

SUMMONS - CIVIL

JD-CV-1 Rev. 9-14
C.G.S. §§ 51-348, 51-347, 51-349, 51-350, 52-45a,
52-48, 52-289, P.B. Secs. 3-1 through 3-21, 8-1

**STATE OF CONNECTICUT
SUPERIOR COURT**
www.jud.ct.gov

See other side for instructions

- "X" if amount, legal interest or property in demand, not including interest and costs is less than \$2,500.
- "X" if amount, legal interest or property in demand, not including interest and costs is \$2,500 or more.
- "X" if claiming other relief in addition to or in lieu of money or damages.

TO: Any proper officer; BY AUTHORITY OF THE STATE OF CONNECTICUT, you are hereby commanded to make due and legal service of this Summons and attached Complaint.

Address of court clerk where writ and other papers shall be filed (Number, street, town and zip code) (C.G.S. §§ 51-348, 51-350)		Telephone number of clerk (with area code)	Return Date (Must be a Tuesday)
146 White St., Danbury, CT 068140		(203) 207-8600	January 27, 2015 Month Day Year
<input checked="" type="checkbox"/> Judicial District <input type="checkbox"/> Housing Session	G.A. Number	At (Town in which writ is returnable) (C.G.S. §§ 51-346, 51-349)	Case type code (See list on page 2)
		Danbury	Major: T Minor: 90

For the Plaintiff(s) please enter the appearance of:

Name and address of attorney, law firm or plaintiff if self-represented (Number, street, town and zip code)	Juris number (to be entered by attorney only)
Papcsy Janosov Roche, 53 East Avenue, Norwalk, CT 06851	428746
Telephone number (with area code)	Signature of Plaintiff (if self-represented)
(203) 642.3888	

The attorney or law firm appearing for the plaintiff, or the plaintiff if self-represented, agrees to accept papers (service) electronically in this case under Section 10-13 of the Connecticut Practice Book. Yes No

Email address for delivery of papers under Section 10-13 (if agreed to)

Number of Plaintiffs: 2 Number of Defendants: 3 Form JD-CV-2 attached for additional parties

Parties	Name (Last, First, Middle Initial) and Address of Each Party (Number, Street, P.O. Box, Town, State, Zip, Country, if not USA)	
First Plaintiff	Name: The Estate of Jesse Lewis, Scarlett Lewis as Administratrix Address: 6 Great Ring Rd., Sandy Hook, CT 06482	P-01
Additional Plaintiff	Name: The Estate of Noah Pozner, Leonard Pozner as Administrator Address: 261 S. Main St., #332, Newtown, CT 06470	P-02
First Defendant	Name: THE TOWN OF NEWTOWN Address: TOWN CLERK: Debbie Aurelia Halstead, Newtown Municipal Center, 3 Primrose St., Newtown, CT 06470	D-01
Additional Defendant	Name: SANDY HOOK BOARD OF EDUCATION Address: SUPERINTENDANT: JOSEPH ERADI, JR., Newton Municipal Center, 3 Primrose St., Newtown, CT 06470	D-02
Additional Defendant	Name: SANDY HOOK ELEMENTARY SCHOOL Address: PRINCIPAL: SANDY GOMBOS, 375 Fan Hill Rd., Monroe, CT 06468	D-03
Additional Defendant	Name: Address:	D-04

Rec'd for Record 1-9-2015
Town Clerk of Newtown 11:30am
Debbie Aurelia Halstead

Notice to Each Defendant

- YOU ARE BEING SUED. This paper is a Summons in a lawsuit. The complaint attached to these papers states the claims that each plaintiff is making against you in this lawsuit.
- To be notified of further proceedings, you or your attorney must file a form called an "Appearance" with the clerk of the above-named Court at the above Court address on or before the second day after the above Return Date. The Return Date is not a hearing date. You do not have to come to court on the Return Date unless you receive a separate notice telling you to come to court.
- If you or your attorney do not file a written "Appearance" form on time, a judgment may be entered against you by default. The "Appearance" form may be obtained at the Court address above or at www.jud.ct.gov under "Court Forms."
- If you believe that you have insurance that may cover the claim that is being made against you in this lawsuit, you should immediately contact your insurance representative. Other action you may have to take is described in the Connecticut Practice Book which may be found in a superior court law library or on-line at www.jud.ct.gov under "Court Rules."
- If you have questions about the Summons and Complaint, you should talk to an attorney quickly. The Clerk of Court is not allowed to give advice on legal questions.

Signed (Sign and "X" proper box)	Commissioner of the Superior Court Assistant Clerk	Name of Person Signing at Left	Date signed
		DONALD A. PAPCSY, ESQ.	12.12.2014

If this Summons is signed by a Clerk: a. The signing has been done so that the Plaintiff(s) will not be denied access to the courts. b. It is the responsibility of the Plaintiff(s) to see that service is made in the manner provided by law. c. The Clerk is not permitted to give any legal advice in connection with any lawsuit. d. The Clerk signing this Summons at the request of the Plaintiff(s) is not responsible in any way for any errors or omissions in the Summons, any allegations contained in the Complaint, or the service of the Summons or Complaint.	For Court Use Only	
	File Date	A True Copy

I certify I have read and understand the above:	Signed (Self-Represented Plaintiff)	Date	N. E. M. ... Conn. State Judicial Fairfield County
Name and address of person recognized to prosecute in the amount of \$250			
Devin W. Janosov, Esq., 53 East Avenue, Norwalk, CT 06851			Docket Number
Signed (Official taking recognizance; "X" proper box)	Commissioner of the Superior Court Assistant Clerk	Date	
		12.12.2014	

Instructions

1. Type or print legibly; sign summons.
2. Prepare or photocopy a summons for each defendant.
3. Attach the original summons to the original complaint, and attach a copy of the summons to each copy of the complaint. Also, if there are more than 2 plaintiffs or more than 4 defendants prepare form JD-CV-2 and attach it to the original and all copies of the complaint.
4. After service has been made by a proper officer, file original papers and officer's return with the clerk of court.
5. The party recognized to pay costs must appear personally before the authority taking the recognizance.
6. Do not use this form for the following actions:

(a) Family matters (for example divorce, child support, custody, paternity, and visitation matters).

(b) Summary process actions.

(c) Applications for change of name.

(d) Probate appeals.

(e) Administrative appeals.

(f) Proceedings pertaining to arbitration.

(g) Any actions or proceedings in which an attachment, garnishment or replevy is sought.

ADA NOTICE

The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation in accordance with the ADA, contact a court clerk or an ADA contact person listed at www.jud.ct.gov/ADA.

Case Type Codes

Major Description	Code Major/Minor	Minor Description	Major Description	Code Major/Minor	Minor Description
Contracts	C 00	Construction - All other	Torts (Other than Vehicular)	T 02	Defective Premises - Private - Snow or Ice
	C 10	Construction - State and Local		T 03	Defective Premises - Private - Other
	C 20	Insurance Policy		T 11	Defective Premises - Public - Snow or Ice
	C 30	Specific Performance		T 12	Defective Premises - Public - Other
	C 40	Collections		T 20	Products Liability - Other than Vehicular
	C 90	All other		T 28	Malpractice - Medical
Eminent Domain	E 00	State Highway Condemnation		T 29	Malpractice - Legal
	E 10	Redevelopment Condemnation		T 30	Malpractice - All other
	E 20	Other State or Municipal Agencies		T 40	Assault and Battery
	E 30	Public Utilities & Gas Transmission Companies		T 50	Defamation
	E 90	All other		T 61	Animals - Dog
Miscellaneous	M 00	Injunction	T 69	Animals - Other	
	M 10	Receivership	T 70	False Arrest	
	M 20	Mandamus	T 71	Fire Damage	
	M 30	Habeas Corpus (extradition, release from Penal Institution)	T 90	All other	
	M 40	Arbitration	Vehicular Torts	V 01	Motor Vehicles* - Driver and/or Passenger(s) vs. Driver(s)
	M 50	Declaratory Judgment		V 04	Motor Vehicles* - Pedestrian vs. Driver
	M 63	Bar Discipline		V 05	Motor Vehicles* - Property Damage only
	M 68	Department of Labor Unemployment Compensation Enforcement		V 08	Motor Vehicle* - Products Liability Including Warranty
	M 68	Bar Discipline - Inactive Status		V 09	Motor Vehicle* - All other
	M 70	Municipal Ordinance and Regulation Enforcement		V 10	Boats
	M 80	Foreign Civil Judgments - C.G.S. 52-604 & C.G.S. 50a-30		V 20	Airplanes
	M 82	Housing Civil Matters		V 30	Railroads
	M 83	Small Claims Transfer to Regular Docket		V 40	Snowmobiles
	M 84	Foreign Protective Order		V 90	All other
	M 90	All other	*Motor Vehicles include cars, trucks, motorcycles, and motor scooters.		
Property	P 00	Foreclosure	Wills, Estates and Trusts	W 10	Construction of Wills and Trusts
	P 10	Partition		W 90	All other
	P 20	Quiet Title/Discharge of Mortgage or Lien			
	P 30	Asset Forfeiture			
	P 90	All other			

RETURN DATE: JANUARY 27, 2015 : SUPERIOR COURT

THE ESTATE OF JESSE LEWIS, SCARLETT LEWIS AS ADMINISTRATRIX AND NEIL HESLIN AS CO-ADMINISTRATOR; THE ESTATE OF NOAH POZNER, LEONARD POZNER AS ADMINISTRATOR : J.D. OF DANBURY

V. : AT DANBURY

THE TOWN OF NEWTOWN, ET AL. : DECEMBER 12, 2014

COMPLAINT

FIRST COUNT (THE ESTATE OF JESSE LEWIS, SCARLETT LEWIS AS ADMINISTRATRIX, NEIL HESLIN AS CO-ADMINISTRATOR, against THE NEWTOWN BOARD OF EDUCATION)

1. Plaintiff, SCARLETT LEWIS is the duly appointed Administratrix of the Estate of her son, JESSE LEWIS and NEIL HESLIN is co-administrator of the estate (hereinafter, "JESSE LEWIS").
2. Defendant, THE NEWTOWN BOARD OF EDUCATION (Hereinafter referred to as "BOARD"), was, upon information and belief, an elected Municipal Board, constituted and convened for purposes including, but not limited to, the implementation and administration of policies, procedures, and/or statutory and legal mandates concerning the delivery of public education, supervision and safety of students attending public schools in the TOWN OF NEWTOWN, including SANDY HOOK ELEMENTARY SCHOOL; and was a vital participant in disseminating the safety policies and procedures for SANDY HOOK

ELEMENTARY SCHOOL from the TOWN OF NEWTOWN to THE SANDY HOOK ELEMENTARY SCHOOL.

3. At all material times herein, DAVID FLEISHMAN was the TOWN OF NEWTOWN'S Superintendent of Schools, and was responsible for coordinating, implementing, and communicating THE BOARD'S policies, procedures, regulations, directives, and statutory and legal mandates, among the TOWN OF NEWTOWN'S individual schools, including SANDY HOOK ELEMENTARY SCHOOL and was also responsible for the hiring, training, supervision, professional development and general guidance of the Newtown public schools' teachers, educational assistants and employees as dictated by THE BOARD.
4. At all material times herein, DAVID FLEISHMAN, as the TOWN OF NEWTOWN'S superintendent was responsible for the operation, supervision, control and safety of students and for managing the entire TOWN OF NEWTOWN'S Public School system, overseeing school administrators' management of day-to-day operations of individual schools, including, SANDY HOOK ELEMENTARY SCHOOL, and acting as liaison between the individual schools and Defendant, THE BOARD, via their agents, servants, employees, or representatives, while THE TOWN OF NEWTOWN, THE NEWTOWN BOARD OF EDUCATION and THE SANDY HOOK ELEMENTARY SCHOOL were responsible for the creation, maintenance, supervision, operation, and/or control, of the NEWTOWN PUBLIC SCHOOLS' safety guidelines, and the implementation of same.

5. At all material times herein the superintendent was an agent, servant, employee, or other representative of the Defendant, THE BOARD, and/or THE TOWN OF NEWTOWN.
6. At all material times herein the Defendant, THE BOARD, was under a legal and ministerial duty to create, enforce, and abide by a collection of rules and regulations concerning various employee and student conduct, allegations, investigations, penalties, and to ensure student safety and well-being under C.G.S. §§§§ 10-233, 10-220, 10-220f, and 10-221, and failed to do so under C.G.S. §52-557n.
7. At all material times herein the Defendant, THE BOARD, under the requirements of CGS § 10-220f instituted school safety policies and procedures which left no area for discretion by its staff and/or agents, concerning the safety of the schools in the Newtown Public School District, including the "lock-down" and evacuation plan previously practiced, but never implemented on December 14, 2012, by the SANDY HOOK ELEMENTARY staff; the failure of which to implement resulted in the death of twenty (20) students, including JESSE LEWIS.
8. The Defendant, THE BOARD, failed to provide the staff of SANDY HOOK ELEMENTARY SCHOOL with the necessary information, tools, and training to properly implement the safety protocols previously established by THE TOWN OF NEWTOWN, THE BOARD and SANDY HOOK ELEMENTARY SCHOOL, thereby making it so that the SANDY HOOK ELEMENTARY SCHOOL staff in rooms eight (8) and ten (10) were unable to implement said obligatory safety protocols on December 14, 2012 when an intruder, ADAM LANZA entered the building.

9. The Defendant, THE BOARD, through its agents and employees, failed to provide a substitute teacher, or teacher, in classroom eight (8) or ten (10) with a key to lock the door to said classroom, or the proper training regarding the mandatory "lock-down" and evacuation plan the teachers were to follow should an intruder enter the school premises, making it impossible for said substitute teacher or teacher to follow the ministerial duty of implementing the safety protocols established by THE TOWN OF NEWTOWN, THE BOARD and SANDY HOOK ELEMENTARY SCHOOL when the intruder's presence became unmistakably known, and the danger to the identifiable class of victims in rooms eight (8) and ten (10) became imminent and readily apparent to the staff of SANDY HOOK ELEMENTARY SCHOOL.
10. The Defendant, THE BOARD as agents and employees of THE TOWN OF NEWTOWN, failed to provide the SANDY HOOK ELEMENTARY SCHOOL with doors to the even numbered classrooms that could be locked from the inside; and instead these doors to the even-numbered classrooms had to be locked from the outside through the use of a key, thereby making it impossible for the teachers of SANDY HOOK ELEMENTARY SCHOOL to follow the ministerial duty of locking down the school and evacuating students when the intruder, ADAM LANZA'S, presence became unmistakably known, and the danger to the identifiable class of victims in rooms eight (8) and ten (10) became imminent and readily apparent to the staff of SANDY HOOK ELEMENTARY SCHOOL, in violation of C.G.S. §52-557n.
11. The Defendant, THE BOARD, as agents and employees of THE TOWN OF NEWTOWN, failed to provide the SANDY HOOK ELEMENTARY SCHOOL with a secure front entrance,

leaving a non-security glass window, with measurements of nearly three (3) feet wide by four (4) feet high directly next to the locked doors of the school; essentially rendering the locking of the school doors at the outset of the school day irrelevant and impotent in the effectuation of the school "lock-down" plan established by the TOWN OF NEWTOWN, THE BOARD, and THE SANDY HOOK ELEMENTARY SCHOOL, in violation of C.G.S. §52-557n.

12. The Defendant, THE BOARD as agents and employees of THE TOWN OF NEWTOWN, was negligent in that it failed to follow or provide its school systems with the necessary tools to implement the security and safety guidelines which THE BOARD, THE TOWN OF NEWTOWN and THE SANDY HOOK ELEMENTARY SCHOOL implemented in case an intruder gained access to the school grounds, and thereby made a ministerial duty that left no room for discretion by the SANDY HOOK ELEMENTARY SCHOOL teachers and/or staff to effectuate in a time of emergency; henceforth violating the ministerial duty created by THE TOWN, THE BOARD, and SANDY HOOK ELEMENTARY SCHOOL to provide a safe school environment, which all voluntarily undertook when the "lock down" and evacuation plan was created, but which was rendered impossible to follow, with so many key components missing for a successful implementation, after creating the ministerial duty to do so, all in violation of C.G.S. §52-557n.

13. The details and proscriptions of this plan left no discretion to the teachers or other employees and were to be followed as outlined for the safety of the children at SANDY HOOK

ELEMENTARY SCHOOL, by mandate of THE BOARD, THE TOWN and SANDY HOOK
ELEMENTARY SCHOOL.

14. The Defendant had created a ministerial duty for all employees, agents and members to take whatever precautions necessary and enumerated in the safety procedures set forth by THE BOARD, THE TOWN OF NEWTOWN, and THE SANDY HOOK ELEMENTARY SCHOOL, to protect the Plaintiff from his wrongful death on December 14, 2012 due to the creation of their own internal policies codified in the Board of Education's internal handbooks, policies, procedures, and other codified rules and regulations concerning student safety mandated under CGS §233a, and due to their acute knowledge of the imminent and apparent harm the intruder ADAM LANZA presented to the identifiable victims of the SANDY HOOK ELEMENTARY SCHOOL when he first shot out the front windows of the school on December 14, 2012; at which time the fact an intruder was present on the school premises, and the fact that the identifiable victims were in an imminent harm became apparent to the staff, agents, employees and members of THE SANDY HOOK ELEMENTARY SCHOOL.
15. On December 14, 2012, at approximately 9:30am, the front doors of SANDY HOOK ELEMENTARY SCHOOL were locked for the beginning of the school day as part of the aforementioned safety policy established by the TOWN, THE BOARD and THE SCHOOL.
16. Located directly to the right side of the locked front doors of the school was a non-safety glass window with dimensions of approximately three (3) feet in width and four (4) feet in height.

17. JESSE LEWIS was located within the school building at 9:30am on December 14, 2012, in classroom (10), his First grade classroom for the school hours of the day, as a student of the SANDY HOOK ELEMENTARY SCHOOL, which is a public school.
18. At approximately 9:35am ADAM LANZA shot out the window located next to the locked school doors, and gained easy access to SANDY HOOK ELEMENTARY SCHOOL.
19. The main office staff reported hearing glass breaking and gunshots at approximately 9:35 am and saw a white male with a hat and sunglasses, later identified as ADAM LANZA, come into the building with a rifle-type gun; and was seen shooting the rifle down the hallway where JESSE LEWIS' classroom was located.
20. ADAM LANZA shot down the hallway at the principal and other staff at this time and killed the principal and the school psychologist who had exited conference room 9 at the end of the hallway to see what the loud banging (gunfire) noises were; all were attending a planning and placement meeting with other staff members and a student's parents.
21. A staff member standing behind the principal and school psychologist was shot in the leg; but remained prone on the ground for a moment before crawling back into conference room nine (9) and made a call to 9-1-1 also immediately turning on the school intercom system through the phone located in room nine (9), which allowed other areas of the school to hear what was going on in the building.

22. ADAM LANZA then entered the main office to the school, where all staff members were hiding within the office; ADAM LANZA exited the school office; and then he entered the school office again; during which time no shots were fired and there was a lull in the gunfire.
23. After ADAM LANZA'S second exit from the main office, the office staff immediately called 9-1-1.
24. ADAM LANZA then entered the unlocked doors of classrooms eight (8) and then ten (10), the first grade classrooms of SANDY HOOK ELEMENTARY SCHOOL.
25. At the time ADAM LANZA entered these rooms, no doors had been locked, none of the children had been moved to a safe location, like the bathroom located inside both of these classrooms; bathrooms which could be locked from the inside.
26. Neither classroom eight (8) nor classroom ten (10) had internal locks to their doors; the only way to lock these doors was to lock them from the outside with a key; despite hearing the gunshots that broke the glass window, the gunshots that killed the principal and school psychologist; the gunshots that wounded the other staff member who opened the intercom system from conference room nine (9); or the lull in gunfire that transpired in the time that it took the intruder, ADAM LANZA, to investigate the main office before re-entering the hallway and opening the unlocked doors to classrooms eight (8) and ten (10); thereby effectively no classroom doors were locked in accordance with the aforementioned lock-down or evacuation procedures established by THE TOWN OF NEWTOWN, THE BOARD OF EDUCATION,

and THE SANDY HOOK ELEMENTARY SCHOOL, and were therefore not followed in classrooms eight (8) and ten (10).

27. Classroom eight (8) was occupied by a substitute teacher who had neither a key to lock the door, nor any knowledge or training regarding the aforementioned safety and security protocols recently rehearsed at SANDY HOOK ELEMENTARY SCHOOL in case an intruder or other dangerous individual gained access to the school.
28. Upon entering classrooms eight (8) and ten (10) the ADAM LANZA killed twenty students and four adults before taking his own life outside classroom ten (10).
29. JESSE LEWIS was one of the twenty (20) students killed.
30. On December 14, 2012 THE BOARD, and its staff and employees negligently left the staff of THE SANDY HOOK ELEMENTARY SCHOOL in a position where it could not adhere to the mandatory safety policies and procedures, such as "lock-down" and evacuation, established by THE TOWN OF NEWTOWN, THE BOARD OF EDUCATION and THE SANDY HOOK ELEMENTARY SCHOOL in one or more of the following ways thereby causing the wrongful death of JESSE LEWIS and other damages set forth herein:
 - a. They failed to provide SANDY HOOK ELEMENTARY SCHOOL with doors that could be locked from the inside thereby making the "lock down" portion of the safety protocols virtually impossible to follow, in violation of C.G.S. §52-557n.
 - b. The Plaintiff brings this action pursuant to § 52-555 of the Connecticut General Statutes.

- c. They failed to train and supervise the staff at SANDY HOOK ELEMENTARY SCHOOL on the proper way to implement the "lock down" and evacuation procedures as instituted by, THE BOARD THE TOWN OF NEWTOWN AND THE SANDY HOOK ELEMENTARY SCHOOL for situations precisely like the one that presented itself on December 14, 2012, in violation of C.G.S. § 52-557n;
- d. They failed to provide certain teachers with keys to the classrooms or training or information concerning the "lock down procedure" thereby making it impossible to even attempt to lock the doors to the classroom, which could only be locked from the outside with a key, in violation of C.G.S. § 52-557n;
- e. They failed to provide a security guard, or any other type of law enforcement personnel to assist in the implementation of the policies and procedures should an intruder enter the building, while leaving a large enough non-safety glass window directly to the right of the locked outer doors of the school; making access to the building relatively simple, and successful "lock down" of the building virtually impossible, in violation of C.G.S. § 52-557n;
- f. They left the school exterior unprotected from intruders by leaving a three (3) foot wide by four (4) foot high non-security glass window located directly to the right of the locked exterior doors of the school; essentially rendering the locking of the school doors; a mandated requirement instituted by THE BOARD, THE TOWN

OF NEWTOWN and SANDY HOOK ELEMENTARY SCHOOL a useless and purposeless gesture in violation of C.G.S. § 52-557n;

- g. They failed to follow their own guidelines regarding school safety which THE BOARD THE TOWN, and THE SANDY HOOK ELEMENTARY SCHOOL established in accordance with Connecticut General Statutes §§ 10-220, 10-220f and 10-221, which then became ministerial in nature once established to all agents, employees, and members of the BOARD and THE SANDY HOOK ELEMENTARY SCHOOL, by failing to provide adequate equipment and training to the staff and personnel of THE SANDY HOOK ELEMENTARY SCHOOL on how to successfully implement the “lock down” and evacuation security plan, in violation of C.G.S. § 52-557n;
- h. They left the teachers and staff with no discretion in implementing the policies and procedures for a “lock-down” and evacuation if an intruder entered SANDY HOOK ELEMENTARY SCHOOL, but failed to provide the same individuals with the proper equipment, building security, and training to effectuate the ministerial duty of following the safety protocols, in violation of §52-557n;
- i. The harm to which JESSE LEWIS was exposed was imminent in that it was isolated to the collection of times from when the shooter shot out the front window until he ultimately committed suicide; and was geographically restricted to the area in which JESSE LEWIS and his classmates were located in their classrooms; in that the

teachers and staff in his classroom were well-aware of this imminent harm as gun shots had been firing down the hallway outside the door to JESSE LEWIS' classroom killing both the school principal at the end of the hallway, the school psychologist at the end of the hallway, and injuring at least one staff member at the end of the hallway; therefore the teacher(s) in JESSE LEWIS' classroom were on notice that an imminent harm was present to the identifiable victims in the classroom but could not implement the mandatory security guidelines because the BOARD failed to provide adequate equipment and resources to do so in violation of C.G.S. §52-557n; and

- j. The danger was apparent to JESSE LEWIS' teacher(s) in that it was easily observed and understood that gunfire down the hallway outside the classroom door would expose the children inside to an immediate and undeniable danger, and the teacher's failure to act to lock the door, in part because the substitute was not provided with a key to do so, or otherwise follow the "lock-down" and evacuation procedure, of which the substitute teacher had no knowledge, training or experience, would place the students, including JESSE LEWIS, in immediate danger, but the teachers and other staff, agents and employees could not implement the mandatory security guidelines because the BOARD failed to provide adequate equipment and resources to do so.

31. As a result direct of the failure to provide the necessary equipment and training to follow the safety and security guidelines established by THE TOWN OF NEWTOWN, THE BOARD, and THE SANDY HOOK ELEMENTARY SCHOOL, the intruder was able to gain access to JESSE LEWIS' classroom and same failure resulted in the shooting and failure to follow the proscribed protocols, thereby leading to JESSE LEWIS suffering massive fatal injuries and death.
32. JESSE LEWIS suffered both physically and mentally prior to his untimely death.
33. THE ESTATE OF JESSE LEWIS incurred both medical expenses and burial and funeral expenses, as a result of the events following the shooting;
34. Because of his death, JESSE LEWIS' capacity to enjoy life's activities and have a family were completely and permanently extinguished; and
35. JESSE LEWIS was a studious and dedicated student who's life was cut short before he could finish his education, begin a career, and he therefore lost a lifetime of potential earnings, and the opportunity for the participation in a lifetime of experiences and enjoyment.

SECOND COUNT (THE ESTATE OF JESSE LEWIS, SCARLETT LEWIS AS ADMINISRATRIX, NEIL HESLIN AS CO-ADMINISTRATOR, against THE TOWN OF NEWTOWN)

1. Plaintiff, SCARLETT LEWIS is the duly appointed Administratrix of the Estate of her son, JESSE LEWIS and NEIL HESLIN is co-administrator of the estate (hereinafter, "JESSE LEWIS").

2. Defendant, THE TOWN OF NEWTOWN (Hereinafter and previously referred to as "THE TOWN"), was, upon information and belief, a corporate entity or government politic charged with the safety and education of the inhabitants of its town, including the education of the children located therein from grade school through high school; and the safety of those children while in the schools and at the school functions established by THE TOWN under CGS §§ 17a-101.
3. At all material times herein, DAVID FLEISHMAN was the TOWN OF NEWTOWN'S Superintendent of Schools, and was responsible for coordinating, implementing, and communicating THE BOARD'S policies, procedures, regulations, directives, and statutory and legal mandates, among the Defendant, THE TOWN'S individual schools, including, Defendant, SANDY HOOK ELEMENTARY SCHOOL and was also responsible for the hiring, training, supervision, professional development and general guidance of the Newtown public schools' teachers, educational assistants and employees as dictated by THE BOARD through the TOWN.
4. At all material times herein, DAVID FLEISHMAN, as the TOWN'S superintendent was responsible for the operation, supervision, control and safety of students and for managing the entire TOWN'S Public School system, overseeing school administrators' management of day-to-day operations of individual schools, including, SANDY HOOK ELEMENTARY SCHOOL, and acting as liaison between the individual schools and Defendant, THE BOARD as an extension of the Defendant, THE TOWN, via their agents, servants, employees, or

representatives, who were responsible for the creation, maintenance, supervision, operation, and/or control, of the NEWTOWN PUBLIC SCHOOLS, as delegated by the Defendant, THE TOWN.

5. At all material times herein the superintendent was an agent, servant, employee, or other representative of the Defendant, THE BOARD, and/or the Defendant, THE TOWN.
6. At all material times herein the Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, was under a legal and ministerial duty to create, enforce, and abide by a collection of rules and regulations concerning various employce and student conduct, allegations, investigations, penalties, and to ensure student safety and well-being under §§§§ 10-233, 10-220, 10-220f, 17a-101, 10-222d, and 10-221.
7. At all material times herein the Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, and along with the Defendant THE SANDY HOOK ELEMENTARY SCHOOL, under the requirements of CGS § 10-220f instituted school safety policies and procedures which left no area for discretion by its implementers, concerning the safety of the schools in the NEWTOWN PUBLIC SCHOOL district, including the "lock-down" and evacuation plan previously practiced in a "drill" setting, but never before implemented by the SANDY HOOK ELEMENTARY staff; prior to nor on the December 14, 2012 incident at THE SANDY HOOK ELEMETARY SCHOOL the failure of which to implement same, resulted in the death of twenty (20) students, including, JESSE LEWIS, in violation of C.G.S. §52-557n.

8. The Defendant, THE TOWN, acting through an extension of itself, the Defendant, THE BOARD, failed to provide the staff of SANDY HOOK ELEMENTARY SCHOOL with the necessary information, tools, and training to properly implement the safety protocols previously established by THE BOARD, THE TOWN AND THE SANDY HOOK ELEMNTARY SCHOOL regarding intruders on the SANDY HOOK ELEMENTARY SCHOOL grounds, making it so that THE SANDY HOOK ELEMENTARY SCHOOL staff was unable to implement said security protocols on December 14, 2012 when the intruder entered the building, in violation of C.G.S. § 52-557n.
9. The Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, failed to provide a substitute teacher, or teacher, in classroom eight (8) or ten (10) with a key to lock the door to the classroom, or the proper training regarding the mandatory "lock-down" and evacuation plan the teachers were to follow should an intruder enter the school premises, making it impossible for said teacher to follow the ministerial duty of implementing the safety protocols when the intruder's presence became known, in violation of C.G.S. §52-557n
10. The Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, failed to provide the SANDY HOOK ELEMENTARY SCHOOL with doors to the even numbered classrooms that could be locked from the inside, and had to be locked from the outside by use of a key, thereby making it impossible for the teachers of SANDY HOOK ELEMENTARY SCHOOL to follow the ministerial duty of locking down the school and evacuating students when the intruder, ADAM LANZA's, presence became known in violation of C.G.S. §52-557n.

11. The Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, failed to provide the SANDY HOOK ELEMENTARY SCHOOL with a secure front entrance, leaving a non-security glass window, with measurements of nearly three (3) feet wide by four (4) feet high directly next to the locked doors of the school; essentially rendering the locking of the school doors irrelevant and impotent in the school "lock-down" plan, in violation of C.G.S. §52-557n.
12. The Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, failed to follow or provide its school systems with the necessary tools to implement the security and safety guidelines which THE BOARD, THE TOWN and SANDY HOOK ELEMENTARY SCHOOL implemented and made a ministerial duty that left no room for discretion by the SANDY HOOK ELEMENTARY SCHOOL teachers and staff to effectuate in a time of emergency, thereby violating THE BOARD'S, TOWN'S and SCHOOL'S own ministerial duty to provide a safe school environment, which it voluntarily undertook but failed to follow after implementing a ministerial duty to do so.
13. The details of the Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, ministerial plan were reduced to writing and hung on the inside of classrooms within SANDY HOOK ELEMENTARY SCHOOL on December 14, 2012, but were impossible to follow because the Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, had violated the conditions of same by failing to provide adequate training,

supervision, and equipment to implement said security procedures, thereby violating C.G.S. §52-557n.

14. The details of this plan left no discretion to the teachers or other employees and were to be followed as outlined for the safety of the children at SANDY HOOK ELEMENTARY SCHOOL, by mandate of the Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD,.
15. The Defendant had a ministerial duty to take whatever precautions necessary to protect the Plaintiff from his wrongful death on December 14, 2012 due to their own internal policies codified in the Board of Education's internal handbooks, policies, procedures, and other codified rules and regulations concerning student safety mandated under CGS §233a, and due to their acute knowledge and the specific danger the shooter presented to the identifiable victims of the SANDY HOOK ELEMENTARY SCHOOL when he shot out the front windows and the fact an intruder was present on the school premises became apparent.
16. On December 14, 2012, at approximately 9:30am, the front doors of SANDY HOOK ELEMENTARY SCHOOL were locked for the beginning of the school day to secure the school as they typically were on every other day.
17. Located directly to the right side of the locked front doors of the school was a non-safety glass window with dimensions of approximately three (3) feet in width and four (4) feet in height.

18. JESSE LEWIS was located within the school building at 9:30am on December 14, 2012, in classroom (10), his First grade classroom for the school hours of the day, as a student of the SANDY HOOK ELEMENTARY SCHOOL, which is a public school.
19. At approximately 9:35pm ADAM LANZA shot out the window located next to the locked school doors, and gained easy access to SANDY HOOK ELEMENTARY SCHOOL.
20. The main office staff reported hearing glass breaking and gunshots at approximately 9:35 am and saw a white male with a hat and sunglasses, later identified as ADAM LANZA, come into the building with a rifle-type gun; he was seen shooting the rifle down the hallway where JESSE LEWIS' classroom was located.
21. ADAM LANZA shot down the hallway at the principal and other staff at this time and killed the principal and the school psychologist who had exited conference room 9 at the end of the hallway to see what the loud banging (gunfire) noises were; all were attending a planning and placement meeting with other staff members and a student's parents.
22. A staff member standing behind the principal and school psychologist was shot in the leg; but remained prone on the ground for a moment before crawling back into conference room nine (9) and made a call to 9-1-1 also immediately turning on the school intercom system through the phone located in room nine (9), which allowed other areas of the school to hear what was going on in the building.

23. ADAM LANZA then entered the main office to the school, where all staff members were hiding within the office; ADAM LANZA exited the school office; and then he entered the school office again; during which time no shots were fired and there was a lull in the gunfire.
24. After ADAM LANZA'S second exit from the main office, the office staff immediately called 9-1-1.
25. ADAM LANZA then entered the unlocked doors of classrooms eight (8) and then ten (10), the first grade classrooms of SANDY HOOK ELEMENTARY SCHOOL.
26. At the time ADAM LANZA entered these rooms, no doors had been locked, none of the children had been moved to a safe location, like the bathroom located inside both of these classrooms; bathrooms which could be locked from the inside.
27. Neither classroom eight (8) nor classroom ten (10) had internal locks to their doors; the only way to lock these doors was to lock them from the outside with a key; despite hearing the gunshots that broke the glass window, the gunshots that killed the principal and school psychologist; the gunshots that wounded the other staff member who opened the intercom system from conference room nine (9); or the lull in gunfire that transpired in the time that it took the intruder, ADAM LANZA, to investigate the main office before re-entering the hallway and opening the unlocked doors to classrooms eight (8) and ten (10); thereby effectively no classroom doors were locked in accordance with the aforementioned lock-down or evacuation procedures established by THE TOWN OF NEWTOWN, THE BOARD OF EDUCATION,

and THE SANDY HOOK ELEMENTARY SCHOOL, and were therefore not followed in classrooms eight (8) and ten (10).

28. Classroom eight (8) was occupied by a substitute teacher who had neither a key to lock the door, nor any knowledge or training regarding the aforementioned safety and security protocols recently rehearsed at SANDY HOOK ELEMENTARY SCHOOL in case an intruder or other dangerous individual gained access to the school.
29. Upon entering classrooms eight (8) and ten (10) the ADAM LANZA killed twenty students and four adults before taking his own life outside classroom ten (10).
30. JESSE LEWIS was one of the twenty (20) students killed.
31. On December 14, 2012 THE TOWN, acting through its agents at the Defendant, THE BOARD, failed to adhere to the mandatory safety policies and procedures which they implemented, making them ministerial in nature, in one or more of the following ways thereby causing the wrongful death of JESSE LEWIS and other damages set forth herein:
 - a. They failed to provide SANDY HOOK ELEMENTARY SCHOOL with doors that could be locked from the inside.
 - b. The Plaintiffs bring this action pursuant to § 52-555 of the Connecticut General Statutes.
 - c. They failed to train and supervise the staff at SANDY HOOK ELEMENTARY SCHOOL on the proper way to implement the lock down and evacuation

procedures as proscribed by the Defendant, THE TOWN through its agents at the Defendant, THE BOARD; in violation of CGS § 52-557n

- d. They failed to provide certain teachers with keys to the classrooms to attempt to lock the doors to the classroom, which could only be locked from the outside with a key;
- e. They failed to provide a security guard, or any other type of law enforcement personnel to assist in the implementation of the policies and procedures should an intruder enter the building; in violation of CGS § 52-557n
- f. They left the school exterior unprotected from intruders by leaving a three (3) foot wide by four (4) foot high non-security glass window located directly next to the locked doors of the school; essentially rendering the locking of the school doors; a mandated requirement instituted by the Defendant, THE TOWN through its agents at the Defendant, THE BOARD, a useless and purposeless gesture in violation of CGS § 52-557n;
- g. They failed to follow their own guidelines regarding school safety which they established in accordance with Connecticut General Statutes §§§ 10-220, 10-220f and 10-221 which became ministerial in nature once established, by failing to provide adequate equipment and training to the staff and personnel of SANDY HOOK ELEMENTARY SCHOOL in violation of CGS § 52-557n;
- h. They left the teachers and staff with no discretion in implementing the policies and procedures for a lock-down and evacuation if an intruder entered SANDY HOOK

ELEMENTARY SCHOOL, but failed to provide the same individuals with the proper equipment and training to effectuate the ministerial duty of following the safety protocols, in violation of CGS § 52-557n;

- i. The harm to which JESSE LEWIS was exposed was imminent in that it was isolated to the collection of minutes from when the ADAM LANZA shot out the front window until he ultimately committed suicide; and was restricted to the area in which JESSE LEWIS and his classmates were located in their classrooms in that the teachers and staff in his classroom were well-aware of this imminent harm as gun shots had been firing down the hallway outside the door to JESSE LEWIS'S classroom killing both the school principal at the end of the hallway, the school psychologist at the end of the hallway, and injuring at least one staff member at the end of the hallway; therefore the teacher(s) in JESSE LEWIS'S classroom were on notice that an imminent harm was present to the identifiable victims in the classroom but could not implement the mandatory security guidelines because THE TOWN through its agents at the Defendant, THE BOARD failed to provide adequate equipment and resources to do so in violation of CGS § 52-557n; and
- j. The danger was apparent to JESSE LEWIS'S teacher(s) in that it was easily observed and understood that gunfire down the hallway outside the classroom door would expose the children inside to an immediate and undeniable danger, and the teacher's failure to act to lock the door or otherwise follow the lock-down procedure would

place the students, including JESSE LEWIS, in immediate danger but the teachers could not implement the mandatory security guidelines because THE TOWN through its agents at the Defendant, THE BOARD failed to provide adequate equipment and resources to do so in violation of CGS § 52-557n.

31. As a result of the shooting and failure to follow the proscribed protocols, JESSE LEWIS suffered massive injuries and death.
32. JESSE LEWIS suffered both physically and mentally prior to his untimely death.
33. THE ESTATE OF JESSE LEWIS incurred both medical expenses and burial and funeral expenses, as a result of the events following the shooting;
34. Because of his death, JESSE LEWIS' capacity to enjoy life's activities and have a family were completely and permanently extinguished; and
35. JESSE LEWIS was a studious and dedicated student who's life was cut short before he could finish his education, begin a career, and he therefore lost a lifetime of potential earnings, and the opportunity for the participation in a lifetime of experiences and enjoyment.

THIRD COUNT (THE ESTATE OF JESSE LEWIS, SCARLETT LEWIS AS ADMINISRATRATRIX, NEIL HESLIN AS CO-ADMINSTRATOR against SANDY HOOK ELEMENTARY SCHOOL)

1. Plaintiff, SCARLETT LEWIS is the duly appointed Administratrix of the Estate of her son, JESSE LEWIS, NEIL HESLIN AS CO-ADMINISTRATOR of the estate (hereinafter, "JESSE LEWIS").

2. Defendant, SANDY HOOK ELEMENTARY SCHOOL, was, at all times mentioned herein, a learning institution existing under the rules, regulations, and guidelines of the Connecticut General Statutes, NEWTOWN BOARD OF EDUCATION, the TOWN OF NEWTOWN and the State of Connecticut, and subject to the same rules and regulations as aforementioned.
3. SANDY HOOK ELEMENTARY SCHOOL was, at all times mentioned herein, located in the town of Newtown, County of Fairfield, and State of Connecticut.
4. The defendant, SANDY HOOK ELEMENTARY SCHOOL, was to follow safety procedures and policies enacted by THE TOWN of NEWTOWN, THE NEWTOWN BOARD of EDUCATION and THE SANDY HOOK ELEMENTARY SCHOOL for the safety of its students during school hours; most specifically a "lock-down" and evacuation plan enacted should a stranger, or other improper or dangerous individual enter the school during school hours, or otherwise endanger the students, and to ensure the safety of its students.
5. The details of this plan were relayed to school personnel prior to December 14, 2012, and had been rehearsed and practiced by staff and students days/weeks earlier in a "drill" fashion.
6. The details of this plan left no discretion to the teachers or other employees of SANDY HOOK ELEMNTARY SCHOOL as to how it was to be carried out, and was to be followed as outlined for the safety of the children at SANDY HOOK ELEMENTARY SCHOOL, as developed by THE TOWN OF NEWTOWN, THE BOARD OF EDUCATION, and THE SANDY HOOK ELEMENTARY SCHOOL.

7. On December 14, 2012, at approximately 9:30am, the front doors of SANDY HOOK ELEMENTARY SCHOOL were locked for the beginning of the school day as part of the aforementioned safety policy established by the TOWN, THE BOARD and THE SCHOOL.
8. Located directly to the right side of the locked front doors of the school was a non-safety glass window with dimensions of approximately three (3) feet in width and four (4) feet in height.
9. JESSE LEWIS was located within the school building at 9:30am on December 14, 2012, in classroom (10), his First grade classroom for the school hours of the day, as a student of the SANDY HOOK ELEMENTARY SCHOOL, which is a public school.
10. At approximately 9:35am ADAM LANZA shot out the window located next to the locked school doors, and gained easy access to SANDY HOOK ELEMENTARY SCHOOL.
11. The main office staff reported hearing glass breaking and gunshots at approximately 9:35 am and saw a white male with a hat and sunglasses, later identified as ADAM LANZA, come into the building with a rifle-type gun; and was seen shooting the rifle down the hallway where JESSE LEWIS' classroom was located.
12. ADAM LANZA shot down the hallway at the principal and other staff at this time and killed the principal and the school psychologist who had exited conference room 9 at the end of the hallway to see what the loud banging (gunfire) noises were; all were attending a planning and placement meeting with other staff members and a student's parents.
13. A staff member standing behind the principal and school psychologist was shot in the leg; but remained prone on the ground for a moment before crawling back into conference room nine

(9) and made a call to 9-1-1 also immediately turning on the school intercom system through the phone located in room nine (9), which allowed other areas of the school to hear what was going on in the building.

14. ADAM LANZA then entered the main office to the school, where all staff members were hiding within the office; ADAM LANZA exited the school office; and then he entered the school office again; during which time no shots were fired and there was a lull in the gunfire.
15. After ADAM LANZA'S second exit from the main office, the office staff immediately called 9-1-1.
16. ADAM LANZA then entered the unlocked doors of classrooms eight (8) and then ten (10), the first grade classrooms of SANDY HOOK ELEMENTARY SCHOOL.
17. At the time ADAM LANZA entered these rooms, no doors had been locked, none of the children had been moved to a safe location, like the bathroom located inside both of these classrooms; bathrooms which could be locked from the inside.
18. Neither classroom eight (8) nor classroom ten (10) had internal locks to their doors; the only way to lock these doors was to lock them from the outside with a key; despite hearing the gunshots that broke the glass window, the gunshots that killed the principal and school psychologist; the gunshots that wounded the other staff member who opened the intercom system from conference room nine (9); or the lull in gunfire that transpired in the time that it took the shooter to investigate the main office before re-entering the hallway and opening the unlocked doors to classrooms eight (8) and ten (10); thereby effectively no classroom doors were

locked in accordance with the aforementioned lock-down or evacuation procedures established by THE TOWN OF NEWTOWN, THE BOARD OF EDUCATION, and THE SANDY HOOK ELEMENTARY SCHOOL, and were therefore not followed in classrooms eight (8) and ten (10).

19. Classroom eight (8) was occupied by a substitute teacher who had neither a key to lock the door, nor any knowledge or training regarding the aforementioned safety and security protocols recently rehearsed at SANDY HOOK ELEMENTARY SCHOOL in case an intruder or other dangerous individual gained access to the school.
19. Upon entering classrooms eight (8) and ten (10) the ADAM LANZA killed twenty students and four adults before taking his own life outside classroom ten (10).
20. JESSE LEWIS was one of the twenty (20) students killed.
21. On December 14, 2012 the SANDY HOOK ELEMENTARY SCHOOL, negligently failed to adhere to the mandatory safety policies and procedures, such as "lock-down" and evacuation, established by THE TOWN OF NEWTOWN, THE BOARD OF EDUCATION and THE SANDY HOOK ELEMENTARY SCHOOL in one or more of the following ways thereby causing the wrongful death of JESSE LEWIS and other damages set forth herein:
 - a. They failed to lock the doors to the classrooms eight (8) and ten (10) to prevent the ADAM LANZA access to those rooms in violation of Connecticut General Statutes § 52-557n.

- b. The Plaintiff brings this action pursuant to §52-555 of the Connecticut General Statutes;
- c. They failed to take the students to a safer location within the classroom, such as the bathroom; which had an internal locking mechanism to the door; in violation of C.G.S. § 52-557n;
- d. They did not or could not take the necessary efforts to follow the mandatory "lock-down" or evacuation protocols, in violation of C.G.S. § 52-557n;
- e. They had run drills days earlier to prepare for such a contingency and did not follow the protocols and procedures outlined in the mandatory safety procedures, or practiced in the drills, despite having no discretion in enacting these proscribed safety measures, in violation of C.G.S. §52-557n;
- f. They did not, or were unable, to take steps to protect, secure, or otherwise prevent the killing of the decedent, despite having adequate notice that an intruder was on premises and inflicting mortal wounds to staff and personnel of SANDY HOOK ELEMENTARY SCHOOL; despite having a lull in the shooting within which the "lock-down" procedure could have been effectuated as demanded by the protocol, and despite having a plan in place for just such a contingency, in violation of C.G.S. § 52-557n;
- g. By failing to provide the staff and other agents of SANDY HOOK ELEMENTARY SCHOOL with the necessary tools and training to implement the safety protocols,

such as keys to the doors in order to lock same, the "lock-down" and evacuation plan itself, a secure building without access for trespassers once the doors were locked, and various other tools and information which would have allowed the teachers and staff of SANDYHOOK ELEMENTARY SCHOOL in rooms eight (8) and ten (10) to follow the proscribed safety and lock-down procedures, in violation of C.G.S. § 52-557n

- h. As a student of SANDY HOOK ELEMENTARY SCHOOL, JESSE LEWIS was an identifiable victim of an imminent harm that had become transparent to the teacher(s) in his classroom when the first shots were fired by the shooter to gain access to the building;
- i. The teachers had no discretion in enacting the policies and procedures for the safe "lock down" and evacuation of the school if a trespasser or other dangerous and improper individual entered school property by the mandates of the safety policies and procedures set forth by THE TOWN OF NEWTOWN, THE BOARD OF EDUCATION and THE SANDY HOOK ELEMENTARY SCHOOL;
- j. The harm to which JESSE LEWIS was exposed was imminent in that it was isolated in time to the collection of minutes from when ADAM LANZA first shot out the front window until he ultimately took his own life; and was restricted to the area in which JESSE LEWIS and his classmates were located in their classrooms; in that the teachers and other staff in his classroom were well-aware of this imminent harm as

gun shots had been firing down the hallway outside the door to JESSE LEWIS' classroom killing both the school principal at the end of the hallway, the school psychologist at the end of the hallway, and injuring at least one staff member at the end of the hallway; therefore the teacher(s) in JESSE LEWIS' classroom were on notice that an imminent harm was present to the identifiable victims in their classroom; and

- k. The danger was apparent to JESSE LEWIS' teacher(s) and other staff in his classroom in that it was easily observed and understood that gunfire down the hallway outside the classroom door would expose the children inside same classroom to an immediate and undeniable danger, and the staff's failure or inability to act, to lock the door or otherwise follow the lock-down procedure would undeniably place the students, including JESSE LEWIS, in immediate danger.

21. As a result of the shooting and failure by the TOWN OF NEWTOWN, NEWTOWN BOARD OF EDUCATION and SANDY HOOK ELEMENTARY to follow the proscribed protocols, JESSE LEWIS suffered massive injuries and untimely death.
22. JESSE LEWIS suffered both physically and mentally prior to his untimely death.
23. THE ESTATE OF JESSE LEWIS incurred both medical expenses and burial and funeral expenses, as a result of the events following the shooting.

24. Because of his death, JESSE LEWIS' capacity to enjoy life's activities and have a family were completely and permanently extinguished; and
25. JESSE LEWIS was a studious and dedicated student whose life was cut short before he could finish his education, and/or begin a career; and he therefore lost a lifetime of potential earnings, and the opportunity for the participation in a lifetime of experiences and enjoyment.

FOURTH COUNT (THE ESTATE OF NOAH POZNER, LEONARD POZNER AS ADMINISRATOR, against THE NEWTOWN BOARD OF EDUCATION)

1. Plaintiff, LEONARD POZNER is the duly appointed Administrator of the Estate of his son, NOAH POZNER (hereinafter, "NOAH POZNER").
2. Defendant, THE NEWTOWN BOARD OF EDUCATION (Hereinafter referred to as "BOARD"), was, upon information and belief, an elected Municipal Board, constituted and convened for purposes including, but not limited to, the implementation and administration of policies, procedures, and/or statutory and legal mandates concerning the delivery of public education, supervision and safety of students attending public schools in the TOWN OF NEWTOWN, including SANDY HOOK ELEMENTARY SCHOOL; and was a vital participant in disseminating the safety policies and procedures for SANDY HOOK ELEMENTARY SCHOOL from the TOWN OF NEWTOWN to THE SANDY HOOK ELEMENTARY SCHOOL.
3. At all material times herein, DAVID FLEISHMAN was the TOWN OF NEWTOWN'S Superintendent of Schools, and was responsible for coordinating, implementing, and

communicating THE BOARD'S policies, procedures, regulations, directives, and statutory and legal mandates, among the TOWN OF NEWTOWN'S individual schools, including SANDY HOOK ELEMENTARY SCHOOL and was also responsible for the hiring, training, supervision, professional development and general guidance of the Newtown public schools' teachers, educational assistants and employees as dictated by THE BOARD.

4. At all material times herein, DAVID FLEISHMAN, as the TOWN OF NEWTOWN'S superintendent was responsible for the operation, supervision, control and safety of students and for managing the entire TOWN OF NEWTOWN'S Public School system, overseeing school administrators' management of day-to-day operations of individual schools, including, SANDY HOOK ELEMENTARY SCHOOL, and acting as liaison between the individual schools and Defendant, THE BOARD, via their agents, servants, employees, or representatives, while THE TOWN OF NEWTOWN, THE NEWTOWN BOARD OF EDUCATION and THE SANDY HOOK ELEMENTARY SCHOOL were responsible for the creation, maintenance, supervision, operation, and/or control, of the NEWTOWN PUBLIC SCHOOLS' safety guidelines, and the implementation of same.
5. At all material times herein the superintendent was an agent, servant, employee, or other representative of the Defendant, THE BOARD, and/or THE TOWN OF NEWTOWN.
6. At all material times herein the Defendant, THE BOARD, was under a legal and ministerial duty to create, enforce, and abide by a collection of rules and regulations concerning various employee and student conduct, allegations, investigations, penalties, and to ensure student safety

and well-being under C.G.S. §§§§ 10-233, 10-220, 10-220f, and 10-221, and failed to do so under C.G.S. §52-557n.

7. At all material times herein the Defendant, THE BOARD, under the requirements of CGS § 10-220f instituted school safety policies and procedures which left no area for discretion by its staff and/or agents, concerning the safety of the schools in the Newtown Public School District, including the "lock-down" and evacuation plan previously practiced, but never implemented on December 14, 2012, by the SANDY HOOK ELEMENTARY staff; the failure of which to implement resulted in the death of twenty (20) students, including NOAH POZNER.
8. The Defendant, THE BOARD, failed to provide the staff of SANDY HOOK ELEMENTARY SCHOOL with the necessary information, tools, and training to properly implement the safety protocols previously established by THE TOWN OF NEWTOWN, THE BOARD and SANDY HOOK ELEMENTARY SCHOOL, thereby making it so that the SANDY HOOK ELEMENTARY SCHOOL staff in rooms eight (8) and ten (10) were unable to implement said obligatory safety protocols on December 14, 2012 when an intruder, ADAM LANZA entered the building.
9. The Defendant, THE BOARD, through its agents and employees, failed to provide a substitute teacher, or teacher, in classroom eight (8) or ten (10) with a key to lock the door to said classroom, or the proper training regarding the mandatory "lock-down" and evacuation plan the teachers were to follow should an intruder enter the school premises, making it impossible for said substitute teacher or teacher to follow the ministerial duty of implementing the safety

protocols established by THE TOWN OF NEWTOWN, THE BOARD and SANDY HOOK ELEMENTARY SCHOOL when the intruder's presence became unmistakably known, and the danger to the identifiable class of victims in rooms eight (8) and ten (10) became imminent and readily apparent to the staff of SANDY HOOK ELEMENTARY SCHOOL.

10. The Defendant, THE BOARD as agents and employees of THE TOWN OF NEWTOWN, failed to provide the SANDY HOOK ELEMENTARY SCHOOL with doors to the even numbered classrooms that could be locked from the inside; and instead these doors to the even-numbered classrooms had to be locked from the outside through the use of a key, thereby making it impossible for the teachers of SANDY HOOK ELEMENTARY SCHOOL to follow the ministerial duty of locking down the school and evacuating students when the intruder, ADAM LANZA'S, presence became unmistakably known, and the danger to the identifiable class of victims in rooms eight (8) and ten (10) became imminent and readily apparent to the staff of SANDY HOOK ELEMENTARY SCHOOL, in violation of C.G.S. §52-557n.
11. The Defendant, THE BOARD, as agents and employees of THE TOWN OF NEWTOWN, failed to provide the SANDY HOOK ELEMENTARY SCHOOL with a secure front entrance, leaving a non-security glass window, with measurements of nearly three (3) feet wide by four (4) feet high directly next to the locked doors of the school; essentially rendering the locking of the school doors at the outset of the school day irrelevant and impotent in the effectuation of the school "lock-down" plan established by the TOWN OF NEWTOWN, THE BOARD, and THE SANDY HOOK ELEMENTARY SCHOOL, in violation of C.G.S. §52-557n.

12. The Defendant, THE BOARD as agents and employees of THE TOWN OF NEWTOWN, was negligent in that it failed to follow or provide its school systems with the necessary tools to implement the security and safety guidelines which THE BOARD, THE TOWN OF NEWTOWN and THE SANDY HOOK ELEMENTARY SCHOOL implemented in case an intruder gained access to the school grounds, and thereby made a ministerial duty that left no room for discretion by the SANDY HOOK ELEMENTARY SCHOOL teachers and/or staff to effectuate in a time of emergency; henceforth violating the ministerial duty created by THE TOWN, THE BOARD, and SANDY HOOK ELEMENTARY SCHOOL to provide a safe school environment, which all voluntarily undertook when the "lock down" and evacuation plan was created, but which was rendered impossible to follow, with so many key components missing for a successful implementation, after creating the ministerial duty to do so, all in violation of C.G.S. §52-557n.
13. The details and proscriptions of this plan left no discretion to the teachers or other employees and were to be followed as outlined for the safety of the children at SANDY HOOK ELEMENTARY SCHOOL, by mandate of THE BOARD, THE TOWN and SANDY HOOK ELEMENTARY SCHOOL.
14. The Defendant had created a ministerial duty for all employees, agents and members to take whatever precautions necessary and enumerated in the safety procedures set forth by THE BOARD, THE TOWN OF NEWTOWN, and THE SANDY HOOK ELEMENTARY SCHOOL, to protect the Plaintiff from his wrongful death on December 14, 2012 due to the

creation of their own internal policies codified in the Board of Education's internal handbooks, policies, procedures, and other codified rules and regulations concerning student safety mandated under CGS §233a, and due to their acute knowledge of the imminent and apparent harm the intruder ADAM LANZA presented to the identifiable victims of the SANDY HOOK ELEMENTARY SCHOOL when he first shot out the front windows of the school on December 14, 2012; at which time the fact an intruder was present on the school premises, and the fact that the identifiable victims were in an imminent harm became apparent to the staff, agents, employees and members of THE SANDY HOOK ELEMENTARY SCHOOL.

15. On December 14, 2012, at approximately 9:30am, the front doors of SANDY HOOK ELEMENTARY SCHOOL were locked for the beginning of the school day as part of the aforementioned safety policy established by the TOWN, THE BOARD and THE SCHOOL.
16. Located directly to the right side of the locked front doors of the school was a non-safety glass window with dimensions of approximately three (3) feet in width and four (4) feet in height.
17. NOAH POZNER was located within the school building at 9:30am on December 14, 2012, in classroom (8), his First grade classroom for the school hours of the day, as a student of the SANDY HOOK ELEMENTARY SCHOOL, which is a public school.
18. At approximately 9:35am ADAM LANZA shot out the window located next to the locked school doors, and gained easy access to SANDY HOOK ELEMENTARY SCHOOL.
19. The main office staff reported hearing glass breaking and gunshots at approximately 9:35 am and saw a white male with a hat and sunglasses, later identified as ADAM LANZA, come into the

building with a rifle-type gun; and was seen shooting the rifle down the hallway where NOAH POZNER'S classroom was located.

20. ADAM LANZA shot down the hallway at the principal and other staff at this time and killed the principal and the school psychologist who had exited conference room 9 at the end of the hallway to see what the loud banging (gunfire) noises were; all were attending a planning and placement meeting with other staff members and a student's parents.
21. A staff member standing behind the principal and school psychologist was shot in the leg; but remained prone on the ground for a moment before crawling back into conference room nine (9) and made a call to 9-1-1 also immediately turning on the school intercom system through the phone located in room nine (9), which allowed other areas of the school to hear what was going on in the building.
22. ADAM LANZA then entered the main office to the school, where all staff members were hiding within the office; ADAM LANZA exited the school office; and then he entered the school office again; during which time no shots were fired and there was a lull in the gunfire.
23. After ADAM LANZA'S second exit from the main office, the office staff immediately called 9-1-1.
24. ADAM LANZA then entered the unlocked doors of classrooms eight (8) and then ten (10), the first grade classrooms of SANDY HOOK ELEMENTARY SCHOOL.

25. At the time ADAM LANZA entered these rooms, no doors had been locked, none of the children had been moved to a safe location, like the bathroom located inside both of these classrooms; bathrooms which could be locked from the inside.
26. Neither classroom eight (8) nor classroom ten (10) had internal locks to their doors; the only way to lock these doors was to lock them from the outside with a key; despite hearing the gunshots that broke the glass window, the gunshots that killed the principal and school psychologist; the gunshots that wounded the other staff member who opened the intercom system from conference room nine (9); or the lull in gunfire that transpired in the time that it took the intruder, ADAM LANZA, to investigate the main office before re-entering the hallway and opening the unlocked doors to classrooms eight (8) and ten (10); thereby effectively no classroom doors were locked in accordance with the aforementioned lock-down or evacuation procedures established by THE TOWN OF NEWTOWN, THE BOARD OF EDUCATION, and THE SANDY HOOK ELEMENTARY SCHOOL, and were therefore not followed in classrooms eight (8) and ten (10).
27. Classroom eight (8) was occupied by a substitute teacher who had neither a key to lock the door, nor any knowledge or training regarding the aforementioned safety and security protocols recently rehearsed at SANDY HOOK ELEMENTARY SCHOOL in case an intruder or other dangerous individual gained access to the school.
28. Upon entering classrooms eight (8) and ten (10) the ADAM LANZA killed twenty students and four adults before taking his own life outside classroom ten (10).

29. NOAH POZNER was one of the twenty (20) students killed.

30. On December 14, 2012 THE BOARD, and its staff and employees negligently left the staff of THE SANDY HOOK ELEMENTARY SCHOOL in a position where it could not adhere to the mandatory safety policies and procedures, such as "lock-down" and evacuation, established by THE TOWN OF NEWTOWN, THE BOARD OF EDUCATION and THE SANDY HOOK ELEMENTARY SCHOOL in one or more of the following ways thereby causing the wrongful death of NOAH POZNER and other damages set forth herein:

- a. They failed to provide SANDY HOOK ELEMENTARY SCHOOL with doors that could be locked from the inside thereby making the "lock down" portion of the safety protocols virtually impossible to follow, in violation of C.G.S. §52-557n.
- b. The Plaintiff brings this action pursuant to § 52-555 of the Connecticut General Statutes.
- c. They failed to train and supervise the staff at SANDY HOOK ELEMENTARY SCHOOL on the proper way to implement the "lock down" and evacuation procedures as instituted by, THE BOARD THE TOWN OF NEWTOWN AND THE SANDY HOOK ELEMENTARY SCHOOL for situations precisely like the one that presented itself on December 14, 2012, in violation of C.G.S. § 52-557n;
- d. They failed to provide certain teachers with keys to the classrooms or training or information concerning the "lock down procedure" thereby making it impossible to

even attempt to lock the doors to the classroom, which could only be locked from the outside with a key, in violation of C.G.S. §52-557n;

- e. They failed to provide a security guard, or any other type of law enforcement personnel to assist in the implementation of the policies and procedures should an intruder enter the building, while leaving a large enough non-safety glass window directly to the right of the locked outer doors of the school; making access to the building relatively simple, and successful "lock down" of the building virtually impossible, in violation of C.G.S. § 52-557n;
- f. They left the school exterior unprotected from intruders by leaving a three (3) foot wide by four (4) foot high non-security glass window located directly to the right of the locked exterior doors of the school; essentially rendering the locking of the school doors; a mandated requirement instituted by THE BOARD, THE TOWN OF NEWTOWN and SANDY HOOK ELEMENTARY SCHOOL a useless and purposeless gesture in violation of C.G.S. § 52-557n;
- g. They failed to follow their own guidelines regarding school safety which THE BOARD THE TOWN, and THE SANDY HOOK ELEMENTARY SCHOOL established in accordance with Connecticut General Statutes §§§ 10-220, 10-220f and 10-221, which then became ministerial in nature once established to all agents, employees, and members of the BOARD and THE SANDY HOOK ELEMENTARY SCHOOL, by failing to provide adequate equipment and training

to the staff and personnel of THE SANDY HOOK ELEMENTARY SCHOOL on how to successfully implement the "lock down" and evacuation security plan, in violation of C.G.S. § 52-557n;

- h. They left the teachers and staff with no discretion in implementing the policies and procedures for a "lock-down" and evacuation if an intruder entered SANDY HOOK ELEMENTARY SCHOOL, but failed to provide the same individuals with the proper equipment, building security, and training to effectuate the ministerial duty of following the safety protocols, in violation of §52-557n;
- i. The harm to which NOAH POZNER was exposed was imminent in that it was isolated to the collection of times from when the shooter shot out the front window until he ultimately committed suicide; and was geographically restricted to the area in which NOAH POZNER and his classmates were located in their classrooms; in that the teachers and staff in his classroom were well-aware of this imminent harm as gun shots had been firing down the hallway outside the door to NOAH POZNER'S classroom killing both the school principal at the end of the hallway, the school psychologist at the end of the hallway, and injuring at least one staff member at the end of the hallway; therefore the teacher(s) in NOAH POZNER'S classroom were on notice that an imminent harm was present to the identifiable victims in the classroom but could not implement the mandatory security guidelines because the

BOARD failed to provide adequate equipment and resources to do so in violation of C.G.S. §52-557n; and

- j. The danger was apparent to NOAH POZNER'S teacher(s) in that it was easily observed and understood that gunfire down the hallway outside the classroom door would expose the children inside to an immediate and undeniable danger, and the teacher's failure to act to lock the door, in part because the substitute was not provided with a key to do so, or otherwise follow the "lock-down" and evacuation procedure, of which the substitute teacher had no knowledge, training or experience, would place the students, including NOAH POZNER, in immediate danger, but the teachers and other staff, agents and employees could not implement the mandatory security guidelines because the BOARD failed to provide adequate equipment and resources to do so.

31. As a result direct of the failure to provide the necessary equipment and training to follow the safety and security guidelines established by THE TOWN OF NEWTOWN, THE BOARD, and THE SANDY HOOK ELEMENTARY SCHOOL, the shooter was able to gain access to NOAH POZNER'S classroom and same failure resulted in the shooting and failure to follow the proscribed protocols, thereby leading to NOAH POZNER suffering massive fatal injuries and death.

32. NOAH POZNER suffered both physically and mentally prior to his untimely death.

33. THE ESTATE OF NOAH POZNER incurred both medical expenses and burial and funeral expenses, as a result of the events following the shooting;
34. Because of his death, NOAH POZNER'S capacity to enjoy life's activities and have a family were completely and permanently extinguished; and
35. NOAH POZNER was a studious and dedicated student who's life was cut short before he could finish his education, begin a career, and he therefore lost a lifetime of potential earnings, and the opportunity for the participation in a lifetime of experiences and enjoyment.

FIFTH COUNT (THE ESTATE OF NOAH POZNER, LEONARD POZNER AS ADMINISRATOR, against THE TOWN OF NEWTOWN)

1. Plaintiff, LEONARD POZNER is the duly appointed Administrator of the Estate of his son, NOAH POZNER, (hereinafter, "NOAH POZNER").
2. Defendant, THE TOWN OF NEWTOWN (Hereinafter and previously referred to as "THE TOWN"), was, upon information and belief, a corporate entity or government politic charged with the safety and education of the inhabitants of its town, including the education of the children located therein from grade school through high school; and the safety of those children while in the schools and at the school functions established by THE TOWN under CGS §§ 17a-101.
3. At all material times herein, DAVID FLEISHMAN was the TOWN OF NEWTOWN'S Superintendent of Schools, and was responsible for coordinating, implementing, and communicating THE BOARD'S policies, procedures, regulations, directives, and statutory and

legal mandates, among the Defendant, THE TOWN'S individual schools, including, Defendant, SANDY HOOK ELEMENTARY SCHOOL and was also responsible for the hiring, training, supervision, professional development and general guidance of the Newtown public schools' teachers, educational assistants and employees as dictated by THE BOARD through the TOWN.

4. At all material times herein, DAVID FLEISHMAN, as the TOWN'S superintendent was responsible for the operation, supervision, control and safety of students and for managing the entire TOWN'S Public School system, overseeing school administrators' management of day-to-day operations of individual schools, including, SANDY HOOK ELEMENTARY SCHOOL, and acting as liaison between the individual schools and Defendant, THE BOARD as an extension of the Defendant, THE TOWN, via their agents, servants, employees, or representatives, who were responsible for the creation, maintenance, supervision, operation, and/or control, of the NEWTOWN PUBLIC SCHOOLS, as delegated by the Defendant, THE TOWN.
5. At all material times herein the superintendent was an agent, servant, employee, or other representative of the Defendant, THE BOARD, and/or the Defendant, THE TOWN.
6. At all material times herein the Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, was under a legal and ministerial duty to create, enforce, and abide by a collection of rules and regulations concerning various employee and student conduct,

allegations, investigations, penalties, and to ensure student safety and well-being under §§§§ 10-233, 10-220, 10-220f, 17a-101, 10-222d, and 10-221.

7. At all material times herein the Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, and along with the Defendant THE SANDY HOOK ELEMENTARY SCHOOL, under the requirements of CGS § 10-220f instituted school safety policies and procedures which left no area for discretion by its implementers, concerning the safety of the schools in the NEWTOWN PUBLIC SCHOOL district, including the "lock-down" and evacuation plan previously practiced in a "drill" setting, but never before implemented by the SANDY HOOK ELEMENTARY staff; prior to nor on the December 14, 2012 incident at THE SANDY HOOK ELEMENTARY SCHOOL the failure of which to implement same, resulted in the death of twenty (20) students, including, NOAH POZNER, in violation of C.G.S. §52-557n.
8. The Defendant, THE TOWN, acting through an extension of itself, the Defendant, THE BOARD, failed to provide the staff of SANDY HOOK ELEMENTARY SCHOOL with the necessary information, tools, and training to properly implement the safety protocols previously established by THE BOARD, THE TOWN AND THE SANDY HOOK ELEMENTARY SCHOOL regarding intruders on the SANDY HOOK ELEMENTARY SCHOOL grounds, making it so that THE SANDY HOOK ELEMENTARY SCHOOL staff was unable to implement said security protocols on December 14, 2012 when the intruder entered the building, in violation of C.G.S. § 52-557n.

9. The Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, failed to provide a substitute teacher, or teacher, in classroom eight (8) or ten (10) with a key to lock the door to the classroom, or the proper training regarding the mandatory "lock-down" and evacuation plan the teachers were to follow should an intruder enter the school premises, making it impossible for said teacher to follow the ministerial duty of implementing the safety protocols when the intruder's presence became known, in violation of C.G.S. §52-557n
10. The Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, failed to provide the SANDY HOOK ELEMENTARY SCHOOL with doors to the even numbered classrooms that could be locked from the inside, and had to be locked from the outside by use of a key, thereby making it impossible for the teachers of SANDY HOOK ELEMENTARY SCHOOL to follow the ministerial duty of locking down the school and evacuating students when the intruder, ADAM LANZA's, presence became known in violation of C.G.S. §52-557n.
11. The Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, failed to provide the SANDY HOOK ELEMENTARY SCHOOL with a secure front entrance, leaving a non-security glass window, with measurements of nearly three (3) feet wide by four (4) feet high directly next to the locked doors of the school; essentially rendering the locking of the school doors irrelevant and impotent in the school "lock-down" plan, in violation of C.G.S. §52-557n.
12. The Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, failed to follow or provide its school systems with the necessary tools to implement the security and

safety guidelines which THE BOARD, THE TOWN and SANDY HOOK ELEMENTARY SCHOOL implemented and made a ministerial duty that left no room for discretion by the SANDY HOOK ELEMENTARY SCHOOL teachers and staff to effectuate in a time of emergency, thereby violating THE BOARD'S, TOWN'S and SCHOOL'S own ministerial duty to provide a safe school environment, which it voluntarily undertook but failed to follow after implementing a ministerial duty to do so.

13. The details of the Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, ministerial plan were reduced to writing and hung on the inside of classrooms within SANDY HOOK ELEMENTARY SCHOOL on December 14, 2012, but were impossible to follow because the Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, had violated the conditions of same by failing to provide adequate training, supervision, and equipment to implement said security procedures, thereby violating C.G.S. §52-557n.
14. The details of this plan left no discretion to the teachers or other employees and were to be followed as outlined for the safety of the children at SANDY HOOK ELEMENTARY SCHOOL, by mandate of the Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD.
15. The Defendant had a ministerial duty to take whatever precautions necessary to protect the Plaintiff from his wrongful death on December 14, 2012 due to their own internal policies codified in the Board of Education's internal handbooks, policies, procedures, and other

codified rules and regulations concerning student safety mandated under CGS §233a, and due to their acute knowledge and the specific danger the shooter presented to the identifiable victims of the SANDY HOOK ELEMENTARY SCHOOL when he shot out the front windows and the fact an intruder was present on the school premises became apparent.

16. On December 14, 2012, at approximately 9:30am, the front doors of SANDY HOOK ELEMENTARY SCHOOL were locked for the beginning of the school day to secure the school as they typically were on every other day.
17. Located directly to the right side of the locked front doors of the school was a non-safety glass window with dimensions of approximately three (3) feet in width and four (4) feet in height.
18. NOAH POZNER was located within the school building at 9:30am on December 14, 2012, in classroom (8), his First grade classroom for the school hours of the day, as a student of the SANDY HOOK ELEMENTARY SCHOOL, which is a public school.
19. At approximately 9:35pm ADAM LANZA shot out the window located next to the locked school doors, and gained easy access to SANDY HOOK ELEMENTARY SCHOOL.
20. The main office staff reported hearing glass breaking and gunshots at approximately 9:35 am and saw a white male with a hat and sunglasses, later identified as ADAM LANZA, come into the building with a rifle-type gun; he was seen shooting the rifle down the hallway where NOAH POZNER'S classroom was located .
21. ADAM LANZA shot down the hallway at the principal and other staff at this time and killed the principal and the school psychologist who had exited conference room 9 at the end of the

hallway to see what the loud banging (gunfire) noises were; all were attending a planning and placement meeting with other staff members and a student's parents.

22. A staff member standing behind the principal and school psychologist was shot in the leg; but remained prone on the ground for a moment before crawling back into conference room nine (9) and made a call to 9-1-1 also immediately turning on the school intercom system through the phone located in room nine (9), which allowed other areas of the school to hear what was going on in the building.
23. ADAM LANZA then entered the main office to the school, where all staff members were hiding within the office; ADAM LANZA exited the school office; and then he entered the school office again; during which time no shots were fired and there was a lull in the gunfire.
24. After ADAM LANZA'S second exit from the main office, the office staff immediately called 9-1-1.
25. ADAM LANZA then entered the unlocked doors of classrooms eight (8) and then ten (10), the first grade classrooms of SANDY HOOK ELEMENTARY SCHOOL.
26. At the time ADAM LANZA entered these rooms, no doors had been locked, none of the children had been moved to a safe location, like the bathroom located inside both of these classrooms; bathrooms which could be locked from the inside.
27. Neither classroom eight (8) nor classroom ten (10) had internal locks to their doors; the only way to lock these doors was to lock them from the outside with a key; despite hearing the gunshots that broke the glass window, the gunshots that killed the principal and school

psychologist; the gunshots that wounded the other staff member who opened the intercom system from conference room nine (9); or the lull in gunfire that transpired in the time that it took the intruder, ADAM LANZA, to investigate the main office before re-entering the hallway and opening the unlocked doors to classrooms eight (8) and ten (10); thereby effectively no classroom doors were locked in accordance with the aforementioned lock-down or evacuation procedures established by THE TOWN OF NEWTOWN, THE BOARD OF EDUCATION, and THE SANDY HOOK ELEMENTARY SCHOOL, and were therefore not followed in classrooms eight (8) and ten (10).

28. Classroom eight (8) was occupied by a substitute teacher who had neither a key to lock the door, nor any knowledge or training regarding the aforementioned safety and security protocols recently rehearsed at SANDY HOOK ELEMENTARY SCHOOL in case an intruder or other dangerous individual gained access to the school.
29. Upon entering classrooms eight (8) and ten (10) the ADAM LANZA killed twenty students and four adults before taking his own life outside classroom ten (10).
30. NOAH POZNER was one of the twenty (20) students killed.
31. On December 14, 2012 THE TOWN, acting through its agents at the Defendant, THE BOARD, failed to adhere to the mandatory safety policies and procedures which they implemented, making them ministerial in nature, in one or more of the following ways thereby causing the wrongful death of NOAH POZNER and other damages set forth herein:

- a. They failed to provide SANDY HOOK ELEMENTARY SCHOOL with doors that could be locked from the inside.
- b. The Plaintiffs bring this action pursuant to § 52-555 of the Connecticut General Statutes.
- c. They failed to train and supervise the staff at SANDY HOOK ELEMENTARY SCHOOL on the proper way to implement the lock down and evacuation procedures as proscribed by the Defendant, THE TOWN through its agents at the Defendant, THE BOARD; in violation of CGS § 52-557a
- d. They failed to provide certain teachers with keys to the classrooms to attempt to lock the doors to the classroom, which could only be locked from the outside with a key;
- e. They failed to provide a security guard, or any other type of law enforcement personnel to assist in the implementation of the policies and procedures should an intruder enter the building; in violation of CGS § 52-557a
- f. They left the school exterior unprotected from intruders by leaving a three (3) foot wide by four (4) foot high non-security glass window located directly next to the locked doors of the school; essentially rendering the locking of the school doors; a mandated requirement instituted by the Defendant, THE TOWN through its agents at the Defendant, THE BOARD, a useless and purposeless gesture in violation of CGS § 52-557n;

- g. They failed to follow their own guidelines regarding school safety which they established in accordance with Connecticut General Statutes §§§ 10-220, 10-220f and 10-221 which became ministerial in nature once established, by failing to provide adequate equipment and training to the staff and personnel of SANDY HOOK ELEMENTARY SCHOOL in violation of CGS § 52-557n;
- h. They left the teachers and staff with no discretion in implementing the policies and procedures for a lock-down and evacuation if an intruder entered SANDY HOOK ELEMENTARY SCHOOL, but failed to provide the same individuals with the proper equipment and training to effectuate the ministerial duty of following the safety protocols, in violation of CGS § 52-557n;
- i. The harm to which NOAH POZNER was exposed was imminent in that it was isolated to the collection of minutes from when the ADAM LANZA shot out the front window until he ultimately committed suicide; and was restricted to the area in which NOAH POZNER and his classmates were located in their classrooms in that the teachers and staff in his classroom were well-aware of this imminent harm as gun shots had been firing down the hallway outside the door to NOAH POZNER'S classroom killing both the school principal at the end of the hallway, the school psychologist at the end of the hallway, and injuring at least one staff member at the end of the hallway; therefore the teacher(s) in NOAH POZNER'S classroom were on notice that an imminent harm was present to the identifiable victims in the

classroom but could not implement the mandatory security guidelines because THE TOWN through its agents at the Defendant, THE BOARD failed to provide adequate equipment and resources to do so in violation of CGS § 52-557n; and

- j. The danger was apparent to NOAH POZNER'S teacher(s) in that it was easily observed and understood that gunfire down the hallway outside the classroom door would expose the children inside to an immediate and undeniable danger, and the teacher's failure to act to lock the door or otherwise follow the lock-down procedure would place the students, including NOAH POZNER, in immediate danger but the teachers could not implement the mandatory security guidelines because THE TOWN through its agents at the Defendant, THE BOARD failed to provide adequate equipment and resources to do so in violation of CGS § 52-557n.

- 31. As a result of the shooting and failure to follow the proscribed protocols, NOAH POZNER suffered massive injuries and death.
- 32. NOAH POZNER suffered both physically and mentally prior to his untimely death.
- 33. THE ESTATE OF NOAH POZNER incurred both medical expenses and burial and funeral expenses, as a result of the events following the shooting;
- 34. Because of his death, NOAH POZNER'S capacity to enjoy life's activities and have a family were completely and permanently extinguished; and

35. NOAH POZNER was a studious and dedicated student who's life was cut short before he could finish his education, begin a career, and he therefore lost a lifetime of potential earnings, and the opportunity for the participation in a lifetime of experiences and enjoyment.

THE SIXTH COUNT (THE ESTATE OF NOAH POZNER, LEONARD POZNER AS ADMINISRATOR against SANDY HOOK ELEMENTARY SCHOOL)

1. Plaintiff, LEONARD POZNER, is the duly appointed Administrator of the Estate of his son, NOAH POZNER, (hereinafter, "NOAH POZNER").
2. Defendant, SANDY HOOK ELEMENTARY SCHOOL, was, at all times mentioned herein, a learning institution existing under the rules, regulations, and guidelines of the Connecticut General Statutes, NEWTOWN BOARD OF EDUCATION, the TOWN OF NEWTOWN and the State of Connecticut, and subject to the same rules and regulations as aforementioned.
3. SANDY HOOK ELEMENTARY SCHOOL was, at all times mentioned herein, located in the town of Newtown, County of Fairfield, and State of Connecticut.
4. The defendant, SANDY HOOK ELEMENTARY SCHOOL, was to follow safety procedures and policies enacted by THE TOWN of NEWTOWN, THE NEWTOWN BOARD of EDUCATION and THE SANDY HOOK ELEMENTARY SCHOOL for the safety of its students during school hours; most specifically a "lock-down" and evacuation plan enacted should a stranger, or other improper or dangerous individual enter the school during school hours, or otherwise endanger the students, and to ensure the safety of its students.

5. The details of this plan were relayed to school personnel prior to December 14, 2012, and had been rehearsed and practiced by staff and students days/weeks earlier in a "drill" fashion.
6. The details of this plan left no discretion to the teachers or other employees of SANDY HOOK ELEMENTARY SCHOOL as to how it was to be carried out, and was to be followed as outlined for the safety of the children at SANDY HOOK ELEMENTARY SCHOOL, as developed by THE TOWN OF NEWTOWN, THE BOARD OF EDUCATION, and THE SANDY HOOK ELEMENTARY SCHOOL.
7. On December 14, 2012, at approximately 9:30am, the front doors of SANDY HOOK ELEMENTARY SCHOOL were locked for the beginning of the school day as part of the aforementioned safety policy established by the TOWN, THE BOARD and THE SCHOOL.
8. Located directly to the right side of the locked front doors of the school was a non-safety glass window with dimensions of approximately three (3) feet in width and four (4) feet in height.
9. NOAH POZNER was located within the school building at 9:30am on December 14, 2012, in classroom (8), his First grade classroom for the school hours of the day, as a student of the SANDY HOOK ELEMENTARY SCHOOL, which is a public school.
10. At approximately 9:35am ADAM LANZA shot out the window located next to the locked school doors, and gained easy access to SANDY HOOK ELEMENTARY SCHOOL.
11. The main office staff reported hearing glass breaking and gunshots at approximately 9:35 am and saw a white male with a hat and sunglasses, later identified as ADAM LANZA, come into the

building with a rifle-type gun; and was seen shooting the rifle down the hallway where NOAH POZNER'S classroom was located.

12. ADAM LANZA shot down the hallway at the principal and other staff at this time and killed the principal and the school psychologist who had exited conference room 9 at the end of the hallway to see what the loud banging (gunfire) noises were; all were attending a planning and placement meeting with other staff members and a student's parents.
13. A staff member standing behind the principal and school psychologist was shot in the leg; but remained prone on the ground for a moment before crawling back into conference room nine (9) and made a call to 9-1-1 also immediately turning on the school intercom system through the phone located in room nine (9), which allowed other areas of the school to hear what was going on in the building.
14. ADAM LANZA then entered the main office to the school, where all staff members were hiding within the office; ADAM LANZA exited the school office; and then he entered the school office again; during which time no shots were fired and there was a lull in the gunfire.
15. After ADAM LANZA'S second exit from the main office, the office staff immediately called 9-1-1.
16. ADAM LANZA then entered the unlocked doors of classrooms eight (8) and then ten (10), the first grade classrooms of SANDY HOOK ELEMENTARY SCHOOL.

17. At the time ADAM LANZA entered these rooms, no doors had been locked, none of the children had been moved to a safe location, like the bathroom located inside both of these classrooms; bathrooms which could be locked from the inside.
18. Neither classroom eight (8) nor classroom ten (10) had internal locks to their doors; the only way to lock these doors was to lock them from the outside with a key; despite hearing the gunshots that broke the glass window, the gunshots that killed the principal and school psychologist; the gunshots that wounded the other staff member who opened the intercom system from conference room nine (9); or the lull in gunfire that transpired in the time that it took the shooter to investigate the main office before re-entering the hallway and opening the unlocked doors to classrooms eight (8) and ten (10); thereby effectively no classroom doors were locked in accordance with the aforementioned lock-down or evacuation procedures established by THE TOWN OF NEWTOWN, THE BOARD OF EDUCATION, and THE SANDY HOOK ELEMENTARY SCHOOL, and were therefore not followed in classrooms eight (8) and ten (10).
19. Classroom eight (8) was occupied by a substitute teacher who had neither a key to lock the door, nor any knowledge or training regarding the aforementioned safety and security protocols recently rehearsed at SANDY HOOK ELEMENTARY SCHOOL in case an intruder or other dangerous individual gained access to the school.
19. Upon entering classrooms eight (8) and ten (10) the ADAM LANZA killed twenty students and four adults before taking his own life outside classroom ten (10).

20. NOAH POZNER was one of the twenty (20) students killed.

21. On December 14, 2012 the SANDY HOOK ELEMENTARY SCHOOL, negligently failed to adhere to the mandatory safety policies and procedures, such as "lock-down" and evacuation, established by THE TOWN OF NEWTOWN, THE BOARD OF EDUCATION and THE SANDY HOOK ELEMENTARY SCHOOL in one or more of the following ways thereby causing the wrongful death of NOAH POZNER and other damages set forth herein:

- a. They failed to lock the doors to the classrooms eight (8) and ten (10) to prevent the ADAM LANZA access to those rooms in violation of Connecticut General Statutes § 52-557n.
- b. The Plaintiff brings this action pursuant to §52-555 of the Connecticut General Statutes;
- c. They failed to take the students to a safer location within the classroom, such as the bathroom; which had an internal locking mechanism to the door; in violation of C.G.S. § 52-557n;
- d. They did not or could not take the necessary efforts to follow the mandatory "lock-down" or evacuation protocols, in violation of C.G.S. § 52-557n;
- e. They had run drills days earlier to prepare for such a contingency and did not follow the protocols and procedures outlined in the mandatory safety procedures, or practiced in the drills, despite having no discretion in enacting these proscribed safety measures, in violation of C.G.S. §52-557n;

- f. They did not, or were unable, to take steps to protect, secure, or otherwise prevent the killing of the decedent, despite having adequate notice that an intruder was on premises and inflicting mortal wounds to staff and personnel of SANDY HOOK ELEMENTARY SCHOOL; despite having a lull in the shooting within which the "lock-down" procedure could have been effectuated as demanded by the protocol, and despite having a plan in place for just such a contingency, in violation of C.G.S. § 52-557n;
- g. By failing to provide the staff and other agents of SANDY HOOK ELEMENTARY SCHOOL with the necessary tools and training to implement the safety protocols, such as keys to the doors in order to lock same, the "lock-down" and evacuation plan itself, a secure building without access for trespassers once the doors were locked, and various other tools and information which would have allowed the teachers and staff of SANDYHOOK ELEMENTARY SCHOOL in rooms eight (8) and ten (10) to follow the proscribed safety and lock-down procedures, in violation of C.G.S. § 52-557n
- b. As a student of SANDY HOOK ELEMENTARY SCHOOL, NOAH POZNER was an identifiable victim of an imminent harm that had become transparent to the teacher(s) in his classroom when the first shots were fired by the shooter to gain access to the building;

- i. The teachers had no discretion in enacting the policies and procedures for the safe “lock down” and evacuation of the school if a trespasser or other dangerous and improper individual entered school property by the mandates of the safety policies and procedures set forth by THE TOWN OF NEWTOWN, THE BOARD OF EDUCATION and THE SANDY HOOK ELEMENTARY SCHOOL;
- j. The harm to which NOAH POZNER was exposed was imminent in that it was isolated in time to the collection of minutes from when ADAM LANZA first shot out the front window until he ultimately took his own life; and was restricted to the area in which NOAH POZNER and his classmates were located in their classrooms; in that the teachers and other staff in his classroom were well-aware of this imminent harm as gun shots had been firing down the hallway outside the door to NOAH POZNER’S classroom killing both the school principal at the end of the hallway, the school psychologist at the end of the hallway, and injuring at least one staff member at the end of the hallway; therefore the teacher(s) in NOAH POZNER’S classroom were on notice that an imminent harm was present to the identifiable victims in their classroom; and
- k. The danger was apparent to NOAH POZNER’S teacher(s) and other staff in his classroom in that it was easily observed and understood that gunfire down the hallway outside the classroom door would expose the children inside same classroom to an immediate and undeniable danger, and the staff’s failure or inability to act, to

lock the door or otherwise follow the lock-down procedure would undeniably place the students, including NOAH POZNER, in immediate danger.

21. As a result of the shooting and failure by the TOWN OF NEWTOWN, NEWTOWN BOARD OF EDUCATION and SANDY HOOK ELEMENTARY to follow the proscribed protocols, NOAH POZNER suffered massive injuries and untimely death.
22. NOAH POZNER suffered both physically and mentally prior to his untimely death.
23. THE ESTATE OF NOAH POZNER incurred both medical expenses and burial and funeral expenses, as a result of the events following the shooting.
24. Because of his death, NOAH POZNER'S capacity to enjoy life's activities and have a family were completely and permanently extinguished; and
25. NOAH POZNER was a studious and dedicated student whose life was cut short before he could finish his education, and/or begin a career; and he therefore lost a lifetime of potential earnings, and the opportunity for the participation in a lifetime of experiences and enjoyment.

WHEREFORE, Plaintiff claims:

1. Monetary damages;
2. Such other and further relief as this Honorable Court may deem just and equitable.

THE PLAINTIFFS

BY 

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N. E. Nikola
Conn. State Marshal
Fairfield County

RETURN DATE: JANUARY 27, 2015

: SUPERIOR COURT

THE ESTATE OF JESSE LEWIS, SCARLETT
LEWIS AS ADMINISTRATRIX AND NEIL
HESLIN AS CO-ADMINISTRATOR; THE
ESTATE OF NOAH POSNER, LEONARD
POZNER AS ADMINISTRATOR

: J.D. OF DANBURY

V.

: AT DANBURY

THE TOWN OF NEWTOWN, ET AL.

: DECEMBER 12, 2014

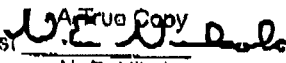
AMOUNT IN DEMAND

The amount, legal interests, or property in demand is FIFTEEN THOUSAND AND
NO/100 DOLLARS (\$15,000.00) or more, exclusive of interests and costs.

~~THE PLAINTIFFS~~

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