

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF THE BRONX

JANE DOE,

Plaintiff,

-against-

OHEL CHILDREN’S HOME AND FAMILY
SERVICES, INC.; THE CITY OF NEW YORK; and
MOSHE AHARON JACOBS,

Defendants.

Index No. 70052/2020E
Date Purchased: June 30, 2020

SUMMONS

Plaintiff’s Address:
Bronx, NY

Basis for Venue:
CPLR § 503(a)

TO THE ABOVE-NAMED DEFENDANTS:

OHEL CHILDREN’S HOME AND FAMILY SERVICES, INC.
1268 East 14th Street
Brooklyn, NY 11230

THE CITY OF NEW YORK
New York City Law Department
100 Church Street
New York, NY 10007

MOSHE AHARON JACOBS
Address Currently Unknown
State of Israel

YOU ARE HEREBY SUMMONED to answer the Complaint in this action and to serve a copy of your Answer on Plaintiff’s counsel within twenty (20) days of the service of this Summons, exclusive of the day of service (or within 30 days after service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

Plaintiff hereby designates Bronx County as the place of trial pursuant to CPLR § 503(a).

DATED: New York, New York
June 30, 2020

CUTI HECKER WANG LLP



By: _____

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Attorneys for Plaintiff

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

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JANE DOE,

Index No. 70052/2020E

Plaintiff,

**COMPLAINT AND JURY
DEMAND**

-against-

OHEL CHILDREN’S HOME AND FAMILY
SERVICES, INC.; THE CITY OF NEW YORK; and
MOSHE AHARON JACOBS,

Defendants.

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Plaintiff Jane Doe,¹ by and through her attorneys, Cuti Hecker Wang LLP, for her
Complaint alleges as follows:

INTRODUCTION

1. This action seeks redress for the brutal and traumatizing rapes and sexual abuse that Plaintiff suffered as a young child at the hands of Defendant Moshe Aharon Jacobs while in the legal custody and under the supervision of Defendants Ohel Children’s Home and Family Services, Inc. (“Ohel”) and the City of New York (the “City”).

2. Ohel is a Jewish foster care agency whose mission includes placing biologically Jewish foster children in Orthodox Jewish foster homes. As this particularly tragic case demonstrates, by placing undue emphasis on connecting biologically Jewish foster children with Orthodox Jewish foster homes, at the expense of adequately vetting and monitoring the foster

¹ Plaintiff suffered the sexual abuse at issue in this action when she was a child. Plaintiff is proceeding under the pseudonym “Jane Doe” and is not publicly disclosing her name in order to maintain her anonymity in this sexual abuse case. A motion to proceed anonymously by proposed order to show cause is being filed simultaneously with this Complaint.

homes in conformance with clear legal requirements, Ohel placed Plaintiff in a gravely dangerous home, ignored obvious warning signs, and failed to take even the most basic steps to ensure Plaintiff's safety. Ohel's actions and inaction caused Plaintiff to be repeatedly sexually abused by Defendant Moshe Aharon Jacobs.

3. When Ohel was explicitly confronted with the fact that Plaintiff had been repeatedly sexually abused by Defendant Moshe Aharon Jacobs, it and its case workers still failed to protect her. Indeed, Ohel and its case workers instead attacked this little girl, falsely branding her a liar. Ohel preferred to sweep the facts under the rug than bring a Jewish home into disrepute. Indeed, Ohel and its case workers even hid her abuse from Plaintiff's eventual adoptive parents, preventing them from providing her with the validation, support, and care she desperately needed.

4. Incredibly, Ohel and its case workers stood by idly as Defendant Moshe Aharon Jacobs continued to have frequent contact with Plaintiff for the duration of her childhood.

THE PARTIES

5. Plaintiff Jane Doe is an individual who resides in Bronx County, New York.

6. Defendant Ohel Children's Home and Family Services, Inc. is a New York not-for-profit corporation that is headquartered in Kings County, New York.

7. Defendant the City of New York is a municipal corporation duly incorporated and existing pursuant to the laws of the State of New York. At all times relevant hereto, Plaintiff was in the legal custody of the City, through its child welfare agency.

8. Upon information and belief, Defendant Moshe Aharon Jacobs is a resident of Jerusalem, Israel.

JURISDICTION AND VENUE

9. This Court has jurisdiction pursuant to N.Y. C.P.L.R. §§ 301, 302(1), and 302(2).

10. Venue is proper in this county pursuant to N.Y. C.P.L.R. §§ 503(a), 503(c), 504(3), and § 509.

11. This action is subject to the rules set forth in 22 N.Y.C.R.R. § 202.72 governing cases brought pursuant to CPLR 214-g.

JURY DEMAND

12. Plaintiff hereby demands a trial by jury.

FACTUAL ALLEGATIONS

13. Plaintiff was born in 1975 in what was then a part of the Soviet Union.

14. Plaintiff is biologically Jewish, though during her early years she was not raised in a religious home.

15. Plaintiff and her birth mother immigrated to the United States when Plaintiff was approximately three and a half years old. They settled in New York City and did not practice any religion.

16. Plaintiff's mother suffered from significant mental illness, most likely bipolar disorder.

17. When Plaintiff was approximately five years old, she was removed from her mother's home by the City, through its child welfare agency, then known as the Bureau of Child Welfare or the Child Welfare Administration.

18. Upon information and belief, the City removed Plaintiff from her mother's home because her mother was behaving erratically due to her mental illness and because Plaintiff had not been attending school. Plaintiff's mother was psychiatrically hospitalized.

19. The City placed Plaintiff in the custody of Ohel, pursuant to a written agreement through which Ohel was to place Plaintiff in a suitable foster home and appropriately monitor Plaintiff's placement.

20. Plaintiff was in foster care under the supervision of Ohel for approximately five or six years during the 1980s. During this period, she was placed in approximately five or six different foster homes.

21. Each of the foster homes in which Plaintiff was placed was an Orthodox Jewish home. This is not a coincidence. Ohel is a Jewish agency, and its mission includes placing biologically Jewish foster children in Orthodox Jewish foster homes.

22. Ohel's paramount placement goal is to place biologically Jewish foster children in Orthodox Jewish foster homes.

23. Ohel places a higher priority on placing biologically Jewish foster children in Orthodox Jewish foster homes than on placing foster children in safe and appropriate foster homes.

24. As such, Ohel often does not adequately vet its prospective foster homes.

25. When Plaintiff was approximately six, seven, or eight years old, Ohel placed her in a foster home in Elizabeth, New Jersey consisting of Defendant Moshe Aharon Jacobs, his wife, Ceil Rose Jacobs, and their two daughters, who were approximately fourteen years old and approximately twelve years old, respectively.

26. Upon information and belief, Ohel did not adequately vet the Jacobs home.

27. Ohel was content to place Plaintiff in the Jacobs home, without adequately vetting it, because it was an Orthodox Jewish home.

28. Upon information and belief, Plaintiff's placement in the Jacobs home required compliance with the Interstate Compact on the Placement of Children.

29. Upon information and belief, Plaintiff's placement in the Jacobs home required Defendant Jacobs to perform certain services in New York, including submitting to oversight and complying with requirements established by Ohel, by the New York Family Court, and by New York law.

30. During Plaintiff's placement in the Jacobs home, New York law imposed clear and strict requirements on Ohel regarding the frequency with which its case workers were to make physical contact with Plaintiff, including in the Jacobs home.

31. Upon information and belief, Ohel flagrantly ignored and failed to comply with these clear and strict legal requirements.

32. Upon information and belief, during Plaintiff's placement in the Jacobs home, Ohel's case workers failed to make physical contact with Plaintiff anywhere close to the number of times that the law required.

33. Upon information and belief, during Plaintiff's placement in the Jacobs home, Ohel's case workers failed to visit the Jacobs home anywhere close to the number of times that the law required.

34. At some point during this placement, Defendant Moshe Aharon Jacobs began subjecting Plaintiff to severe sexual abuse, including repeatedly raping her vaginally and repeatedly forcing her to perform oral sex on him.

35. These sexual assaults became increasingly violent, to the point where Plaintiff feared for her life during the assaults.

36. Plaintiff began to develop physical problems, which naturally should have raised questions about whether she was being adequately cared for in the Jacobs home. For example, Plaintiff frequently had vaginal and throat infections.

37. Plaintiff began to act out in school in a very sharp and noticeable way, which naturally should have raised questions about whether she was being adequately cared for in the Jacobs home.

38. During this period, Plaintiff was very thin and presented clearly as being terrified of authority.

39. There were other clear and specific warning signs, such as, for example, the fact that Defendant Moshe Aharon Jacobs often disposed of sheets that Plaintiff had bled on during and shortly after she was abused.

40. During her placement in the Jacobs home, Plaintiff frequently had nightmares, accidents, bleeding, and pain.

41. When on rare occasions an Ohel case worker did make contact with Plaintiff, the contacts were very brief, no longer than a few minutes.

42. When on rare occasions an Ohel case worker did make contact with Plaintiff in the Jacobs home, the contacts were invariably in the presence of Defendant Moshe Aharon Jacobs and his wife, so that Plaintiff was not able to be candid about the abuse she was experiencing.

43. Had Ohel abided by its legal obligations and adequately monitored Plaintiff's placement in the Jacobs home, it would have discovered that Plaintiff was being sexually abused by Defendant Moshe Aharon Jacobs.

44. On information and belief, the primary reason why Ohel failed to abide by its legal obligations and adequately monitor Plaintiff's placement in the Jacobs home was that Ohel focused on placing children in Jewish homes and prioritized connecting Jewish foster children with Jewish foster families over child safety.

45. During her placement in the Jacobs home, Plaintiff affirmatively reported to an Ohel case worker that she had been sexually assaulted by Defendant Moshe Aharon Jacobs. Specifically, Plaintiff reported to the Ohel case worker that she had been sexually abused and that as a result she had vaginal pain that made it difficult to sit comfortably.

46. The Ohel case worker and her Ohel colleagues told Plaintiff that they did not believe her.

47. Ohel nevertheless decided to remove Plaintiff from the Jacobs home.

48. In the process of doing so, the Ohel case worker blamed Plaintiff, causing her further harm. The case worker told Plaintiff that she supposedly could no longer live in the Jacobs home because she had lied about what Defendant Moshe Aharon Jacobs had done to her.

49. When Ceil Jacobs, Defendant Moshe Aharon Jacobs's wife, said goodbye to Plaintiff, Ceil Jacobs sobbed uncontrollably and told Plaintiff, in substance, that she was so sorry for what had happened with Defendant Moshe Aharon Jacobs, that it was not Plaintiff's fault, and that she (Ceil Jacobs) felt unable to stop it.

50. Incredibly, after Ohel removed Plaintiff from the Jacobs home because she had reported being sexually abused there, Defendant Moshe Aharon Jacobs continued to have contact with Plaintiff.

51. Defendant Moshe Aharon Jacobs repeatedly called Plaintiff after Ohel placed her in another foster home.

52. Plaintiff even spent a weekend at the Jacobs home after Ohel placed her in another foster home.

53. Upon information and belief, Ohel was aware that Defendant Moshe Aharon Jacobs was continuing to have contact with Plaintiff, and even hosted her at his home for a weekend, after Plaintiff had reported that he had sexually assaulted her.

54. During her ensuing foster care placements, Plaintiff exhibited troubling behavior. She would scream uncontrollably in her sleep. Even though she was highly intelligent, she fell far behind in school. Ohel's case workers did little or nothing to investigate these clear warning signs.

55. At one point, Plaintiff was returned to her mother, but that did not go well. Plaintiff's mother's behavior was very erratic, and Plaintiff stopped going to school because she did not want to leave her mother alone.

56. During Plaintiff's placement with her mother, Ohel was responsible for monitoring the home, including by visiting Plaintiff in the home. During this period, Ohel and its case workers seldom if ever made contact with Plaintiff, in flagrant violation of the legal requirements that governed.

57. While Plaintiff was living with her mother, she fell and broke her arm, causing suspicion that she was being physically abused. Her mother caused a commotion while Plaintiff was in the hospital, and Plaintiff was once again removed from her mother's home.

58. Plaintiff was in the hospital for approximately ten days to two weeks, but no Ohel case worker visited her during this period.

59. Ohel then placed Plaintiff in foster care with the man and woman who eventually became her adoptive parents. Plaintiff was approximately eleven years old at the time.

60. Ohel and its case workers did little or nothing to vet Plaintiff's adoptive parents. This is true even though Plaintiff's adoptive parents had no children and no experience caring for a child.

61. The reason why Ohel and its case workers did little or nothing to vet Plaintiff's adoptive parents prior to placing Plaintiff with them is that Plaintiff's adoptive parents are Orthodox Jewish, and Ohel and its case workers prioritized placing biologically Jewish foster children with Orthodox Jewish families above all else, including their well-being and safety.

62. Ohel informed Plaintiff's adoptive parents that if they did not take her in, she would be placed in a non-Jewish home.

63. Plaintiff's adoptive parents agreed to take her in, even though they had misgivings about their readiness to care for her, because they did not want her to be placed in a non-Jewish home.

64. Ohel gave Plaintiff's adoptive parents virtually no training or guidance about how to be good foster parents.

65. Incredibly, Ohel never even informed Plaintiff's adoptive parents, at any time before, during, or after Plaintiff's placement with them, that Plaintiff had reported being sexually abused during a prior foster care placement.

66. Had Plaintiff's adoptive parents been made aware that Plaintiff had reported being sexually abused during a prior foster care placement, they could have and would have gotten Plaintiff the treatment she badly needed to address her severe trauma.

67. Ohel told Plaintiff's adoptive parents that Plaintiff was Ohel's toughest case and that Plaintiff was a compulsive liar. Ohel had no legitimate basis to brand Plaintiff as a liar.

68. Incredibly, Plaintiff – who at some point suppressed her memories of being abused by Defendant Moshe Aharon Jacobs, which is common among survivors of severe sexual abuse – continued to have contact with Defendant Moshe Aharon Jacobs after she was placed with her adoptive parents.

69. Indeed, when Plaintiff got married years later, Defendant Moshe Aharon Jacobs attended the wedding.

70. Plaintiff's adoptive parents never would have allowed Defendant Moshe Aharon Jacobs to remain in contact with Plaintiff if Ohel had informed them that Plaintiff had reported being sexually abused by him.

71. Between the time that Plaintiff was placed in foster care with her adoptive parents and the time that they legally adopted her, Ohel was responsible for monitoring Plaintiff's placement in that home.

72. During that period, New York law imposed clear and strict requirements on Ohel regarding the frequency with which its case workers were to make physical contact with Plaintiff, including in her adoptive parents' home.

73. Ohel flagrantly ignored and failed to comply with these clear and strict legal requirements.

74. During Plaintiff's placement in her adoptive parents' home, Ohel's case workers failed to make physical contact with Plaintiff anywhere close to the number of times that the law required. In fact, Ohel's case workers barely made any contact at all with Plaintiff or her adoptive parents during this period.

75. As it turns out, Plaintiff's adoptive parents provided Plaintiff with excellent care, and she was at all times loved and well cared for by them. But Ohel and its case workers had no

basis to know one way or the other whether Plaintiff was safe in her adoptive parents' home because Ohel and its case workers all but completely failed to monitor that placement.

76. Plaintiff continued to have occasional contact with her biological mother during her placement with her adoptive parents.

77. Plaintiff's adoptive parents were very supportive of her relationship with her biological mother. Plaintiff's adoptive parents understood how important Plaintiff's biological mother was to Plaintiff, they wanted Plaintiff to have a strong and positive relationship with her biological mother, and they did everything they could to facilitate that relationship.

78. When Plaintiff was approximately twelve years old, her biological mother committed suicide.

79. Ohel did not inform Plaintiff or her adoptive parents that Plaintiff's biological mother had died for approximately thirty days because Ohel did not want the family to sit shiva for Plaintiff's biological mother.

80. When Ohel belatedly informed the family that Plaintiff's mother had died, Ohel told Plaintiff falsely that Plaintiff's mother had had a heart attack. It was only years later that Plaintiff discovered through her own investigation that her mother had committed suicide.

81. Plaintiff was legally adopted by her adoptive parents in 1992 when she was 16 years old.

82. As Plaintiff grew older, she began to have sensory flashbacks and, little by little, became increasingly aware that she had been sexually abused by Defendant Moshe Aharon Jacobs.

83. This process was greatly complicated by the fact that Ohel had falsely branded her a “liar,” which impeded and delayed the process of understanding the gravity of the abuse she had suffered.

84. During the ensuing years, Plaintiff has struggled to address the severe trauma that she continues to experience as a result of being sexually abused by Defendant Moshe Aharon Jacobs. The abuse has caused and continues to cause her extreme terror and has affected all of her relationships throughout her life.

85. Plaintiff’s adoptive parents were shocked to learn not only that their daughter had been sexually abused prior to her placement with them, but that Ohel was aware that Plaintiff had reported it, and that Ohel nevertheless had never informed them about her report.

FIRST CAUSE OF ACTION
(Negligence – Against Ohel and the City)

86. Plaintiff repeats and realleges the foregoing paragraphs as if fully set forth herein.

87. Ohel assumed a duty to supervise the care and safeguard the welfare of children in its care, including Plaintiff.

88. Ohel is vicariously liable for the negligent and grossly negligent acts of its agents, including its case workers.

89. Ohel’s case workers were negligent and grossly negligent in failing adequately to vet the Jacobs home prior to placing Plaintiff there.

90. Ohel’s case workers were negligent and grossly negligent in failing adequately to monitor the Jacobs home prior to placing Plaintiff there.

91. But for Ohel’s negligent and grossly negligent vetting and monitoring of the Jacobs home, Plaintiff would not have been sexually abused by Defendant Moshe Aharon Jacobs.

92. The City assumes a non-delegable duty to supervise the care and safeguard the welfare of children in its care, including Plaintiff.

93. The City is vicariously liable for the negligent and grossly negligent acts of its agents, including its foster care contract agencies and their employees.

94. As a direct and proximate result of Ohel's and the City's negligence, Plaintiff was sexually assaulted and suffered severe physical and emotional injuries.

95. Plaintiff is entitled to damages in an amount to be determined at trial.

SECOND CAUSE OF ACTION
(Sexual Assault and Battery – Against Defendant Jacobs)

96. Plaintiff repeats and realleges the foregoing paragraphs as if fully set forth herein.

97. By compelling Plaintiff to engage in unwanted sex acts and raping her multiple times, Defendant Moshe Aharon Jacobs placed Plaintiff in apprehension of imminent harmful contact.

98. By compelling Plaintiff to engage in unwanted sex acts and raping her multiple times, Defendant Moshe Aharon Jacobs intentionally touched Plaintiff without her consent and caused offensive bodily contact with her.

99. Plaintiff is entitled to damages in an amount to be determined at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests judgment against Defendants as follows:

- a. Ordering Defendants to pay compensatory damages in an amount to be determined at trial;
- b. Ordering Defendants to pay punitive or exemplary damages in an amount to be determined at trial;
- c. Ordering Defendants to pay reasonable attorneys' fees and costs and interest; and

d. Awarding pre- and post-judgment interest, costs, and such other and further relief as this Court may deem just and proper.

Dated: June 30, 2020
New York, New York

CUTI HECKER WANG LLP



By: _____

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