

**IN THE CIRCUIT COURT FOR PINELLAS COUNTY, FLORIDA**

John Doe,

**Plaintiff,**

CASE NO.:

vs.

DIVISION:

Scott Eugene Stern, and Clearwater Central  
Catholic High School, Inc.,

**Defendants.**

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**COMPLAINT**

Plaintiff, John Doe, sues Defendants, Scott Eugene Stern and Clearwater Central Catholic High School, Inc. ("Clearwater Catholic"), and alleges:

1. This is a claim for damages, exclusive of attorneys' fees and costs, in excess of \$15,000.00.
2. Clearwater Catholic is a Florida corporation that owns, operates, and does business in Pinellas County, Florida as a private High School.
3. During 2012 through 2014, Coach Stern was an employee of Clearwater Catholic serving in, among other capacities, as a coach of the varsity and junior varsity wrestling teams.
4. As the Clearwater Catholic wrestling Coach, Stern, was placed by Clearwater Catholic in, and enjoyed, a position of power and authority over members of the wrestling team. In addition, Clearwater Catholic designated Stern as the school employee tasked with discipline and monitoring of "problem students," students "at risk," and students with known or suspected drug or substance use or addiction problems. This position allowed Coach Stern access and control over these students even during non-school hours as part of his employment with Clearwater Catholic. The at risk students over whom Coach Stern had authority, supervision,

and control by virtue of his positions with the school were more vulnerable than other students and easier prey for physical, emotional, psychological and sexual abuse by adults in authority such as Coach Stern.

5. John Doe was a student enrolled at Clearwater Catholic between 2012 and 2014 and was a member of the school's wrestling team coached by Stern. The true name of John Doe is being withheld from publication here because of the nature of the allegations and the conduct to which he was subjected by defendants, which conduct and the circumstances surrounding the claims asserted herein cause shame and embarrassment to John Doe and his public association with the acts alleged herein would cause him still more pain, shame and embarrassment. The true name of John Doe is well-known to the defendants and to the extent that there is any doubt or misperception on that issue, each is encouraged to contact the undersigned for confirmation about plaintiff's identity.

6. Coach Stern was at some point during his employment with Clearwater Catholic advised by the school or otherwise perceived John Doe to be a "problem student," a student "at risk," or a student with a history of actual or perceived substance abuse.

7. In the course and scope of his employment by Clearwater Catholic, and beginning in 2013, Coach Stern physically, emotionally, and sexually abused John Doe. This abuse occurred on the grounds of Clearwater Catholic and under the auspices of Coach Stern's duties and responsibilities as the Clearwater Catholic employee charged with dealing with students such as John Doe.

8. Coach Stern subjected John Doe, his student and mentor, to various types of physical and psychological abuse over many months. This abuse and misconduct was orchestrated by Coach Stern by coercive use of threats of physical harm and threats that Coach

Stern would disclose to others in authority that his student, John Doe, was using illegal substances and that such disclosure would affect John Doe's personal and school life detrimentally. The misconduct and abuse visited upon John Doe by Coach Stern by use of these coercive tactics included forced episodes of simulated sexual activities orchestrated and directed by Coach Stern in which John Doe was required and "taught" to assume a multitude of sexual positions and to simulate the performance of sexual activities for Coach Stern to observe, critique and salaciously enjoy. The sexual activities required and directed by Coach Stern would include episodes in which John Does was instructed and coerced to place condoms on bananas and to thereafter masturbate the banana as it was held between his legs and such misconduct and abuse escalated to coercive episodes in which Coach Stern would inspect his student's anus and have him bend over while Coach Stern would hold his student's cheeks apart for inspections and humiliation.

9. John Doe was not the only or even the first student with whom Coach Stern exercised improperly his position of authority and control.

**COUNT ONE**  
**NEGLIGENCE OF DEFENDANT SCOTT EUGENE STERN**

10. Plaintiff re-alleges paragraphs one through nine.

11. Coach Stern owed Plaintiff a duty of reasonable care to not engage in physically and mentally abusive and improper conduct.

12. Coach Stern breached that duty by engaging in physically and mentally abusive and improper conduct which conduct included the activities described above.

13. As a direct and proximate result of Coach Stern's actions, including those described above, Plaintiff has suffered damages, including physical harm, mental anguish, and

mental pain and suffering, severe emotional distress, and shame which continues today and will so continue into the future.

**COUNT TWO**  
**INTENTIONAL WRONGFUL CONDUCT OF**  
**DEFENDANT SCOTT EUGENE STERN**

14. Plaintiff re-alleges paragraphs one through nine.

15. As described above, Coach Stern intentionally touched or struck John Doe against his will and without his consent.

16. The conduct of Coach Stern was intentional and reckless and he knew or should have reasonably known that his conduct would subject John Doe to emotional distress as a likely result. Coach Stern's conduct was outrageous, went beyond all bounds of decency, and was, is, and would be regarded as odious and utterly intolerable in a civilized community.

17. As a direct and proximate result of Coach Stern's actions as described above, Plaintiff has suffered damages, including physical harm, mental anguish, severe emotional distress, mental pain and suffering and shame all of which continues to this date and will so continue into the future.

**COUNT THREE**  
**VICARIOUS LIABILITY OF DEFENDANT**  
**CLEARWATER CENTRAL CATHOLIC**

18. Plaintiff re-alleges paragraphs one through nine, eleven through thirteen, and fifteen.

19. The acts of Coach Stern were committed on the property of Clearwater Catholic both during regular and after hours school time and were done within the course and scope of Coach Stern's actual and perceived employment and as part of his duties and responsibilities for

at risk students or those with or perceived to have a substance abuse problem, which duties and responsibilities were created by Clearwater Catholic for Coach Stern and untended by it to further the purposes or interests of Clearwater Catholic.

20. As a direct and proximate result of Coach Stern's actions as described above, Plaintiff has suffered damages, including physical harm, mental anguish, severe emotional distress, mental pain and suffering and shame all of which continues to this date and will so continue into the future.

**COUNT FOUR**  
**NEGLIGENCE OF CLEARWATER CATHOLIC**

21. Plaintiff re-alleges paragraphs one through nine, eleven through thirteen, fifteen, and eighteen.

22. Clearwater Catholic hired Stern, appointed him as the wrestling coach and placed him in a position of disciplinary responsibility over "troubled students," students perceived to be "at risk" and those who were known or perceived to have a substance abuse problem. Clearwater Catholic placed Coach Stern in this position and the position described above over John Doe – a student perceived to be "at risk," and one who had or was perceived to have a substance abuse problem.

23. Clearwater Catholic owed a duty of reasonable care to its students and to John Doe specifically in the hiring of persons to serve as employees, teachers, coaches, mentors and to serve in the various roles for which it appointed Coach Stern. Clearwater Catholic owed a duty of reasonable to its students and to John Doe specifically, in retaining Coach Stern, to reasonably ascertain whether he was qualified and reasonably capable of performing the job and the duties and responsibilities that were assigned for him and that he was expected by Clearwater Catholic to perform.

24. In particular, and because of the positions for which Stern was retained and appointed, Clearwater Catholic had a duty and responsibility to perform an appropriate investigation to determine whether Stern was qualified to be a wrestling Coach and the school employee responsible for troubled children as described above and to do so in a manner that within the standard of care and the duties of reasonable care by other similiarly situated high schools.

25. In assigning Coach Stern to perform his duties and responsibilities as a mentor, supervisor, authority figure, and confidant to its students and to John Doe, Clearwater Catholic knew or in the exercise of reasonable care should have known that Coach Stern was unqualified for the position, duties and responsibilities that had been assigned to him.

26. For instance, Clearwater Catholic knew or in the exercise of reasonable care should have known that while Coach Stern may have had previous training and experience as a wrestling coach, he had no training as a psychologist, social worker, mental health professional and had no training, education or expertise to counsel, supervise, identify, mentor, or assume any authority of control over “at risk” or “troubled” students or, specifically, John Doe.

27. In addition, Clearwater Catholic knew or in the exercise of reasonable care and the performance of a reasonable investigation would have revealed, Coach Stern had while at previous educational employments been the subject of prior incidents of impropriety and complaints, including but not limited to, a prior history of child abuse allegations as contained in the 1999 Pinellas Park Police Department Report. Clearwater Catholic either knew about this prior incident or, in the exercise or reasonable care, should have known about the reported incident.

28. A reasonable investigation into Coach Stern’s background would have then

reasonably required further investigation, which investigation and questioning of Coach Stern himself would have revealed information that reasonably would have disqualified Coach Stern from being the school wrestling coach or the school employee with supervision and responsibilities over “troubled” children – both positions of which permitted Stern with unique and private access to Clearwater Catholic students outside of normal school hours and under circumstances where Stern would be able to meet with students in private without the presence of other students or teachers.

29. Because of the nature of Stern’s duties and responsibilities and particularly in light of his “off hours”, private access to students, Clearwater Catholic had a duty to supervise Coach Stern in the performance of his duties.


30. Clearwater Catholic breached that duty to Plaintiff by failing to train, supervise, instruct, and develop and implement appropriate policies and procedures regarding the interaction of teachers or coaches, such as Coach Stern and by hiring him and assigning to him the duties and responsibilities over John Doe as described above.

31. As a direct and proximate result of the negligence of Clearwater Catholic as described above, Coach Stern’s was given the means and opportunity to commit the actions described above and as a proximate result of the negligence of Clearwater Catholic John Doe suffered damages, including physical harm, emotional distress, mental anguish, and mental pain, suffering and shame all of which continues to this date and will so continue into the future.

**WHEREFORE**, Plaintiff, John Doe, demands judgment against the Defendants Scott Stern and Clearwater Catholic for compensatory damages in an amount in excess of Fifteen Thousand (\$15,000.00), exclusive of interest and taxable costs and demand trial by jury of all issues triable as of right by a jury.

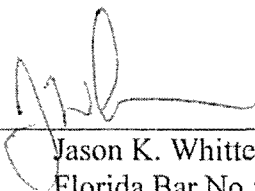
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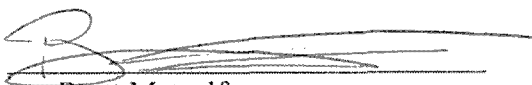
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