

IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

MS. SIERRA BURLEY )  
On behalf of herself and next friend, ward, )  
custodian, and/or parent of minor )  
J.B. )  
3742 STANLEY TOLLIVER AVENUE )  
CLEVELAND, OH 44115 )  
)  
and )  
)  
)  
J.B., a minor )  
3742 STANLEY TOLLIVER AVENUE )  
CLEVELAND, OH 44115 )  
)  
)  
-vs- )  
)  
)  
PERFORMANCE ACADEMIES, LLC. )  
TWO EASTON OVAL DRIVE )  
SUITE 525 )  
COLUMBUS, OH 43219 )  
)  
)  
)  
-and- )  
)  
)  
)  
HARVARD ACADEMY COMMUNITY )  
SCHOOL )  
12000 HARVARD AVENUE )  
CLEVELAND, OH 44105 )  
)  
)  
-and- )  
)

CASE NO. \_\_\_\_\_

JUDGE \_\_\_\_\_

**COMPLAINT**

**(JURY DEMAND ENDORSED  
HEREON)**

WILLIAM NORRIS )  
Individually and in his official capacity )  
C/O PERFORMANCE ACADEMIES )  
TWO EASTON OVAL DRIVE )  
SUITE 525 )  
COLUMBUS, OH 43219 )  
 )  
-and- )  
 )  
JANE/JOHN DOES )  
Individually and in their official capacities )  
C/O PERFORMANCE ACADEMIES )  
TWO EASTON OVAL DRIVE )  
SUITE 525 )  
COLUMBUS, OH 43219 )  
)

### **INTRODUCTION**

1. This case is brought to address violations and injuries stemming from the misconduct of various individuals, entities and others in connection with the physical abuse of Ms. Sierra Burley's son, minor Plaintiff J.B. J.B. was maliciously struck and harmed despite the fact he had not engaged in any disruptive behavior. As a direct and proximate result of Defendants' misconduct, J.B. sustained physical and mental/emotional injuries as well as a loss of consortium with his mother.

### **PARTIES AND JURISDICTION**

2. Plaintiffs Sierra Burley and her minor son, hereinafter "J.B.", are citizens of the United States and reside in Cuyahoga County, Ohio.

3. Defendant Performance Academies, LLC., is a domestic, for-profit corporation organized under the laws of the State of Ohio. Some of the individual Defendants were also acting pursuant to the express and/or implied direction, policies, and approval of Defendant Performance Academies, LLC.

4. Defendant Harvard Academy Community School is a domestic, for-profit corporation organized under the laws of the State of Ohio. Some of the individual Defendants were also acting pursuant to the express and/or implied direction, policies, and approval of Defendant Harvard Academy Community School, LLC.

5. Defendant William Norris was at all times relevant herein employed as a teacher and/or instructor for Performance Academies and/or Harvard Academy Community School. He was acting in his role as an employee, servant and/or agent for Performance Academies and/or Harvard Academy Community School. He is being sued in his individual as well as his official capacity. Mr. Norris was employed as a teacher/instructor and/or acting in furtherance of the regularly conducted business at Harvard Academy Community School and/or Performance Academies, LLC. Upon information and belief, Defendant Norris is and was at all pertinent times a resident of Cuyahoga Count and the State of Ohio.

6. John and Jane Does ("Does") are those individuals and entities whom, at all relevant times, worked for Performance Academies, LLC., and/or Harvard Academy Community School and directly or indirectly took part in J.B.'s the unlawful and abusive event. These individuals had a duty to protect J.B. and to intervene when it became apparent that J.B.'s rights were being violated and that he was suffering harm. These individuals are also policy makers or were deliberately indifferent to an obvious need for corrective action. These Defendants are sued in their individual as well as their official capacity.

## **FACTS**

7. At the time of this event, J.B. was an eleven-year-old student at Harvard Academy Community School. By all accounts, J.B. was a good student. He was not engaged in disruptive behavior or otherwise disciplined stemming from the incident at issue.

8. On or about March 11, 2016, J.B. was in school participating in a gym class taught and/or supervised by J.B.'s teacher/instructor, Mr. William Norris. Mr. Norris was admonishing students and irate. J.B. was in the class but was not engaged in disruptive or violent behavior. At the time J.B. attempted to retrieve a ball Mr. Norris had picked up, Mr. Norris kicked J.B. and struck him in the testicles. J.B. immediately felt physical pain and anguish.

9. J.B. thereafter experienced a small amount of blood in his urine. J.B.'s medical records reflect an abnormal ultrasound finding which possibly represents "small hematomas". J.B. had no history of blood in his urine, testicular pain, or other such issues prior to this event with Mr. Norris.

10. Mr. William Norris was terminated from his employment on the same day as this event.

11. Performance Academies LLC., and/or Harvard Academy Community School knew or should have known about Mr. Norris' violent propensities. The Defendants failed in their legal obligation to protect minor students and further failed in their obligation to insure a safe and healthy environment for students such as J.B.

12. Performance Academies LLC., and/or Harvard Academy Community School have tacitly approved and/or ratified the use of physical force against minor students whom pose no risk of harm to themselves or others and are therefore also liable.

13. Performance Academies LLC., and/or Harvard Academy Community School failed to train their teachers, instructors and other employees regarding the use of physical force and disciplining elementary school students.

14. Performance Academies LLC., and/or Harvard Academy Community School failed to train their teachers, instructors and other employees regarding physical contact with students. Mr. William Norris was one such untrained/inadequately trained employee.

15. Performance Academies LLC., and/or Harvard Academy Community School negligently hired, trained, and/or supervised Mr. William Norris such that J.B. sustained physical and emotional harm as a result of such failure.

16. J.B. incurred physical injuries, mental and emotional distress and other damages as a direct and proximate result of the Defendants' conduct.

17. Ms. Burley has incurred a loss of consortium with her son, economic and other non-economic losses as a result of Defendants' behavior.

**FIRST CAUSE OF ACTION**  
**Assault and Battery**

18. Paragraphs 1 through 17 are incorporated by reference herein as if fully rewritten.

19. The acts and omissions of Defendant Norris constitute assault and battery, as well as willful, wanton, intentional, and reckless conduct under the law of the State of Ohio.

20. John and Jane Does had a legal duty to intervene and to protect J.B. from being assaulted and having his rights violated. The Does' failure in this regard was willful, wanton, intentional, and reckless conduct under the law of the State of Ohio.

21. As a direct and proximate result of the Defendant Norris' assault and battery, as well as the Defendants' failure to intervene, J.B. sustained physical injuries and emotional distress.

**SECOND CAUSE OF ACTION**  
**Negligent Hiring, Supervision and Training**

22. Paragraphs 1 through 21 are incorporated by reference as if fully rewritten herein.

23. Prior to the date of this incident, Defendants Performance Academies and/or Harvard Academy Community School knew that they had a duty to provide a safe environment for students

24. At all times herein relevant, Defendants Performance Academies and/or Harvard Academy, and/or by and through their employees and/or agents and/or officers and/or directors, were negligent in the manner that their employees and/or agents were hired, trained, supervised, or retained

25. Defendants Performance Academies and/or Harvard Academy, by and through their employees and/or agents and/or officers and/or directors, negligently failed to properly monitor and supervise their employees and/or agents and/or staff.

26. Defendant Performance Academies and/or Harvard Academy knew that it was foreseeable that an assault could occur on its premises absent security and monitoring through its employees. Despite that fact, Defendants failed to provide training and enact policies and procedures for its employees to avoid such actions.

27. As a direct and proximate cause of the Defendants' negligence and such actions by Defendants, minor Plaintiff J.B. suffered harmful and offensive contact, mental and emotional distress, and physical injury.

**THIRD CAUSE OF ACTION**  
**Intentional Infliction of Emotional Distress**

28. Paragraphs 1 through 27 are incorporated by reference herein as if fully rewritten.

29. Through their unreasonable and unlawful conduct, the Defendants either intended to cause J.B. emotional distress or knew or should have known that their actions or inactions would result in serious emotional distress. Further, their actions toward J.B. were so extreme and outrageous as to go beyond all possible bounds of decency and were intolerable.

30. The Defendants' actions have directly and proximately caused J.B. psychic injury from which he suffers and will continue to suffer into the future.

**FOURTH CAUSE OF ACTION**  
**Negligence**

31. Paragraphs 1 through 30 are incorporated by reference herein as if fully rewritten.

32. Defendant William Norris owed a duty of care to minor Plaintiff J.B., which included but was not limited to not causing physical harm and/or injury. Norris breached this duty by kicking and/or striking J.B. in the testicles. As a direct and proximate result of this breach of this duty owed to J.B., J.B. suffered physical and psychic injuries and will continue to suffer into the future.

**FIFTH CAUSE OF ACTION**  
**Loss of Consortium**

33. Paragraphs 1 through 32 are incorporated by reference herein as if fully rewritten.

34. The parent-child relationship between Ms. Burley and her son J.B. suffered as a direct and proximate result of J.B.'s injuries. The Defendants are responsible for this loss because they are responsible for J.B.'s injuries. Ms. Burley has further sustained economic and other non-economic losses stemming from the claims against the Defendants as set forth herein.

**DAMAGES**

35. Paragraphs 1 through 34 are incorporated by reference herein as if fully rewritten.

36. As a direct and proximate result of the Defendants' conduct, Plaintiffs J.B. and his mother, Ms. Sierra Burley, suffered losses. J.B. sustained physical pain, mental anguish and emotional distress, as well as other injuries.

37. As a direct and proximate result of the Defendants' conduct, Plaintiff Ms. Burley has incurred a loss of relationship, costs and expenses, and other economic and non-economic losses.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiffs prays for judgment against the Defendants, jointly and severally, for:

- (A) Compensatory and consequential damages for all the injuries identified in the amount in excess of twenty-five thousand dollars (\$25,000.00);
- (B) Punitive damages in an amount to be determined at trial for the willful and malicious conduct of Defendants Norris and John and Jane Does;
- (C) Attorneys' fees and the costs of this action and other costs that may be associated with this action; and
- (D) Any and all other relief that this Court deems equitable, necessary, and just.

*/s/ Paul J. Cristallo*

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COUNSEL FOR PLAINTIFFS

**JURY DEMAND**

Plaintiff hereby demands a trial by jury on all issues so triable.

*/s/ Paul J. Cristallo*

PAUL J. CRISTALLO  
Attorney for Plaintiff