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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

JANE DOE, Individually and as Next
Friend of JOHN DOE, a minor;
RICHARD ROE 1, Individually and on
behalf of JANE ROE 1, a minor;
RICHARD ROE 2 and MRS.
RICHARD ROE 2, , Individually and
on behalf of JANE ROE 2, a minor; all
Individually and on behalf of a class of
persons similarly situated,

Plaintiffs,

vs.

STATE OF HAWAII, SCOTT
O'NEAL, SYDNEY DICKERSON,
AND JOHN DOES 1-10,

Defendants

CIVIL NO. 11-00550 DAE KSC

THIRD PARTY COMPLAINT
(FRCivP Rule 14(a))

STATE OF HAWAII,

Third Party Plaintiff,

vs.

PETER POES 1-100, PATRICIA
POES 1-100, AND PARENT POES 1-
100,

Third party Defendants.

THIRD PARTY COMPLAINT
JURISDICTION

1. This Court has jurisdiction over the dispute between Plaintiffs Jane Doe, John Doe, Richard Roe 1, Jane Roe 1, Richard Roe 2, Mrs. Richard Roe 2, Jane Roe 2 and Defendants State of Hawaii, Scott O'Neal and Sydney Dickerson in that the allegations in the First Amended Complaint relate to alleged violations of federal laws and torts that were committed in the State of Hawaii by the Defendants.

2. This Third Party Complaint asserts that Peter Poes 1-100, Patricia Poes 1-100 and Parent Poes 1-100 are liable to the State of Hawaii for the liability the State of Hawaii may owe to Plaintiffs Jane Doe, John Doe, Richard Roe 1, Jane Roe 1, Richard Roe 2, Mrs. Richard Roe 2, Jane Roe 2 and members of the

putative class they purport to represent. The claim asserted in this Third Party Complaint arises out of the same facts and circumstances as those in the First Amended Complaint.

PARTIES

3. The true names of Third Party Defendants Peter Poes 1-100, Patricia Poes 1-100 and Parent Poes 1-100, inclusive, are unknown to Third Party Plaintiff, State of Hawaii, at this time. Third Party Plaintiff, State of Hawaii, therefore sues these Third Party Defendants by such fictitious names pursuant to FRCivP, Rule 17(d). Third Party Plaintiff, State of Hawaii is informed and believes, and on the basis of that information and belief alleges that each of the Third Party Defendants designated as Poe is legally responsible for the events and happenings referred to in the First Amended Complaint, and unlawfully caused the injuries and damages to the Plaintiffs alleged in the First Amended Complaint. Investigation as to their true identities is ongoing, and not yet complete, given the general reluctance of those implicated to admit their involvement in the underlying events.

4. The parties designated as Peter Poes 1-100 are male students or former students, who sexually assaulted, or participated in the sexual assaults upon Plaintiffs John Doe, Jane Roe 1, Jane Roe 2 and members of the putative class, which Plaintiffs purport to represent, as set forth in the First Amended Complaint.

5. The parties designated as Patricia Poes 1-100 are female students or former students, who sexually assaulted, or participated in the sexual assaults upon Plaintiffs John Doe, Jane Roe 1, Jane Roe 2 and members of the putative class, which Plaintiffs purport to represent, as set forth in the First Amended Complaint.

6. The parties designated as Parent Poes 1-100 are the parents of Peter Poes 1-100 and Patricia Poes 1-100, the students or former students, who sexually assaulted, or participated in the sexual assaults upon Plaintiffs John Doe, Jane Roe 1 and Jane Roe 2 and members of the putative class which Plaintiffs purport to represent, as set forth in the First Amended Complaint. The Parent Poes 1-100 are jointly and severally responsible for the torts of their unmarried minor children pursuant to HRS § 577-3.

7. As Plaintiffs Jane Doe's, Richard Roe 1's, Richard Roe 2's and Mrs. Richard Roe 2's claims for damages is derivative upon Plaintiffs John Doe's, Jane Roe 1's, and Jane Roe 2's claims, Third Party Defendants Peter Poes 1-100, Patricia Poes 1-100 and Parent Poes 1-100 are responsible for any damages Jane Doe, Richard Roe 1, Richard Roe 2 and Mrs. Richard Roe 2 suffered, or any damages suffered by any member of the putative class which Plaintiffs purport to represent.

CLAIM FOR RELIEF

8. Plaintiffs Jane Doe, John Doe, Richard Roe 1, Jane Roe 1, Richard Roe 2, Mrs. Richard Roe 2, Jane Roe 2 have filed a First Amended Complaint against Defendant State of Hawaii in this action. A copy of the Plaintiffs' First Amended Complaint is attached to this Third Party Complaint as Exhibit A.

9. Third Party Defendants Peter Poes 1-100 and Patricia Poes 1-100 are liable to Defendant and Third Party Plaintiff, State of Hawaii for all or part of Plaintiffs' claim against the Defendant and Third Party Plaintiff, State of Hawaii because Peter Poes 1-100 and Patricia Poes 1-100 are the students or former students, who sexually assaulted, or participated in the sexual assaults upon Plaintiffs John Doe, Jane Roe 1, Jane Roe 2 and members of the putative class, which Plaintiffs purport to represent, as set forth in the First Amended Complaint.

10. Third Party Defendants Parent Poes 1-100 are liable to Defendant and Third Party Plaintiff, State of Hawaii for all or part of Plaintiffs' claim against the Defendant and Third Party Plaintiff, State of Hawaii because they are the parents of Third Party Defendants Peter Poes 1-100 and Patricia Poes 1-100 and are jointly and severally responsible for the torts of their unmarried minor children pursuant to HRS § 577-3.

PRAYER

Third Party Plaintiff, State of Hawaii, demands judgment against Third Party Defendants Peter Poes 1-100, Patricia Poes 1-100 and Parent Poes 1-100 for all or part of any sums that may be adjudged against the State of Hawaii in favor of Plaintiffs Jane Doe, John Doe, Richard Roe 1, Jane Roe 1, Richard Roe 2, Mrs. Richard Roe 2, Jane Roe 2, or any member of the putative classes which they purport to represent.

DATED: Honolulu, Hawaii, September 20, 2011.

DAVID M. LOUIE
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/s/ John F. Molay
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