

Civil Cover Sheet

For Prothonotary Use Only (Docket Number)

MARCH 2023

001438

E-Filing Number: 2303027282

PLAINTIFF'S NAME JOHN DOE		DEFENDANT'S NAME TYREE DUMAS	
PLAINTIFF'S ADDRESS C/O ANDREOZZI + FOOTE 4503 N. FRONT STREET HARRISBURG PA 17110		DEFENDANT'S ADDRESS 1244 W. SERGEANT STREET, PHILADELPHIA PA 19133	
PLAINTIFF'S NAME		DEFENDANT'S NAME DOLLAR BOYZ, INC., ALIAS: DOLLARBOYZ	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS 1244 W. SERGEANT STREET, PHILADELPHIA PA 19133	
PLAINTIFF'S NAME		DEFENDANT'S NAME Y-NOT(YOUTH ON TOP)	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS 1244 W. SERGEANT STREET, PHILADELPHIA PA 19133	
TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 4	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input checked="" type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other: _____		
CASE TYPE AND CODE 20 - PERSONAL INJURY - OTHER			
STATUTORY BASIS FOR CAUSE OF ACTION			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)		IS CASE SUBJECT TO COORDINATION ORDER? YES NO	
		FILED PRO PROTHY MAR 13 2023 G. IMPERATO	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>JOHN DOE</u> Papers may be served at the address set forth below.			
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY NATHANIEL L. FOOTE		ADDRESS 4503 N. FRONT ST. HARRISBURG PA 17110	
PHONE NUMBER (717) 525-9124	FAX NUMBER (717) 525-9143		
SUPREME COURT IDENTIFICATION NO. 318998	E-MAIL ADDRESS nate@vca.law		
SIGNATURE OF FILING ATTORNEY OR PARTY NATHANIEL FOOTE	DATE SUBMITTED Monday, March 13, 2023, 11:34 am		

COMPLETE LIST OF DEFENDANTS:

1. TYREE DUMAS
1244 W. SERGEANT STREET,
PHILADELPHIA PA 19133
2. DOLLAR BOYZ, INC.
ALIAS: DOLLARBOYZ
1244 W. SERGEANT STREET,
PHILADELPHIA PA 19133
3. Y-NOT(YOUTH ON TOP)
1244 W. SERGEANT STREET,
PHILADELPHIA PA 19133
4. SCHOOL DISTRICT OF PHILADELPHIA
440 N. BROAD STREET
PHILADELPHIA PA 19130

Supreme Court of Pennsylvania

Court of Common Pleas Civil Cover Sheet

Philadelphia

County

For Prothonotary Use Only:

Docket No:

*Filed and Attested by the
Office of Judicial Records
13 MAR 2023 11:34 am*

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

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Commencement of Action:

- Complaint Writ of Summons Petition
 Transfer from Another Jurisdiction Declaration of Taking

Lead Plaintiff's Name:
John Doe

Lead Defendant's Name:
Tyree Dumus

Are money damages requested? Yes No

Dollar Amount Requested: within arbitration limits
(check one) outside arbitration limits

Is this a *Class Action Suit*? Yes No

Is this an *MDJ Appeal*? Yes No

Name of Plaintiff/Appellant's Attorney: Nathaniel L. Foote, Esq. , Veronica N. Hubbard, Esq.

Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

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B**

Nature of the Case: Place an "X" to the left of the **ONE** case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort)

- Intentional
 Malicious Prosecution
 Motor Vehicle
 Nuisance
 Premises Liability
 Product Liability (*does not include mass tort*)
 Slander/Libel/ Defamation
 Other:
Negligence

CONTRACT (do not include Judgments)

- Buyer Plaintiff
 Debt Collection: Credit Card
 Debt Collection: Other

 Employment Dispute:
Discrimination
 Employment Dispute: Other

 Other:

CIVIL APPEALS

- Administrative Agencies
 Board of Assessment
 Board of Elections
 Dept. of Transportation
 Statutory Appeal: Other

- Zoning Board
 Other:

MASS TORT

- Asbestos
 Tobacco
 Toxic Tort - DES
 Toxic Tort - Implant
 Toxic Waste
 Other:

REAL PROPERTY

- Ejectment
 Eminent Domain/Condemnation
 Ground Rent
 Landlord/Tenant Dispute
 Mortgage Foreclosure: Residential
 Mortgage Foreclosure: Commercial
 Partition
 Quiet Title
 Other:

MISCELLANEOUS

- Common Law/Statutory Arbitration
 Declaratory Judgment
 Mandamus
 Non-Domestic Relations
 Restraining Order
 Quo Warranto
 Replevin
 Other:

PROFESSIONAL LIABILITY

- Dental
 Legal
 Medical
 Other Professional:

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF PHILADELPHIA

Filed and Attested by the
Office of Judicial Records
13 MAR 2023 11:34 am
G. IMPERATO



John Doe c/o Andreozzi + Foote

CIVIL ACTION - LAW

NO. _____

JURY TRIAL DEMANDED

v.

Tyree Dumas, et al.

NOTICE TO DEFEND

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

**Philadelphia Bar Association
Lawyer Referral
and Information Service
1101 Market St., 11th Floor
Philadelphia, Pennsylvania 19107
(215) 238-6333**

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta ascantar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademias, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

Lleve esta demanda a un abogado inmediatamente. Si no tiene abogado o si no tiene el dinero suficiente de pagar tal servicio. Vaya en persona o llame por telefono a la oficina cuya direccion se encuentra escrita abajo para averiguar donde se puede conseguir asistencia legal.

**Asociacion De Licenciados
De Filadelfia
Servicio De Referencia E
Informacion Legal
1101 Market St., 11th Piso
Filadelfia, Pennsylvania 19107
(215) 238-6333**

ANDREOZZI + FOOTE

Nathaniel L. Foote, Esq. (ID #318998)

nate@vca.law

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4503 North Front Street, Harrisburg, PA 17110

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Attorneys for Plaintiff

JOHN DOE
c/o Andreozzi + Foote
4503 N. Front Street, Harrisburg, PA 17110

Plaintiff,

v.

TYREE DUMAS
1244 W. Sergeant Street, Philadelphia, PA 19133

and

DOLLAR BOYZ, INC. AKA DOLLARBOYZ
1244 W. Sergeant Street, Philadelphia, PA 19133

and

Y-NOT (YOUTH NOW ON TOP)
1244 W. Sergeant Street, Philadelphia, PA 19133

and

SCHOOL DISTRICT OF PHILADELPHIA
440 N. Broad Street, Philadelphia, PA 19130

Defendant(s).

IN THE COURT OF COMMON
PLEAS OF PHILADELPHIA

NO. _____

JURY TRIAL DEMANDED

COMPLAINT

AND NOW, comes the Plaintiff, JOHN DOE, who files the within Complaint against the Defendant(s), TYREE DUMAS, and DOLLAR BOYZ, INC. aka DOLLARBOYZ, and Y-NOT (YOUTH NOW ON TOP), and the SCHOOL DISTRICT OF PHILADELPHIA, and states as follows:

PARTIES

1. The Plaintiff, JOHN DOE, is an adult resident of the state of Pennsylvania, who can be contacted through counsel, Andreozzi + Foote, 4503 N. Front Street, Harrisburg, PA 17110.

2. JOHN DOE is identified by a pseudonym as this action involves JOHN DOE's childhood sexual abuse by Howard Rubin ("Perpetrator"). The identity of JOHN DOE will be made known to Defendants and their counsel.

3. The Defendant, Tyree Dumas ("Dumas"), is an adult resident of Philadelphia, who, upon information and belief, resides at 1244 W. Sergeant Street, Philadelphia, PA 19133 or in the Philadelphia Industrial Correctional Center, at 8301 State Rd., Philadelphia, PA 19136

4. The Defendant, DOLLAR BOYZ, INC. aka DOLLARBOYZ ("DollarBoyz") is a Pennsylvania registered corporation, which at all times relevant was formed, operated, owned and run by Dumas, with a registered address of 1244 W. Sergeant Street, Philadelphia, PA 19133.

5. The Defendant, Y-NOT (YOUTH NOW ON TOP) ("Y-NOT") is a Pennsylvania registered not-for-profit corporation, which at all times relevant was formed, operated, owned and run by Dumas, with a registered address of 1244 W. Sergeant Street, Philadelphia, PA 19133.

6. The Defendant, the School District of Philadelphia (the "District") is a Pennsylvania school district located at 440 N. Broad Street, Philadelphia, PA 19130.

7. The District is a local agency under Pennsylvania's Political Subdivision Tort Claims Act ("PSTCA"), 42 Pa.C.S. §§ 8541-8564.

49. Under the PSTCA, a local agency is generally shielded from tort liability for negligent acts, subject to certain exceptions. Plaintiff's claim(s) herein falls under the PSTCA

exception enumerated at 42 Pa.C.S. § 8542(b)(9), which states: “Sexual abuse.--Conduct which constitutes an offense enumerated under [42 Pa.C.S. § 5551(7)] (relating to no limitation applicable) if the injuries to the plaintiff were caused by actions or omissions of the local agency which constitute negligence.” In this case, Plaintiff was subject to a violations of § 5551(7). As such, the District does not have PSTCA immunity in this matter.

FACTS

8. DollarBoyz is a company founded by Dumas in Philadelphia, incorporated in 2009.

9. Y-NOT is a not-for-profit founded by Dumas in Philadelphia, incorporated in 2009.

10. DollarBoyz was, at all times relevant, founded under the auspices and/or as a subsidiary of, Y-NOT, by Dumas.

11. Y-NOT and DollarBoyz are referred to collectively as “DollarBoyz” in this Complaint.

12. DollarBoyz was ostensibly created to provide a positive environment and experiences for Philadelphia youth.

13. DollarBoyz operated out of a building in west Philadelphia at 5403 Market Street, in Philadelphia.

14. Dumas also served as a foster parent.

15. DollarBoyz was in large part a dance troupe in which children from the community, like JOHN DOE, could participate.

16. When JOHN DOE was a teenager, JOHN DOE became involved with DollarBoyz.

17. Through DollarBoyz, in approximately the spring/summer of 2013, when JOHN DOE was 15 years old, he met Howard Rubin (“Perpetrator”).

18. Perpetrator had a personal and professional relationship with Dumas and DollarBoyz.

19. Rubin, now a well-known sex offender, was a former Philadelphia school police officer, once called the “Hip-Hop Cop For The Stars.”

20. Rubin was employed or otherwise engaged by Defendant(s) to provide security and other services to Defendant(s).

21. By virtue of Rubin’s role with Defendant(s) he met and had access to children, including JOHN DOE

22. Before meeting JOHN DOE, Rubin had a well-known history of child sexual abuse allegations, which were known, or should have been known, to the Defendants.

23. As early as 2008 Rubin was accused of engaging inappropriate behavior with males.

24. In 2008, Rubin was employed by the District at Edison High School.

25. Rubin was forced to resign by the District from Edison High School that year due to allegations of inappropriate conduct.

26. However, Rubin was not reported to the authorities or fired.

27. Rather, as of 2010, Rubin was employed by the District at Mastbaum High School.

28. Again, Rubin was accused of inappropriate conduct and was either forced to resign or fired.

29. Upon information and belief, again the District did not report Rubin to the authorities.

30. All the while, JOHN DOE was a student of the District, for whom the District was responsible, including during the period of DOE's abuse by Rubin.

31. Rubin was also employed as a police officer by the Multi-Cultural Academy Charter School in Philadelphia from August 2010 until September 13, 2014, when Rubin was terminated following allegations of an inappropriate nature with male minor(s).

32. Indeed, according to Rubin's Multi-Cultural Academy Charter School personnel file, he was accused of being a "pedophile" in 2012 and/or 2013.

33. Again, in early 2014, Rubin was accused of sexual misconduct vis-à-vis the Multi-Cultural Academy Charter School.

34. In September 2014, Rubin was again accused of sexual misconduct with minor males and this time fired from the Multi-Cultural Academy Charter School.

35. Upon information and belief, all the Defendant(s) knew, or should have known, of the multiple allegations of sexual misconduct against Perpetrator that surfaced.

36. During this period, in 2013 and 2014, Rubin sexually abused the Plaintiff, JOHN DOE, on multiple occasions.

37. JOHN DOE's relationship with Perpetrator was premised upon Rubin's relationship to Defendant(s).

38. Defendant(s) actual or constructive knowledge of Perpetrator's history of sexual misconduct was known to Defendant(s) prior to cessation of JOHN DOE's abuse by Perpetrator.

39. Defendant(s) did not report their knowledge, actual or constructive, regarding Perpetrator's history of sexual misconduct to the appropriate authorities.

40. Defendant(s) took no steps to protect JOHN DOE or other children from Perpetrator.

41. Defendant(s) response to actual or constructive knowledge of Perpetrator's history of sexual misconduct was inadequate under the circumstances and allowed Plaintiff's abuse by Perpetrator to continue.

42. In 2021, Rubin pled guilty in the Philadelphia Court of Common Pleas (CP-51-CR-0003254-2020) to sexual offenses related to JOHN DOE and another child.

43. Rubin pled guilty to two counts of involuntary deviate sexual intercourse, one count of corruption of minors, and one count of false incrimination.

44. Because of the Defendant(s) actions and omissions herein, the Plaintiff, JOHN DOE, was sexually abused, suffering severe and permanent injuries.

COUNT I

PLAINTIFF V. ALL DEFENDANT(S)

NEGLIGENCE, GROSS NEGLIGENCE, RECKLESSNESS

45. The allegations throughout this Complaint are incorporated as if set forth at length.

46. At all times relevant, the Defendant(s) owed a duty to protect Plaintiff from sexual abuse.

47. The Defendant(s) violated their duty, and were negligent, careless, grossly negligent, and/or reckless as follows:

- a. By failing to establish adequate child abuse prevention policies, procedures, and practices;
- b. By failing to make mandatory and adhere (and ensure adherence) to such policies, procedures, and practices;
- c. By failing to adequately screen and supervise all those with access to children, including Perpetrator;
- d. By failing to retain, hire, train, and supervise agents/employees with regard to the prevention of child sexual abuse;
- e. By failing to adequately monitor and supervise Perpetrator and Plaintiff;
- f. By failing to know the risks of sexual abuse inherent in youth serving activities;

- g. By failing to require child sex abuse training for parents/guardians and children;
- h. By failing to recognize the signs that Perpetrator was a child sexual predator;
- i. By failing to conduct a background check on Perpetrator;
- j. By allowing Perpetrator to work with children despite his history;
- k. By failing to terminate Perpetrator from his role despite Perpetrator's red flags and lack of fitness for the role;
- l. By failing to report Perpetrator to the appropriate authorities; and,
- m. By violating the duties imposed upon them pursuant to the Restatement of Torts, Second, §§ 314A, 315, 317, 323, 324A, 343, 344, & 371, as adopted in Pennsylvania.

48. As a direct and proximate cause of the Defendant(s)'s actions and omissions, and breach of the duties of reasonable care, Plaintiff was sexually abused, resulting in damages.

WHEREFORE, the Plaintiff, claims of all the Defendant(s) damages, in an amount in excess of the mandatory arbitration limits, jointly and severally, including punitive damages, in addition to any other relief this Honorable Court deems appropriate.

COUNT II

PLAINTIFF V. ALL DEFENDANT(S)

NEGLIGENCE PER SE – VIOLATION OF PENNSYLVANIA'S CHILD PROTECTIVE SERVICES LAW ("CPSL"), 23 PA.C.S. § 6301, ET SEQ.

49. The allegations throughout this Complaint are incorporated as if set forth at length.

50. The Defendant violated its duty and was negligent *per se* pursuant to the CPSL.

51. The purpose of the CPSL is to protect the interest(s) of the Plaintiff, as a school student, as the CPSL was clearly promulgated to protect abused children such as Plaintiff.

52. Pennsylvania's CPSL applies to the conduct of the Defendant(s).

53. The Defendant(s) violated the CPSL by failing to "immediately" report Perpetrator's sexual misconduct with Plaintiff even after "reasonable cause to suspect" that Perpetrator was sexually abusing children.

54. As a direct and proximate cause of the Defendant(s)'s actions and omissions, and breach of the duties of reasonable care, Plaintiff was sexually abused, resulting in damages.

WHEREFORE, the Plaintiff, claims of all the Defendant(s) damages, in an amount in excess of the mandatory arbitration limits, jointly and severally, including punitive damages, in addition to any other relief this Honorable Court deems appropriate.

ANDREOZZI + FOOTE

Date: March 13, 2023

/s/ Nathaniel L. Foote, Esq.

VERIFICATION

I, [REDACTED] verify that the statements made in the foregoing Complaint are true and correct to the best of my knowledge and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.

Dated: 2/22/23 17:37 EST

[REDACTED]

Signature

CERTIFICATION REGARDING CONFIDENTIAL INFORMATION

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Date: March 13, 2023

/s/ Nathaniel Foote
Nathaniel L. Foote, Esq.