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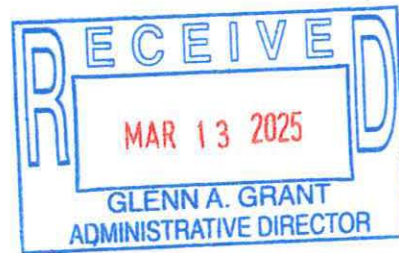
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March 12, 2025

VIA FEDERAL EXPRESS

Hon. Glenn A. Grant
Administrative Director
Administrative Office of the Courts
Hughes Justice Complex
P.O. Box 981
Trenton, NJ 08625-0981



RE: Application for the designation of multicounty litigation concerning sexual abuse in juvenile detention facilities operated by the State of New Jersey

Dear Judge Grant:

I submit this letter on behalf of 108 individual Plaintiffs whose cases are currently pending in New Jersey Superior Courts across three counties, alleging that they were sexually abused while confined as children at juvenile detention facilities owned and operated by the State of New Jersey.¹ My firm also represents dozens of additional individuals with similar claims against the State, whose complaints will be filed in various counties in the near future. We expect the numbers to grow as more survivors of sexual abuse at State facilities come forward after hearing about the existing litigation.

I am therefore writing to respectfully request that the Court establish a multicounty litigation designation in accordance with Rule 4:38A.²

BACKGROUND

The Plaintiffs who have filed their cases thus far are men and women who were sexually abused while confined as children at State juvenile detention facilities, including the New Jersey Training School in Monroe Township, the Lloyd McCorkle Training School in Skillman, the Juvenile Medium Security Facility in Bordentown, the Female Secure Care and Intake Facility in

¹ See Exhibit A for complete list of pending cases.

² Plaintiffs' counsel met and conferred with counsel for Defendant regarding this application. Defendant's counsel indicated that Defendant would oppose the application.

Bordentown, and multiple residential community homes (“RCH”). All of these facilities are owned and operated by the State, who has been named as the Defendant in each case.

While in State custody at these facilities, Plaintiffs suffered horrific sexual abuse at the hands of staff members, including guards, counselors, nurses, and teachers, all of whom were employees and/or agents of the State. As alleged in the various complaints filed by Plaintiffs, the abuse stretches across several decades and evidences a systemic failure on the part of the State to curb such abuse in its juvenile detention facilities.

Plaintiffs allege that they suffered physical injuries, pain, suffering, and emotional and psychological trauma as a result of the abuse they endured as children in the custody of the State. Plaintiffs assert state law claims against the State for negligence; negligent training, supervision, and retention of employees and agents; negligent failure to enact and enforce policies that would prevent sexual abuse; and violation of Plaintiffs’ rights under the New Jersey Constitution.

Plaintiffs have filed their cases pursuant to New Jersey’s Child Sexual Abuse Act (“CSAA”), N.J.S.A. § 2A:61B-1. The CSAA, which was passed in 2019, extended the statute of limitations for claims involving childhood sexual abuse to age 55. Survivors can therefore bring claims regarding abuse that occurred decades ago, resulting in a wide pool of potential claimants across the State.

MULTICOUNTY DESIGNATION IS APPROPRIATE

These cases meet the criteria set forth in the Court’s Multicounty Litigation Guidelines for determining whether designation as multicounty litigation is appropriate.

These cases involve a large number of parties. To date, a total of 108 Plaintiffs have filed cases against the State regarding sexual abuse at the State’s juvenile detention facilities, and we anticipate that many more will be filed over the coming months. Due to the extended statute of limitations under the CSAA, survivors can bring claims regarding abuse that occurred decades ago, resulting in a wide pool of potential claimants.

These cases also involve claims with common, recurrent issues of law and fact. Plaintiffs allege that the State failed at a systemic and policy level to protect children in its custody from sexual abuse. Questions of law and fact regarding the State’s policies and practices—including, but not limited to, policies and practices concerning hiring, training, supervision, and retention of employees, reporting of sexual abuse, and investigation of sexual abuse—are central to Plaintiffs’ claims. There will therefore be significant discovery on the State’s policies and practices that will be common to all cases. Additionally, as detailed in the complaints, many Plaintiffs were abused by the same perpetrators, who were employees and/or agents of the State. Discovery concerning the State’s records on these perpetrators, including records of any abuse reports or investigations, would be common to several cases.

Because Plaintiffs’ claims rest, in part, on allegations concerning statewide policies and practices, there is also a value interdependence between claims. Plaintiffs’ success or failure in proving these allegations in one case may have a significant effect on other cases.

The parties are geographically dispersed and, absent coordination, the claims will be heard by various courts. Plaintiffs were abused at juvenile detention facilities in various counties across the State of New Jersey. Pursuant to Rule 4:3-2(a), these cases have been filed in the counties in which each Plaintiff's cause of action arose—that is, the counties in which each Plaintiff was abused. Thus far, cases have been filed in Middlesex County, Somerset County, and Burlington County, based on the locations of the facilities in which Plaintiffs were abused. The State operates or has operated juvenile detention facilities in several other counties, including Atlantic, Cumberland, Mercer, and Warren Counties. We anticipate that future cases will be filed in these additional counties, unless the Court establishes a multicounty litigation designation.

Multicounty litigation will allow all of these cases to be heard by a jurisdiction, ensuring efficiency in discovery and litigation of common issues, and uniformity of results on important questions common to the cases.

These cases are currently in their infancy. No motion practice or discovery has yet taken place. There is therefore little risk that centralization at this stage would unreasonably delay the progress, increase the expense, or complicate the proceedings of any case.

We anticipate that Defendant will object on the grounds of the following provision in N.J.S.A. § 2A:14-2a(c)(1):

Every action at law for an injury that is commenced pursuant to this section shall proceed on an individual basis, and not proceed on behalf of a class in a class action...

Multicounty litigation is consistent with this provision. Multicounty litigation does *not* convert a case to a class action and is merely a method for case management, as described in the Rule establishing the program:

The Supreme Court may designate a case or category of cases as Multicounty Litigation to receive *centralized management* in accordance with criteria and procedures promulgated by the Administrative Director of the Courts upon approval by the Court.

Rule 4:38A (emphasis added). Centralizing the management of cases that will have significant overlap of legal issues and discovery does not change the nature of the cases. Each Plaintiff's claim will still be subject to individualized proof regarding the abuse that they endured and the damages that they suffered. Centralized management will allow individual cases to proceed while avoiding duplicative efforts on common issues and increasing efficiency for the Court and the parties.

Other jurisdictions have recognized that claims of this nature are appropriate for centralized management. In June 2020, the Philadelphia Court of Common Pleas established a mass tort program for centralized management of over 900 claims of sexual abuse at a juvenile detention center. While each case has remained individual, the mass tort program allowed for these numerous cases to be managed in the most efficient manner possible, with coordinated discovery,

establishment of standardized plaintiff and defendant fact sheets, and a rational trial schedule. *See In re: The Glen Mills Schools Litigation*, Mass Tort Program, Docket No. 900 (Phila. Ct. Common Pleas).

As the number of cases against the State of New Jersey regarding sexual abuse in its juvenile detention centers continues to grow, the parties and the courts will benefit from similar centralized management.

MIDDLESEX IS THE MOST APPROPRIATE VENUE

The Court's Multicounty Litigation Guidelines call for the Court to examine "issues of fairness, geographical location of parties and attorneys, and the existing civil and multicounty litigation caseload" in determining the appropriate venue for centralized management.

The majority of cases filed thus far have been filed in Middlesex County, due to the location of the New Jersey Training School, the State's oldest and largest juvenile detention facility. Of the 108 Plaintiffs who have filed cases to date, 95 have filed their cases in Middlesex County. Due to the age and size of the New Jersey Training School, we expect that the majority of future cases will continue to concern abuse that took place within Middlesex County.

Presently, of the three counties with multicounty litigation programs, Middlesex County has the smallest number of existing litigations, at four litigations, versus the eight and ten in Atlantic County and Bergen County, respectively. It is therefore reasonable and fair for these cases to be managed in Middlesex County.

For these reasons, we respectfully request that the Court designate these cases concerning childhood sexual abuse in the State's juvenile detention facilities for MCL management in Middlesex County.

Respectfully,



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Cc: Hon. Michael A. Toto, Assignment Judge (Via FedEx)
Hon. Michael V. Cresitello, Civil Presiding Judge (Via FedEx)
Hon. Gary K. Wolinetz, J.S.C. (Via FedEx)
Hon. Joseph Rea, J.S.C. (Via FedEx)
Hon. Bina Desai, J.S.C. (Via FedEx)
Hon. Wendy Reek, J.S.C. (Via FedEx)
Hon. James J. Ferrelli, J.S.C. (Via FedEx)
All Known Defense Counsel (Via Electronic Mail)

EXHIBIT A

List of Currently Filed Cases

- *J.A., et al. v. State of New Jersey*, MID-L-000329-24 (Superior Court, Middlesex County)
- *A.R., et al. v. State of New Jersey*, MID-L-001348-24 (Superior Court, Middlesex County)
- *T.C., et al. v. State of New Jersey*, MID-L-002476-24 (Superior Court, Middlesex County)
- *D.R., et al. v. State of New Jersey*, SOM-L-000498-24 (Superior Court, Somerset County)
- *J.G., et al. v. State of New Jersey*, BUR-L-001145-24 (Superior Court, Burlington County)