

DOCKET NO.: WWM-CV-21-5012142-S : SUPERIOR COURT
JANE DOE : J.D. OF WINDHAM
V. : AT PUTNAM
HYDE SCHOOL AT SOUTH WOODSTOCK, INC. :
and HYDE SCHOOL : SEPTEMBER 3, 2024

REPLY TO OBJECTION TO
MOTION FOR PERMISSION TO FILE MOTION FOR SUMMARY JUDGMENT

The defendants filed a motion for permission to file a motion for summary judgment at 147.00 and the plaintiff filed an objection at 148.00. The defendants now file this reply in response to the objection.

First, briefly as background, the plaintiff's claims arise out of an alleged sexual assault at the defendants' summer camp 19 years ago in 2005. The plaintiff was a camper, as were the alleged perpetrators, two male campers. The plaintiff has not sued the alleged perpetrators, and her knowledge of them is limited to a description of each of them, and a first name of one of them. The plaintiff does not know the name of any employees/agents who allegedly were involved in the supervision of the area where the alleged sexual assault took place.

Second, the plaintiff's claims are negligence, negligent infliction of emotional distress, and negligent hiring, retention, supervision, and training. To establish the negligence claims and the negligent infliction of emotional distress claims, the plaintiff needs to establish the element of duty, which requires her to establish the propensity of the two male campers to commit the sexual violence they allegedly committed. She has no such evidence. To establish the negligent hiring, retention, supervision, and training claims, the plaintiff needs to establish the element of foreseeability, which requires her

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to establish that the defendants' employees/agents had the propensity to cause the type of harm she allegedly suffered. Again, she has no such evidence.

Third, in her objection the plaintiff says she will likely need an extension of time to take the deposition of the defendants' employees. The plaintiff was careful not to admit that she lacks the propensity evidence she needs, but reading between the lines, this is essentially a concession that lacks the evidence she needs, and not only to oppose summary judgment, but to establish her claims at trial. Importantly, the plaintiff already deposed a Head of School for the defendants, and failed to obtain any propensity evidence she will need to try to prove her claims at trial. Thus, the defendants' motion is exactly the type of motion that could save the Court's time and resources. It does not ask the court to weigh any evidence. It points out, using the plaintiff's testimony, that she lacks any propensity evidence, and thus all of her claims fail as a matter of law.

DEFENDANTS,
HYDE SCHOOL AT SOUTH WOODSTOCK, INC.
and HYDE SCHOOL

By /s/ Russell J. Bonin
Russell J. Bonin
David G. Hill & Associates, LLC
Their Attorneys

CERTIFICATION

I certify that a copy of this document was or will immediately be mailed or delivered electronically or non-electronically on this 3rd day of September, 2024, to all attorneys and self-represented parties of record and that written consent for electronic delivery was received from all attorneys and self-represented parties of record who received or will immediately be receiving electronic delivery.

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/s/ Russell J. Bonin
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