automatically fight them. There is NO talking it out." See <https://www.urbandictionary.com/define.php?term=On%20sight>

⁵² "dw abt" means "don't worry about." See <https://www.urbandictionary.com/define.php?term=dw>

⁵³ "Ik" means "I know." See <https://www.urbandictionary.com/define.php?term=ik>

302. Student 5 informed Coach Moran that Nate seemed worked up about it and upset. Student 5's purpose in talking to Coach Moran was that, in case Nate was genuinely upset (as he seemed to Student 5), Student 5 wanted Nate to be able to talk to someone to make sure he was OK, and the team should be checked and told not to communicate like they did.

303. Student 5 also implied to Coach Moran that there was more than the Hoop Dreams ("fuck you") group chat.

304. Coach Moran's inquiry to Student 5 to get more details about what happened to Nate was limited, and Coach Moran did little to no follow up on the report Student 5 brought to him.

305. Coach Moran either had no training or insufficient training from Latin regarding steps to take when student conduct and conflict issues arose, including bullying, cyberbullying, and harassment by and among the students on the team he was coaching, or he disregarded such training and procedures in failing to take necessary action in response to Student 5's report.

306. Coach Moran had no training or insufficient training from Latin regarding steps to take when a student is reported as having had an experience that could impact that student's safety and well-being particularly when they could be an at-risk student, *e.g.*, a student at risk of self-harm, subject to a safety plan., or he disregarded such training and procedures in failing to take necessary action in response to Student 5's report.

307. Coach Moran did not need to know whether Nate was a student at risk of self-harm and/or subject to a safety plan, but he knew or should have known that such students could be players on the basketball team he coached. Latin should have provided training and had procedures in place to require that Coach Moran, at a minimum, report Student 5's report to Latin personnel who would have more information about issues of the safety and well-being of Nate. Latin either

failed to have such training and procedures in place and to ensure that Coach Moran was trained and knowledgeable about such procedures, and/or Coach Moran disregarded such training and procedures in failing to take necessary action in response to Student 5's report.

308. Further, Illinois' Anti-Bullying Law, addressed in detail at Sections XL-XLII, *infra*, required Latin to have a policy in place that would have triggered Coach Moran to inquire further to Student 5 at the time of his report, or to report the matter to personnel at Latin so that they could immediately provide parental notification and investigate. Latin did not have a compliant bullying prevention policy in place on December 11, 2021 or prior, and as a result, failed to train and ensure compliance by Coach Moran with the requirements of Illinois' Anti-Bullying Law as set forth in a compliant policy.

309. Upon information and belief, Coach Moran did not contact anyone at Latin about Student 5's report.

310. Coach Moran did not contact the Bronsteins or the parent of any other participant in the group chat from the night before.

311. Coach Moran did not communicate with the team about the group chat or in any way "check" them about their conduct on the group chat.

312. Coach Moran did not conduct any inquiry or investigation himself (including simply asking more questions of Student 5) to understand the extent of the bullying conduct directed at Nate.

XIX. After the Strain and Distress of the "Fuck You" Group Chat, Nate Discovered He Is the Subject of a Widespread and Derogatory Snapchat Post

313. The bullying conduct directed at Nate did not end with the "fuck you" group chat. Instead, after the Parker-Latin game on December 10, 2021, Students 4, 6 and 10 were together in-person with Student 1, a member of the varsity basketball team.

314. Student 1 did not see the W Post himself, but he was told about it by other students who were angry at Nate for the W Post they believed he posted.

315. This made Student 1 angry at Nate. Student 1 took a selfie picture of his own face with his middle finger up in the air and put the words “FUCK BRONSTEIN” across the picture (the “Snapchat Post”). (**Exhibit O** (filed under seal).)

316. Student 1 sent the Snapchat Post through the social media platform, Snapchat, to at least five friends, including the friends who were physically with him after the game and Student 8.

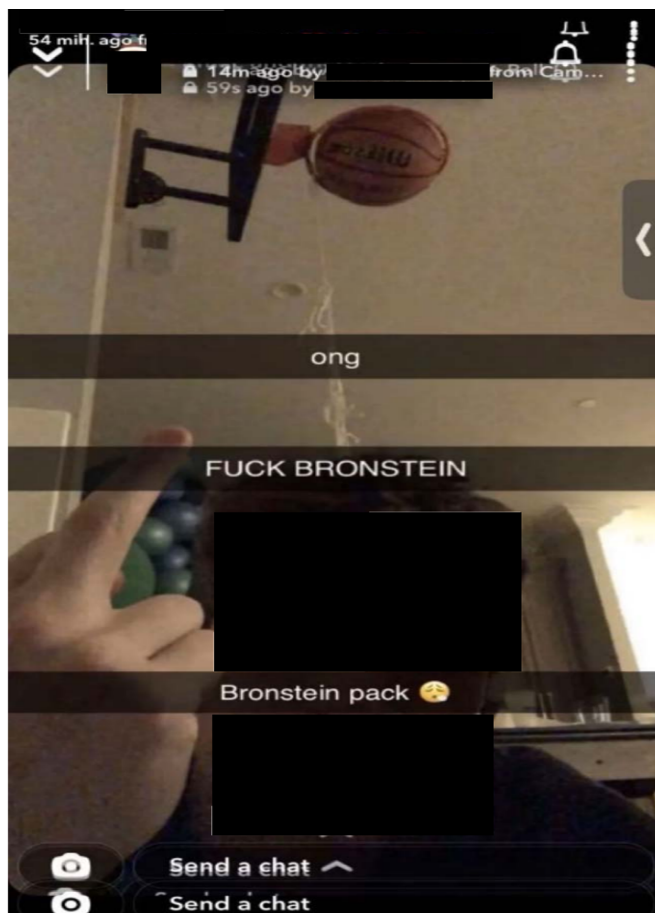
317. Student 1 was not part of the “fuck you” group chat, but the friends he was with were on the chat.

318. Student 1 sent the Snapchat Post out, including to these friends and others who were participating on the group chat, while the group chat continued and while the friends Student 1 was with were participating in the group chat.

319. After Student 4 opened and viewed the Snapchat Post from Student 1, he created a new version by adding “ong” to reflect his agreement with Student 1’s message,⁵⁴ and posted his version to a group of approximately 16 people.

320. Thereafter an unidentified poster received and viewed the Snapchat Post and added the words “Bronstein Pack” and an emoji of a face blowing smoke out of its mouth to that version.

⁵⁴ See <https://www.urbandictionary.com/define.php?term=ong>



(Exhibit P (unredacted version filed under seal).)

321. It is unknown at this time how many people the unidentified poster sent his version of the Snapchat Post to, however, this version continued to be posted and re-posted, ultimately reaching hundreds of Latin students over the course of that weekend, including Nate. This version of the Snapchat Post is referred to further herein as the “Widespread Version of the Snapchat Post.”

322. Student 10 received and viewed the Widespread Version of the Snapchat Post and reposted it to a group of friends.

323. Student 21 received and viewed the Widespread Version of the Snapchat Post and reposted it to approximately 40 recipients.

324. Student 22 received and viewed the Widespread Version of the Snapchat Post and reposted it to approximately 200 recipients.

325. Many other students received and viewed the Widespread Version of the Snapchat Post and reposted it ensuring its viewing by hundreds of people.

326. Nate understood the “ong” to mean “on god” or agreement, and the “Bronstein Pack” with the emoji of a face blowing smoke out of its mouth to mean “smoking someone’s ashes,” *i.e.*, smoking Nate’s ashes.

327. Nate’s stated understanding of the Widespread Version of the Snapchat Post is consistent with the phrase “[last name of Nate] Pack” being derived from the phrase “Opp Pack” and is a reference to the phrase “smoking a Tooka pack,” a lyric from the 2015 song “Off The Tooka” by Chief Keef, a well-known Chicago rap artist and self-proclaimed member of the Black Disciples, a Chicago gang, in which Chief Keef sings about smoking marijuana laced with the ashes of his deceased “opp” (meaning “opponent” or “enemy”). The phrase “[name of enemy] Pack” has since been used colloquially as an **indirect death threat**⁵⁵ and a disrespectful reference to a deceased enemy.⁵⁶ Data from Google Analytics shows that searches for the phrase “Tooka Pack” in the state of Illinois spiked exponentially in the year 2020.⁵⁷

XX. Nate Reported Cyberbullying to Hennessy, and that He Wanted It To Stop

328. After receiving the Widespread Version of the Snapchat Post, Nate contacted Hennessy by e-mail on December 12, 2021 to report that he was the victim of **cyberbullying** at the hands of Latin students.

329. Nate informed Hennessy that a student posted on Snapchat, “FUCK BRONSTEIN” and then many more students reposted a version of the Snapchat.

⁵⁵ See <https://knowyourmeme.com/memes/smoking-on-that-x-pack#fn6>

⁵⁶ See <https://www.urbandictionary.com/define.php?term=Opp%20pack>

⁵⁷ See <https://trends.google.com/trends/explore?date=all&geo=US-IL&q=tooka%20pack>

330. Nate told Hennessy that he was **extremely frustrated** and **beyond angry**, stating that **no student should have to deal with cyberbullying**.

331. Nate also provided a copy of the Widespread Version of the Snapchat Post to Hennessy, which revealed three names to her, Students 1, 21 and 22 as persons who would have posted some version of the Snapchat Post.

332. Hennessy responded to set up a meeting with Nate the next morning (Monday).

333. On Monday, December 13, 2021, Nate met with Hennessy in the morning. Hennessy's handwritten notes suggest that Nate attempted to contact Student 21 or 22, who he did not know personally, to ask them to take the post down. Nate was not successful in his efforts.

334. Nate explained to Hennessy what he understood the Widespread Version of the Snapchat Post to message, including that "ong" means agreement and "Bronstein Pack" with the emoji of a face blowing smoke out of its mouth to mean **smoking Nate's ashes**.

335. Nate also explained something to Hennessy about the W Post with her notes reflecting both that Nate posted something and that someone else posted from Nate's phone.

336. Nate explained to Hennessy something about the group chat noting the negative tone of the group chat, specifically that it was a fu ("fuck you") chat directed toward Nate.

337. Nate reported that the cyberbullying was directed at him, but behind his back. Students did not send the message directly to Nate, but the students knew or certainly should have known the message would get back to Nate. Regardless, Nate learned that he was a target of student anger and someone who should die and whose ashes should be smoked and/or the butt of a mean joke everyone else was in on behind his back.

338. Nate had become the center of unwanted, mean-spirited, intentional and/or thoughtless attention at the hands of Latin students. This would be a huge stressor for any child let

alone for Nate, who had suffered from and struggled with social isolation, rejection and ostracization within the Latin community for months.

339. Nate told Hennessy what he wanted – to make the cyberbullying stop.

XXI. Nate is Bullied Again and Gets the Message From Hennessy that He Brought This On Himself and that Latin Would Not Help

340. What Hennessy said to Nate and/or stated she would do following the meeting with Nate is not reflected in Hennessy's notes.

341. Near the top of Hennessy's notes it is written "keep posted with more" and then a line is drawn to a note above (as if added after the fact, potentially after the meeting with Nate) with *No Parents* surrounded by asterisks, and circled.

342. Upon information and belief, including Hennessy's and the Latin Defendants' prior treatment of the Bronsteins and categorization of them as difficult, and Dunn's top down practice to avoid and limit parental notice, particularly in circumstances of student conflict, Hennessy and the Latin Defendants (including Von Ogden and the counselors) made or acquiesced in the decision to not to notify the Bronsteins of Nate's report, and to mislead and/or manipulate Nate to attempt to validate their unlawful decision not to notify Nate's parents of the cyberbullying.

343. At no time, did anyone at Latin notify the Bronsteins of Nate's cyberbullying report, which provided notice to Latin of the Snapchat Posts and the "fuck you" group chat.

344. At no time, did anyone at Latin conduct an investigation into Nate's cyberbullying report.

345. As a condition of enrollment, Latin maintained the right to "inspect any personal technology device on campus [including smart phones] and all files contained on that system," (**Exhibit D** at 9), but Latin took no action to inspect the smart phones of Students 1, 21 and 22, or any members of Latin's JV basketball team.

346. After meeting with Nate, Hennessy did not even reach out to Student 21 or Student 22, both of whom were identified by name on the Widespread Version of the Snapchat Post. As a result, Hennessy did not come to learn what these students knew about the cyberbullying of Nate, which would have included that more than three people posted some version of the Snapchap Post, which reached hundreds of students.

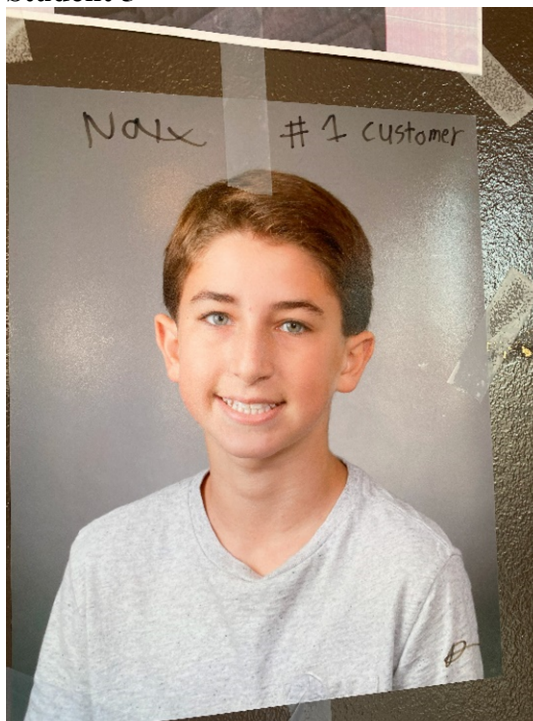
347. Certainly, learning about the breadth of the Snapchat Post would have made abundantly clear to Hennessy the true gravity of the situation, and enabled Hennessy to identify the student who added the smoking Nate's ashes message.

348. Hennessy also did not learn that Student 22, along with Student 1 and likely other participants in the “fuck you” group chat, continued the “FUCK BRONSTEIN” conversation later on Saturday (December 11, 2021) during a FaceTime call when Student 22 was encouraged to create a second “FUCK BRONSTEIN” post that Student 22 sent to as many as two dozen people, including Student 21. (**Exhibit Q** (filed under seal unredacted).)

349. Hennessy also did not reach out to Coach Moran regarding the “fuck you” group chat involving members of the team that Coach Moran coached, or she did and then did nothing about Student 5’s report to Coach Moran.

350. Hennessy also did not reach out to any participant in the “fuck you” group chat directed at Nate the prior weekend or even other members of the team, or she did and then did nothing to stop continuing bullying conduct directed at Nate nearly five hours after their meeting when Student 10 posted the following picture of a middle school-aged Nate (otherwise posted at a restaurant) on the group chat at 1:43pm on December 13, 2021:

Student 5



Student 5
fuckkkkk⁵⁸

Nate
Just leave me alone, I don't even go to your school anymore 👍

Student 2
Emphasized “Just leave me alone, I don't even go to your school anymore 👍”

Student 10
Bruh I didn't send it cuz it's u it's just funny and since u don't wanna be part of this I guess forget any of this

[[Student 10] removed Nate from the conversation]

Student 8
damn

Student 12
Lmao bro

⁵⁸ Student 5, who had reported the group chat to Coach Moran reacted in frustration that Student 10 was keeping anything going with Nate.

Student 4
wild

Student 20
Nigga transferred back to Parker

(**Exhibit N**, Hoop Dreams Text Chain Anonymized Excerpt (12.13.21).)

351. While Student 10 claims the picture was posted as a joke, Student 10 and Nate were not friends. Also, this was not posted privately to Nate, but in front of the same “fuck you” group chat participants that bullied Nate over the weekend. While Student 10 believes his post was a joke and not bullying, Nate did not see it that way.

352. For her part, Hennessy had failed to take action that could have prevented the post, or to have adequately responded to Nate to ensure the necessary and critical levels of support that Nate needed after reporting cyberbullying to her.

353. As Nate’s day continued, he outwardly coped as he almost always did with his friends – using humor. Sadly, however, that same evening, as Latin was failing to act, Nate was searching about suicide on his MacBook, including searching for the percentage of people who survive hanging by suicide and recover from suicide by hanging.

XXII. Latin Was On Notice That Hennessy Showed a Disregard for Conduct Becoming of a Dean.

354. Dunn and the leadership at Latin had notice of Hennessy’s disregard for the duties and responsibilities required of her position no later than June 26, 2020, when the following was posted on the Survivors of Latin IG Account:

Arjah’Nay Herron, Class of 2013

I’ll never forget the time during project week when I went to Southern California with Mr. Gilden and Ms. Hennessey. They had us playing truth or dare and Mr. Gilden asked me if it were true that black boys’ penises were bigger than white boys. At the moment I was shocked and kind of uncomfortable. But the teachers had been the main reason I chose that project, so I never said anything. Also that wasn’t the weirdest part, Ms.

Hennessey dared students to lick Nutella off of each other. I went home after that week, stunned.

(**Exhibit B** at 32.)

355. Latin knew about this post on or around the date it was posted. Latin even communicated with the ISBE to suggest it was taking steps to address the posts on the Survivors of Latin IG Account.

356. Whether and what Latin may have done regarding its notice as to Hennessey in this instance is unknown except that Latin continued to allow Hennessey to act and have the authority to engage with students, including in a manner that could risk and impact the safety and well-being of those students.

357. Hennessey again revealed a disregard for her duties and responsibilities, and specifically Nate's safety and welfare, including by failing to provide notice of Nate's cyberbullying report to the Bronsteins (who could, among other things, provide critical information to Nate's counselors) and failing to do anything to ensure steps were taken to stop the cyberbullying as Nate requested.

358. Further, at some point, whether during the meeting with Hennessey or after, Nate came to realize that Hennessey and Latin were effectively rejecting, denying, and/or disputing his cyberbullying report and had declared the situation instead as something Nate brought upon himself.

359. Indeed, Hennessey and Latin did reject, deny, and/or dispute Nate's cyberbullying report, as demonstrated by: (a) Hennessey's demeaning re-categorization of the cyberbullying as a social media incident to Nate, (b) Hennessey's message to Nate that he should think before he acts next time (specifically, that he should pause before he posts), and (c) Latin's messaging after Nate's death that Nate was involved in misconduct and that no other student did anything wrong,

as revealed by implied and direct messaging communicated internally, directed toward the Latin community (individually and as a group), and directed toward RCDS where Dunn was to be the Head of School starting in July 2022.

360. While the decision not to notify the Bronsteins was not made by Hennessy entirely on her own and was made in consultation with and/or at the direction of Von Ogden and/or other Latin Defendants, *see supra* ¶ 342, Hennessy was the one who engaged directly with Nate and made clear she did not hear his cry for help, whether she consciously realized the cruelty of her actions or was simply blinded by her and Latin's belief that they were justified in writing off the Bronsteins and disregarding Nate's safety and well-being.

XXIII. Hennessy's Action in Response to Nate's Cyberbullying Report Served Only to Fulfill Latin's Self-Interest

361. The extent of any response by Hennessy to Nate's cyberbullying report was intentionally and grossly inadequate and, upon information and belief, was done with the knowledge and/or acquiescence of the Latin Defendants.

362. On December 13, 2021, Hennessy communicated with Student 1 to set up a short meeting. (**Exhibit R** (filed under seal).)

363. Student 1 e-mailed Hennessy in advance of a meeting to explain his participation with the Snapchat Post, including claiming that: (a) his friends told him that Nate was annoying him, (b) students were mad about how Nate wore his facemask, and (c) Student 1, who did not see the W Post, was told (incorrectly) by friends that it said "Imagine having a terrible basketball team." Student 1 said he felt bad about the post and said he would take the consequences for the posts by him and his friends. (*Id.*)

364. When Student 1 met with Hennessy, Student 1 told her that he and Nate had already exchanged messages on Snapchat apologizing to each other.

365. Hennessy took everything Student 1 told her at face value, without question or skepticism, which was entirely outside of the standard for Dean of a school handling student conflict and discipline issues.

366. Hennessy knew that cyberbullying and other similar conduct calls for student discipline under the Handbook. Hennessy also knew that Student 1 could have been motivated, in drafting his e-mail to Hennessy and otherwise communicating with her, to try to avoid discipline for his role in posting the Snapchat Post. It's common knowledge, and known to Hennessy, that the more a person's conduct seems justified, the less there might be punishment for their conduct.

367. However, the word of a teenage boy was enough for Hennessy to re-categorize Nate's expressly documented cyberbullying report identifying multiple Latin students (including three by name) and the "fuck you" group chat directed at Nate by some members of the JV basketball team, as simply a **social media incident** involving Nate and Student 1, with Nate being a wrongdoer who had engaged in misconduct bringing the cyberbullying upon himself.

368. Hennessy then contacted a parent of Student 1 and told that parent that there was a social media dispute between her son and another student that was resolved between them, but no discipline was required, and that the issue was resolved.

369. Again, Hennessy did not contact the Bronsteins at all.

370. On December 14, 2021 at 2:36pm, after meeting with Student 1 in the morning, Hennessy was ready to close out any inquiry in response to Nate's cyberbullying report. Nate agreed to meet with Hennessy on Thursday before his 11 a.m. class.

371. On December 16, 2021, Hennessy e-mailed Nate that they must have missed each other to "close the loop," although it is not known to the Bronsteins at this time whether Hennessy

was in her office prepared to meet with Nate, or whether she was the reason they missed each other.

372. In her e-mail, Hennessy revealed to Nate her disregard of Nate's cyberbullying report by referring to "social media behaviors" between Nate and another student. Hennessy suggested everything had been addressed and that she had confidence that everything was resolved before reprimanding Nate to "pause" before posting online going forward.

373. Hennessy next chose to use extremely odd language in concluding her e-mail to 15-year-old Nate, using the phrase "per your advice" to justify that she did not plan to reach out to Nate's parents regarding the "incident."

374. Upon information and belief, Hennessy did not write the December 16 e-mail to Nate alone; rather, someone else wrote the e-mail and/or directed Hennessy on the substance of the e-mail.

375. Further, Hennessy is not credible in suggesting, in her oddly worded e-mail, that Nate gave any "advice" to her when he met with her to report cyberbullying, including because it was inappropriate and unlawful for Hennessy to disregard her duties regarding a minor's safety and well-being or in complying with Illinois' Anti-Bullying Law, by taking the "advice" of a child on the question of parental notice.

376. Certainly, she never asked for or considered Nate's "advice" on her parental notice duties when she reprimanded Nate for skipping school and not wearing his facemask above his nose, on which she copied Mrs. Bronstein.

377. Even if Nate had in any way asked that his parents not be contacted, or somehow acquiesced by not responding to Hennessy's December 16, 2021 e-mail, Hennessy had made it crystal clear that what was at issue in her view was Nate's misconduct and any notification to the

Bronsteins would be to admonish Nate for the social media incident, rather than to address the documented bullying of Nate by Latin students, thus putting Nate in an impossible position with nowhere to turn.

XXIV. Nate Showed His Friend A Kill Yourself Message He Received Before He Died

378. Prior to his death, Nate showed a friend a KYS (kill yourself) message that he received from a Latin student.

379. Nate sent the friend a photo of the message (upon information and belief, through Snapchat), and the friend remembered it so well because at the time, the friend was like “holy shit wtf.”

380. The Bronsteins do not know exactly when the KYS message was sent, only that it was sent before Nate’s death.

381. Regardless, had the Latin Defendants done their jobs, any number of different outcomes would have occurred regarding the KYS message, including that: (a) the message may never have been sent, *e.g.*, if Coach Moran had addressed the team or Hennessy and others at Latin had conducted the required investigation after Nate’s report, or (b) the message, if already sent, would have been addressed with Nate in context and with proper professional guidance.

382. On December 14, 2021, after Nate reported cyberbullying to Hennessy, Nate had a Zoom counseling session with AMK Counseling.

383. Nate had previously expressed to his parents that he did not need counseling and while Nate had shown improvements in behavior following knowledge of his return to Parker, his parents believed he should finish out the planned counseling with AMK and the out-patient program at Compass.

384. During the December 14, 2021 counseling session, Nate continued to state that he did not need counseling, but the therapist noticed and acknowledged several Band-Aids on multiple fingers.

385. The Bronsteins have no information that Nate told any counselor at AMK about the cyberbullying at this session, or at any point thereafter.

386. The Bronsteins have no information that Nate told any counselor outside of Latin about the cyberbullying at any time.

387. Upon information and belief, if Nate's therapist/counselor at AMK or Compass had known about the cyberbullying and Nate's experiences with Hennessy that followed his report of cyberbullying, the therapist/counselor would have responded in a meaningfully different way to Nate and would have been able to realistically assess the danger to Nate, a teenage boy with anxiety over peer relationships, of having to internalize cyberbullying and Latin's deeply dismissive reaction to his cyberbullying report.

388. Upon information and belief, the therapist/counselor also would have been able to encourage Nate to share more, including disclosure of the KYS message to a therapist/counselor and not just to a teenage friend who was ill-equipped to address such a message, particularly as to Nate.

XXV. Latin Did Not Enforce Its Own Handbook

389. Latin parents were required to sign an enrollment contract and agree to support the rules, policies and regulations of the school as described in Latin's 2021-2022 Student/Family Handbook (the "Handbook"). **(Exhibits C-D.)**

390. The Handbook provides, in part, that “Latin will be an inclusive, welcoming and supportive school for all students . . . and **will strengthen support for new students . . .**” (**Exhibit D** at 8 (emphasis added).)

391. Latin’s Handbook identifies “major rules of the school [that] reflect Latin’s values of excellence, community and integrity.” (*Id.* at 4.)

392. One of the major rules is titled “Harassment, Bullying and Cyberbullying” and states, in part:

For the wellbeing of every member of the school community, Latin seeks to build a climate of respect, trust, integrity and growth. When anyone in the community is uncivil, disrespectful, disruptive or guilty of harassment, bullying or cyberbullying, the whole community is diminished. Such behaviors seriously compromise the ethical and educational quality of life at Latin, and we treat these violations very seriously.

(*Id.* at 4.)

393. Another major rule is titled “Off-Campus, Vacation and Out-of-School Behavior” (the “General Off-Campus Behavior Policy”), which states, in part, that:

[A] student who engages in serious misconduct **away from school** – including but not limited to conduct that is **illegal** or would be illegal if committed by an adult; conduct that **endangers the safety or well-being of . . . other persons . . .**; or conduct which **brings disgrace to the Latin community** – has violated a **major rule** of the school and **is subject to disciplinary action**.

Id. (emphasis added).

394. The Latin Upper School “Student Conduct” section of the Handbook reiterates this point and explicitly states: “Any student behavior, **on or off campus**, which falls outside of [Latin’s guiding principles] or that violates school values in a way that reflects poorly on the Latin School community, can result in disciplinary action.” (*Id.* at 83 (emphasis added).)

395. The Student Conduct section also addresses “Harassment, Bullying, Cyberbullying and Hate Speech,” and provides:

Harassment

Harassment is any behavior that has the intention or effect of harming or intimidating others, of creating a hostile or offensive environment, or of interfering with another’s school or work performance. It can take many forms – verbal, written (including postings of text, photos or video on the Internet), visual, physical, psychological . . .

Bullying

Bullying is a form of harassment and will not be tolerated at Latin. It is generally defined as aggressive behavior by an individual or group that may be repeated over time and has the intention or effect of harming others. Bullying usually occurs when there is an imbalance of power and can take many forms including, but not limited to, actions such as physical violence, intimidation, teasing and name calling and social exclusion.

Cyberbullying

Cyberbullying is also a form of harassment and is defined as cruelty to others by sending or posting harmful material using the Internet, cell phones or other digital media. **It differs from the more traditional forms of bullying in that it can occur at any time and its messages and images can be distributed quickly to a wide audience. . . .**

Hate Speech

Latin prides itself on celebrating and respecting the racial, ethnic, social, cultural and religious differences that are represented in its community. Speech that divides the upper school student body runs counter to our guiding principles and the mission of our school. Therefore, hate speech of any kind is expressly prohibited.

(*Id.* at 86-87 (emphasis added).)

396. In addition to agreeing to comply with the Handbook and its stated rules, policies and regulations, students would, from time to time, hear from Latin faculty about the anti-bullying and harassment provisions in the Handbook. For example, on or around October 1, 2021, Latin’s Upper School Dean, Joe Edwards, addressed in *The Forum*, Latin’s student newspaper, a recent

United States Supreme Court decision suggesting that “serious or severe bullying or harassment targeting particular individuals” is one circumstance that could permit a public school to regulate a student’s off-campus speech, *Mahanoy Area School District v. B.L. by and through Levy*, 141 S.Ct. 2038, 2045 (2021). The article quoted Mr. Edwards as follows:

“[The] Handbook states that **any student behavior, on or off campus**, which falls outside of the school’s guiding principles can result in disciplinary action. We take any report of troubling behaviors very seriously and evaluate the impact that a student or students’ words and actions (in-person or online) have had on individual students and/or the school community.

...

My sense is that **Latin’s policies already align with the Supreme Court’s [Mahanoy] ruling**. That is, students have significant latitude in posting things that are critical of the school, and there exist many examples of those.”

The article continues:

“However, Mr. Edwards mentioned how **free speech protections stop when either in-person or online speech includes harassment, bullying, cyberbullying [sic], hate speech, sexual misconduct, sexual harassment, or a bias incident**.

...

[quoting Mr. Edwards] ‘**Speech originating off-campus does not change the impact of or the seriousness with which we take those behaviors as significantly disruptive to the well-being of individuals and the community.**’”

(**Exhibit S**, “Forum Mahanoy Article” (emphasis added).)

397. The name calling, swearing and relentless group interrogation in the “fuck you” group chat constituted harassment, bullying and cyberbullying, and violated Latin’s stated major school rules. The behavior of participants in the group chat was aggressive and had the effect of harming Nate. The “fuck you” group chat reflected intimidation, name calling and social exclusion.

398. All versions of the Snapchat Post constituted harassment, bullying and cyberbullying, and violated Latin's stated major school rules. The posts were cruel and mocking, and certain to get back to Nate,⁵⁹ including because the messages and images could be (and were) distributed quickly to a wide audience.

399. The sending of a KYS message, constituted harassment, bullying and cyberbullying, and violated Latin's stated major school rules. Such a message is aggressive and cruel, and it has the effect of harming Nate.

400. Each of these violations of Latin's stated major school rules impacted and endangered the well-being of Nate, brought disgrace to the Latin community and should have subjected participants to varying degrees of disciplinary action by the school.

401. However, despite having stated rules, policies and regulations set out in the Handbook relating to bullying and harassment, Latin does not actually enforce these rules, policies, and regulations with respect to its staff or students and/or it only does so selectively.

402. Despite having stated rules, policies and regulations set out in the Handbook relating to bullying and harassment, Latin also does not have any mechanisms in place to ensure compliance with these rules, policies, and regulations.

XXVI. The Bronsteins Engaged With, and Observed, Nate During Winter Break, But Lacked Information (Withheld by Latin) Critical to Nate's Safety

403. By winter break, Nate, who funneled and directed all of his frustration and unhappiness with his experience at Latin at his parents, was improved in his behavior toward his parents in that his rage had dissipated, although he remained reactive and negative in his tone.

⁵⁹ As stated in the Handbook, "anything you share within social media, even within a closed network, is not private. It can and will be shared, stored and spread globally." (**Exhibit D** at 9.)

404. Nate also continued to express blame and negativity at his parents for sending him to Latin. This confused the Bronsteins because they believed the issue should have been resolved with Nate's imminent return to Parker.

405. The family went to Florida over the winter break and Nate engaged in a manner that the Bronsteins believed was typical of a teenage boy – focused on electronics instead of being on the beach with his family.

406. However, Nate was withdrawn enough that Mrs. Bronstein asked a friend to fly down so that the trip would be fun for Nate. Nate appeared to have fun with his friend, but the Bronsteins now know, too late, that Nate continued to research suicide during this time.

407. During this time, Nate was apparently connected to some of the Hoop Dreams group chats. One version of the main team chat shows Nate being removed again on December 29, 2021. Also, Nate researched how to leave a group chat on January 2, 2022, and appears to have remained part of a Latin JV basketball team group chat with Coach Dustin as of January 3, 2022.

408. Once the family was back from Florida, Nate started a job working for, but not with, Mr. Bronstein.⁶⁰ Mr. Bronstein's employees reported that Nate worked hard and was respectful on the job.

409. In addition to the job, Nate continued to attend counseling.

410. The Bronsteins never told any outside counselor about the cyberbullying or Hennessy's handling of Nate's report of cyberbullying because they were never told by Latin, and otherwise never knew, about them.

⁶⁰ Students at Latin and Parker returned to classes in early January, however, while Latin was starting a new semester, Parker was finishing the first semester and would not commence the second semester until January 24, 2022. As a result, Nate had not yet returned to Parker for school, and had a window of a few weeks where other students would be in school and he would not. The Bronsteins wanted Nate to stay busy and doing something during this time.

411. If the Bronsteins knew about the cyberbullying, Nate's report to Hennessy, and Latin's gross mishandling of the report, they would have, among other things:

- a. advocated for Nate, including against Hennessy's efforts to minimize and turn Nate's cyberbullying report against him;
- b. understood that something much bigger was going on – *i.e.*, cyberbullying as well as rejection and invalidation by Latin as to Nate's feelings about the experience that necessarily impacted Nate's mood and dynamic at home – when the Bronsteins otherwise believed things should be improving and Nate should be moving on from his anger about Latin because he was returning to Parker. The Bronsteins would have realized there was a critical and horrible end to Nate's "Latin experience" over which he expressed and directed so much negativity toward his parents, and would have adapted their support to Nate as a result;
- c. communicated with Nate not to minimize the experiences with his peers and instead to fully address the issue with his counselors; and
- d. communicated with Nate's counselors, who have the expertise to have (1) drawn out the fuller picture of Nate's cyberbullying experience, including the KYS message, and (2) explored, assessed and helped Nate with: (i) his true feelings about the circumstances of the W Post and the experience of the "fuck you" text chain and the Snapchat posts, and (ii) the impact of having the adults in the room at Latin fail to provide much needed support and fail to take action against the bullies, instead suggesting to Nate that those students did nothing wrong and blaming Nate for his own victimization.

412. Latin failed to notify the Bronsteins of critical information because Hennessy, Von Ogden and the Latin Defendants just did not want to have to deal with the Bronsteins or Nate, who were soon to be gone from Latin anyway.

413. Nate then left Latin with the weight of the group cyberbullying messages (that he was hated and should die) pressing down on him, **and** the added weight that Latin did not care and would not do anything about it.

414. On January 12, 2022, just one day before Nate's death, Hennessy was in communication with Mrs. Bronstein about S.B. During this communication Hennessy took it upon herself to affirmatively lie to Mrs. Bronstein, when as part of her "evidence" for S.B's own

bullying situation being unique and not the fault of Latin, Hennessy stated falsely: “I have not been made aware of any similar reports at Latin, but, of course, we do not know much of what goes on in private social circles.”

415. Hennessy, of course, was aware of many other similar reports at Latin and, in particular, she was aware of the group cyberbullying that Nate had reported **directly to her** just a few weeks prior, and that Latin had intentionally withheld this information from the Bronsteins (and was continuing to do so) despite layers of legal duty to report it to Nate’s parents.

416. From the time Nate reported directly to Hennessy through January 13, 2022, Nate’s cyberbullying experience, including from posts after Nate reported the cyberbullying to Latin, continued to detrimentally weigh on and impact him. He bore that weight alone.

417. On January 13, 2022, Nate engaged in a seemingly normal manner, including joking with friends, communicating with family, attending a math tutoring session, attending a Compass session during which Nate reflected he that he was relatively calm and emotionally under control although still blaming his parents for the Latin experience, planning a trip with a friend (Mrs. Bronstein was buying the plane ticket that evening), and playing video games with friends right before he went into the bathroom and hung himself.

418. Mr. Bronstein found Nate unresponsive and hanging from the shower in the bathroom with a noose tied around his neck.

419. Mrs. Bronstein and Nate’s sisters followed soon after and rushed to save Nate. Mr. Bronstein and Nate’s older sister performed CPR on him while waiting for the ambulance.

420. Nate was transported to the hospital by City of Chicago emergency medical services at a cost of \$300.00.

421. While in the hospital, Nate received various emergency drugs and emergency services at a total cost of approximately \$1158.99, which was paid by Plaintiffs to Blue Cross Blue Shield on or around February 17, 2022.

422. Later that evening, Nate was pronounced dead by suicide. He was 15 years old.

XXVII. After Nate's Suicide Following Cyberbullying by Latin Students and Rejection by Latin Staff, Everyone at Latin Immediately Went on the Defensive

423. On January 14, 2022, Mrs. Bronstein contacted administrators at both Parker and Latin to share about the tragedy that had occurred and to request that no mass e-mails be sent out to the respective communities at that time because the Bronstein family was still trying to contact their own family members and needed some privacy as they tried to process what had happened.

424. The family was concerned that if a mass e-mail went out and people started to reach out to them in those early days, it would have overwhelmed them.

425. The person Mrs. Bronstein reached at Latin was Knoche who, in turn, told others such that Dunn, Greenwood (Assistant Head of School), Michael Szczepanek, (Chief Financial Officer), and Von Ogden were also informed of Nate's death on January 14, 2022.

426. Von Ogden then contacted Katie O'Dea, Director of Communications and Strategic Initiatives, to direct O'Dea to engage with others to remove the Bronsteins from all contact and e-mail lists so that they would not receive any communications from Latin.

427. O'Dea found Von Ogden's request odd, in part, because it was not part of her typical job duties to handle such requests and because Von Ogden did not explain why she was asking O'Dea to take these actions.

428. O'Dea later learned that the Bronsteins were also removed from the contact list accessible to other Latin families on RomanNet, the school's intranet site.

429. O'Dea eventually learned that Nate had died by suicide from another person, likely Greenwood, and O'Dea found it perplexing that she had not been contacted by Dunn about Nate's death.

430. Dunn was not only the Head of School; he, along with O'Dea, Greenwood and Szczepanek, made up Latin's crisis response team. The death of a student, no matter the cause, was a matter for the crisis response team to address.

431. O'Dea expressed her surprise to Greenwood that a meeting had not been called to address Nate's death. Thereafter, a conference call was scheduled for the next morning.

432. In addition to administrators at Latin coming to learn about Nate's death, Latin students were also starting to hear about it. Late in the evening on January 14, 2021, Student 3 reached out to other students, some of whom had also participated in the "fuck you" group chat, to share during a FaceTime call that he had heard that Nate died by suicide.

433. Student 3 also reached out to Coach Moran the next evening (January 15) about what he had heard about Nate's death, that he hoped it was not true, and that he wanted the coach to know before things start spreading around. Student 3 suggested to Coach Moran that Nate was being bullied at Parker (though Nate had not yet returned to Parker). Student 3 also noted some JV team members were upset about the W Post (which Coach Moran acknowledged knowing about to Student 3), but that he believed the issue was resolved with Nate.

434. The Bronsteins do not know if Coach Moran already knew about Nate's death when engaging with Student 3.

435. Earlier that morning, on Saturday, January 15, 2022, Latin personnel, including Dunn, Greenwood, Von Ogden, O'Dea, and likely Hennessy and Szczepanek participated in a

conference call to discuss Nate's death. Early in the call, O'Dea inquired as to whether bullying was involved and was told bullying was involved.

436. O'Dea believes that at this meeting and/or around this time, Hennessy provided something of a high-level overview of the bullying Nate had endured, without specifics.

437. O'Dea inquired as to why Nate's mother was not informed about the bullying, and Von Ogden responded to the effect of, "oh Katie, if you knew this mother you would understand why."

438. Again, the Latin Defendants, including Kranz, Hennessy and Von Ogden, had all decided that their self-serving assessment of Mrs. Bronstein as difficult excused them from the duties and responsibilities of their positions and mandated by Illinois law.

439. Far from Von Ogden's November 2021 message to the Latin community claiming that Latin would provide "extra structure" and "extra guidance and support" to help students handle group dynamics coming out of remote learning and the pandemic, the Latin Defendants concluded that Nate and the Bronstein family did not deserve even a modicum of support from Latin, even in the face of Nate reporting cyberbullying to the school.

440. O'Dea also took away from the meeting that Von Ogden and others viewed Nate as a wrongdoer who would be done at Latin in a matter of days after reporting cyberbullying, and that his death was "not on Latin's watch" because Nate no longer attended the school on the day he died. In sum, the message from Von Ogden and others was that the Bronsteins were difficult, Nate was no angel, Nate was a Parker student, and there was nothing at all Latin needed to do because it was not Latin's problem.

441. That same Saturday, a parent e-mailed representatives at Latin (including Dunn) to request a meeting about the bullying of Nate and his death and, upon information and belief, shared

some amount of detail about the “fuck you” group chat. Latin delayed engaging with this parent for three days.

442. Upon information and belief, in the interim, Dunn, Koo (whose child was a member of the Hoop Dreams group chat, but did not participate actively in the “fuck you” portion of the chat) and potentially Greenwood, Von Ogden, and Szczepanek communicated over the weekend in a crisis response mode, while specifically excluding O’Dea who was part of the crisis response team and would normally be part of such communications.

443. Upon information and belief, Dunn, Koo and others spent time during that three-day weekend (January 15-17, 2022) reviewing the “fuck you” group chat and figuring out how to explain and minimize the bullying that Nate had reported to Hennessy on December 13, 2021 and which included significant number of students, some of whom have parents who were connected with the school and/or were members of the Board.

444. Also, over that long weekend, Latin families were coming to learn about Nate’s death. Students were sharing what they knew and/or had heard about Nate’s death, while parents were learning about the “fuck you” group chat and/or the various Snapchat Posts to the extent they did not already know about these things. One parent who knew about the “fuck you” group chat declared to another, **there’s going to be a lawsuit.**

XXVIII. Participants on the Hoop Dreams Group Chat Addressed Nate’s Death

445. By the time students were back in school on Tuesday, January 18, 2022, there was significant chatter among the student population regarding Nate’s death and the cyberbullying he had endured at Latin.

446. That morning, communication on the Hoop Dreams group chat started with one student suggesting that they all go back and reread the (“fuck you”) chat, and acknowledging that

the group chat went too far, and that the way they were cursing at Nate and ganging up on him was sad. (**Exhibit T** (filed under seal).)

447. This student also shared this is something they can all learn from, and another student agreed adding that he re-read the chat and assumed Nate's suicide was on them and started to struggle with that thought, but shared that it was likely that there was more stuff going on. (*Id.*)

448. The realization that a teammate had died by suicide following the "fuck you" group chat was hitting these students hard and they were looking for ways to cope, including by assuming something else was going on with Nate and talking about the group chat as a "joke" that Nate somehow did not take right, similar to Student 10's view of his December 13, 2021 post directed at Nate. (*Id.*)

449. The students' coping is understandable – having to consider their own actions and/or inaction when it came to the cyberbullying Nate endured and accepting that their conduct played a part in Nate's emotional distress, would be a heavy weight to bear.

450. The students were processing that bullying, being mean to, and ganging up on a person can have severe and terrible consequences, making it important to consider the potential impact of conduct regardless of whether they define it as bullying or otherwise believe they are justified in the moment, especially when the person's resilience and circumstances are not known.

451. This was a lesson these students could have and should have been taught before Nate's death, and certainly at the point of the report to Coach Moran and Nate's cyberbullying report to Hennessy.

452. When that did not happen, and these students were left to process Nate's suicide instead of a cyberbullying lesson, it complicated the ability of some of these students to see and accept how their actions were wrong and violated major school rules.

453. Nate's suicide should not have prevented the cyberbullying lesson or potential discipline, but it did change how the lesson needed to be taught and what these students needed to be told, including that the "more stuff" going on for Nate was that the Latin Defendants had knowingly and intentionally failed Nate by: (a) not having a safety plan in place for Nate, (b) not ensuring communication with Nate's outside counselors, (b) not notifying Nate's parents of the cyberbullying report, (c) not investigating Nate's cyberbullying report, (d) re-characterizing Nate's cyberbullying report identifying multiple students (and the JV team group chat) as a social media incident with only one other student, which Nate brought on himself, and (e) leaving Nate to bear the burden of his distress over the cyberbullying alone.

454. The students did not know that it was the Latin Defendants' failures that served to exacerbate the weight and impact of the cyberbullying on Nate instead of showing support for Nate by taking his cyberbullying report seriously and taking even the minimally appropriate step of notifying his parents to ensure Nate would get the help and support he needed following the cyberbullying.

455. While this lack of knowledge on the part of these students in no way excuses the bullying behavior many students engaged in or the fact that they should have been disciplined for their conduct, it does help to explain why Latin – to the dismay and confusion of many other students at the school – broadcast the message that no one did anything wrong, instead of, in a fair and appropriate way: (a) disciplining students for conduct in violation of major rules of the school, and (b) taking responsibility for the Latin Defendants' blatant disregard for the mandates of Illinois law and their duties to take steps to ensure Nate's safety and well-being.

XXIX. A Parent Reported The “Fuck You” Group Chat – The Third Official Report of the Chat to Latin Personnel

456. On Tuesday, January 18, 2022, the parent who had emailed the school the prior Saturday met with **four** Latin administrators – Dunn, Von Ogden and Hennessy, as well as Dean Joe Edwards – to discuss the culture and recent history of bullying at Latin, specifically including the bullying of Nate, and specifically the fact that Latin had not taken prior action to address this conduct.

457. The parent provided Latin with, at least, portions of the “fuck you” group chat. Upon information and belief, nothing this parent shared with Dunn, Von Ogden and Hennessy was new to them, nor triggered any action by Latin to this additional reporting of the “fuck you” group chat.

458. O’Dea learned about the “fuck you” group chat for the first time during a meeting later that day, which included Dunn and Greenwood. O’Dea viewed the “fuck you” group chat to be bullying and noted the prominence and/or position of some of the parents whose children participated or were identified on the chat.

459. Whether at this meeting or another, O’Dea recalls Von Ogden defending the group chat stating that it was not complete, it was cut off and this is just what kids do.

460. O’Dea viewed the situation as serious, but Dunn, Greenwood, and Von Ogden did not react in the same way, so O’Dea, who is a communications professional and not a trained expert engaging with high school students, waited for direction from the people O’Dea understood to know more about, and to be responsible for handling, the situation.

XXX. A Student Reported the KYS Message to Hennessy

461. Following Nate's death, his friend shared with other Latin students about the KYS (kill yourself) message that Nate had showed his friend prior to his death, stating that Student 8 sent the message.

462. Nate's friend also reported the KYS message to Hennessy.

463. On January 18, 2022, Kranz and Knoche addressed the student body at an assembly-like meeting. During this meeting, Nate's name was never stated, and the message presented was that no one did anything wrong and that students should talk to the counselors if they have anything to share or discuss.

464. On or before January 19, 2022, Knoche wrote an e-mail to, and/or following up on, the boys JV basketball team, and she encouraged them to reach out to Kranz or herself.

465. After receiving the Knoche e-mail, Student 8 met with Kranz and shared that he had heard others saying that he had sent a KYS message to Nate. Student 8 denied sending such a message to Nate and told Kranz he was upset about, and confused by, students saying he sent it.

466. The Latin Defendants have never acknowledged anything about the KYS message to the Bronsteins.

467. Latin never initiated notice to any other parents related to Nate's friend's report of the KYS message to Hennessy, or Student 8's communications to Kranz.

468. The Latin Defendants have never investigated the allegation/report of the KYS message or the claim that it is rumor as required by the Anti-Bullying Law.

469. At some point following and/or around the time of these communications related to the KYS message, O'Dea was in a meeting with Dunn, Greenwood, Von Ogden and Kranz.

O'Dea, in her role as the Director of Communications, sought clarity on all aspects of the bullying of Nate.

470. In response to O'Dea's inquiry, Kranz disclosed the KYS message. Von Ogden immediately and adamantly responded that there was no documentary proof of the message, implying that without visual evidence of this reported Snapchat message, it was not an issue that Latin needed to address in any way and not something for O'Dea to consider.

471. The Latin Defendants knew that Nate's friend reported to Hennessy about the KYS message, and that the same student accused of sending the KYS message participated in the "fuck you" group chat Nate reported to Hennessy.

472. The Latin Defendants also knew that Snapchat is used by teenagers, in part, because the messages disappear, and therefore the lack of documentary proof was not a legitimate basis for disregarding the report of the KYS message.

473. It was not, however, in the Latin Defendant's interest to even acknowledge the report of the KYS message, but instead impliedly, by its lack of action, to treat the report as false rumor.

474. As a result, the Latin Defendants, acting in their own self-interest and again avoiding the requirements of Illinois' Anti-Bullying Law, left the matter of the KYS message to swirl among its student population to the detriment of all students involved.

475. The Bronsteins came to learn about the KYS message through friends of Nate. The reporting friend remembered the message shown by Nate because it was shocking, *i.e.*, "holy shit wtf," shared seeing it with multiple other students, and reported the KYS message to Latin (Hennessy). The Bronsteins believe Nate's friend.

476. Upon information and belief, Nate’s friend was directly or indirectly rejected by Hennessy in the process of reporting the KYS message, similar to Nate reporting cyberbullying to Hennessy and having it turned against him.

XXXI. Dunn Sends the Mass E-mail The Bronsteins Asked Him Not To Send, And Blames Them For Latin’s Inability to Meet The Needs of Its Students

477. On January 20, 2022, one week after Nate’s death, Dunn – without engaging in any communication with the Bronsteins and without even having offered condolences to them – sent a mass e-mail regarding Nate’s death to all Upper School Families stating, among other things:

For those who may not be yet aware, I wanted to share that the Latin community has recently experienced a tragedy. Understandably, the impacted family has asked that the school not make any type of formal/public announcement so I can not share more in writing. However, I felt it was important to acknowledge it so that you understand what your student may be hearing about at school and dealing with emotionally.

I realize how cryptic this note sounds and please forgive me. Over the past few days it has been extremely challenging to respond fully and openly to the needs of our students and families with a limited ability to communicate.

...

(Exhibit U.)

478. After effectively blaming the Bronsteins for Latin’s inability to handle the emotional needs of its students, when, in fact, the school’s desperate need to cover up failure after failure in handling Nate’s cyberbullying report was the driving force behind Latin’s actions, Dunn directed students to reach out to counselors and parents to reach out to Von Ogden.

479. That evening, the Bronsteins received a copy of Dunn’s e-mail and Mr. Bronstein contacted Koo because he did not have Dunn’s e-mail address. Mr. Bronstein noted that his family appreciated that Latin wanted to provide support, but they were in disbelief that Latin did not reach out to the Bronsteins first to solicit their input and permission, or “even extend condolences on behalf of the school.”

480. Mr. Bronstein specifically pointed out Dunn’s language about being “cryptic” making it sound like the Bronsteins had something to hide, and his feeling that the “note is disrespectful to our wishes and is very hurtful.”

481. Mr. Bronstein also noted:

Further, considering the utter lack of community and incredibly unpleasant experience that both of our children experienced at Latin, it is unconscionable that Latin now has the temerity to charge our family for Nate and [S.B.]’s tuition for the latter half of the year. I ask that you show the decency to promptly refund these charges.

482. At the time of this request, Mr. Bronstein only knew that his children had a terrible experience at Latin. Mr. Bronstein did not yet know that Nate was cyberbullied by Latin students, Nate reported cyberbullying, or that Latin had denied the Bronsteins the chance to save their son from the weight he was bearing alone after Latin effectively told Nate he wasn’t worth helping.

483. For his part, Koo did not mention the cyberbullying or Nate’s report to Hennessy – which he had known about by January 20, 2022. Instead, Koo offered perfunctory condolences and Dunn’s e-mail address.

484. On January 21-22, 2022, Mr. Bronstein engaged in e-mail communications with Dunn to discuss Nate’s suicide and Latin’s public response to it. Dunn also expressed perfunctory condolences to Mr. Bronstein, and they set a time to talk the following Monday.

485. At this same time, parents of Latin basketball players were upset about COVID testing and mask requirements. One parent noted the school’s focus on COVID while **Latin ignored a suicide** noting that **it was not important to these school officials**. Other parents expressed concerns directly to Dunn about the school’s failure to handle mental health concerns of students with consideration to a student suicide.

486. On or about January 24, 2022, Mr. Bronstein and Dunn had a telephone conversation lasting approximately ten minutes. Dunn made no mention of the cyberbullying, Nate's report to Hennessy, or the Latin Defendants' utter disregard for Nate's safety and well-being, or the fact that Dunn and others had spent several days in crisis meetings conspiring to conceal all of this information.

487. During the call with Mr. Bronstein, Dunn offered, unprompted, that the junior varsity basketball game had been cancelled due to COVID concerns. This was a lie because, in fact, the game was cancelled due to the extreme toxicity between Latin and Parker, whose students were aware of the cyberbullying of Nate at Latin. At that time, Mr. Bronstein did not know why Dunn offered this information, but he had no reason to doubt what Dunn told him.

488. On January 25, 2022, a different reason for the cancellation of the JV and freshman basketball games were shared with the teams:

Out of respect for the loss that both the Latin and Parker communities are experiencing, we are writing to inform you that together with the Parker administration we have decided to pause and not play the previously scheduled Freshman & US Boys JV games for this coming Thursday, January 27th. Although both schools are working to move forward, the decision has been made that now is not the time to play these contests.

489. While couched as respect for Nate's loss, Dunn knew the issue was blame and anger directed by Parker students at the Latin team for the cyberbullying of Nate that certain of the Latin team participated in. At this time, Dunn and the Latin Defendants could have revealed their own and significant conduct in failing Nate, but instead left the minor students on the JV basketball team to bear this blame alone.

490. What the parents of the JV basketball players – who were not informed about Latin's treatment of Nate or its strategies for avoiding responsibility for Nate's death, but who could see Latin was not supporting their children – did not realize is that it was preferable for the

Latin Defendants to have blame directed at Latin students over Latin's administration and personnel, regardless of the consequences to those students.

XXXII. No Later Than January 18, 2022, the Latin Defendants, Greenwood and Koo Were All In To Protect Latin at the Expense of The Bronsteins

491. By no later than January 18, 2022, the Latin Defendants, Greenwood and Koo had prior knowledge: (i) of the specific bullying and harassment that had been directed at Nate, (ii) that Nate had requested help from administrators at Latin as recently as mid-December 2021, (iii) the identities of specific students who had engaged in cyberbullying, (iv) that Latin had refused to inform Nate's parents or any of the parents of the students who had participated in bullying and other misconduct,⁶¹ (v) that no disciplinary action or other consequences had been imposed by Latin with respect to those students, and that no consequences would be imposed, (vi) of the failure of Latin to adhere to its own policies and the Anti-Bullying Law, and (vii) that Nate had died by suicide days earlier.

492. The Latin Defendants, Greenwood and Koo, acting in concert, agreed to conceal, conspired to conceal and concealed all of the above information from law enforcement authorities, from the full Latin Board, from other constituents of Latin and, most importantly, from Nate's family.

XXXIII. Despite Latin's Best Efforts to Withhold Information, The Bronsteins Discovered the Cyberbullying.

493. From the time of Nate's death on January 13, 2022 through the early afternoon of January 27, 2022, the Bronsteins were fraught with despair and deep unimaginable pain trying to

⁶¹ Student 1's parent was not informed of any bullying or even sent the Snapchat Post with her son's face. Instead, Hennessy minimized the events to this parent, who was told in vague terms about a social media incident that was resolved.

make any possible sense of their son's death. While nothing could take their despair and pain away, the Bronsteins started to uncover what drove their son to suicide.

494. To start, two parents whose children were friends with Nate, and struggling with their own grief, were starting to hear about the cyberbullying and the names of students involved. Those parents contacted Mrs. Bronstein and shared what they had heard about a text chain and Snapchat posts, and that Nate had complained to a teacher about it. The parents also told Mrs. Bronstein to speak directly with the mother of Student 2 because she knew everything.

495. Mrs. Bronstein did not know the parent of Student 2, but she called her, and the parent asked to visit in person.

496. Mrs. Bronstein next called Mr. Bronstein to come home.

497. While waiting, Mrs. Bronstein e-mailed Dunn at 12:19 p.m.:

Mr. Dunn,

I am just finding out that our son Nate was being targeted while he was at school.

- Snapchat created which said "Fuck Bronstein" and a meme or video, might involve Latin [sic] and Parker logo (dont know date)
- JV Basketball group text chain where [Student 8] singled Nate out repeatedly on a school group text thread (don't know date) I have been given three names so far:

Student 8

Student 1

Student 23

I am demanding that we get copies of these group texts, chats, memes and whatever else circulated. And, I am demanding an in-person meeting with myself, my husband Rob, these 3 boys and their parents today.

498. Mrs. Bronstein also called Dunn, but he did not answer.

499. Mrs. Bronstein then called another number and demanded to speak to Von Ogden, reiterating what Mrs. Bronstein had just learned, including that Nate had complained to a teacher about a text message.

500. Von Ogden did not correct or contradict Mrs. Bronstein, nor disclose that Nate had reported cyberbullying in an official manner to Hennessy (a dean), via e-mail and including a copy of the Widespread Snapchat Post.

501. When Mrs. Bronstein asked why they were not notified after Nate complained to a teacher about the text chain, Von Ogden provided a convoluted explanation about students needing to advocate for themselves, and that respecting confidentiality between a student and counselor was like that between a parent and counselor. Von Ogden's response was confusing to the Bronsteins and sounded coached.

502. During this call with Von Ogden, Mrs. Bronstein requested an urgent meeting with the school.

503. Von Ogden, who did not try or could not muster an ounce of compassion for the Bronsteins, who had just learned their dead son was cyberbullied under her watch (which Von Ogden, of course, already knew), told Mrs. Bronstein that everyone was busy and they did not have time for any meeting with the Bronsteins that day.

504. Understandably, Von Ogden's response further upset and angered Mrs. Bronstein. Mr. Bronstein, who had come home and overheard part of the call, then took the phone and told Von Ogden to make time because they were coming in.

505. Following this call, the mother of Student 2 arrived at the Bronstein home and provided more detail as to information the other two parents had shared, including providing printouts of portions of the "fuck you" group chat and later texting Mrs. Bronstein a version of the Snapchat Post.

506. The parent also told the Bronsteins that during the fall semester, Sanchez (the math teacher) accosted Nate in front of the entire class in response to Nate's comment about

mathematical proofs and Sanchez ultimately announced to the class that Nate “was going nowhere in life.”

507. The parent also shared that she had reported the bullying and Mr. Sanchez’s beratement of Nate to the school on January 18, 2022.

XXXIV. The Bronsteins Met With Dunn and Greenwood and Their Silence

508. Dunn e-mailed the Bronsteins and set a meeting to take place at 3:30 p.m. on January 27, 2022 at the Lower School in Greenwood’s office. This choice of location was intentional, with the purpose of keeping the Bronsteins from the Upper School, its students, and its personnel.

509. Dunn and Greenwood attended the meeting with the Bronsteins on January 27. Greenwood, wearing a mask, kept her eyes on the floor and did not meaningfully participate in the meeting.

510. Dunn often remained silent when presented with questions from the Bronsteins, including why the Bronsteins were not notified when Nate complained to a teacher, and why Latin had such a toxic and bullying environment.

511. Dunn, addressing the Bronsteins vacantly and robotically, repeatedly stated that “there is a process” to avoid having to answer the Bronsteins’ questions. Dunn also tried to garner sympathy for the cyberbullies and made empty, and deeply disregarding and insensitive, comments to the Bronsteins, whose child had just died, about how they (the Bronsteins) needed to understand that the community is traumatized and needed to heal.

512. Dunn initially did not answer when Mr. Bronstein asked why Dunn went out of his way to lie about the cancellation of the JV basketball game for COVID, but eventually Dunn **admitted that he had lied** and that the game was cancelled due to the toxicity between Parker and

Latin as a result of Nate's death. Dunn shared that the varsity basketball game would still be played.

513. When Mr. Bronstein asked Dunn whose advice he had sought regarding Latin's (deplorable) handling of the matter, specifically inquiring about attorneys and the Board, Dunn indicated he had spoken only with the Chair of Latin's Board – Koo.

514. The Bronsteins demanded action in the form of discipline of the students who participated in the bullying, firing the JV basketball coach, and preventing all students who participated in the bullying from playing in games, at least until such time as the discipline would be meted out.

515. During this meeting Dunn offered no information and he did nothing to correct any misunderstandings regarding Nate's report of cyberbullying. Importantly, Dunn never identified the extent of the failures of the school in handling Nate's report of cyberbullying to Hennessy, of which he was aware.

516. Dunn did suggest, falsely, to the Bronsteins that the school was engaged in some sort of "fact finding" effort and that parents of students involved in the bullying would be contacted.

517. In a state of a shock as to what they had come to realize that day about Latin's complete and utter disregard for their son, and what appeared to be a concerted effort involving at least Dunn and Koo to make sure the Bronsteins never found out about it, Mr. Bronstein demanded an update by the next afternoon on any "fact finding" and punishment relating to the cyberbullying and actions taken in response – something the Bronsteins were entitled to **before** the death of their son.

518. While there was still so much that the Bronsteins did not know, the realization that Latin had ignored what, at the time, the Bronsteins understood to be Nate’s complaint to a teacher or counselor regarding the “fuck you” group chat, and had otherwise tried to prevent the Bronsteins from learning about it – devastated the Bronsteins on a new, searing level of pain and distress.

XXXV. Dunn and Von Ogden Feigned Doing Something to Address the Bullies

519. The next day, Friday, January 28, 2022, at 9:06 a.m., Hennessy e-mailed the JV basketball team:

Dear JV basketball team:

Ms. Von Ogden and Mr. Cronsiter [sic] would like to speak with the team TODAY during Clubs Block (9:35 am) in room 411. Please spread the word to fellow teammates!

We will see you in 411 in just about half an hour. This gathering will be a fairly quick meeting, and you can head to your clubs block afterward.

Thank you!
Ms. Hennessy

520. During this “quick meeting,” the attending administrators (Von Ogden) told the JV team members that they had done nothing wrong in participating in the “fuck you” group chat and that counselors were available to them, but that the school would be contacting parents about the group chat.

521. One student informed his parent that they would be contacted about the group chat, and the parent expressed concern about associating the group chat with Nate’s death. According to the parent, Nate was screaming and crying for help and the adults failed him. It is unlikely this parent knew how right they were and that the adults who had failed Nate – Hennessy, Kranz, Knoche, Von Ogden, and Dunn – were the same adults allowing the blame to be pointed at their children.

522. Despite Von Ogden’s messaging to the students on the JV basketball team, Latin did not actually contact any parents on the team. This was just a show set up by Dunn and Von Ogden so they could look like they were doing something when they updated the Bronsteins on their “fact finding” later that day.

523. Regarding Student 1, the one student whose parent was called in December 2021, Dunn contacted those parents to downplay what was in fact happening with the Bronsteins – that they were discovering the bullying that had been reported to Latin in more than one way, but that Latin never bothered to notify the Bronsteins – and to reiterate that Latin had looked into the posts by Nate and Student 1 and no discipline was required.

524. The next day, after Mrs. Bronstein had received a version of the Snapchat Post from another parent, she contacted the mother of Student 1.

525. Mrs. Bronstein was extremely upset at having just learned about all that Nate had endured in December 2021, when she should have been informed of this information by Latin before her son was dead, so that she could have tried to save him.

526. The mother of Student 1, who had assumed that the Bronsteins were also contacted in December 2021, was confused during the call and by the version of the Snapchat Post Mrs. Bronstein had sent to her because it was different than what had been explained to her back in December. Given the circumstances, the mother of Student 1 did not engage significantly on the call except to offer condolences.

527. The parents of Student 1 then contacted Dunn and offered to have a discussion with the Bronsteins facilitated by the school.

528. Dunn knew that Mrs. Bronstein had requested such a meeting the day before, but Dunn ignored the requests of both sets of parents.

XXXVI. The Bronsteins Met With Dunn and Von Ogden, But Dunn Does Not Mention the Offer Made by Student 1's Parents to Meet

529. On January 28, 2022 at 4:00 p.m., Dunn and Von Ogden met with the Bronsteins. The Bronsteins went to the meeting deeply skeptical, but still hoping for action from Latin in investigating the cyberbullying and taking appropriate action, and Latin learning from its failures.

530. Dunn opened the meeting by declaring that he had made good on his promise and he had progress to report:

- All parents of students who participated in the texts, etc have either been contacted or are in the process of being contacted, appropriate disciplinary action will be taken
- Latin has evaluated its current resources to support traumatized and grieving students and feels confident they are handling this appropriately

531. When asked for a timeframe to address notification of parents and disciplinary action, Dunn claimed he could not commit to a timeframe, but he assured the Bronsteins he was on it.

532. Mr. Bronstein stressed that he and Mrs. Bronstein wanted full accountability and commitment and a plan to ensure this never happens again, which necessarily required Latin to acknowledge and reflect on the failures of its staff.

533. Mr. Bronstein noted that it is one thing to punish 15-year olds, but it is more important that the school take a hard look in the mirror and acknowledge and learn from its failures.

534. These comments by Mr. Bronstein caused Dunn, and Von Ogden in particular, to go into a defensive mode. Von Ogden claimed that Nate asked that his complaint not be shared with his parents and noted that it is Latin's position that students advocate for themselves (apparently even when facing a cyberbullying attack and notwithstanding Illinois law). Even with the limited information they had about Nate's complaint to a teacher (and at this point believing

Hennessy might be a counselor), the Bronsteins knew that Von Ogden's comments were outrageous and deeply concerning.

535. Mrs. Bronstein told Von Ogden cyberbullying is something parents need to be informed about, not something students should have to advocate for themselves about, which were points Von Ogden already understood after years in education. As Mrs. Bronstein noted, bullying is not like getting a poor math grade, but a serious situation and notice would have helped the Bronsteins understand Nate's angry, frustrated behavior at home and could have allowed them to help him.

536. Mr. Bronstein added that the school may have had a legal obligation to report to the cyberbullying to the Bronsteins. Dunn and Von Ogden avoided response, but they knew this was true.

537. During this meeting, Von Ogden brushed off Mrs. Bronstein's inquiry about whether and what Von Ogden had done to follow up with Sanchez (the geometry teacher) the prior fall, which was more critical to understand now that the Bronsteins had just been informed of Sanchez's abusive actions toward Nate during class. Von Ogden avoided responding claiming she needed to look at her notes.

538. The Bronsteins also raised the school's failure to act upon Mrs. Bronstein's many communications with Latin regarding the treatment of Nate and S.B. by other students at the school. After Mrs. Bronstein raised a specific instance from a few weeks prior where she had made an inquiry to Von Ogden about S.B., Von Ogden defended herself by suggesting that no response to Mrs. Bronstein was necessary because S.B. was ultimately leaving Latin at some point. Outraged again, Mr. Bronstein stated that the school could not dismiss the concerns of a student

on the grounds they might soon leave the school. Dunn and Von Ogden avoided any response, appearing stumped.

539. Despite the frustrating and excuse-riddled responses from Dunn and Von Ogden, the Bronsteins expressed that they were seeking accountability and improvement of the school, which would require an outside investigation and involvement of the full Latin Board given that the staff were compromised and conflicted. As Dunn had revealed the day before, he had only involved the Board Chair, Koo, who was also compromised and conflicted given that his son was a silent witness to the bullying.

540. Dunn reacted by welcoming such an inquiry because Latin, according to Dunn, had nothing to hide.

541. Mr. Bronstein made clear that if litigation was the only option the Bronsteins would go that route, but that they hoped Latin would do the right thing.

542. Mr. Bronstein offered to have another meeting that needed to include representation from the Board where a serious plan to investigate the cyberbullying and failures of the Latin staff would need to be presented. Mr. Bronstein further expressed his surprise that the Board was not already involved beyond Koo alone considering the obvious conflicts of staff and the very real risk of financial and reputation exposure.

543. Dunn never mentioned that the parents of Student 1 offered to meet with the Bronsteins for a discussion to be facilitated by Latin – not during this meeting or at any time thereafter.

544. Dunn knew that the Bronsteins wanted to meet with Student 1's parents.

545. Dunn also knew that such meeting would have quickly provided the Bronsteins information that would have revealed Latin's wrongdoing and would have prompted many questions that the school never wanted to have to answer.

XXXVII. Latin Feigned Efforts at Resolution With The Bronsteins

546. On January 30, 2022, Dunn e-mailed Mr. Bronstein by talking vaguely and in circles about accountability and change while stating that first the community needs to heal. Dunn made no mention of Board involvement, investigation into the cyberbullying, Latin's response to it, or any serious plan to investigate.

547. Having heard nothing but empty fluff from Latin's Head of School, but not yet realizing how much Latin needed to hide and bury its conduct, the Bronsteins obtained counsel, Todd Flood (Flood Law), who wrote Dunn on February 3, 2022, copying the Board, and sharing what the Bronsteins had learned in the prior week. Attorney Flood pressed that Latin needed to act quickly to avoid a lawsuit. (**Exhibit V.**)

548. Attorney Flood also wrote letters to the parents of students, including those students on the JV basketball team, asking them to preserve documents and electronic data and noting if their child may have participated in the bullying of Nate.

549. Latin also started to communicate through counsel around this time, predominantly through Paul Lannon of Holland & Knight.

550. One request made through counsel was for Student 1 to be benched for the Latin-Parker game that was eventually played on February 23, 2022 pending the "fact finding" Latin claimed to be doing. Attorney Lannon suggested this was a reasonable request and, upon information and belief, he relayed the request to Dunn.

551. Dunn, however, could not bench Student 1 pending a “fact finding” because there was no ongoing “fact finding” or investigation effort actually happening, and to explain or suggest as much to Student 1’s parents would be confusing to them because they believed the matter was resolved in December 2021. Also, Dunn had reiterated to them in late January 2022 that there would be no discipline of their son.

552. Upon information and belief, Dunn’s plan instead was to see if he could scare the parents into pulling their own son from the game by claiming Latin had concerns for his safety if he played; and, if the parents agreed, Dunn could claim to Attorney Lannon that Latin benched Student 1.

553. After Dunn communicated to the parents of Student 1 about his safety at the game and they asked questions and inquired about engaging law enforcement, Dunn claimed Latin had additional security protocols for the game, but it was still concerned for Student 1’s safety. Dunn then implied that the Bronsteins did not want Student 1 to continue to play basketball.

554. Ultimately, Attorney Lannon told Attorney Flood that mental health experts were consulted and advised that Student 1 should not be benched – even for one game – pending the alleged “fact finding.”

555. Thereafter, Latin continued to feign that it was doing some sort of investigation and/or “fact finding” and reported as much to the Bronsteins through counsel. This was a lie.

556. On or around late March or early April 2022, the Bronsteins, their counsel, including Attorney Flood, Attorney Lannon, Dunn, Greenwood and Board member, Dara Milner met. The message of the meeting was more of the same – effectively fluff while trying to pacify the Bronsteins with some suggestion that Latin was doing something.

557. What the Bronsteins know now is that Latin and its representatives were hoping to continue toward a superficial solution under false pretenses to avoid a lawsuit while continuing to prevent the Bronsteins from uncovering the truth.

558. At no point, was Latin serious about any investigation or “fact finding,” or sharing even an iota of true information with the Bronsteins, because doing so would quickly reveal the mountain of lies that the Latin Defendants were standing on.

XXXVIII. Faced with Latin’s Refusal to Investigate and Provide Information, The Bronsteins Filed Suit

559. Having no other option to get answers and ensure accountability, the Bronsteins filed this lawsuit on April 25, 2022. Media interest followed.

560. As the Bronsteins told their story, Latin declared or implied that they were liars whenever they could to whoever they could, using fancier words like “disparage” and “defame.”

561. Latin’s efforts included something of a grassroots campaign, started from the moment the Latin Defendants learned of Nate’s death, in which the Latin Defendants said things to parents and others in the community to help shape the narrative that the Bronsteins were difficult, Mrs. Bronstein was crazy, and Nate was no angel. This campaign worked as rumors spread around the City of Chicago. Any mention of the lawsuit in social circles within and outside of the Latin community generally included, “I heard” comments mirroring the narrative Latin sought to spread.

562. Latin, armed with its own highly paid public relations team behind the scenes, also used every influence in the media to try to stop the presses on any story that would be negative about Latin.

563. Dunn and Greenwood also messaged to faculty, staff and the Board that the Bronsteins’ allegations were false, *i.e.*, that they were inaccurate, misplaced and unfounded.

564. Dunn and Greenwood shared this same message with Latin students. For example, in a school-wide meeting with students on April 26, 2022, Greenwood did everything she could to suggest that the Bronsteins' lawsuit was solely a reaction to sadness and anger at the loss of Nate. The idea was to message that the lawsuit and any negative impact on Latin and those sued was the Bronsteins' fault, not the wrongdoing of anyone (students, administration, faculty) at Latin.

565. At the April 26, 2022 meeting, Greenwood, with Dunn's acquiescence, lied to students in Latin's Upper School, claiming that Latin had reviewed the "incidents at issue," apparently referring to the cyberbullying, and that Latin did "acquire our conduct policy and procedures," which is a non-sensical statement, but was intended to suggest to the students that Latin had complied with its own policies and procedures.

566. However, Greenwood and Dunn knew, at the time of this messaging to students, that Latin had discarded Nate and the Bronstein family in the fall of 2021 and certainly at the point Nate reported cyberbullying. They knew the bullying conduct at issue violated major school rules and warranted discipline. They also knew that Latin was not in compliance with Illinois' Anti-Bullying Law at the time Nate was cyberbullied, reported cyberbullying and died, as well as on April 26, 2022, the very day that Dunn and Greenwood were messaging students. Nothing in Latin's policies or the law was followed; Dunn and Greenwood publicly insisted the opposite.

567. On April 28, 2022, Latin messaged its entire community about Nate's death and this lawsuit, stating that Latin disagreed with the assertions made and believed it would prevail. Latin then attempted to sell its bullying prevention and disciplinary policies and a practice of compliance in an effort to persuade its community that it did everything right here. Greenwood, who signed the statement, was lying to the Latin community. (**Exhibit W.**)

XXXIX. The Head of School Changes Created Problems for Latin

568. Before the Bronsteins filed their lawsuit, Dunn and Latin were in a difficult position. The Bronsteins were threatening a lawsuit if Latin was not going to investigate and take seriously the cyberbullying of their son and his complaint to the school. However, to avoid the lawsuit, Latin would have to expose its toxic environment and its own misconduct, of which the treatment of Nate was only the tip of the iceberg. (*See, e.g., Exhibit B.*)

569. Latin decided to press forward with its strategy to blame the Bronsteins while continuing to leave its students to grapple with the consequences.

570. Latin's conundrum was not just limited to a scandal arising from the suicide of a student; it was also dealing with inquiry from RCDS where Dunn had been hired as the next Head of School, while at the same time, Latin had an incoming Head of School (Hagerman) who ended up bringing his own scandal with him to Latin.

A. Rye Country Day School (RCDS) Needed to Quash Any Dunn Scandal

571. Exactly when RCDS commenced its inquiry into Dunn's and Latin's connection to Nate's death is not known to the Bronsteins, but no later than February 4, 2022, RCDS's board was warned about Dunn by a former, long time faculty member at Latin who shared:

I have kept my mouth shut about many of the systemic issues the school has suffered under [Dunn's] hegemony, but now a child is dead, and I am not the only one who worries that any school under his--I am hesitating to use the word leadership, here, as you can see--thumb is at risk.

He has destroyed the soul of that school. It was an amazing place at one time.

I am at great risk of breaching an NDA, one of many [Dunn] has forced upon the disappeared, but I cannot shut my mouth any longer.

572. Members of RCDS's board communicated with Dunn and Koo following receipt of this e-mail from one of Latin's former, long-time faculty members. Upon information and belief,

Dunn and Koo downplayed and denied the concerns raised by the former Latin faculty member and any issue regarding Nate's death.

573. Rather than reveal the truth about the dangers inside a school run by Dunn, or the gross mishandling of Nate's cyberbullying report, upon information and belief, Dunn and Koo maligned the reporting former faculty member and the Bronsteins, claiming that they are difficult or crazy and Nate was at fault, and otherwise claiming that Nate did not die on Latin's watch because he had become a Parker student, and that neither Dunn nor anyone at Latin had done anything wrong.

574. After having announced Dunn's arrival to replace a prior Head of School who had run RCDS for decades, it was in the interest of RCDS, with the school year approaching, to have a message, any message, other than Dunn being a problem to share with the RCDS community. At the time and now, Dunn is the chair of the NAIS, making him a high-ranking Head of School for RCDS to lay claim to and to avoid conflict with. RCDS wanted to avoid questioning from its constituents regarding its choice of Dunn as Head of School.

575. RCDS did get significant inquiry from its parent community, particularly after the Bronsteins filed their lawsuit on April 25, 2022 and media interest followed.

576. On May 22, 2022, the RCDS sent the following message to its community:

To Members of the RCDS Community:

Many of you have learned of the suicide by a tenth grade student at the Francis Parker School in Chicago this past January. From September through December of last year, the student attended Latin School of Chicago, where Randall Dunn currently serves as Head of School. The parents of the tenth grader filed suit last week against Latin School, several teachers, and administrators, including Mr. Dunn, and numerous parents and students at the school. We expect Latin School to respond formally as part of the legal process in due course.

This is an incredibly sad and tragic situation, and our hearts go out to both the family and the entire communities of both Francis Parker and Latin School. The details surrounding this young man's struggles, as set forth in the family's legal filing, are difficult to read and serve as a stark reminder of the stress, anxiety, and other mental health issues that can afflict teenagers and other members of our communities, particularly as we come out of the pandemic.

We were notified by Mr. Dunn when the suicide occurred, and since that time, we have been in contact with Mr. Dunn and Latin School to better understand the situation. Nothing in these conversations or our overall fact finding has given us any reason to doubt that Mr. Dunn is eminently qualified to lead RCDS. Across our many interactions, we have seen Mr. Dunn to be compassionate, ethical, and experienced educator, and we support his efforts to manage through a truly difficult, sad, and complex matter.

As a board that includes 26 current parents, our paramount concern-and duty-is always making sure we have the right team in place to maintain a safe and supportive environment for all RCDS students, we will continue to monitor the situation, gather additional facts as appropriate, and let you know if you there are additional developments that affect our community. In the meantime, if you have any questions or concerns, please reach out to us.

Very truly yours,
RCDS Board of Trustees

577. Doing little more than engaging with Dunn – the person accused by multiple sources of severe wrongdoing in his running of a school – RCDS gave its community the impression there was “fact finding” upon which they could conclude impliedly that Dunn did nothing wrong relating to the Bronsteins, and stating expressly that Dunn was eminently qualified to lead RCDS.

578. When the Bronsteins learned of this message to the RCDS community, they sought to find out what investigation and “fact finding” was shared with the RCDS board, and why Latin would share such information with this third-party, but not the Bronsteins.

579. What the Bronsteins now know is that there was no “fact finding” shared with the RCDS board and none conducted by the RCDS board. Rather, a slew of misrepresentations presented by the Latin Defendants and/or their representatives were simply accepted by RCDS as good enough to appease the RCDS board and induce that board to adopt the messaging promoted by Latin, including that Nate was a Parker student.

B. Latin Needed to Quash Any Hagerman Scandal

580. With Dunn heading to RCDS, Latin had its own incoming Head of School to sell to the Latin community.

581. On January 25, 2022, Latin announced its next Head of School, Hagerman. Koo sent out a notice to the Latin community noting that “Dr. Hagerman was unanimously recommended by the Head of School Search Committee to the Board of Trustees which unanimously approved his appointment.” Among other things, Koo expressed that Hagerman “has been a champion for wellness of students, faculty and staff.”

582. The next day, Hagerman resigned as Superintendent of the Scarsdale Board of Education, the second highest paid school chief in New York, effective at the end of the school year.

583. At this time, Hagerman was involved in a year-long IRS fines cover up.⁶² The Scarsdale School District had reportedly made an error in payroll taxes, leading to \$1.7 million IRS fine (penalties and interest) and the obligation to pay \$843,558 for payroll taxes owed.⁶³

⁶² <https://westchester.news12.com/scarsdale-schools-superintendent-resigns-amid-probe-into-irs-fines-cover-up>

⁶³ <https://yonkerstimes.com/scarsdale-schools-superintendent-resigns-after-irs-1-7-fine-becomes-too-much-of-a-distraction/>

584. The Scarsdale School Board learned of the tax issue by March 25, 2022, and the matter became public news, making Scarsdale taxpayers furious and tying Latin to another potential scandal.

585. On or around April 20, 2022, Hagerman penned a message to the Latin community to explain the IRS fine cover up.⁶⁴ In doing so, Hagerman meaningfully misquoted Scarsdale School Board President, Karen Ceske, to suggest that the school board was working with the IRS toward a resolution when it was Hagerman's administration that was working with the IRS while keeping the school board in the dark until they were blindsided by the news on March 25, 2022, almost ten months after Hagerman learned about the fines.

586. Hagerman's misrepresentations in his message to the Latin community reached the Scarsdale School Board and the Scarsdale community, and caused them outrage. (**Exhibit X.**) The Scarsdale School Board threatened Hagerman with a lawsuit, and he agreed to resign early, effective in May 2022.

587. Hagerman ultimately acknowledged that the statements reflecting knowledge of the tax fines should have been attributed to him, not Ceske, and that it was his administration, not the school board, involved in the IRS negotiations. Hagerman also claimed his misrepresentation to the Latin community was an accidental editing error.

588. Notably, O'Dea, the Director of Communications at Latin, initially helped Hagerman with the structure of the message, but it was Hagerman who cut and pasted sections and edited the quotes used in the statement.

589. Oddly, or perhaps knowing that his quotes were not accurate, Hagerman asked O'Dea to co-sign the message, which she declined to do. O'Dea also told Koo about the odd

⁶⁴ https://www.latinschool.org/cf_enotify/view.cfm?n=1634&m=de&u=23140&e=20238

request and Koo agreed this was Hagerman's message to explain, to ensure accuracy of, and to sign off on.

590. After Hagerman was called out for his misrepresentations by the Scarsdale School Board and the Scarsdale community, and not having O'Dea to blame as a co-signer, Hagerman asked O'Dea to take the blame, which she declined to do.

591. Before he had even taken over as Latin's Head of School, Hagerman was already revealing deceptive and concerning behavior, both in terms of his cover up in Scarsdale and his messaging to the Latin community. This concerning behavior was apparently known all too well by the Scarsdale community, which commented on an environment that imposed silence (much like Latin under Dunn):

[Hagerman] was a stickler for the rules but made exceptions for himself. He was an advocate of 'communication,' but it was often one-sided and left no room for opposing views.

His legacy includes many decisions that were made from the top down, often polarizing stakeholders and silencing objectors. . . .

One aspect of [Hagerman's] reign is sure to change with his departure. Undoubtedly the Board of Education will look to restore transparency and trust, and allow for free speech without fear. So many community members had things to say, but hesitated to identify themselves, including those quoted above. Hopefully we will no longer hear people say, 'Can I comment off the record? I am too scared to use my name.'

(Exhibit Y.)

592. Latin desperately needed to minimize the Hagerman scandals (the IRS cover up, then the misrepresentations to the Latin community and early resignation in May 2022), particularly with the Bronstein lawsuit looming, which provided even more motivation for Latin avoid further cracks in the façade of prestige upon which it depended.

XL. Illinois' Anti-Bullying Law Required Parental Notice Promptly Upon the Report of an Allegation of Bullying, and An Investigation That Kept Parents Informed

593. Illinois' Anti-Bullying Law, 105 ILCS 5/27-23.7 (Lexis through P.A. 102-241 of the 2021 Legis. Sess.),⁶⁵ sets out the findings of the General Assembly, including “that a safe and civil school environment is necessary for students to learn and achieve and that bullying causes physical, psychological, and emotional harm to students and interferes with students’ ability to learn and participate in school activities.” 105 ILCS 5/27-23.7(a).

594. The General Assembly, by its stated purpose, seeks to disrupt and prevent the statutory presumption of harm through the bullying prevention policies schools must implement and follow under the law, which ensures notice to the adults whose job it is to care for students – parents, principals, administrators, counselors – of the reported bullying so that they can “intervene,” step in, protect, support and advocate for their student, thereby giving the parents the right and opportunity to prevent the harms identified.

595. When a school fails to follow these steps, the presumption is that physical, psychological, and emotional harm to the student will result.

596. The General Assembly further directs that “**bullying is contrary to State law**” and schools must state as much in writing. 105 ILCS 5/27-23.7(b)(2) (second subsection (b)(2) addressing policy on bullying) (emphasis added).

597. Illinois' Anti-Bullying Law provides that:

No student shall be subjected to bullying:

(1) during any school-sponsored education program or activity;

⁶⁵ Illinois' Anti-Bullying Law was passed in 2006, and has been amended from time to time including most recently on June 9, 2023, however, the allegations herein cite the law as it existed during the 2021-2022 school year, which required “prompt” notification to parents and guardians of all students involved in an alleged incident of bullying, as opposed to 24-hour notification required under the recent amendments.

- (2) while in school, on school property, on school buses or other school vehicles, at designated school bus stops waiting for the school bus, or at school-sponsored or school sanctioned events or activities;
- (3) through the transmission of information from a school computer, a school computer network, or other similar electronic school equipment; or
- (4) through the transmission of information from a computer that is accessed at a nonschool-related location, activity, function, or program or from the use of technology or an electronic device that is not owned, leased, or used by a school district or school if the bullying causes a substantial disruption to the educational process or orderly operation of a school. This item (4) applies only in cases in which a school administrator or teacher receives a report that bullying through this means has occurred and does not require a district or school to staff or monitor any nonschool-related activity, function, or program.

105 ILCS 5/27-23.7(a)(1)-(4) (emphasis added).

598. Illinois' Anti-Bullying Law then mandates that all elementary and secondary schools in Illinois, whether private or public, “**shall create, maintain, and implement** a policy on bullying” that meets twelve (12) specific criteria set out in the statute as follows:

- (1) **Includes the bullying definition provided in this Section.**
- (2) **Includes a statement that bullying is contrary to State law** and the policy of the school district, charter school, or non-public, non-sectarian elementary or secondary school and is consistent with subsection (a-5) of this Section.
- (3) Includes procedures for promptly reporting bullying, including, but not limited to, identifying and providing the school e-mail address (if applicable) and school telephone number for the staff person or persons responsible for receiving such reports and a procedure for anonymous reporting; however, this shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report.
- (4) Consistent with federal and State laws and rules governing student privacy rights, **includes procedures for promptly informing parents or guardians of all students involved in the alleged incident of bullying** and discussing, as appropriate, the availability of social work services, counseling, school psychological services, other interventions, and restorative measures.
- (5) **Contains procedures for promptly investigating and addressing reports of bullying**, including the following:

(A) Making all reasonable efforts to complete the investigation within 10 school days after the date the report of the incident of bullying was received and taking into consideration additional relevant information received during the course of the investigation about the reported incident of bullying.

(B) Involving appropriate school support personnel and other staff persons with knowledge, experience, and training on bullying prevention, as deemed appropriate, in the investigation process.

(C) Notifying the principal or school administrator or his or her designee of the report of the incident of bullying as soon as possible after the report is received.

(D) Consistent with federal and State laws and rules governing student privacy rights, **providing parents and guardians of the students who are parties to the investigation information about the investigation and an opportunity to meet with the principal or school administrator or his or her designee to discuss the investigation, the findings of the investigation, and the actions taken to address the reported incident of bullying.**

- (6) Includes the interventions that can be taken to address bullying, which may include, but are not limited to, school social work services, restorative measures, social-emotional skill building, counseling, school psychological services, and community-based services.
- (7) Includes a statement prohibiting reprisal or retaliation against any person who reports an act of bullying and the consequences and appropriate remedial actions for a person who engages in reprisal or retaliation.
- (8) Includes consequences and appropriate remedial actions for a person found to have falsely accused another of bullying as a means of retaliation or as a means of bullying.
- (9) Is based on the engagement of a range of school stakeholders, including students and parents or guardians.
- (10) **Is posted on the school district's, charter school's, or non-public, non-sectarian elementary or secondary school's existing Internet website,** is included in the student handbook, and, where applicable, posted where other policies, rules, and standards of conduct are currently posted in the school and provided periodically throughout the school year to students and faculty, and is distributed annually to parents, guardians, students, and school personnel, including new employees when hired.
- (11) As part of the process of reviewing and re-evaluating the policy under subsection (d) of this Section, contains a policy evaluation process to assess the

outcomes and effectiveness of the policy that includes, but is not limited to, factors such as the frequency of victimization; student, staff, and family observations of safety at a school; identification of areas of a school where bullying occurs; the types of bullying utilized; and bystander intervention or participation. The school district, charter school, or non-public, non-sectarian elementary or secondary school may use relevant data and information it already collects for other purposes in the policy evaluation. The information developed as a result of the policy evaluation must be made available on the Internet website of the school district, charter school, or non-public, non-sectarian elementary or secondary school. If an Internet website is not available, the information must be provided to school administrators, school board members, school personnel, parents, guardians, and students.

- (12) **Is consistent with the policies of the school board, charter school, or non-public, non-sectarian elementary or secondary school.**

105 ILCS 5/27-23.7(b)(1)-(12) (emphasis added).

XLI. Dunn Disregarded Illinois' Anti-Bullying Law (and the ISBE) Because It Conflicts With His "Parents Should Stay Out of It" Beliefs

599. On September 15, 2021, Laura Haslam with the ISBE contacted Dunn, via e-mail, to provide notice that Latin's bullying prevention policy was due by September 30, 2021.

600. Latin failed to submit any bullying prevention policy to the ISBE by September 30, 2021.

601. On October 20, 2021, Haslam again contacted Dunn via e-mail, stating that Latin's "bullying prevention policy submission has NOT been received" and needed to be submitted "now."

602. Dunn did not bother to communicate with the ISBE, but tasked his assistant, Kristin Provencher, to engage instead.

603. On October 21, 2021, Provencher sent an email to Derreck Langwith at the ISBE stating that she thought Latin had already submitted its policy and was up to date. Langwith directed Provencher to the ISBE's Student Care department.

604. Following this communication, Latin (Provencher) and the ISBE engaged in communication about Latin's policy, and Latin's submitted policy for the Upper School was "disapproved," no later than November 18, 2021.

605. On November 19, 2021, Provencher informed Haslam that she would need to communicate with the folks at Latin about the "disapproved" status and requested a due date from Haslam, who informed Provencher the due date was the already passed date of September 30, 2021.

606. On November 19, 2021, Provencher asked if Latin could "customize our responses to allow for state acceptance," noting that "it is quite an undertaking to change our policies." Haslam responded that while customization of the bullying prevention policy was an option, "the 12 policy items within the IWAS system are required to be within the policy as per 105 ILCS 5/27-23.7." Haslam added that "you are always able to add and change your policy as long as the minimum requirements laid out in the IWAS system/school code are included." Provencher acknowledged this email on November 30, 2021.

607. On December 14, 2021 – two days after Nate Bronstein reported cyberbullying to Hennessy and Latin failed to promptly notify parents/guardians or commence the required investigation – the ISBE's Haslam inquired to Provencher on the status of Latin's bullying prevention policy, offered her help and requested a pdf copy of the policy even if not updated in all areas.

608. Provencher responded to the December 14, 2021 e-mail by attaching Latin's 2021-2022 Student Family Handbook, which was the same or virtually the same as the policy provided by Latin to the ISBE in October 2021, which was deemed "disapproved" by the ISBE.

609. Provencher also continued to slow walk the process stating: “I have pulled internal folks to review changes you have shared we need to update/ - but please be aware this is a process that may take time to complete.”

610. As recognized by the ISBE, the 2021-2022 Latin Student Family Handbook for each of its schools (Lower, Middle and Upper) failed to meet any of the twelve requirements of Illinois’ Anti Bullying Law.

611. For example, while the Lower and Middle school provisions appeared to follow the definition of bullying in the statute, there are also provisions confusing and limiting the definition so that incidents of bullying under the statute would not constitute incidents of bullying at Latin. Then Latin states that only “incidents of actual bullying” will be addressed with parents, when the statute does not give Latin such discretion, but requires parental notice for any “alleged incident,” which must then be investigated.

612. The 2021-2022 Latin Student Family Handbook provisions addressing the Upper school are far more deficient and are limited to defining bullying and cyberbullying as harassment and providing two sentences to direct that harassment should be reported to a trusted adult in the school, and investigations of harassment should be conducted so that the privacy of individuals are protected.

613. These Upper school provisions in the 2021-2022 Handbook also fail to meet all twelve requirements of Illinois’ Anti Bullying Law, including failure to set out procedures for “promptly informing parents or guardians of all students involved in the alleged incident of bullying” and “promptly investigating and addressing reports of bullying” in accord with the specific provisions of Section (b)(5)(A)-(D) of the Anti-Bullying Law.

614. Latin knew on or before November 18, 2021 that its bullying prevention policy in the 2021-2022 Handbook did not comply with the Anti-Bullying Law and was disapproved by the ISBE and Latin had done nothing to ensure compliance with the law in the four weeks that followed, which is evidenced by Latin's failure to notify parents and investigate in accord with the statute at the time Nate reported cyberbullying to Hennessy on December 12-13, 2021.

615. Latin's purposeful refusal to become compliant with the statute and its blatant disregard for the requirements of the statute, including parental notice and investigation requirements, was particularly egregious and detrimental here given that the Latin Defendants knew that Nate was "at risk," in need of a safety plan (which Latin never offered) and seeing outside counselors (with whom Latin should have been in communication).

616. Someone needed to help Nate, but the Latin Defendants refused, which exacerbated the harm to Nate. Worse, they failed to give the required notice so that Nate's parents and counselors could help him handle not only the cyberbullying, but the Latin Defendants' refusal to hear his cry for help.

617. More than two weeks after Nate's death, on January 31, 2022, Haslam (ISBE) contacted Latin stating, "If you are receiving this email it is because I have already reviewed your policy at one point and am waiting for corrections or updates."

618. Provencher took a week to respond, on February 7, 2022, at which time she did not provide any updates, but she again asked for a deadline and requested a phone call to discuss a specific provision of the Latin procedures that was disapproved.

619. On February 22, 2022, following communications on February 8 and 18, 2022, Haslam sent the following e-mail to Provencher (emphasis added):

I met with my supervisor today. She let me know that a policy cannot be approved until it is posted on the website. The bullying prevention policies

are unlike most required policies for ISBE require more. It is not uncommon for private schools to post them separate to their website in addition to their handbooks. As far as distributing them in your handbooks, we do understand that may not happen till August or when you typically distribute. **However, for approval we need to have a copy of the approved policy on file and see it on your website.**

As far as the placeholder for anonymous reporting, school code states there needs to be a procedure for anonymous reporting. We do not dictate how that procedure should be, and you are certainly able to update it once you have a better procedure in place. There will need to be an anonymous procedure in place for approval.

620. On March 7, 2022, Provencher, no doubt fully aware that she was submitting yet another non-compliant policy, brazenly declared to Haslam that Latin is “sharing the updated policy with our community this week[,]” and she “just wanted to pass it along to [Haslam] as [Provencher] upload[ed] it to the ISBE site as we are placing the policy in and throughout our families/student handbook.”

621. It seems the hope on Latin’s part (Provencher) was that this version would just slip by the ISBE.

622. On March 8, 2022, Haslam informed Provencher that the policy submitted is still not compliant as to items 4 (parental notice, restorative measures), 9 (policy based on range of stakeholders, including students, parents/guardians) and 10 (posting to the Internet). Haslam made clear “I will also need to see it on your website in a publicly accessible place.”

623. Provencher continued to communicate with Haslam on March 8, 2022, but she knows on that date that Latin did not have a compliant policy.

624. Provencher at all times kept Dunn apprised of the communications with the ISBE, and Dunn also knew that Latin still did not have a policy compliant with Illinois’ Anti-Bullying Law.

625. On March 11, 2022, Dunn, with no regard for Illinois law or the truth, sent an e-mail to Latin families, faculty and staff replete with misrepresentations. (**Exhibit Z.**)

626. Dunn misrepresented that “the State of Illinois recently passed a law regarding the prevention of bullying and cyberbullying.” (*Id.*) Dunn, as a long-time school administrator tasked with knowing the laws applicable to schools, knew on March 11, 2022 that this law had been around for years.⁶⁶

627. Dunn next misrepresented that “[t]o be fully compliant with the new law, we have been working in coordination with the [ISBE] to make necessary changes to Latin’s policies.” (*Id.*) In fact, Latin was doing everything it could to avoid actual compliance with the Anti-Bullying Law, including specifically with parental notification requirements, instead hoping to slip a non-compliant policy past the ISBE and get them off Latin’s back.

628. Dunn also misrepresented that the “changes are now complete,” when Dunn knew full well that the ISBE had rejected the very policy Latin was posting on RomanNet (which is an Intranet site, not an Internet site that the ISBE can access) days earlier. (*Id.*)

629. Still hoping to slip one by the ISBE, on March 18, 2022, Provencher e-mailed Haslam that they were still waiting for approval through the ISBE portal. Haslam again reminded Provencher of what she (and Dunn) already knew – that the policy was not compliant with items 4 (parental notice, restorative measures) or 9 (policy based on range of stakeholders, including students, parents/guardians).

630. On April 24, 2022, Provencher submitted another version of the policy for approval.

⁶⁶ Specifically, Illinois’ Anti-Bullying Law was passed in 2006, and existed largely in the form it was in during the 2021-2022 school year since at least 2014.

631. On May 2, 2022, Haslam requested a link to the website where the public can access the policy without requiring a password. Provencher provided a Google Docs link, but not a link to Latin's public facing website at latinschool.org.

632. The ISBE approved the policy on May 2, 2022; however, Haslam informed Provencher that the Board approval from February 26, 2022 would have to be updated because there were so many changes in the policy since that time.

633. The Latin Board held a meeting on May 17, 2022 during which the Board approved the bullying prevention policy presented. (**Exhibit AA.**) The policy and redline policy provided to the Board are attached hereto as **Exhibits BB-CC.**

634. On May 20, 2022, Dunn sent another notice to families, faculty and staff stating that Latin continues to make updates to its handbook in coordination with the ISBE, with recent updates providing that: "Bullying is contrary to State Illinois law and the policy of Latin School. Bullying will not be tolerated." (**Exhibit DD.**)

635. Five months after Nate's death and eight months after the process started, Latin finally had adopted a bullying prevention policy compliant with Illinois law.

XLII. Latin's Compliance with the Anti-Bullying Law Was Short-Lived Under Hagerman

636. Having to resign his job in Scarsdale two months earlier (by early May 2022), Hagerman sought to get started early at Latin. Prior to school being out or graduation, Hagerman made himself at home at Latin, physically working at the school and engaging with staff.

637. Hagerman showed a specific interest in the Bronstein matter and, upon information and belief, Hagerman has been involved in influencing Latin's handling of the matter since no later than May 2022, and he has embraced, acquiesced and agreed to all of Latin's strategies in

maligning the Bronsteins and spreading in every way possible a false narrative about the Latin Defendants' conduct here.

638. Regarding the Anti-Bullying Law, Hagerman arrived at Latin prior to the May 20, 2022 notice provided by Dunn.

639. Hagerman knew or should have known that Latin had adopted bullying prevention policies compliant with Illinois law as of May 20, 2022. However, Hagerman allowed Latin to backtrack on having compliant policies; the policy approved by the ISBE never made it into the bullying prevention policies set out in Latin's 2022-2023 Handbook.

640. By the start of the 2022-2023 school year, Latin, now under the direction of Hagerman, had a different bullying prevention policy set out in that Handbook. (**Exhibit EE.**) Also, this policy or Handbook was not available on Latin's public facing website for all or most of the school year.

641. Upon information and belief, Latin, knowing the policy was not compliant with the requirements of the Anti-Bullying Law, uploaded the policy to the ISBE portal and was able to slip the non-compliant policy through this time.

642. At all relevant times and certainly no later than March 22, 2023, Latin's continued non-compliance with the Anti-Bullying Law was known to Latin.

643. On June 9, 2023, Illinois' Anti-Bullying Law was amended,⁶⁷ due in part from the Bronsteins' advocacy efforts.

⁶⁷ <https://www.aclu-il.org/en/press-releases/aclu-illinois-applauds-governor-pritzkers-signing-measure-updating-anti-bullying>

644. No later than June 11, 2023, Latin knew about the amendment to the Anti-Bullying Law, and that any failure to comply would be addressed by the Bronsteins in this amended complaint and eventually by the ISBE.

645. As a result, Latin has put words on paper and posted a policy on its public-facing Internet to appear compliant with Illinois' Anti-Bullying Law.

646. Latin, however, must be willing to enforce an anti-bullying policy. Upon information and belief, Latin has failed to meaningfully or in any way change its ways and bullying behavior is often still tolerated with little to no consequence.

647. As an example, during the 2022-2023 school year (under Hagerman), an upperclassman on the track team with a history of bullying behavior directed more than once at Jewish students, yelled out to an underclassman on the team something along the lines of: "run Jew boy run, there's money at the end."

648. Upon information and belief, the upperclassman was not meaningfully punished for his deplorable, anti-Semitic behavior. Instead, the upperclassman had to read a prepared statement at a track team meeting also attended by some Latin personnel, including Nick Baer, interim Upper School Director. Upon information and belief this meeting was "closed," and the attendees were told not to discuss what happened at the meeting.

649. Upon information and belief, there was minimal to no apology in the upperclassman's statement, and the message was how they all needed to come together as a team.

650. Upon information and belief, the underclassman to whom the slur and insult was directed was upset, swearing and crying in reaction to the statement.

651. Once again, Latin found a way to compound and make worse the bullying experience for the victim and demonstrated to its students that bullies can get away with their conduct.

652. Upon information and belief, this same upperclassman had previously recorded a Jewish student speaking and then altered the recording to make it sound like the student had said the “N” word. Not long after that episode, that bully was made a captain of the track team.

653. Upon information and belief, Hagerman knew about this bully’s conduct and condoned the lack of discipline, as well as the “some bullies get away with it” messaging to Latin students.

654. It appears that the transition from Dunn to Hagerman has brought no change to Latin’s bullying culture. Certainly, the Bronsteins have learned that changing of the guard has made no difference in their circumstance or the pursuit of truth when it comes to bullying at Latin.

COUNT I
WRONGFUL DEATH
Against all Latin Defendants

655. Robert Bronstein, as Independent Administrator of the Estate of Nathan Bronstein, deceased, realleges and incorporates by reference the allegations contained in the previous and subsequent paragraphs.

656. At all relevant times, the Latin Defendants, owed a duty to Nate, including without limitation:

- a. To provide for Nate’s safety, which includes safeguarding him from bullying, including cyberbullying, hate speech, and other harassment;
- b. To promptly and properly provide notice, including to parents/guardians and outside counselors, when a student is contemplating suicide or is at risk of self-harm as a result of bullying, including cyberbullying, hate speech, and other harassment;

- c. To promptly provide notice to parents/guardians and outside counselors of all students who are “at risk,” including from anxiety, depression, upon known triggers and signs of distress, and as necessary to implement and execute a safety plan for such students
- d. To promptly provide notice to parents/guardians of all students involved upon an allegation of bullying, including cyberbullying, hate speech, or other harassment;
- e. To promptly investigate and address reports of bullying, including cyberbullying, in a timely manner, making all required notifications and reporting to the parents/guardians of all students involved regarding the investigation; and
- f. Not to themselves in engage in bullying conduct, hate speech, or other harassment, or other conduct likely to exacerbate bullying conduct, hate speech, or other harassment.

657. These duties are acknowledged and understood by Latin and the Latin Individual Defendants.

658. At all relevant times, the Latin Defendants knew that Nate had experienced rejection, social isolation and ostracization while at Latin, which were triggers for Nate’s anxiety, depression and risk of self-harm.

659. By October 2021, the Latin Defendants knew that Nate was at risk of self-harm or suicide because of his struggle with peer conflict, including rejection, social isolation and ostracization at the hands of Latin students.

660. By November 2021, the Latin Defendants knew that Nate was struggling emotionally because of his interactions with Defendant Sanchez, and the Latin Defendants knew or should have know that Nate was berated by Sanchez in front of his class.

661. By December 12, 2021, the Latin Defendants knew or should have known that Nate was the victim of severe group cyberbullying – which was extreme, including in the number of participants, audience reached, hateful and suicide baiting messaging and impact upon Nate.

662. The Latin Defendants knew that the severe and extreme group cyberbullying, and its impact on Nate, was likely to continue beyond December 13, 2021.

663. By December 13, 2021, the Latin Defendants knew that Nate faced increased dangers and risk factors for suicide, and that his behavior reflected warning signs for suicide.

664. Upon notice of the severe and extreme group cyberbullying by Latin students, the Latin Defendants did nothing to investigate the cyberbullying or take any action against any of the student bullies, including ensuring the bullying stopped (as required by the Handbook and Illinois law), but acted in a manner conveying to Nate that his report of group cyberbullying was not valid or of concern to Latin, and further blaming Nate for the group cyberbullying he reported.

665. The Latin Defendants knew or had reason to know that their own inaction and victim blaming would negatively impact Nate and exacerbate his suicide risk.

666. At no time, did any of the Latin Defendants inform the Bronsteins about the severe and extreme group cyberbullying they knew Nate was experiencing, or about the Latin Defendants' own inaction and victim blaming in response to Nate's cyberbullying report, despite obligations to do so under Illinois law.

667. Had the Bronsteins been made aware by Latin of the cyberbullying, they would have taken immediate action to ensure Nate's safety, by among other things, removing Nate's access to his smartphone and electronics, ensuring his outside counselors were informed about the cyberbullying, and seeking immediate and additional medical/psychological treatment for Nate and otherwise monitoring Nate and his well-being.

668. The Latin Defendants breached their duties to Nate, including as follows:

- a. Consciously ignoring notice of bullying and harassment directed toward Nate by other Latin students and Sanchez, a teacher;

- b. Victim-blaming Nate for the bullying and harassment he faced, and imposing a burden upon Nate to handle the bullying and harassment effectively on his own;
- c. Disregarding and victim-blaming Nate for the severe and extreme group cyberbullying he reported to Hennessy; and
- d. Taking no action to protect Nate despite having notice of Nate's suicide/self-harm risk, including refusing to investigate the report of cyberbullying, refusing to take action against the bullies, refusing to protect Nate during the week of December 13, failing to prevent or stop the bullying Nate endured, and refusing to inform the Bronsteins and other parents/guardians of the cyberbullying report, which among other things, prevented the Bronsteins from knowing themselves the risk to their child and taking steps to protect him.

669. The conduct of the Latin Defendants was objectively unreasonable in light of the known circumstances.

670. The Latin Defendants' conduct reflects to a failure to exercise any ordinary care toward Nate, and, as alleged herein, their action or inaction was taken willfully and wantonly, and with reckless disregard for the safety of Nate.

671. At all relevant times, the Latin Defendants knew, as alleged herein, that Nate's impending risk of suicide was foreseeable, *i.e.*, a likely result of the Latin Defendants' conduct.

672. As a direct and proximate result of the willful and wanton breach of duties by the Latin Defendants, Nate died by suicide on January 13, 2022.

673. As a further direct and proximate result of the Latin Defendant's willful and wanton acts and omissions, Nate's next of kin suffered great losses of a personal and pecuniary nature including loss of companionship and society of the decedent, subjecting the Latin Defendants to liability pursuant to the Illinois Wrongful Death Act, 740 ILCS 180/1.

WHEREFORE, Plaintiff prays for judgment against the Latin Defendants, jointly and severally, for an award of one-hundred million dollars (\$100,000,000.00) constituting reasonable

compensatory damages, plus attorneys' fees and costs, and such other and additional relief that this Honorable Court deems equitable and just.

COUNT II
SURVIVAL ACTION - VIOLATION OF ANTI-BULLYING LAW, 105 ILCS 5/27-23.7
Against All Latin Defendants

674. Robert Bronstein, as Independent Administrator of the Estate of Nathan Bronstein, deceased, realleges and incorporates by reference the allegations contained in the previous and subsequent paragraphs.

675. At all times relevant hereto, Illinois' Anti-Bullying Law was in effect.

676. At all times relevant hereto, the Anti-Bullying Law applied to the Latin Defendants.

677. The Anti-Bullying Law was enacted, in part, to ensure "a safe and civil school environment" and to protect students because "bullying causes physical, psychological, and emotional harm[.]" 105 ILCS 5/27-23.7(a).

678. Nate was an Illinois high school student for whose benefit the Anti-Bullying Law was enacted.

679. A private right of action under the Anti-Bullying Law is consistent with the underlying purpose of the statute.

680. The severe and profound emotional distress Nate suffered during his time at Latin and in the days and weeks before his death is an injury the Illinois General Assembly designed and passed the Anti-Bullying Law to prevent.

681. Nate's death is an injury the Illinois General Assembly designed and passed the Anti-Bullying Law to prevent.

682. A private right of action under the Anti-Bullying Law is necessary to provide an adequate remedy for violations of the Anti-Bullying Law.

683. At all relevant times, the Latin Defendants owed a duty to Nate to comply with the Anti-Bullying Law, including but not limited to the following:

- a. To maintain and implement a publicly available anti-bullying policy, addressing cyberbullying, which complies with the statute and is approved by the ISBE;
- b. To promptly inform parents/guardians of all students involved in the reported bullying;
- c. To promptly investigate and address all reports of bullying;
- d. To make reasonable efforts to complete the investigation within ten (10) days of the date of the report of the alleged bullying incident;
- e. To notify the principal or school administrator or his or her designee of the incident of bullying as soon as possible after the report of the alleged bullying incident is received;
- f. To provide all parents/guardians of the students who are parties to the investigation information about the investigation; and
- g. To provide all parents/guardians of the students who were parties to the investigation an “opportunity to meet with the principal or school administrator or his or her designee to discuss the investigation, the findings of the investigation, and the actions taken to address the reported incident of bullying.”

684. These duties are acknowledged and understood by Latin and the Latin Individual Defendants, even if ignored.

685. No later than October 2021, the Latin Defendants had knowledge and actual notice that Nate was being socially isolated, rejected and ostracized by his peers at Latin while in class, after class, outside of school, during school-sanctioned sports activities, and/or at school-sanctioned events. By November 2021, the Latin Defendants had notice that Sanchez himself bullied Nate.

686. By December 11-13, 2021, the Latin Defendants, while acting within the scope of their employment at Latin, had knowledge and actual or constructive notice of a report by Nate that he was being subjected to severe and extreme group cyberbullying by Latin students.

687. The Latin Defendants, failed to promptly notify the Bronsteins of the cyberbullying endured by their child on or at any point after December 11, 2022.

688. None of the Latin Defendants, or anyone employed by Latin, notified the parents/guardians of any of the students involved with the cyberbullying, including the Bronsteins, of cyberbullying or Nate's report on or at any point after December 11, 2022.

689. The Latin Defendants violated the Anti-Bullying Law by, *inter alia*:

- a. Failing to inform the Bronsteins of the bullying of Nate, including by Sanchez and the cyberbullying of Nate and his reporting of it to Hennessy;
- b. Failing to inform all of the parents/guardians of the students involved with the cyberbullying;
- c. Making no effort to conduct the investigation required by the Anti-Bullying Law;
- d. Making no effort, and certainly not any reasonable effort, to conduct any investigation within ten days of December 12, 2021;
- e. Failing to provide the Bronsteins with an opportunity to meet with Dunn or his designee regarding the cyberbullying of Nate; and
- f. Failing to notify the Bronsteins of any investigation, the results of the investigation, and steps being taken to address the severe and extreme group cyberbullying endured by their child.

690. The Latin Defendants' conduct reflects to a failure to exercise any ordinary care toward Nate, and, as alleged herein, their violations of the Anti-Bullying Law were done willfully and wantonly, and with reckless disregard for the safety of Nate.

691. As a direct and proximate result of the Latin Defendants' violations of the Anti-Bullying Law, Nate continued to face and suffer the consequences of bullying at the hands of Latin students after December 12, 2021.

692. As a direct and proximate result of the Latin Defendants' violations of the Anti-Bullying Law, Nate, deceased, sustained conscious pain and suffering, disability, and

disfigurement prior to his death, and had he survived, he would have been entitled to bring an action for his injuries.

693. Plaintiff Robert Bronstein, as Independent Administrator of the Estate of Nathan Bronstein, deceased, brings this action pursuant to the Illinois Survival Act, 755 ILCS 5/27-6.

WHEREFORE, Plaintiff prays for judgment against all Latin Defendants, jointly and severally, for an award of one-hundred million dollars (\$100,000,000.00) constituting reasonable compensatory damages, plus attorneys' fees and costs, and such other and additional relief that this Honorable Court deems equitable and just.

COUNT III
SURVIVAL ACTION – WILLFUL AND WANTON BREACH OF DUTY
(VOLUNTARY UNDERTAKING)
Against All Latin Defendants

694. Robert Bronstein, as Independent Administrator of the Estate of Nathan Bronstein, deceased, realleges and incorporates by reference the allegations contained in the previous and subsequent paragraphs.

695. At all relevant times, the safety of its students was Latin's outwardly expressed first priority, particularly as it pertained to bullying, including cyberbullying, and harassment, including as stated in its Handbook.

696. As described herein, the requirements of the Anti-Bullying Law and the anti-bullying rules, policies, and regulations stated in the Handbook, were mandatory and not discretionary.

697. As described herein, the Latin Defendants, acting within the scope of their employment duties, received information regarding Nate's safety, mental health and well-being and agreed to voluntarily undertake to monitor for and address circumstances known to them that would negatively impact Nate's safety, mental health and well-being.

698. As described herein, the Latin Defendants, acting within the scope of their employment duties, received bullying reports from Mrs. Bronstein and Nate and agreed to voluntarily undertake to investigate, report, and stop bullying, cyberbullying, and harassment.

699. At all relevant times, once the Latin Defendants received bullying reports and undertook to investigate, report and stop bullying, cyberbullying and harassment as to Nate, they failed to exercise reasonable care and, in fact, acted willfully and wantonly and in a manner so as to increase the harm to Nate by, *inter alia*:

- a. Giving the impression of help to Nate, *e.g.*, reaching out to set up meetings with Hennessy, Knoche, Kranz, but at all relevant times, in fact, blaming Nate and imposing upon him that it was his responsibility and obligation to figure out how to survive at Latin, including in managing himself in response to cyberbullying by other Latin students;
- b. Presenting the Handbook as containing rules, policies, and regulations enforced by Latin and upon Latin faculty and students, but failing to actually take any action to create the community promised by Latin or to otherwise enforce rules, policies, and regulations addressing bullying, including cyberbullying and harassment;
- c. Repeatedly violating the Anti-Bullying Law as alleged herein;
- d. Taking no action to actually investigate, address, and prevent the bullying experienced by Nate in the form of rejection, social isolation, and ostracization;
- e. Enabling a teacher, Sanchez, to bully Nate;
- f. Taking no action to prevent additional bullying of Nate the week of December 13, 2021 – after Nate reported cyberbullying to Hennessy;
- g. Taking no action to actually investigate, address, and prevent more of the severe and extreme group cyberbullying endured by Nate at the hands of a large number of Latin students; and
- h. Sending Nate home for winter break, knowing his parents were in the dark about the cyberbullying, Latin's exacerbation of the impact of the cyberbullying, and Latin's refusal to comply with its obligations under the Handbook and the Anti-Bullying Law after Nate had reported the cyberbullying and knowing that he presented a high risk for self-harm or suicide under the circumstances.

700. As a direct and proximate result of the Latin Defendants' willful and wanton failure to undertake an adequate investigation to stop the bullying and cyberbullying against Nate and the Latin Defendants' willful or grossly negligent blaming of the victim and characterizing his suffering as something he deserved, Nate, deceased, sustained conscious pain and suffering, disability, and disfigurement prior to his death, and had he survived, he would have been entitled to bring an action for his injuries.

701. Plaintiff Robert Bronstein, as Independent Administrator of the Estate of Nathan Bronstein, deceased, brings this action pursuant to the Illinois Survival Act, 755 ILCS 5/27-6.

WHEREFORE, Plaintiff prays for judgment against all Latin Defendants, jointly and severally, for an award of one-hundred million dollars (\$100,000,000.00) constituting reasonable compensatory damages, plus attorneys' fees and costs, and such other and additional relief that this Honorable Court deems equitable and just.

COUNT IV
SURVIVAL ACTION – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
Against All Latin Defendants

702. Plaintiff, Robert Bronstein, as Independent Administrator of the Estate of Nathan Bronstein, deceased, realleges and incorporates by reference the allegations contained in the previous and subsequent paragraphs.

703. The Latin Defendants committed intentional infliction of emotional distress upon Nate through their willful, wanton, intentional and reckless conduct by committing, individually and collectively, the following extreme and outrageous acts against Nate:

- a. Taking no action to actually investigate, address, and prevent the bullying experienced by Nate;
- b. Repeatedly blaming Nate and imposing upon him that it was his responsibility and obligation to figure out how to survive at Latin, including in managing himself in response to bullying by other Latin students;

- c. Berating and bullying Nate in front of a classroom of students, and enabling a teacher to engage in such outrageous behavior at a school;
- d. Doing nothing to enforce the rules, policies, and regulations in the Handbook and required by Illinois law to protect Nate despite repeated notice of bullying and risk of serious harm to Nate;
- e. Repeatedly violating the Anti-Bullying Law instead of taking steps to protect Nate as required under the statute, including by intentionally failing to inform the Bronsteins and other parents/guardians of the cyberbullying, and taking no action to actually investigate, address, and prevent more of the severe and extreme group cyberbullying endured by Nate at the hands of a large number of Latin students;
- f. Conveying to Nate that he was to blame or was otherwise responsible for severe and extreme group cyberbullying that included hateful and suicide baiting messaging, including that Nate was a target that deserved to die;
- g. Taking no action to prevent additional bullying of Nate the week of December 13, 2021, after Nate reported severe and extreme group cyberbullying to Hennessy; and
- h. Sending Nate home for winter break, knowing his parents were in the dark about the cyberbullying and Latin's refusal to comply with its obligations under the Handbook and the Anti-Bullying Law, after Nate reported the cyberbullying, and knowing that he presented a high risk for self-harm or suicide under the circumstances.

704. Each of the Latin Defendants presented themselves to Nate as an authority figure with power and control over Nate, and in fact each was in a position of authority and control over Nate as Head of School (Dunn), Upper School Director (Von Ogden), Dean of Students (Hennessy), and trained mental health counselor (Knoche, Kranz). Each of the Latin Defendants held significant power and control over Nate and his daily life during the time of his enrollment at Latin.

705. Each of the Latin Defendants knew that Nate – as a student and child facing cyberbullying and already “at risk” in terms of his mental health and well-being – would be peculiarly susceptible to emotional distress. Each of the Latin Defendants further knew that Nate was already experiencing significant emotional distress early on in the school year and had

changed his behavior and threatened his own self-harm in the face of rejection, isolation and ostracization at Latin, making Nate even more susceptible to emotional distress.

706. At all relevant times, the Latin Defendants, via their conscious disregard to known and/or foreseeable bullying, cyberbullying, hate speech and other harassment of Nate, intended to cause Nate severe emotional distress, or knew there was a high likelihood that such disregard would cause such distress, but nonetheless intentionally, willfully and wantonly engaged in such conduct.

707. The Latin Defendants' extreme and outrageous conduct did, in fact, cause Nate severe emotional harm.

708. Nate's emotional harm from Latin Defendants' conscious disregard to known and/or foreseeable bullying, cyberbullying, hate speech and/or other harassment of Nate was so severe that it resulted in Nate taking his own life.

709. As a further direct and proximate result of the Latin Defendants' willful and wanton actions and failure to act, Nate, deceased, sustained conscious pain and suffering, disability, and disfigurement prior to his death, and had he survived, he would have been entitled to bring an action for his injuries.

710. Plaintiff Robert Bronstein, as Independent Administrator of the Estate of Nathan Bronstein, deceased, brings this action pursuant to the Illinois Survival Act, 755 ILCS 5/27-6.

WHEREFORE, Plaintiff prays for judgment against all Latin Defendants, jointly and severally, for an award of one-hundred million dollars (\$100,000,000.00) constituting reasonable compensatory damages, plus attorneys' fees and costs, and such other and additional relief that this Honorable Court deems equitable and just.

COUNT V
SURVIVAL ACTION – BREACH OF FIDUCIARY DUTY
Against Latin

711. Plaintiff, Robert Bronstein, as Independent Administrator of the Estate of Nathan Bronstein, deceased, realleges and incorporates by reference the allegations contained in the previous and subsequent paragraphs.

712. The relationship between Latin and Nate was built on a relationship of trust and deference, giving rise to a fiduciary duty on behalf of Latin to create an environment in which Nate could pursue his education with the protection and oversight of Latin, and free from harassment, including bullying, by other students.

713. Specifically, a confidential relationship between Latin and Nate was created based upon Latin’s own promulgated rules and policies that authorized Latin to, among other things, exercise controlling influence over many aspects of student activities, including, for example, how students could dress, when and how to use social media, how to behave off campus, and how to behave vis-a-vis other students. (*See generally* **Exhibit D.**)

714. Latin specifically designed the language in the Handbook so that students, including Nate, were aware of, understood and would rely upon Latin for its role in safeguarding their emotional and social well-being, and, to protect them from harassment, thereby ensuring the creation of a confidential relationship based on trust and confidence.

715. For example, the Handbook set forth “major school rules” that were intended to “protect the safety and well-being of everyone in the community.” (**Exhibit D** at 4-5.) Harassment (including bullying and cyberbullying) was considered a violation of major school rules, and a single violation of the school’s major rules would subject a student to disciplinary consequences. (*See generally id.*)

716. Critically, the Handbook also stated that victims of harassment were expected to “notify a trusted adult in the school.” (*Id.*)

717. Latin invited its students, including Nate, to invoke a fiduciary relationship with Latin by stating its principles in the Handbook and inviting students to notify trusted adults.

718. By following the reporting procedures in the Handbook, Nate reposed his trust and confidence in Latin when he notified Hennessy and Kranz (*e.g.*, trusted adults in the school) about the ongoing bullying and harassment.

719. Latin knowingly accepted that trust and undertook a fiduciary duty when Hennessy and Kranz met with Nate to discuss the bullying and harassment, and further promised Nate to investigate the reported incidents.

720. Latin invited its students, including Nate, to invoke a fiduciary relationship with Latin by offering the help and counsel of school counselors (Kranz and Knoche).

721. By agreeing to meet with school counselors, specifically Kranz, Nate reposed his trust and confidence in Latin.

722. Latin knowingly accepted that trust and undertook a fiduciary duty when Kranz met with Nate to address his mental health and well-being, including by assessing Nate for suicidal ideation.

723. In accepting Nate’s trust, Latin undertook the following fiduciary duties, including: (a) to take reasonable steps to investigate and remediate the bullying; (b) to prevent additional bullying; (c) to report the bullying to the students’ parents, including Nate’s parents; and (d) to act in Nate’s best interest in protecting his mental health and welfare, rather than Latin’s own best interests.

724. Latin breached these duties by, without limitation, failing to investigate or remediate the acts of bullying; failing to prevent additional bullying; failing to inform the Bronsteins and parents of the children involved in Nate's complaints of bullying; failing to offer and implement a safety plan for Nate; failing to request consent to engage with Nate's outside counselors and to do so for the safety and well-being of Nate; and choosing to act in its own best interests, rather than act in the best interests of Nate, when he reported cyberbullying to the school.

725. As a direct and proximate result of Latin's breaches of these fiduciary duties, Nate, deceased, sustained conscious pain and suffering, disability, and disfigurement prior to his death, and had he survived, he would have been entitled to bring an action for his injuries.

726. Plaintiff Robert Bronstein, as Independent Administrator of the Estate of Nathan Bronstein, deceased, brings this action pursuant to the Illinois Survival Act, 755 ILCS 5/27-6.

WHEREFORE, Plaintiff prays for judgment against Latin, for an award of one-hundred million dollars (\$100,000,000.00) constituting reasonable compensatory damages, plus attorneys' fees and costs, and such other and additional relief that this Honorable Court deems equitable and just.

COUNT VI
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
By Plaintiffs Robert and Rosellene Bronstein in Their Individual Capacities
Against All Latin Defendants and Defendants Greenwood, Koo and Hagerman

727. Plaintiffs Robert and Rosellene Bronstein, in their individual capacities, reallege and incorporate by reference the allegations contained in the previous and subsequent paragraphs.

728. The Latin Defendants and Defendants Greenwood, Koo and Hagerman owed the Bronsteins a general duty of care.

729. As described herein, the Latin Defendants were aware of Mrs. Bronstein and Nate’s reports of social isolation, rejection, ostracization, and cyberbullying.

730. As described herein, the Latin Defendants intentionally failed to investigate, stop, or address the bullying of Nate at the hands of Latin students and a teacher.

731. As described herein, the Latin Defendants and Greenwood intentionally failed to report bullying to the Bronsteins, including but not limited to Sanchez’s beratement of Nate during class, Nate’s report of cyberbullying to Hennessy, multiple reports of the “fuck you” text chain including to Coach Moran (by Student 5), Hennessy and Dunn, and the KYS message.

732. As described herein, and despite their legal obligation to do so, the Latin Defendants willfully refused to notify the Bronsteins of Nate’s report of cyberbullying on December 12-13, 2021, thereby denying the Bronsteins critical information about their son’s mental state and the danger he was in.

733. As described herein, after Nate's death on January 13, 2022, the Latin Defendants and Defendants Greenwood, Koo and Hagerman have all agreed to and acquiesced in intentional concealment from the Bronsteins of what defendants knew about the cyberbullying Nate had suffered, as well as a campaign of misleading and false information directed at the Latin community, RCDS and its community and the public at large in an effort to, *inter alia*, divert attention away from the Latin Defendants' conduct described herein and malign and lay blame on the Bronsteins for their demand for information, an investigation, and accountability related to the cyberbullying of Nate and his mistreatment at the hands of the Latin Defendants.

734. As described herein, after Nate's death, the Latin Defendants and Defendants Greenwood and Koo took steps to prevent the Bronsteins from learning about the cyberbullying and related information, including by deterring Latin families from communicating with the Bronsteins, by refusing to inform the Bronsteins of the cyberbullying and related information, by continuing a campaign to malign the Bronsteins while concealing information and the truth from them at every opportunity, and/or by lying to the Bronsteins. Thereafter, these defendants and Defendant Hagerman, upon his involvement in the matter (by May 2022), have generally continued these efforts.

735. As described herein, on January 27, 2022, the Bronsteins learned of the cyberbullying of Nate from another parent in the Latin community, and started to realize the extent of the Latin Defendants' and Defendants Greenwood and Koo's efforts to conceal the cyberbullying, Nate's report, other related information and Latin's intentional and willful disregard for the safety of Nate in its response to Nate's report of cyberbullying.

736. As described herein, on January 27 and 28, 2022, the Bronsteins met with Latin officials, including Defendants Dunn, Greenwood and Von Ogden. These meetings themselves were attempts to cover up Latin's intentional and willful disregard for the safety of Nate in its response to Nate's report of cyberbullying.

737. As described herein, during these meetings, Dunn admitted meeting only with Koo (and not the full Board) and receiving direction from Koo (who faced a conflict of interest) regarding Latin's actions after Nate's death.

738. As described herein, Hagerman involved himself in efforts related to the Bronsteins by May 2022 and no later than July 2022.

739. The Latin Defendants and Defendants Greenwood, Koo and Hagerman exerted (and continue to exert) a power and control over the Bronsteins to the extent that each had information relevant to, *inter alia*, Nate and his safety, mental health and cyberbullying and each withheld that information from the Bronsteins.

740. After Nate's death, these defendants, in their positions as administrators of the school and/or Latin's Board Chair, exerted a power and control over the Bronsteins who, as parents of students no longer at Latin, were at the whim of these Latin officials to provide critical information about the cyberbullying, to investigate the cyberbullying and Latin's intentional and willful disregard for the safety of Nate in its response to Nate's report of cyberbullying, and to provide appropriate discipline to the bullies.

741. The Latin Defendants and Defendants Greenwood, Koo and Hagerman were and are aware that the Bronsteins are peculiarly susceptible to emotional distress following the death of their son. Yet, they proceeded to act with conscious disregard for the Bronsteins' well-being. The covering up of the truth from the Bronsteins of Nate's last days at Latin when he was experiencing and reporting bullying; the publicizing of a self-serving narrative to the Latin community and the larger public that Nate, the victim of bullying, was the instigator and that the Bronsteins, the family of the bullying victim trying to get help for their son, were "difficult" liars; and/or denying the Bronsteins a chance to get the proper help for their son, the victim of bullying, were particularly intentional, extreme and outrageous acts toward the Bronsteins.

742. The actions and/or omissions of these defendants as set forth herein were done in reckless disregard of the high likelihood that their actions would cause, and continue to cause, the Bronsteins to suffer severe and extreme emotional distress.

743. The actions of the Latin Defendants prior to the death of Nate and the cover-up commenced and/or by the Latin Defendants and Defendants Greenwood, Koo and Hagerman have caused both of the Bronsteins severe, daily and unrelenting emotional distress beyond and above the Bronsteins' grief over the loss of their son.

744. As a direct and proximate result of the actions and/or omissions by these defendants, as alleged herein, the Bronsteins were caused to incur severe and grievous mental and emotional suffering, fright, anguish, shock, nervousness, anxiety, shame, and distress.

745. As direct and proximate result of the actions and/or omissions by the Latin Defendants and Defendants Greenwood, Koo, and Hagerman, as alleged herein, the Bronsteins were caused to seek treatment.

WHEREFORE, Plaintiffs Robert Bronstein and Rosellene Bronstein, in their individual capacities, pray for judgment against all Latin Defendants and Defendant Koo, jointly and severally, for an award of one-hundred million dollars (\$100,000,000.00) constituting reasonable compensatory damages, plus attorneys' fees and costs, and such other and additional relief that this Honorable Court deems equitable and just.

COUNT VII
VIOLATION OF THE ILLINOIS CONSUMER FRAUD AND DECEPTIVE BUSINESS PRACTICES ACT, 815 ILCS 505/2 (Misrepresentations/Omissions Inducing Enrollment)
Against Latin

746. Plaintiffs Robert and Rosellene Bronstein, in their individual capacities, reallege and incorporate by reference the allegations contained in the previous and subsequent paragraphs.

747. The Bronsteins are natural persons, qualifying as "persons" under 825 ILCS 505/1(c).

748. The Bronsteins are purchasers of Latin's services, qualifying as "consumers" under 825 ILCS 505/1(e).

749. Latin advertises, offers for sale, and distributes its educational services to Illinois persons and consumers.

750. Such advertisement, offering for sale, and distribution of its services qualifies as conduct of "trade" and "commerce" under 825 ILCS 505/1(f).

751. While advertising and offering its educational services for sale, Latin made several representations to the Bronsteins, as those detailed above, including in Section VI. Latin's representations were material to the Bronsteins' decision to apply for Nate and S.B. to attend Latin, and to enroll Nate and S.B. at Latin.

752. Latin made such representations knowing that they were actually false misrepresentations, as Latin was simultaneously aware and knew of Latin's long history of

bullying, cyberbullying, hate speech and other harassment, Latin's systemic failure to enforce its Handbook, and Latin's deliberate indifference, and failure to respond, to its endemic bullying culture.

753. Also while advertising and offering its educational services for sale to the Bronsteins, Latin knowingly omitted to inform the Bronsteins about Latin's long history of bullying, cyberbullying, hate speech and other harassment, Latin's systemic failure to enforce its Handbook or comply with the Anti-Bullying Law, its "NO PARENTS" practice, and Latin's deliberate indifference, and failure to respond, to its endemic bullying culture.

754. Latin made the aforementioned misrepresentations and omissions with the intent that the Bronsteins rely thereon and pay the tuition to enroll Nate and S.B. in Latin.

755. The Bronsteins were deceived by and indeed relied on Latin's misrepresentations and omissions and enrolled Nate and S.B. at Latin for the 2021-2022 academic year, paying thousands of dollars in tuition.

756. If the Bronsteins had known that Latin's representations were actually misrepresentations, they would not have enrolled Nate and S.B. at Latin for the 2021-2022 academic year.

757. Likewise, the Bronsteins would not have enrolled Nate and S.B. at Latin for the 2021-2022 academic year if the Bronsteins knew, or were informed, of Latin's history of bullying, cyberbullying, hate speech and other harassment, Latin's systemic failure to enforce its Handbook or comply with the Anti-Bullying Law, Latin's "NO PARENTS" practice, and Latin's deliberate indifference, and failure to respond, to its endemic bullying culture.

WHEREFORE, Plaintiffs prays for judgment against Latin, awarding them actual damages, including a full refund of the tuition paid for the enrollment of Nate and S.B. at Latin for

the 2021-2022 academic year, damages for mental anguish and emotional distress, the cost of counseling and other medical costs and services for treatment of their mental anguish and emotional distress, plus attorneys' fees and costs, and such other and additional relief that this Honorable Court deems equitable and just.

COUNT VIII
VIOLATION OF THE ILLINOIS CONSUMER FRAUD AND DECEPTIVE BUSINESS
PRACTICES ACT, 815 ILCS 505/2 (Unfair Practices and Concealment)
Against Latin and Defendant Koo

758. Plaintiffs Robert and Rosellene Bronstein, in their individual capacities, reallege and incorporate by reference the allegations contained in the previous and subsequent paragraphs.

759. The Bronsteins are natural persons, qualifying as "persons" under 825 ILCS 505/1(c).

760. The Bronsteins are purchasers of Latin's services, qualifying as "consumers" under 825 ILCS 505/1(e).

761. Latin advertises, offers for sale, and distributes its educational services to Illinois persons and consumers.

762. Such advertisement, offering for sale, and distribution of its services qualifies as conduct of "trade" and "commerce" under 825 ILCS 505/1(f).

763. At all relevant times herein, Defendant Koo acted the Chair of Latin's Board of Directors.

764. The Illinois Consumer Fraud and Deceptive Practices Act (the "ICFA") precludes unfair or deceptive practices in trade or commerce.

765. Conduct is unfair under the ICFA in any one of the following circumstances:

- a. The practice offends public policy;
- b. The practice is immoral, unethical, oppressive, or unscrupulous; or

c. The practice causes substantial injury to consumers.

766. All three circumstances are present here. *First*, Latin's conduct here is unfair because it offends public policy. Engaging in dishonorable and deceptive behavior – here, Latin personnel (i) concealed that Latin was not in conformity with the Anti-Bullying law; (ii) prevented the Bronsteins from discovering Nate's complaints of and experience with bullying at Latin; (iii) permitted bullying to continue, despite receiving reports of specific instances of bullying; (iv) left the Bronsteins' minor child to endure pervasive, harsh, and continuous bullying at the hands of his peers; and (v) denied the Bronsteins a chance to get the proper help for their son, the victim of bullying.

767. Defendant Koo also maliciously, with the actual knowledge that the Bronsteins would be severely emotionally harmed, and in total disregard for causing such severe emotional harm to the Bronsteins, (i) concealed the truth about Nate's experience and reports of bullying, and/or directed Latin personnel to do the same; and (ii) publicized and/or otherwise promoted, Latin's self-serving narrative to Latin personnel, to the Latin community, to the RCDS community, and/or to the larger public, including that Bronsteins were difficult, Nate was no angel, Nate was a Parker student and his death was not on Latin's watch.

768. *Second*, Latin's and Defendant Koo's conduct here is unfair because it is immoral, unethical, oppressive, and unscrupulous, as described in detail in the allegations incorporated herein.

769. Latin's and Defendant Koo's conduct is also oppressive and unscrupulous in that Latin and Defendant Koo knew that the Bronsteins were unaware of Nate's reports of cyberbullying and they intended for the Bronsteins to remain unaware of the same.

770. Latin – a school who publicly promotes itself as an inclusive community – in concert with Koo as Board Chair, deceived the Bronsteins in a manner that is inherently oppressive, dishonest, unscrupulous, marginalizing, and exclusive.

771. *Third*, Latin’s and Defendant Koo’s conduct here is unfair because it causes substantial injury to consumers. Here, Latin sought to take and keep the Bronsteins’ money, as consumers, in the form of tuition; knowingly not follow through on the promised deliverable of providing an inclusive, honest, and fair community, that promoted physical and emotional wellness; and purposefully engage in deceptive coverup campaign to prevent the Bronsteins from discovering that they were being deprived of the benefit of their bargain.

772. As a result of Latin’s multiple lawyers of unfair and deceptive conduct, the Bronsteins have suffered damages, *inter alia*, in paying tuition for which the benefit of the bargain was not received, and for mental anguish and emotional distress.

WHEREFORE, Plaintiffs prays for judgment against Latin, awarding them actual damages, including a full refund of the tuition paid for the enrollment of Nate and S.B. at Latin for the 2021-2022 academic year, damages for mental anguish and emotional distress, the cost of counseling and other medical costs and services for treatment of their mental anguish and emotional distress, plus attorneys’ fees and costs, and such other and additional relief that this Honorable Court deems equitable and just.

COUNT IX
SURVIVAL ACTION – COUNSELOR NEGLIGENCE (*Medical Malpractice*)
Against Defendant Knoche and Defendant Kranz

773. Plaintiff, Robert Bronstein, as Independent Administrator of the Estate of Nathan Bronstein, deceased, realleges and incorporates by reference the allegations contained in the previous and subsequent paragraphs.

774. At all relevant times herein, Latin offered and provided medical and mental health services in the form of counseling, to its enrolled students, including Nate.

775. At all relevant times herein, Knoche was licensed clinical professional counselor, employed at Latin to provide counseling to enrolled students, including Nate.

776. At all relevant times herein, Kranz was licensed clinical professional counselor, employed at Latin to provide counseling to enrolled students, including Nate.

777. At all relevant times herein, Kranz and Knoche treated Nate as their patient providing Nate with mental health counseling.

778. As such, Kranz and Knoche owed a duty of care to Nate, as their patient, in providing Nate with medical services including mental health counseling.

779. Kranz and Knoche had actual knowledge of the serious mental health risks faced by teens in the modern post-pandemic, high school environment.

780. Kranz and Knoche had actual knowledge that cyberbullying can lead to self-harm or suicide.

781. Kranz and Knoche had actual knowledge regarding teens' coping mechanisms and mental health warning signs.

782. Kranz and Knoche had actual knowledge regarding cyberbullying's damaging effects on teens.

783. Kranz and Knoche had actual knowledge of Nate's depression, anxiety, and initial stages of school refusal.

784. Kranz and Knoche had actual knowledge of Nate's history of social isolation, skipping classes, loss of appetite, and struggling to fit in and be accepted at Latin.

785. Kranz and Knoche had actual knowledge of Nate's history and struggle to cope with difficult and complex peer interactions and that such interactions could be a trigger for Nate.

786. Kranz and Knoche had actual knowledge of Nate's distress being so great as to warrant concern from the Bronsteins that Nate would hurt himself or others.

787. Kranz and Knoche had actual knowledge that Nate had ADHD, which was causing Nate to have issues focusing on, and succeeding with, his school responsibilities.

788. Kranz and Knoche had actual knowledge that Nate resisted help when he was facing stressors and distress, but also that he was otherwise accepting of help and guidance from adults.

789. Kranz and Knoche had actual knowledge of Nate's specific "triggers."

790. Kranz and Knoche had actual knowledge that Nate reported that he was the victim of cyberbullying incidents directly to Latin personnel, stating that such incidents made him angry, and requesting that such behavior be stopped.

791. Upon information and belief, Kranz and Knoche had actual knowledge of current and ongoing cyberbullying incidents that were causing Nate distress prior to his death.

792. At all relevant times herein, Kranz and Knoche knew or should have known that Nate's medical history rendered him more susceptible to mental illness, self-harm, and suicide.

793. At all relevant times here, Kranz and Knoche had a duty to possess and apply the knowledge and use the skill and care ordinarily used by reasonably well qualified counselors, practicing under similar circumstances.

794. Kranz and Knoche breached the duty of care owed to Nate by performing, and/or failing to perform, the following acts, without limitation:

- a. Negligently failing to investigate, remediate, prevent, or report the acts of bullying Nate complained of;
- b. Negligently failing to adequately address Nate's mental health needs;

- c. Negligently failing to provide proper treatment to Nate;
- d. Negligently failing to acknowledge the vital role and rights of the Bronsteins in being informed of Nate's mental health evaluations and reports of bullying;
- e. Negligently failing to implement a treatment plan to address Nate's isolation, anger, and/or distress;
- f. Negligently failing to obtain consents to communicate with Nate's outside counselors;
- g. Negligently failing to communicate with the Bronsteins' regarding Nate's treatment;
- h. Negligently failing to recognize that Nate was a high risk to self-harm;
- i. Negligently failing to put a "safety plan" in place for Nate;
- j. Negligently increasing the conflict between Nate and the Bronsteins;
- k. Negligently failing to recognize Nate's signs, and/or symptoms, of distress, intent to self-harm, suicidal intent, and/or suicidal ideation;
- l. Negligently ignoring Nate's requests for help;
- m. Negligently ignoring information provided by the Bronsteins regarding Nate's mental health and mental state;
- n. Negligently exacerbating Nate's distress, anger, isolation, depression, and/or feelings of rejection; and
- o. Negligently leaving Nate to internalize and cope with cyberbullying on his own.

795. As a direct and proximate result of Kranz and Knoche's breaches of the duty of care owed to Nate, deceased, he sustained conscious pain and suffering, distress, disability, and disfigurement prior to his death, and had he survived, he would have been entitled to bring an action for his injuries.

796. Plaintiff Robert Bronstein, as Independent Administrator of the Estate of Nathan Bronstein, deceased, brings this action pursuant to the Illinois Survival Act, 755 ILCS 5/27-6.

797. **WHEREFORE**, Plaintiff prays for judgment against Latin, for an award of one-hundred million dollars (\$100,000,000.00) constituting reasonable compensatory damages, and such other and additional relief that this Honorable Court deems equitable and just.

COUNT X
SURVIVAL ACTION – MEDICAL MALPRACTICE (*Vicarious Liability*)
Against Latin

798. Plaintiff, Robert Bronstein, as Independent Administrator of the Estate of Nathan Bronstein, deceased, realleges and incorporates by reference the allegations contained in the previous and subsequent paragraphs.

799. At all relevant times herein, Kranz and Knoche, licensed clinical professional counselors, were employed by Latin to provide mental health counseling services to enrolled students, including Nate.

800. At all relevant times herein, Kranz and Knoche were acting within the course and scope of their employment with Latin in providing medical services to Nate.

801. At all relevant times herein, Kranz and Knoche were acting in furtherance of the business of their employer, Latin, in providing medical services to Nate.

802. Kranz and Knoche owed a duty of care to Nate, as their patient, in providing Nate with medical services including mental health counseling.

803. Kranz and Knoche breached the duty of care owed to Nate by performing, and/or failing to perform, the following acts, without limitation:

- a. Negligently failing to investigate, remediate, prevent, or report the acts of bullying Nate complained of;
- b. Negligently failing to adequately address Nate's mental health needs;

- c. Negligently failing to provide proper treatment to Nate;
- d. Negligently failing to acknowledge the vital role and rights of the Bronsteins in being informed of Nate's mental health evaluations and reports of bullying;
- e. Negligently failing to implement a treatment plan to address Nate's isolation, anger, and/or distress;
- f. Negligently failing to communicate with Nate's outside counselors;
- g. Negligently failing to communicate with the Bronsteins' regarding Nate's treatment;
- h. Negligently failing to recognize that Nate was a high risk to self-harm;
- i. Negligently failing to put a "safety plan" in place for Nate;
- j. Negligently increasing the conflict between Nate and the Bronsteins;
- k. Negligently failing to recognize Nate's signs, and/or symptoms, of distress, intent to self-harm, suicidal intent, and/or suicidal ideation;
- l. Negligently ignoring Nate's requests for help;
- m. Negligently ignoring information provided by the Bronsteins regarding Nate's mental health and mental state;
- n. Negligently exacerbating Nate's distress, anger, isolation, depression, and/or feelings of rejection; and
- o. Negligently leaving Nate to internalize and cope with cyberbullying on his own.

804. Latin is vicariously liable for the acts and omissions of its agents, servants, and employees, including Kranz and Knoche, during the care and treatment provided to Nate.

805. As a direct and proximate result of Kranz and Knoche's breaches of the duty of care owed to Nate, deceased, he sustained conscious pain and suffering, distress, disability, and disfigurement prior to his death, and had he survived, he would have been entitled to bring an action for his injuries.

806. Plaintiff Robert Bronstein, as Independent Administrator of the Estate of Nathan Bronstein, deceased, brings this action pursuant to the Illinois Survival Act, 755 ILCS 5/27-6.

807. **WHEREFORE**, Plaintiff prays for judgment against Latin, for an award of one-hundred million dollars (\$100,000,000.00) constituting reasonable compensatory damages, and such other and additional relief that this Honorable Court deems equitable and just.

JURY DEMAND

PLAINTIFFS DEMAND A TRIAL BY JURY ON ALL COUNTS SO TRIABLE.

Dated: July 22, 2023

Respectfully submitted,

ROBERT BRONSTEIN, individually, and as Independent Administrator of the Estate of Nathan Bronstein, a minor, Deceased; **ROSELLENE BRONSTEIN**, individually, and as Next Friend of M.B. and S.B., minors

By: /s/ Danielle J. Gould
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