

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

**SUMMONS**

-----X  
JEANNE METZGER,

Index No.:

Plaintiffs,

Date Purchased:  
May 24, 2021

-against-

Plaintiffs designate Kings  
County as the place of trial.

MYRL MANLEY, M.D., MARK VOGEL, Ph.D.,  
EMMANUEL ARGROS, JAN CHERIPKO, DAWNE  
POSSEMATO, CURTIS NEWSOME, and  
EDUCATION PLUS CORP. d/b/a THE FAMILY  
FOUNDATION SCHOOL,

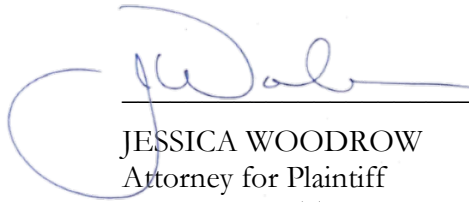
The basis of venue is:  
Defendant's residence.

Defendants.

-----X  
To the above-named defendants:

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the plaintiff's attorneys within twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Sea Cliff, New York  
May 24, 2021



JESSICA WOODROW  
Attorney for Plaintiff  
JEANNE METZGER  
11 Club Road  
Sea Cliff, New York 11579  
(516) 425-5600

Of Counsel:  
KAT THOMAS  
COLLEEN MEENAN  
LAURA GENTILE

To:

MYRL MANLEY, M.D.  
95 Pierrepont Street,  
Brooklyn, New York 11201

MARK VOGEL, Ph.D.  
60 Midland Drive  
Norwich, New York 13815

EMMANUEL ANTHONY ARGIROS  
65 West Front Street  
Hancock, New York 13786

DAWNE POSSEMATO  
258 West Main Street  
Hancock, New York 13783

JAN CHERIPKO  
19 Old Wayne Street  
Bethany, PA 18431-9510

CURTIS NEWSOME  
23 Grand Boulevard  
Binghamton, New York 13905

EDUCATION PLUS, CORP. d/b/a THE FAMILY FOUNDATION SCHOOL  
431 Chapel Hill Road  
Hancock, New York 13783

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

-----X  
JEANNE METZGER,

Plaintiffs,

-against-

Index No.:

**VERIFIED  
COMPLAINT**

MYRL MANLEY, M.D., MARK VOGEL, Ph.D.,  
EMMANUEL ARGROS, JAN CHERIPKO, DAWNE  
POSSEMATO, CURTIS NEWSOME, and EDUCATION  
PLUS CORP. d/b/a THE FAMILY FOUNDATION  
SCHOOL,

Defendants.  
-----X

Plaintiff, as and for her complaint against Defendants, states, upon information and belief, as follows:

1. This action falls within one or more of the exemptions set forth in CPLR § 1602.

2. At the time of the commencement of this action Defendant MYRL MANLEY, M.D. is a resident of the county of Kings, State of New York.

3. Defendant MYRL MANLEY, M.D. was a resident of the county of Kings, State of New York at the time of the acts and omissions set forth herein.

4. Plaintiff is a resident of Ontario, Canada.

5. Defendant EDUCATION PLUS CORP. d/b/a THE FAMILY FOUNDATION SCHOOL is a domestic business corporation with its principal place of business in the county of Delaware, State of New York.

**PRELIMINARY STATEMENT**

6. At the age of 15, plaintiff JEANNE METZGER, was forcibly removed from her home in the middle of the night and driven to Defendants’ institution known as “The Family Foundation School” where she was confined and subjected by Defendants to an institutional campaign of subjugation, coercion, and indoctrination which groomed her to submit to, accept, and

be subservient to the institutional and individual abuse by Defendants, which caused and culminated in the sexual abuse by Defendant CURTIS NEWSOME.

### **CHILD VICTIMS ACT**

7. This action is timely filed pursuant to the Child Victims Act (CVA) 2019 Sess. Law of N.Y. Ch. 11 (S. 2440), CPLR 214-G, and 22 NYCRR 202.72. The CVA opened a historic one-time window for victims and survivors of childhood sexual abuse in the State of New York to pursue lapsed claims which may be filed up until August 14, 2021. The enactment of the CVA allows Plaintiff to pursue restorative justice in New York State.

### **VIOLATIONS OF NEW YORK STATE PENAL LAW (CVA)**

8. From October 24, 2012 through July 27, 2013, when Plaintiff was 15 and 16 years old, Plaintiff was confined to the Family Foundation School, a facility that held itself out as an “educational rehabilitation facility” but, in fact, was an institution which perpetrated unremitting abuse upon the children confined there, while providing little education and no “rehabilitation”.

9. At the Family Foundation School, Plaintiff was repeatedly sexually abused, sexually assaulted, and raped by Defendant CURTIS NEWSOME (NEWSOME), an employee of the Family Foundation School, as a result of the negligence and willful disregard of Defendants, their agents and/or employees.

10. Defendant NEWSOME committed conduct that constituted sexual offenses as defined in article one hundred thirty of the New York Penal Law against Plaintiff while Plaintiff was under 17 years of age.

11. Defendants MYRL MANLEY, M.D., MARK VOGEL, Ph.D., EMMANUEL ARGIROU, JAN CHERIPKO, DAWNE POSSEMATO, and EDUCATION PLUS CORP. d/b/a THE FAMILY FOUNDATION SCHOOL (with CURTIS NEWSOME, collectively “Defendants”) committed acts and omissions which aided, facilitated, and assisted CURTIS NEWSOME in

committing the acts of sexual abuse against Plaintiff. Defendants committed acts of further abuse and injurious conduct in punishing Plaintiff for revealing the sexual abuse by NEWSOME and engaged in a civil conspiracy.

### **PARTIES**

12. Plaintiff JEANNE METZGER resides in Toronto, Ontario, Canada.

13. Defendant MYRL MANLEY, M.D. was and is a resident of the county of Kings, State of New York.

14. At all times alleged herein, Defendant EDUCATION PLUS, CORP., d/b/a THE FAMILY FOUNDATION SCHOOL (hereinafter referred to as "FFS"), located at 431 Chapel Hill Road, Hancock, New York, was a New York Domestic Business Corporation and operated as a private boarding school facility for children in grades "9" through "12." FFS promoted itself as offering daily therapeutic sessions as well as weekly individualized therapy and family therapy sessions, in addition to a providing a curriculum of study for a New York States Regents high school education.

15. At all times hereinafter mentioned, Defendants were acting within the scope of their employment with FFS.

16. At all times hereinafter mentioned, Defendant EMMANUEL ARGIROU, a resident of the State of New York, was an owner, Chief Executive Officer, administrator, and Board of Directors Member of FFS.

17. At all times material, Defendant NEWSOME, a resident of the State of New York was employed by FFS as a school counselor.

18. At all times material, Defendant NEWSOME, provided mental health services to Plaintiff.

19. Defendant NEWSOME provided mental health services under the supervision and license of Defendant MYRL MANLEY, M.D.

20. Defendant NEWSOME provided mental health services under the supervision and license of Defendant MARK VOGEL, Ph.D.

21. Defendant NEWSOME is a former New York State Licensed Master Social Worker whose license was revoked by the New York State Education Department's Office of Professions in a 2016 "Regents Action on Professional Misconduct and Discipline" for willfully abusing and intimidating a patient, the Plaintiff, on the basis of the facts described herein.

22. At all times material, Defendant MYRL MANLEY, M.D., a New York State licensed physician, was employed by FFS as a consulting psychiatrist and responsible for providing mental health treatment to minor students, supervising mental health and counseling treatment provided to minor students, supervising the development, implementation and effectiveness of therapeutic programs and practices at the school to which his minor student patients were subjected and the administration and monitoring of psychotropic medications.

23. At all times material, Defendant MARK VOGEL, Ph.D., a New York State licensed psychologist, was employed by FFS as the school psychologist and responsible for providing mental health treatment to minor students, supervising mental health and counseling treatment provided to minor students, supervising the development, implementation and effectiveness of therapeutic programs and practices at the school to which his minor student patients were subjected.

24. At all times material, Defendants JAN CHERIPKO and DAWNE POSSEMATO were employed by FFS as Family Leaders.

25. At all times material, Defendant FFS, by and through its employees, falsely held itself out to the public, its students and their parents, and to Plaintiff in particular, as a therapeutic residential treatment facility providing a New York State Regents high school education and daily therapeutic counseling as part of a "comprehensive program of instruction with strong emphases on academics, personal and social living skills and psychological, moral and spiritual growth."

26. FFS falsely claimed its program provided “guidance to students who have suffered from any form of arrested development or problem behavior” to develop “morality [that] has its philosophical roots in the principles of the 12 Step self-help programs.”

27. Defendants falsely held themselves out as a “comprehensive program of recovery” offering “positive elements of psychiatric hospitals, drug and alcohol related rehabilitation centers, and private schools” including “twenty-four hour supervision, [...] positive peer support, group and family therapy, a school psychologist, and 12 Step principles.”

28. Defendants, agents of FFS, are vicariously liable for each other’s acts and omissions.

29. Defendants, agents of FFS, engaged in a civil conspiracy.

#### DUTY OF CARE

30. At all relevant times, Defendants, their agents and/or employees, had a duty to use the same degree of care and supervision over the resident students under their care, custody, and control as a reasonably prudent parent would use in the same or similar circumstance.

31. Plaintiff was under the full-time care, custody and control of Defendants and its agents and/or employees at FFS, because Defendants, acting *in loco parentis*, fully put themselves in the situation of a lawful parent by assuming all the obligations incident to the parental relationship and actually discharged those obligations.

32. At all times relevant, a special relationship existed between Plaintiff and Defendants.

33. At all relevant times, Defendants, their agents and/or employees, had a duty to use the same degree of care and supervision over the resident students under their care, custody, and control as a reasonably prudent person would use in the same or similar circumstance.

34. At all relevant times, Defendants, their agents and/or employees, had a duty to reasonably guard against and/or intervene to stop the foreseeable harms that resulted in Plaintiff's injuries.

35. At all times relevant, Defendants owed Plaintiff a duty of honesty, honest representation, and fair dealing.

36. As set forth herein, Defendants violated all of the above standards of care and duties causing Plaintiff to suffer all the injuries caused by the sexual abuse of Plaintiff.

### **FACTS**

37. On October 24, 2012, Plaintiff was woken in the middle of the night by two physically intimidating men. These men handcuffed Plaintiff, confined her in the back of a van, alone, against her will, and drove through the night a distance of approximately 80 miles, from her New Paltz, New York home to FFS in Hancock, New York. Plaintiff was 15 years old.

38. From October 24, 2012 through July 27, 2013, Plaintiff Jeanne Metzger was confined to The Family Foundation School located at 431 Chapel Hill Road, Hancock, New York 13783.

39. Plaintiff Jeanne Metzger never met with a psychologist at the time of her intake at FFS, nor was she informed of the alleged basis or reasons for her confinement.

40. Plaintiff never consented to confinement at FSS.

41. Plaintiff Jeanne Metzger was confined at FSS through the institutional program, protocols, and campaign of physical and psychological abuse and coercion.

42. From January 2013 to July 2013, Defendant NEWSOME sexually abused Plaintiff Jeanne Metzger who was then confined to FFS.



43. From January 2013 through July 2013, Defendant MYRL MANLEY, M.D., prescribed psychiatric medications without performing the numerous regular psychiatric examinations required by the standard of care during this period.

44. Timely and proper psychiatric examinations and counseling sessions should have and would have revealed the sexual abuse and assault by NEWSOME and the standard of care required proper intervention to end the abuse.

45. Defendants FFS and its employees knew or should have known of NEWSOME's sexual abuse of Plaintiff, but ignored it, covered it up, enabled it, denied it, and otherwise created the circumstances that allowed NEWSOME to prey upon and abuse Plaintiff.

46. This institutional campaign of subjugation, coercion, and indoctrination forced Plaintiff and other minors confined at FSS to submit to, accept, and be subservient to, the institutional and individual abuse by Defendants, which caused and culminated in the sexual abuse and assault by Defendant NEWSOME.

47. At all times herein, FFS consisted of a school building (the "School") where classes and therapy took place; a large house containing a kitchen and several "Family Quarters" (the "House"); and, boys' and girls' dormitories.

48. At the time of intake, each newly-confined student, including Plaintiff, was assigned to one of several "Families," the term applied by FFS for groups of students who ate, slept, and attended classes together. Each "Family" had its own "Family Quarters" in the House. Students were instructed to regard their peers as "brothers" and "sisters." Staff and faculty were permanently assigned to one "Family," each of which had a male and a female "Family Leader." Students were instructed to regard the "Family Leaders" as their "mother" and "father."

49. Defendants falsely promised Plaintiff and similarly situated residents the following:  
"The Family offers troubled adolescents and their families a unique alternative to traditional therapeutic settings. The Family's comprehensive program of recovery draws on the

experience of several modalities and provides students with a well-rounded program of instruction. In addition to an individually tailored academic curriculum, The Family offers positive elements of psychiatric hospitals, drug and alcohol related rehabilitation centers, and private schools” including “twenty-four hour supervision, [...] positive peer support, group and family therapy, a school psychologist, and 12 Step principles.”

50. Defendant falsely promised Plaintiff and similarly situated residents in their program as follows:

“The staff members at The Family model the 12 Step principles in their interaction with each other and with the students. Each member of the staff has, as a philosophical base, the principles embodied in the 12 Step self-help recovery programs. [...] The examples set by staff in their application of these principles to their lives offer students a close-up look at people who have found a way to change their lives. This is particularly helpful for students since staff members have suffered from many of the same problems which the students face when they arrive at The Family.”

51. Defendants falsely promised Plaintiff that “therapy is provided for all students and their families,” falsely describing its therapeutic goals as follows:

“The Family counselor guides the family and student toward better understanding of what factors would strengthen the student’s ability to cope with life successfully. The family counselor continuously assesses the degree of support that each student receives from his or her family and bases the course of therapy accordingly.”

52. Defendants falsely promised Plaintiff that staff were selected based on Defendants’ perception that the staff member displayed the following characteristics:

“Underlying and anchoring any specific job description at The Family is the duty of all staff members to support and model certain universal principles contained in The Family School’s philosophy. These principles include the Four Absolutes of love, honest, purity, and unselfishness [...] [The Argiroses] are the heads of the household. They represent the parents of the house. They have a final say on all matters and do not have to explain themselves to students. Other members of staff take on many other surrogate family roles. These roles are not fixed and necessarily depend upon each member’s sex, age, general background, and personality. The students’ individuality will also play a role in the development of their relationships with staff members. Older brother and sister roles are often assumed by staff as well as those of a less directly involved aunt or uncle.”

53. In fact, and contrary to Defendants’ false representations and promises, FFS’ program “treatment” was not therapeutic treatment. Rather, it was punishment and intimidation, and coercive and abusive enforcement of “obedience.” The program incorporated an ever-changing amalgam of

confusing and inconsistent rules, relying on highly public, ritualized punishment, debasement and intimidation. The operating principles included enforced silence, shunning, shaming, bullying, isolation, and punishment designed to demean and humiliate the teen-aged children confined at FFS. The intent and the effect of this campaign of coercion, debasement, and subjugation was to force Plaintiff and the other minors confined at FFS to submit to and accept the abuse, both physical and psychological, leading directly to the sexual abuse of Plaintiff by Defendant NEWSOME.

**A. FFS' Abusive Practices and Policies of Coercion and Subjugation Made it Possible for the Sexual Predator Curtis Newsome to Abuse Plaintiff**

54. The coercive and abusive environment at FFS was compounded by isolation from the outside world. Students confined at FFS were forbidden access to telephones, television, radio, or newspapers.

55. Music and literature that FFS did not consider to be optimistic and/or which did not promote the FFS definition of "Christian values" was prohibited.

56. During Plaintiff Jeanne Metzger's confinement at FFS, faculty members ran sessions FFS called "Table Topics" at mealtimes within each "family" unit. During the co-educational Table Topics, faculty routinely coerced students to stand up at the open end of the "U" formed by the dining tables and publicly "confess" to alleged past "misdeeds." The student's peers, or "Family," who remained seated, were then called upon in turn to loudly and aggressively criticize, scold, berate, and humiliate the subject student. During Table Topics, Defendants encouraged FFS students to suggest and/or create bizarre sanctions for forced confessions of past conduct deemed by FFS to be misconduct.

57. Peers who participated in Table Topics were rewarded, while peers who did not participate faced being "brought up" and subjected to their own Table Topics.

58. During these Table Topics, FFS faculty forced Plaintiff to falsely state that she had engaged in various types of conduct that FFS disapproved of. Plaintiff also was forced to describe in

this public, co-educational forum, before her peers, that she had been sexually molested at the age of seven, after which FFS faculty falsely told Plaintiff, and everyone present that she was a sex addict. Plaintiff's peers were then required, one by one, to express agreement with this false, humiliating, debasing, absurd, and damaging "assessment."

59. Following these Table Topics, Plaintiff was forced to reduce her false "confessions" to a written document, which FFS faculty then used to convince Plaintiff's parents to agree to keep Plaintiff confined at FFS.

60. Defendants and other faculty members punished or "sanctioned" Plaintiff by, *inter alia*, forcing her to remove her shoes and sit or stand in the corner of any room she entered, including at mealtimes; cutting Plaintiff's hair short; forcing her to wear baggy clothing; forbidding Plaintiff from wearing makeup; and, forcing Plaintiff to perform hard manual labor such as carrying buckets of rocks up and down a steep hill or digging her own "grave" with a garden spade.

61. Defendants and other faculty members also punished Plaintiff by placing her on so-called "Blackout" with her peers. Students, including Plaintiff, placed on Blackout were forbidden to speak or be spoken to by anyone for days, weeks, or months.

62. Upon information and belief, Defendants and other faculty members also punished students, including Plaintiff, by rolling them in carpets or blankets, which were held shut by wrapping the student with duct tape from ankles to neck, causing physical and psychological pain and suffering. Students who were "wrapped up" were not permitted to use the bathroom and often soiled themselves, causing further humiliation and suffering. Students were also permitted and/or instructed by staff members to "wrap up" other students.

63. Staff members never received any training or certification in safe Physical Restraint Procedures.

64. FFS students never received any training in safe Physical Restraint Procedures.

65. Defendants and other faculty members also punished students by limiting their food consumption to half-portions of meals or forcing them to eat double portions of meals.

66. Defendants, other faculty members, and other students monitored or “shadowed” Plaintiff, which included watching Plaintiff shower and use the toilet.

67. Throughout Plaintiff’s enrollment at FFS, Defendants ran a “Dog Corps Program,” wherein Defendants trained and handled a team of large, intimidating search and rescue dogs. When students managed to escape from the school, Defendants released these dogs to track, locate, and surround the student until FFS staff arrived. Students were also deputized to run these “search” operations when students fled in the night, so that staff members would not have to be roused and/or inconvenienced in the middle of the night.

68. The punitive and coercive practice and policies created and enforced by Defendants, created an atmosphere of subjection, fear and coercion, through which Defendants allowed, facilitated and assisted NEWSOME to abuse Plaintiff and then covered up the abuse.

**B. Sexual Abuse Perpetrated by Curtis Newsome**

69. NEWSOME claimed to be an ordained minister and conducted religious services for the student body one to two times per week.

70. NEWSOME was a “Family Leader,” in a different “Family” than the FFS “Family” in which Plaintiff was placed.

71. Prior to his employment with FFS, NEWSOME had a criminal history that should have disqualified him from working at FFS or working with adolescents.

72. FFS negligently extended an offer of employment to NEWSOME without verifying the information in his employment application, including his social security number or properly checking his background.

73. Defendants authorized NEWSOME to run a “hip-hop therapy group” at FFS.

74. NEWSOME was widely known to suspend certain of FFS' rules during his group therapy sessions, which enticed students to join his hip-hop therapy group. NEWSOME permitted students to use swear words, chew gum, talk openly about sex and drugs, and other behavior that was strictly against FFS' rules.

75. Throughout his employment, NEWSOME took minor female students to locations on the campus where there were no cameras, including but not limited to his personal office (where he conducted therapy groups), and kissed, fondled, and sexually assaulted female students, including Plaintiff .

76. Often NEWSOME falsely claimed that he was summoning the female student to his private office to assist him with his office computer and then he sexually assaulted and abused the student, including Plaintiff. Other staff members negligently failed to question or investigate this false pretext used by NEWSOME to isolate and prey upon female students including Plaintiff.

77. During his hip-hop group therapy sessions, NEWSOME engaged in verbal sexual abuse, including making sexually suggestive and/or sexually explicit comments to Plaintiff in the presence of other students.

78. At various times, NEWSOME told Plaintiff: "You have the ass of a Black girl;" "Lose a little weight and you'd look great with that top off;" and "You should get breast implants."

79. Beginning in or around January of 2013, NEWSOME physically sexually abused, sexually assaulted, and raped Plaintiff on multiple occasions.

80. At least two or three times per week, for a period of approximately three to five months, NEWSOME telephoned or emailed Plaintiff's teachers, counselors, and "Family Leaders," including Defendants JAN CHERIPKO and DAWNE POSSEMATO, during classes, study hall periods, and in the evening after dinner to request that Plaintiff be sent to his office.

81. Students were not permitted to leave their “Family Quarters” in the evening without the express permission of their “Family Leaders,” even if a staff or faculty member summoned them.

82. When NEWSOME telephoned or emailed to summon Plaintiff, Plaintiff pleaded with Defendants, her teachers, counselors, and/or her “Family Leaders,” including Defendants JAN CHERIPKO and DAWNE POSSEMATO, to allow her to decline, told them that she was sick and/or gave various other excuses to avoid going to NEWSOME’s office, to no avail.

83. When NEWSOME summoned Plaintiff to his office in the evening after dinner, the School was unoccupied so NEWSOME and Plaintiff were alone.

84. When NEWSOME summoned Plaintiff to his office during daytime hours, he closed and locked his office door in violation of strict FFS protocols.

85. Defendants JAN CHERIPKO and DAWNE POSSEMATO required Plaintiff to go to NEWSOME’s office where she was subjected to sexual abuse and rape.

86. Despite Plaintiff’s pleading and crying, Defendants, by and through their employees, including Defendants JAN CHERIPKO and DAWNE POSSEMATO, forced Plaintiff to meet with NEWSOME alone in his office after school hours several times per week.

87. Alone in his office, without consent, and by means of force and coercion, NEWSOME fondled and groped Plaintiff’s breasts and genitals; inserted his fingers into her vagina; exposed his genitals to Plaintiff; forced Plaintiff to perform oral sex on NEWSOME; and had forcible, non-consensual, coerced sexual intercourse with Plaintiff.

88. Defendants, including Defendants CHERIPKO and POSSEMATO knew or should have known that NEWSOME’s summoning Plaintiff to his office under these circumstances several times per week was wrong, inappropriate, dangerous and could subject Plaintiff to sexual abuse and rape.

89. Defendants, including Defendants CHERIPKO and POSSEMATO negligently failed to heed Plaintiff's pleas, negligently failed to investigate the pretexts by NEWSOME, and negligently required Plaintiff to go to NEWSOME's office.

90. To force and coerce Plaintiff to perform sexual acts, NEWSOME threatened Plaintiff that he was completely in control of Plaintiff; that NEWSOME had access to Plaintiff's student records; that NEWSOME knew that Plaintiff's best friend, who was also enrolled at FFS, had a younger brother; and that NEWSOME would fabricate a story to convince Plaintiff's friend's parents to confine the brother at FFS if Plaintiff refused to perform oral sex on NEWSOME or have sexual intercourse with NEWSOME.

91. On multiple occasions, while NEWSOME was sexually assaulting Plaintiff he pointed to his framed degrees on the wall and threatened Plaintiff: "I'm a licensed therapist and you're a drug addict – if you tell anyone they'll believe me, not you." At other times, NEWSOME pointed to a framed Ordination Credential and threatened Plaintiff that it would be her word against a minister's if she reported the sexual assaults.

92. On multiple occasions, the assaults were so violent that Plaintiff suffered vaginal bleeding.

93. On multiple occasions, NEWSOME sexually abused Plaintiff by sending sexually suggestive and/or sexually explicit emails to Plaintiff at her student email address.

94. On multiple occasions, NEWSOME told Plaintiff that he had found an apartment located four blocks away from his home in Binghamton, New York. NEWSOME told Plaintiff that he would rent the apartment and recommend Plaintiff for placement in FFS' "Bridge" program, wherein certain high-ranking students were permitted to live off campus and attend other schools, if Plaintiff agreed to live in the apartment and be available to him at all times to perform sex acts.

**C. Defendants Knew or Should Have Known of Newsome's Abuse of Plaintiff**



95. Defendants knew, or should have known, that NEWSOME regularly summoned only girls from the hip-hop therapy group to his office for individual meetings.

96. Defendants knew, or should have known, NEWSOME never summoned male students to his office for individual meetings.

97. Defendants knew, or should have known, that there was no legitimate purpose for NEWSOME to summon girls from the hip-hop therapy group to his office for individual meetings.

98. The FFS administrators that oversaw the attendance records of the students and monitored the students during study hall periods and in the evening, as well as the named defendant FSS employees, were on notice of Plaintiff's frequent absences to attend NEWSOME, yet willfully, recklessly and/or negligently continued to allow and require her absences to go forward without inquiry, or intercession to stop the improper acts and sexual assaults.

99. Plaintiff was removed by NEWSOME from her classes and "Family Quarters" on a daily and weekly basis without explanation and with the consent of her teachers, counselors and "Family Leaders."

100. Instead of protecting and assisting Plaintiff, or heeding or investigating Plaintiff's pleas not to be required to attend individual meetings with NEWSOME, Defendants, their agents and/or employees, acted with negligence and deliberate indifference, and allowed and created an environment which forced Plaintiff to continue to be removed from classes and from her "Family Quarters" to be sexually abused by her therapist.

101. Defendants, their agents and/or employees had actual knowledge and constructive knowledge of Plaintiff's repeated and regular absences from class and from her "Family Quarters" to meet with the abusive therapist NEWSOME.

102. Defendants, their agents and/or employees knew or should have known that NEWSOME was taking Plaintiff out of her classes and "Family Quarters" to sexually abuse her.

**D. Defendants' Retaliatory Abuse of Plaintiff After Being Informed of the Sexual Abuse Was Furtherance of a Scheme to Coerce Plaintiff to Falsely Recant Her Report of the Abuse by Newsome.**

103. In or around early July of 2013, Plaintiff exited from NEWSOME's office after being sexually abused by NEWSOME when she encountered a fellow student.

104. Plaintiff described NEWSOME's abuse and threats to this student who worked in FFS' main office. By virtue of his student work assignment, this student had unsupervised access to the office telephones. This student called Plaintiff's former high school teacher in New Paltz, New York and informed the teacher of the abuse, who in turn reported the abuse to the police.

105. Shortly thereafter, Plaintiff was escorted by "Family Leader" DAWNE POSSEMATO to the main office and was then interrogated by POSSEMATO and FFS co-owner Rita Argiros (now deceased), Defendant EMMANUEL ARGIRO'S sister. Plaintiff reported NEWSOME's abuse and coercive threats to POSSEMATO and Rita Argiros.

106. After Plaintiff reported NEWSOME's abuse, but before she spoke to the police, POSSEMATO and Rita Argiros retaliated against Plaintiff by imposing "House Blackout," a punishment whereby Plaintiff was forbidden to speak to, look at, or communicate with any other students or faculty members, and they were forbidden from speaking to her.

107. POSSEMATO and Rita Argiros, rather than support Plaintiff, improperly tried to coerce Plaintiff to withdraw the report of sexual abuse by NEWSOME. Only after Defendants were unable to coerce Plaintiff to withdraw her report did Rita Argiros allow Plaintiff to speak to police and file the report of abuse.

108. The day after Plaintiff reported NEWSOME's abuse and coercive threats, Defendants further retaliated and psychologically debased and abused Plaintiff. Defendants assembled all the students of the school into a large circle in the gym.

109. Defendants told the assembled children that a student had accused NEWSOME of sexually assaulting her, but told the assembly of students they did not believe the student.

110. Plaintiff was required to be present during this school-wide assembly. She was crying and shaking uncontrollably throughout the assembly.

111. Defendants thereby revealed to the entire school that Plaintiff was the student who had reported the sexual abuse, causing her humiliation and extreme psychological pain.

112. Immediately following the school assembly, FSS employees POSSEMATO and Rita Argiros further retaliated against and punished Plaintiff by forcing her to remove her shoes and sit or stand in the corner of any room she entered, including at mealtimes; reduced Plaintiff's meal portions; prohibited Plaintiff from using condiments or sugar at meals; prohibited her drinking tea; prohibited Plaintiff from using makeup or wearing her hair loose; forced Plaintiff to cover her hair completely; forced Plaintiff to wear baggy, shapeless clothing; forced Plaintiff to perform hard manual labor; and extended the "House Blackout" shunning sanction indefinitely so that Plaintiff could not speak to, look at, or communicate with any other students or faculty members about anything, including the trauma she had endured. The above-outlined retaliation and punishments remained in place until Plaintiff's parents withdrew her from FFS.

113. On or about July 4, 2013, Defendant NEWSOME resigned his employment at FFS.

114. On July 9, 2013, Defendant VOGEL sent an email to all confined students' parents, advising them of "serious allegations" regarding NEWSOME's behavior which "necessitated a call to the state police," without indicating the necessary and proper information about the nature of the allegations.

115. Defendant VOGEL's final report, dated July 31, 2013, falsely and maliciously claimed Plaintiff seduced the sexual predator NEWSOME, falsely and maliciously stating that during her stay at FFS, Plaintiff had become "more open and blatant in her sexualized behaviors with males,"

revealing “pronounced codependency;” that Plaintiff “acknowledged a history of being mistreated by males, and obviously her codependent behavior opened her up to abusive treatment;” that “[t]owards the end of her tenure she succumbed to the pathological influence of a male staff member and became involved with him sexually;” and further blamed Plaintiff, the victim of the abuse, for Defendant’s abuse. VOGEL’s report falsely and maliciously stated that Plaintiff’s “behavior with males was clearly compulsive and something that she did not have perspective upon.” VOGEL also falsely and maliciously stated in his final report that “[i]n the few weeks following disclosure [Plaintiff] continued to act out with males,” even as he know or should have known that FFS strictly excluded plaintiff Jeanne Metzger from human contact with any other person at FFS. In short, VOGEL’s report falsely and maliciously blamed Plaintiff for the abuse FFS had caused and NEWSOME perpetrated.

116. Defendants, their agents and/or employees knew or should have known that Plaintiff required immediate intensive trauma counseling as a result of NEWSOME’s abuse, but rather, in retaliation, Defendants negligently and maliciously failed and refused to provide such counseling or discuss the abuse at all, falsely stating to Plaintiff’s parents that Plaintiff was receiving trauma counseling.

117. As a result of the alleged causes of action, Plaintiff suffered, and continues to suffer, serious emotional damages.

**AS AND FOR THE FIRST CAUSE OF ACTION  
NEGLIGENCE**

118. Defendants had actual and constructive notice of Defendant NEWSOME’s abuse of Plaintiff.

119. Defendants, their agents and/or employees breached their duty owed to Plaintiff to provide reasonable care, custody, and control and ensure a safe and suitable school and residential environment, which includes but is not limited to the following:

- a. Defendants failed to institute and/or implement and execute proper policies and procedures for safety measures to be taken on the school grounds;
- b. Defendants subjected Plaintiff to an institutional campaign of subjugation, coercion, and indoctrination which groomed her to submit to, accept, and be subservient to the institutional and individual abuse by Defendants, which caused and culminated in the sexual abuse by Defendant NEWSOME;
- c. Defendants failed to properly notify, train, and otherwise educate students and employees concerning the impropriety of sexual and non-sexual touching, sexual relations with students, and proper identification and intervention of foreseeable sexual abuse occurrences;
- d. Defendants failed to create and/or follow a safety protocol and any corresponding and related rules, regulations, policies, practices, and procedures that would have discovered, prevented, and/or intervened the causes of action that resulted in Plaintiff's injuries; and
- e. Defendants retaliated against Plaintiff for reporting the abuse.

120. Defendants, their agents, servants and/or employees, had the duty, knowledge, and opportunity to intervene and prevent the sexual abuse perpetrated against Plaintiff and negligently failed to do so.

**AS AND FOR THE SECOND CAUSE OF ACTION  
NEGLIGENT SUPERVISION**

121. Defendants MYRL MANLEY, M.D. and MARK VOGEL, Ph.D. failed their legally required duty to supervise Defendant NEWSOME, as a LMSW, and failed their legal duty to assure that NEWSOME adhered to all ethical and clinical standards of the profession.

122. Defendants MYRL MANLEY, M.D. and MARK VOGEL, Ph.D. negligently provided cover but not control of Defendant NEWSOME, as a LMSW, aiding and allowing him to sexually abuse Plaintiff.

123. Defendants MYRL MANLEY, M.D. and MARK VOGEL, Ph.D. failed to supervise, discover, intervene, and come to the aid or rescue of Plaintiff, placing her in an inadequately supervised, dangerous residential environment, in which it was reasonably foreseeable that criminal sexual misconduct and sexual abuse could occur.

124. All defendants, their agents, servants and/or employees, failed to discover, intervene, and come to the aid or rescue of Plaintiff, after placing her in an inadequately supervised, dangerous residential environment, in which it was reasonably foreseeable and known that criminal sexual misconduct and sexual abuse could have occurred.

125. All defendants, their agents and/or employees, failed to properly observe, supervise, and monitor areas where it was known and foreseeable that students could be victims of damaging sexual touch, sexual misconduct, sexual assault and abuse, grooming students, and wrongful relationships.

126. All defendants, their agents and/or employees, were negligent in failing to provide sufficient, competent, and qualified teachers, aides, instructors, social workers, and school personnel for the care and supervision of Plaintiff and other similarly situated students; in failing to enact, adopt, and enforce a program intended to create a school environment that is free from foreseeable wrongful touch, sexual misconduct, sexual assault and abuse, grooming students, and inappropriate relationships.

**AS AND FOR THE THIRD CAUSE OF ACTION  
NEGLIGENT HIRING, NEGLIGENT RETENTION, AND NEGLIGENT TRAINING**

127. Prior to rape, sexual assault, and sexual abuse perpetrated against Plaintiff as described herein, Defendants, their agents and/or employees, knew or should have known NEWSOME was a dangerous predator, had a propensity to perpetrate sexual misconduct, was not qualified, and posed a risk to students at FFS, including Plaintiff.

128. Defendants, their agents and/or employees, knowingly, negligently, recklessly, and carelessly placed NEWSOME in a position to cause foreseeable harm, which would not have occurred had Defendants taken reasonable care in the decisions respecting the hiring and retention of NEWSOME.

129. Defendants, their agents and/or employees, failed to properly investigate and take appropriate measures to evaluate NEWSOME's employment and fitness prior to when he was hired and retained at FFS.

130. Defendant NEWSOME had a history that disqualified him from working with the minors confined at FFS.

131. Defendants FFS and its employees knew or should have known of NEWSOME's history, including but not limited to criminal activity and his propensity to perpetrate sexual misconduct and other wrongful acts which disqualified him from a position of trust at the facility.

132. Defendant NEWSOME provided false information during his employment application to FSS.

133. A reasonable and proper employment process would have revealed the lies by NEWSOME during the application process and would have disqualified him from employment.

134. Defendants, their agents and/or employees, failed to engage in a proper screening process by which potential hires including NEWSOME were evaluated on their fitness to be employed and supervise minors in a residential treatment center.

135. Defendants, their agents and/or employees, failed to properly instruct and train employees on the rules, guidelines, policies, regulations, procedure, and policies for inappropriate or wrongful touch, sexual misconduct, sexual assault and abuse, grooming students, and inappropriate relationships.

136. Defendants, their agents and/or employees, failed to institute and implement policies and procedures, including appropriate supervision of students, sufficient to ensure student safety and protection from inappropriate or wrongful touch, sexual misconduct, sexual assault and abuse, grooming students, and inappropriate relationships.

137. As a direct and proximate result of Defendants, its agents and/or employees' negligent hiring, negligent supervision, negligent retention, and negligent training, Plaintiff sustained in the past and will sustain in the future pain and suffering.

**AS AND FOR THE FOURTH CAUSE OF ACTION  
BREACH OF FIDUCIARY DUTY AS LOCUS PARENTIS**

138. Defendants, their agents and/or employees, willingly and knowingly undertook a special duty of care, custody and control over Plaintiff while Plaintiff was a full-time residential student at FFS.

139. Defendants, their agents and/or employees, deprived Plaintiff of the protection of her parents or guardians while Plaintiff was a student resident living full time at Defendants' school in their physical custody. As such, Defendants acted *in loco parentis*, in that Defendants fully put themselves in the situation of a lawful parent by assuming all the obligations incident to the parental relationship and actually discharging those obligations.

140. Defendants, their agents and/or employees, had a nondelegable and special duty to Plaintiff to reasonably protect Plaintiff from the foreseeable harms of the sexual abuse and assaults by Defendants' agents and/or employees at FFS, and to act as a reasonably prudent parent to Plaintiff while Plaintiff was residing at FFS under Defendants' full time care, custody and control.

141. Defendants, their agents and/or employees, breached their duty to Plaintiff by negligently, carelessly, and recklessly falling below the applicable standard of care owed to Plaintiff and similarly situated students.



142. Defendants knew that Plaintiff was under the disability of infancy while Plaintiff was under the care, custody, and control of Defendants.

143. Defendants knew that Plaintiff required immediate trauma intervention after they became aware of the sexual abuse.

144. Defendants and their agents and/or employees, knowingly, willfully, recklessly, and with gross negligence breached its duty of care to protect Plaintiff against the harms and injuries caused by child sexual abuse.

145. Defendants, their agents and/or employees, knowingly, willfully, recklessly, and with gross negligence breached its duty of care by failing to protect and promote Plaintiff's right to personal privacy.

146. Defendants, their agents and/or employees, knowingly, willfully, recklessly, and with gross negligence breached its duty of care by failing to protect and promote Plaintiff's right to be free from all forms of sexual abuse.

147. Defendants, their agents and/or employees, knowingly, willfully, recklessly, and with gross negligence breached its duty of care by failing to provide trauma intervention therapy when it became aware of the sexual abuse, despite representing to Plaintiff's parents that Defendant was providing such treatment.

**AS AND FOR THE FIFTH CAUSE OF ACTION  
PROFESSIONAL PSYCHOLOGICAL AND MEDICAL PSYCHIATRIC MALPRACTICE**

148. At all times mentioned herein the defendants, MYRL MANLEY, M.D., MARK VOGEL, Ph.D., their agents, servants and/or employees were negligent in the care rendered for and on behalf of Plaintiff; failed to properly examine and treat Plaintiff; improperly evaluated Plaintiff; failed to perform the proper and timely consultations; failed to personally evaluate patient on a timely basis; failed to perform indicated treatments; improperly performed indicated

treatments; failed to properly diagnose Plaintiff's condition; misdiagnosed Plaintiff's condition; departed from appropriate and necessary practice and procedures in services rendered to Plaintiff; failed to heed or appreciate the significance of the signs and symptoms exhibited by Plaintiff; engaged in a pattern of neglect; failed to give Plaintiff proper and necessary medical information; failed to follow good practice in the care and treatment rendered to Plaintiff; failed to properly identify and treat Plaintiff's condition and/or to prescribe a proper course of treatment for Plaintiff; failed and neglected to use reasonable care in the services and care rendered for and on behalf of Plaintiff; failed to properly diagnose and treat Plaintiff's condition; departed from accepted medical practices and services rendered for and on behalf of Plaintiff; and were otherwise being negligent, careless, and reckless in the diagnosis and treatment of Plaintiff.

149. As a result of the foregoing, Plaintiff, was sexually assaulted by Defendant NEWSOME and was permanently injured and disabled.

150. As a result of the foregoing, Plaintiff, was damaged in a sum in excess of the jurisdictional limits of all lower courts that would otherwise have jurisdiction.

**AS AND FOR THE SIXTH CAUSE OF ACTION  
PROFESSIONAL SOCIAL WORK MALPRACTICE**

151. Defendants individually and by their employees, agents, and/or licensees, provided psychological and social work care to Plaintiff.

152. Plaintiff received the professional care of Defendants for certain complaints, and Defendants, their agents, servants and employees rendered psychological and social work care, diagnosis, treatment and services to Plaintiff.

153. Defendants held themselves out as providing legitimate psychological, social work, and professional services, but instead acted negligently, neglectfully, incompetently, and unprofessionally towards and regarding Plaintiff.

154. The above care, diagnosis, treatment and/or services rendered to Plaintiff were rendered carelessly, unskillfully, negligently, and not in accordance with accepted standards of psychological social work care, diagnosis, treatment and services in the community.

155. Defendants violated all standards, rules, oaths and protocols of various professional organizations and licensing authorities concerning the treatment of patients and/or clients.

156. Defendants, their agents, servants, partners, and employees were negligent in the treatment, services and care rendered to and on behalf of Plaintiff in failing to use reasonable care in the services and care rendered to and on behalf of the Plaintiff in injuring her.

**AS AND FOR THE SEVENTH CAUSE OF ACTION  
LACK OF INFORMED CONSENT**

157. Defendants, their agents, servants and employees, failed to inform Plaintiff or her parents of the reasonably foreseeable risks and benefits of, and alternatives to, the treatment proposed and rendered, which would have been disclosed by a reasonable mental health practitioner in similar circumstances, in consequence of which Defendants failed to obtain an informed consent thereto.

158. A reasonably prudent person in the position of Plaintiff or her parents would not have undergone the treatment and diagnosis rendered herein if she or her parents had been fully informed, and the lack of said informed consent is a proximate cause of the injuries for which recovery is sought.

**AS AND FOR THE EIGHTH CAUSE OF ACTION  
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

159. Defendants, their agents and/or employees negligently, carelessly, and recklessly caused emotional distress to Plaintiff.

160. As a direct and proximate result of Defendants', their agents' and/or employees' negligent infliction of emotional distress, Plaintiff sustained in the past and will sustain in the future pain and suffering.

**AS AND FOR THE TENTH CAUSE OF ACTION  
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

161. The acts complained of were extreme, outrageous, intolerable, and beyond the bounds of a civilized society.

162. The acts complained of were extreme, outrageous, intolerable, and beyond the bounds of decency tolerated in this society.

163. Defendants' actions were intentionally designed to cause Plaintiff severe emotional distress or were taken with reckless disregard of the significant and/or substantial probability of causing Plaintiff severe emotional distress.

164. As a direct and proximate result of Defendants', their agents' and/or employees' intentional infliction of emotional distress, Plaintiff sustained in the past and will sustain in the future pain and suffering.

**AS AND FOR THE ELEVENTH CAUSE OF ACTION  
BREACH OF CONFIDENTIALITY**

165. At all times relevant herein, Plaintiff relied on the fiduciary and confidential relationship between Defendants and herself, as well as statutory and/or common law guarantees of confidentiality in the therapist-patient relationship.

166. Defendants had a duty to maintain Plaintiff's confidentiality.

167. Defendants breached their duty of confidentiality.

**AS AND FOR THE TWELFTH CAUSE OF ACTION  
FRAUD, FRAUDULENT CONCEALMENT AND PRIMA FACIE TORT**

168. Defendants expressly made false promises, and represented to Plaintiff and her parents on their website, promotional materials, informational materials, initial interview/intake to provide a safe, supportive and therapeutic environment.

169. Defendants falsely represented to Plaintiff on their website, promotional materials, informational materials, and initial interview/intake to a provide a safe, supported, and supervised living environment to work towards her goals and receive a high school diploma.

170. Defendants expressly misrepresented to Plaintiff that it would provide 24-hour supervision and support in a therapeutic environment that emphasized safety and positive behavioral choices.

171. Defendants expressly misrepresented to Plaintiff on their website, promotional materials, informational materials, initial interview/intake, that it would ensure Plaintiff was provided with a safe, supervised, and supported residential and school environment.

172. The aforementioned representations were materially false, in that, Plaintiff was not provided with a reasonably safe, secure, supervised and monitored residential environment, and was instead subjected to sexual misconduct, sexual assault and abuse, inappropriate and wrongful touching, grooming, and an inappropriate relationship perpetrated against her.

173. The existence of the special relationship imposes a duty on Defendants to impart correct information to Plaintiff.

174. It was reasonable and justified for Plaintiff to rely on the misrepresentations made by Defendants.

175. Defendant's false promises imposed duties, obligations, and responsibility on Defendants and its employees and agents to provide the aforementioned protections, services, access to education, information, and safe and secure educational and residential environment.

176. Defendants promised the implementation and execution of the aforementioned policies, rules, and procedures as part of a package of therapy and education related goods and services, to encourage students and potential students, and their parents, to enroll and attend The Family Foundation School, and to allow their children to enroll and attend The Family Foundation School.

177. Defendants violated their promises to Plaintiff by failing to provide Plaintiff with the aforementioned protections, services, access to education, information, and safe and secure educational and residential environment.

178. Defendants engaged in a lawful act or series of acts not giving rise to some other tort or cause of action.

179. Defendants engaged in ongoing and/or continuing lawful conduct not giving rise to some other tort or cause of action.

180. Defendants acted with disinterested malevolence and/or maliciously intended to harm plaintiff.

181. Defendants solely acted with disinterested malevolence and/or maliciously intended to harm plaintiff.

182. Defendants caused special damages.

183. Defendants' act or acts were not justified and/or excused.

184. Defendants committed fraud, misrepresentation, and prima facie tort.

185. As a direct and proximate result of Defendants, their agents and/or employees' lies, fraud and prima facie tort, Plaintiff sustained in the past and will sustain in the future pain and suffering and special damages.

**AS AND FOR THE THIRTEENTH CAUSE OF ACTION  
ABSOLUTE LIABILITY AND NEGLIGENCE PER SE**

186. Pursuant to Child Protective Service Act of 1973, N.Y. Soc. Serv. Law § 411 et seq., (hereinafter “Child Protective Services Act”) Defendants, their agents and/or employees had a statutory duty to report reasonable suspicions of child abuse to the appropriate authorities.

187. At all times relevant and pursuant Child Protective Services Act, Defendants were “mandatory reporters” required to report or cause a report to be made when they had reasonable suspicions of child sexual abuse.

188. In violation of the Child Protective Services Act, Defendants failed in their statutory duty to report any and all reasonable suspicions of child sexual abuse perpetrated by Defendant NEWSOME and other named Defendants.

189. Pursuant to section 420 of the Child Protective Services Act, by knowingly and willfully failing to report reasonable suspicions of child sexual abuse, Defendants are “civilly liable for the damages proximately caused by such failure” (N.Y. Soc. Serv. Law § 420).

190. Plaintiff was a member of a class for which this statute is designed to protect from child abuse.

191. Defendants knew or should have known and/or witnessed the sexual abuse of minors and/or had a reasonable suspicion that children before them were being sexually assaulted and failed to report.

192. As a direct and proximate result of Defendants, their agents and/or employees’ violation of Child Protective Services Act, Plaintiff sustained in the past and will sustain in the future pain and suffering.

### **CIVIL CONSPIRACY**

193. The acts and omissions set forth herein were part and parcel of a common scheme to intimidate, abuse, and coerce Plaintiff and other students, which facilitated and furthered the sexual abuse of Plaintiff, and constitutes civil conspiracy.

**DAMAGES**

194. By reason of all the foregoing, Plaintiff was damaged in a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

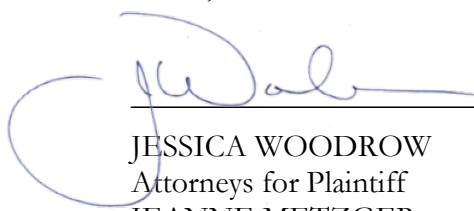
195. By reason of all of the foregoing, Plaintiff was caused to sustain serious injuries in that her reputation was damaged; her good name was damaged; she has suffered shame, depression, embarrassment, mental strain, mental anguish, mental distress, extreme emotional distress and humiliation. And, she has lost trust in medical and other professionals, and as a result of said injuries Plaintiff has been caused to incur and will continue to incur expenses for professional and/or medical care; and Plaintiff was and will continue to be rendered unable to perform her normal activities and duties and has sustained a resultant loss therefrom.

196. Defendants' acts and omissions were negligent, grossly negligent, malicious, intentional, wanton, and so reckless as to amount to a conscious disregard of the plaintiff and justify the award of punitive damages.

**WHEREFORE**, Plaintiff demands judgment against the defendants herein, in a sum exceeding the jurisdictional limits of all lower courts, together with punitive damages, and the costs and disbursements of this action.

Dated: Sea Cliff, New York  
May 24, 2021

Yours, etc.



JESSICA WOODROW  
Attorneys for Plaintiff  
JEANNE METZGER  
11 Club Road  
Sea Cliff, New York 11579  
(516) 425-5600



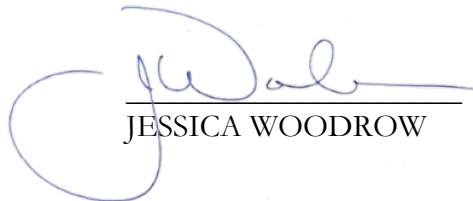
## VERIFICATION

JESSICA WOODROW, an attorney duly admitted to practice before the Courts of the State of New York, affirms the following to be true under the penalties of perjury:

I am an attorney for Plaintiff. I have read the annexed COMPLAINT and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters, I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my files.

This verification is made by me because Plaintiff is not presently in the county where our offices are maintained.

Dated:           Sea Cliff, New York  
                  May 24, 2021



JESSICA WOODROW

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

-----X  
JEANNE METZGER,

Plaintiffs,

-against-

MYRL MANLEY, M.D., MARK VOGEL, Ph.D.,  
EMMANUEL ARGIROS, JAN CHERIPKO, DAWNE POSSEMATO,  
CURTIS NEWSOME, and  
EDUCATION PLUS CORP. d/b/a THE FAMILY FOUNDATION  
SCHOOL,

Defendants.  
-----X

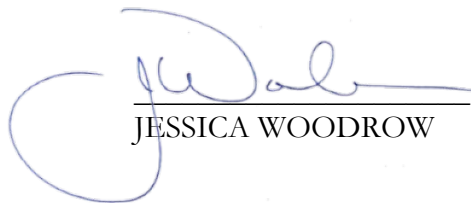
Index No.:

**CERTIFICATE  
PURSUANT TO  
CPLR § 3012-a**

JESSICA WOODROW, an attorney duly admitted to practice before the courts of this State, and  
an attorney for Plaintiff, affirms the following to be true under penalties of perjury:

I have reviewed the facts of the within action and consulted with a physician, who is licensed to practice  
in New York State and who is knowledgeable in the relevant issues involved in the within action. Based on  
this review and consultation, I have concluded there is a reasonable basis for the commencement of this action.

Dated: Sea Cliff, New York  
May 24, 2021

  
\_\_\_\_\_  
JESSICA WOODROW