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IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII



Plaintiff,

vs.


SAINT LOUIS SCHOOL; JAYDEN
DE LAURA; KAMOI LATU; GLENN
DE LAURA; ALLISON DE LAURA;
PAUL LATU; KAMALUHIAOLAOKALANI
ELENEKE; and JOHN DOES 1-10;

Defendants.


CIVIL NO.:
(Assault and Battery)

COMPLAINT; SUMMONS; DEMAND
FOR JURY TRIAL

COMPLAINT

Comes now Plaintiff  designated herein by initials to protect her privacy interests, by and through her attorneys, Rosenberg McKay Hoffman, and for a Complaint against the above-named Defendants, hereby alleges, affirms and avers as follows:

PARTIES

1. Plaintiff  (hereinafter "Plaintiff") currently resides in the County of Norfolk, State of Virginia, but is permanently domiciled and at all time relevant was domiciled on the island of

Moloka'i, County of Maui, in the State of Hawaii. At the time of the events described herein, Plaintiff was a minor under the age of 18. Plaintiff is designated in this action by initials as the claims are of a graphic nature and would result in extreme embarrassment and humiliation if Plaintiff's identity were known.

2. Defendant Jayden De Laura (hereinafter "Defendant Jayden") is, and at all times relevant herein was, a resident of the City and County of Honolulu, State of Hawaii.

3. Upon information and belief, Defendant Jayden is currently enrolled as an undergraduate student at Washington State University, in the City of Pullman and County of Whitman, State of Washington, but his permanent domicile is in the City and County of Honolulu, State of Hawaii. At all times relevant, Defendant Jayden was a member of the St. Louis High School Varsity Football team and a minor, under the age of 18.

4. Defendant Kamoi Latu (hereinafter "Defendant Kamoi"), is, and at all times relevant herein was, a resident of the City and County of Honolulu, State of Hawaii.

5. Upon information and belief, Defendant Kamoi is currently enrolled as an undergraduate student at the University of Utah, in the City and County of Salt Lake, State of Utah, but his permanent domicile is in the City and County of Honolulu, State of Hawaii. At all times relevant, Defendant Kamoi was a member of the St. Louis High School Varsity Football team and a minor, under the age of 18.

6. Defendants Glenn De Laura and Allison De Laura are, and at all times relevant were residents of the City and County of Honolulu, State of Hawaii and the biological and custodial parents of Defendant Jayden. Defendants Glenn and Allison are liable for the torts of Defendant Jayden committed when he was a minor pursuant to Hawaii law.

7. Defendants Paul Latu and Kamaluhiaolaokalani Elenke are, and at all times relevant were residents of the City and County of Honolulu, State of Hawaii, and the biological and custodial

parents of Defendant Kamoi. Defendants Paul and Kamaluhiaolaokalani are liable for the torts of Defendant Kamoi committed when he was a minor pursuant to Hawaii law.

8. Defendant Saint Louis School (hereinafter “Defendant SLS”) is and at all times relevant was a Hawaii non-profit corporation existing and operating under the laws of the State of Hawaii. At all times relevant, Defendant SLS’ principal place of business was in the City and County of Honolulu, State of Hawaii and Defendant SLS was the occupier of the premises located at 3142 Waialae Avenue, Honolulu, Hawaii 96816. At all times relevant, Defendants Jayden and Kamoi were students enrolled at Defendant SLS and under the supervision of Defendant SLS whenever Defendants Jayden and Kamoi were on the premises of Defendant SLS or participating in activities related to or sponsored by Defendant SLS.

9. Defendants John Does 1-10 (hereinafter referred to as “DOE Defendants”) are persons, corporations, partnerships, business entities, non-profit entities, and/or governmental entities who acted in a negligent, wrongful or tortious manner which proximately caused or contributed to injuries and damages sustained by Plaintiff. Plaintiff has been unable to ascertain the identities of the above-named DOE Defendants from the investigation that has been conducted to date. Accordingly, Plaintiff has sued the unidentified DOE Defendants herein with fictitious names pursuant to Rule 17(d) of the Hawaii Rules of Civil Procedure, and Plaintiff will substitute the true names, identities, capacities, acts and/or omissions of the DOE Defendants when the same are ascertained.

JURISDICTION AND VENUE

10. All of the acts and occurrences alleged herein occurred within the City and County of Honolulu, State of Hawaii.

11. The amount of Plaintiff’s damages alleged herein falls within the jurisdictional requirements of this Court.

12. Jurisdiction over this action rests in the Circuit Court, State of Hawaii, pursuant to Hawaii Revised Statutes (“HRS”) § 603-21.5. Venue for this action properly is in the Circuit Court of the First Circuit, State of Hawaii, pursuant to HRS § 603-36 as Defendants Jayden, Kamoi, Glenn, Allison, Paul, and Kamaluhiaolaokalani, are domiciled in said Circuit and SLS does business in said circuit.

FACTS

13. On or about October 27, 2018, Defendants Jayden and Kamoi played for Defendant SLS in the Interscholastic League of Honolulu’s championship high school varsity football game at Aloha Stadium. Plaintiff was an acquaintance of Defendant Jayden and other members of the team and planned to attend the game at Aloha Stadium to show her support for the team. Plaintiff, her mother, and her friend flew from their homes on Molokai to Oahu to attend the game.

14. As is traditional in Hawaii, Plaintiff brought flower leis with her to give to her friends and acquaintances on the team. However, when the game was over, the players were immediately ushered onto the team bus. Plaintiff was informed by one of the players that supporters would have to drive to St. Louis School to present leis to the players after they showered and came out of the St. Louis locker room. Plaintiff, her mother, and Plaintiff’s friend got back in their vehicle and Plaintiff’s mother drove them to the St. Louis campus. Once on campus, Plaintiff and her friend got out of the car, took the leis, went looking for the players and then distributed the leis. Once the leis were distributed, Plaintiff and her friend returned to the car and prepared to leave.

15. Suddenly, Plaintiff received a text message from Defendant Jayden demanding to know where she was and summoning her back to second floor stairwell of the parking garage area because he needed to “talk” to her. By this time, Plaintiff’s friend was not feeling well and decided to stay in the car. Plaintiff left the vehicle to meet with Jayden.

16. Plaintiff met Defendant Jayden on the second level stairwell of Defendant St. Louis' parking garage. Defendant Jayden was with Defendant Kamoi and demanded that Plaintiff engage in sex with the two of them simultaneously, immediately. Plaintiff refused. Despite her refusal, Defendants physically overpowered her, with Jayden forcing her to fellate Defendant Kamoi by holding her head from behind and pushing it down towards Defendant Kamoi's crotch. At the same time, Defendant Jayden then forcibly pulled down Plaintiff's shorts, bent her over at the waist, and began penetrating Plaintiff from the rear with his penis. Plaintiff was sobbing uncontrollably in fear and anger and Defendant Jayden began choking her to gain her cooperation. After Defendant Kamoi ejaculated in her mouth, Defendant Jayden shouted, "It's my turn," but Plaintiff continued to resist. Eventually, Defendant Jayden gave up and let Plaintiff go. Plaintiff returned to the car in silence and her mother drove away from campus.

17. Later, knowing something was wrong with Plaintiff, her mother confronted her and Plaintiff admitted that she had been sexually assaulted by Defendants Jayden and Kamoi. Plaintiff was encouraged to contact the police. However, Plaintiff felt ashamed and embarrassed. Plaintiff felt like she wouldn't be believed.

18. Plaintiff subsequently confronted Defendant Jayden about the sexual assault by text/direct messaging. Defendant Jayden admitted that he and Defendant Kamoi had sexually assaulted her and eventually apologized. In December of 2018, Plaintiff made a police report and showed police the messages between Plaintiff and Defendant Jayden.

19. Defendants Jayden and Kamoi were charged with and eventually pled guilty to Sex Assault 2°. Upon information and belief, neither received any jail time pursuant to their guilty pleas.

20. Upon information and belief, Defendant SLS hired and retained security personnel to patrol and maintain its premises, including the parking structure and adjacent areas on Defendant SLS' campus. However, actual patrols by security officers were sporadic. Moreover, Defendant SLS'

football players were afforded special treatment by school employees and security officers and as a result, football players were rarely challenged, even when engaged in activities which were illegal and/or against school policy. On the evening of October 27, 2018, at the time that Plaintiff and the other supporters were awaiting the football players on campus, there were no security officers visible in the area of the parking facility and no security officers came to Plaintiff's aid while she was being sexually assaulted.

FIRST CAUSE OF ACTION: ASSAULT, BATTERY, FALSE IMPRISONMENT AND
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

21. Plaintiff incorporates by reference herein the allegations contained in the previous paragraphs 1-20 inclusive as if fully set forth herein.

22. Defendant Jayden's conduct was intentional and malicious and constituted assault, battery, false imprisonment and intentional infliction of emotional distress, and was committed with blatant disregard for the rights and safety of Plaintiff.

23. Defendant Kamoi's conduct was intentional and malicious and constituted assault, battery, false imprisonment and intentional infliction of emotional distress, and was committed with blatant disregard for the rights and safety of Plaintiff.

24. As a legal and proximate result of Defendant Jayden's and Defendant Kamoi's conduct, Plaintiff has sustained severe injuries and damages and is entitled to compensation from Defendants, including Defendants Glenn, Allison, Paul and Kamaluhiaolaokalani for past and future medical and psychological/psychiatric expenses, past and future wage loss, other out of pocket expenses, pain and suffering, severe emotional distress and mental anguish, punitive damages, and other special and general damages allowed by law.

SECOND CAUSE OF ACTION: NEGLIGENCE AND NEGLIGENT INFLICTION OF
EMOTIONAL DISTRESS

25. Plaintiff incorporates by reference herein the allegations contained in the previous paragraphs 1-24 inclusive as if fully set forth herein.

26. Defendant SLS was the owner, occupier, operator, and/or had supervisory responsibilities over the St. Louis School premises, including but not limited to the adjacent parking facility, and as such, pursuant to Hawaii law, said Defendants had a special relationship with Plaintiff, an invitee, and a special relationship with Defendants Jayden and Kamoi, who were student athletes under the supervision of Defendant SLS' employees and representatives. This special relationship obligated Defendant SLS to prevent Defendants Jayden and Kamoi from sexually abusing Plaintiff and required Defendant SLS to protect Plaintiff from the criminal conduct of Defendants Jayden and Kamoi and/or to warn Plaintiff of the danger presented by said Defendants.

27. Defendant Jayden's and other football teammates social media contained significant information about Defendant Jayden's sexual activities and preferences, including at least one video posted of Defendant Jayden engaged in sexual activities in a car parked in Defendant SLS' parking structure, where Plaintiff had been accosted and later raped. This information was available to Defendant SLS' employees and security officers and therefore, Defendants knew or should have known that Defendants used the parking lot to have sexual encounters in violation of school policy and harmful to the welfare of Defendant SLS' students and guests.

28. Defendant SLS breached its duties of care to Plaintiff and the actions of said Defendants constitutes negligence, negligent supervision, and negligent security.

29. As a direct and proximate result of Defendants' wrongful conduct, Plaintiff has sustained severe injuries and damages and is entitled to compensation from Defendants for past and

future medical and psychological/psychiatric expenses, past and future wage loss, other out of pocket expenses, pain and suffering, severe emotional distress and mental anguish, and other special and general damages allowed by law.


30. Defendants, including Defendant SLS, are all joint tortfeasors by operation of Hawaii law.

31. This claim is timely filed within two years of Plaintiff's 18th birthday as the limitations period was tolled during Plaintiff's minority by operation of Hawaii law.

32. WHEREFORE, Plaintiff prays for relief against Defendants, jointly and severally, as follows:

- a. Special, general, and punitive damages in amounts to be proven at trial;
- b. Attorney's fees and costs incurred;
- c. Prejudgment and post-judgement interest; and
- d. Such additional and further relief deemed just and appropriate under the circumstances.

DATED: Honolulu, Hawaii, December 2, 2021.

/s/ Randall L.K.M. Rosenberg
RANDALL L.K.M. ROSENBERG
RYAN M. KAUFMAN
Attorneys for Plaintiff 

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Defendants.


CIVIL NO.:
(Assault and Battery)



DEMAND FOR JURY TRIAL

DEMAND FOR JURY TRIAL

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

DATED: Honolulu, Hawaii, December 2, 2021.

/s/ Randall L.K.M. Rosenberg
RANDALL L.K.M. ROSENBERG
RYAN M. KAUFMAN
Attorneys for Plaintiff 

STATE OF HAWAII CIRCUIT COURT OF THE FIRST CIRCUIT	SUMMONS TO ANSWER CIVIL COMPLAINT	CASE NUMBER
PLAINTIFF 	VS.	DEFENDANT(S) SAINT LOUIS SCHOOL; JAYDEN DE LAURA; KAMOI LATU; GLENN DE LAURA; ALLISON DE LAURA; PAUL LATU; KAMALUHIAOLAOKALANI ELENEKE; and JOHN DOES 1-10;
PLAINTIFF'S NAME & ADDRESS, TEL. NO. C.T. c/o ROSENBERG McKAY HOFFMAN 737 Bishop Street, Suite 2350 Honolulu, Hawaii 96813 Telephone: (808) 536-4270		
<p>TO THE ABOVE-NAMED DEFENDANT(S)</p> <p>You are hereby summoned and required to file with the court and serve upon</p> <p>ROSENBERG McKAY HOFFMAN 737 Bishop Street, Suite 2350, Honolulu, Hawaii 96813</p> <hr style="border: 0.5px solid black; margin: 10px 0;"/> <p>plaintiff's attorney, whose address is stated above, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the date of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.</p> <p>THIS SUMMONS SHALL NOT BE PERSONALLY DELIVERED BETWEEN 10:00 P.M. AND 6:00 A.M. ON PREMISES NOT OPEN TO THE GENERAL PUBLIC, UNLESS A JUDGE OF THE ABOVE-ENTITLED COURT PERMITS, IN WRITING ON THIS SUMMONS, PERSONAL DELIVERY DURING THOSE HOURS.</p> <p>A FAILURE TO OBEY THIS SUMMONS MAY RESULT IN AN ENTRY OF DEFAULT AND DEFAULT JUDGMENT AGAINST THE DISOBEYING PERSON OR PARTY.</p>		
The original document is filed in the Judiciary's electronic case management system which is accessible via eCourt Kokua at: http://www.courts.state.hi.us	Effective Date of 28-Oct-2019 Signed by: /s/ Patsy Nakamoto Clerk, 1st Circuit, State of Hawai'i	
<div style="display: flex; align-items: center;">  <p>In accordance with the Americans with Disabilities Act, and other applicable state and federal laws, if you require a reasonable accommodation for a disability, please contact the ADA Coordinator at the Circuit Court Administration Office on OAHU- Phone No. 808-539-4400, TTY 808-539-4853, FAX 539-4402, at least ten (10) working days prior to your hearing or appointment date.</p> </div>		

