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Attorney for the Plaintiff

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

A.B.,	:	
	:	
Plaintiff	:	
	:	Docket No.:
v.	:	
	:	
ROBERT J. PAVLOVICH, JR.,	:	CIVIL ACTION – AT LAW
JACOB J. STOSS, JR., AND	:	
MARYSVILLE BOROUGH	:	JURY TRIAL DEMANDED
Defendants.	:	

COMPLAINT

PARTIES

1. Plaintiff, A.B., is an adult individual who currently resides in Marysville, Perry County, Pennsylvania. This Complaint is being filed using a pseudonym to protect her right to privacy. Her interest in privacy outweighs the public's right to know. Plaintiff will identify her full name to Defendants upon service of the Complaint.

2. Defendant, Robert J. Pavlovich, Jr., ("Pavlovich") is an adult individual who currently resides at 3920 Gettysburg Road, Camp Hill, Pennsylvania 17011.

3. Defendant, Jacob J. Stoss, Jr., ("Stoss") is an adult individual who currently resides at 151 Lambs Gap Road, Marysville, Pennsylvania 17053.

4. Defendant, Marysville Borough, ("Marysville") is an incorporated Borough located in Perry County, Pennsylvania with its principle business offices and police department located at 200 Overcrest Road, Marysville, Pennsylvania 17053.

JURISDICTION AND VENUE

5. This action is brought pursuant to 42 U.S.C. § 1983 and jurisdiction of this Court is invoked under 28 U.S.C. §§ 1331 and 1343. A.B. further invokes the pendent jurisdiction of this Court to hear and decide claims under state law.

6. The amount in controversy exceeds \$75,000, exclusive of interests and costs.

7. Venue is proper in this district pursuant to 28 U.S.C. § 1391 because it is where all the parties reside and where the events complained of occurred.

FACTUAL BACKGROUND

8. For seven years, beginning in 2000, Pavlovich was employed as a police officer with the Marysville Police Department.

9. Prior to his employment with Marysville, Pavlovich was employed on the Police Department of Manheim Township, Lancaster County, Pennsylvania.

10. In 1995, while a member of the Manheim Township Police Department, Pavlovich was charged with indecent assault on a thirteen year old girl and corruption of

minors.

11. As a result of the charges, Pavlovich was fired from the Manheim Township Police Department.

12. In 1999, Pavlovich began working as a police officer in Duncannon, but was fired that same year as a result of two complaints about sexual misconduct with minors.

13. In or about February of 2002, A.B. was sexually assaulted by a neighbor. In March of 2002, that neighbor was charged criminally for that assault by Stoss, Chief of Marysville Police.

14. On one occasion in the summer of 2002, while the above-described criminal charges were pending against the neighbor who had assaulted A.B., Pavlovich, who was in uniform and driving his police vehicle, accosted A.B., then a thirteen or fourteen year old minor, who was on foot, stated to her "You don't have a bra on," and reached up her shirt and touched her breast, without her consent, thereby committing indecent assault upon her.

15. On another occasion in the summer of 2002, while the above-described criminal charges were pending against the neighbor who had assaulted A.B., Pavolovich, while in uniform, offered A.B., then a thirteen or fourteen year old minor, a ride in his vehicle and then parked his vehicle and engaged in indecent sexual assault and solicitation, when, without A.B.'s consent, he removed her shirt and fondled her breasts.

He also attempted to reach down her pants, which she refused to permit, and solicited her to engage in further indecent contact including oral sex, which A.B. refused.

16. Pavlovich directed A.B. not to tell anyone about what had happened.

17. During his employment as a Marysville police officer, Pavlovich also committed statutory rape, involuntary deviate sexual intercourse, sexual assault, indecent assault, unlawful contact with minors, corruption of minors, and bribery involving fourteen other underage girls.

18. Pavlovich used his position as a borough police officer to make threats of prosecution for unrelated offenses, or offer not to prosecute unrelated criminal offenses, in order to commit sexual battery, indecent assault, and statutory rape against numerous other underage girls.

19. Pavlovich used borough computers to tell minor girls to sneak out of their homes and meet him in the middle of the night to perform sex acts with them.

20. Pavlovich would leave the borough for hours at a time, while on duty and in his borough police car, to visit the homes of underage girls in order to commit sexual battery, indecent assault, and statutory rape.

21. One girl's father contacted Marysville Police Department about Pavlovich's sexual misconduct and the contact between Pavlovich and the girl stopped; however, no investigation was made, disciplinary action taken, or charges filed by the borough against Pavlovich.

22. The mother of another girl, who Pavlovich made sexual advances toward, reported the incidents to Marysville Police Chief Jake Stoss ("Stoss") but was told that nothing could be done unless they had a recording of Pavlovich making sexual advances toward the girl. Again, no investigation was made, disciplinary action taken, or charges filed by the Borough against Pavlovich.

23. Members of Marysville Borough Council and Stoss were aware of Pavlovich's dismissal from the Manheim Township Police Department and the Duncannon Police Department, and of the charges filed against him for indecent assault on a thirteen year old girl and corruption of minors when they hired him.

24. A.B.'s mother contacted the Pennsylvania State Police regarding Pavlovich's sexual advances toward her.

25. During the time that Pavlovich committed the various illegal acts, Stoss was aware of complaints of Pavlovich's illegal sexual conduct but conducted no investigation, took no disciplinary action, nor filed any criminal charges against Pavlovich.

26. In March of 2007, after an investigation was started by the Pennsylvania State Police and the Pennsylvania Attorney General's office, Marysville Borough finally placed Pavlovich on paid leave.

27. In September of 2006, Perry County District Attorney Charles F. Chenot, III asked the state Attorney General's office to investigate complaints about Pavlovich.

28. On October 25, 2007, after a special statewide grand jury investigation in

Harrisburg, Pavlovich was arrested and charged with involuntary deviate sexual intercourse and sexual assault, two counts of indecent assault, and fourteen counts of corruption of minors involving A.B. and fourteen other girls, ages twelve to seventeen, including a mentally retarded girl, A.B., and a girl with a broken arm.

COUNT I
A.B. V. ROBERT J. PAVLOVICH, JR.
VIOLATION OF CIVIL RIGHTS
42 U.S.C.A. § 1983

29. Paragraphs 1 through 28 above are incorporated herein by reference.

30. A.B. has a constitutionally protected right to liberty and personal security.

31. A.B. has a constitutionally protected right to substantive due process guaranteed under the Fourteenth Amendment of the United States Constitution.

32. Pavlovich, while in uniform as a Marysville police officer, violated A.B.'s right under the Fourteenth Amendment of the United States Constitution to substantive due process and A.B.'s right to liberty and personal security when he committed sexual battery and indecent sexual assaults on A.B., and solicited her to engage in oral sex.

33. Pavlovich violated A.B.'s Fourteenth Amendment substantive due process rights and A.B.'s right to liberty and personal security when, under the color of state law, he used his position as a borough police officer to coerce, threaten, and extort plaintiff into engaging with him in committing sexual battery and indecent assault on A.B.

34. The conduct of Pavlovich was willful, wanton, and outrageous, thereby entitling A.B. to an award of punitive damages.

WHEREFORE, Plaintiff, A.B., demands judgment against Defendant, Robert E. Pavlovich, Jr., for an amount in excess of \$75,000, exclusive of interest, costs, and attorney's fees.

COUNT II
A.B. V. MARYSVILLE BOROUGH AND JACOB J. STOSS, JR.
VIOLATION OF CIVIL RIGHTS
42 U.S.C.A. § 1983

35. Paragraphs 1 through 34 above are incorporated herein by reference.

36. At all relevant time, Stoss was the Chief of Police of the Marysville Police Department.

37. Stoss was responsible for the hiring of Pavlovich as well as his supervision and discipline.

38. Marysville and Stoss violated A.B.'s Fourteenth Amendment substantive due process rights and A.B.'s right to liberty and personal security when, under the color of state law, it hired Pavlovich despite knowledge of his prior terminations for sexual impropriety from the Manheim Police Department and Duncannon Police Department.

39. Marysville and Stoss received complaints from borough residents regarding Pavlovich committing sexual assault and sexual abuse of children after he was hired by Marysville and took no action to investigate or charge Pavlovich with any crime or misconduct.

40. Marysville and Stoss failed to properly supervise Pavlovich despite knowledge of his prior terminations and complaints from borough residents.

41. Marysville and Stoss violated A.B.'s Fourteenth Amendment substantive due process rights and A.B.'s right to liberty and personal security when, under the color of state law, they failed to properly supervise Pavlovich, failed to properly investigate the complaints of borough residents, and failed to discipline Pavlovich.

42. The harm suffered by A.B. was foreseeable by Marysville and Stoss in hiring and failing to supervise an officer with a known history of sexual assault and abuse of children.

43. The harm suffered by A.B. was the direct result of Marysville's hiring and failing to supervise an officer with a known history of sexual assault and abuse of children.

44. The conduct of Marysville and Stoss manifested a willful disregard and deliberate indifference for the safety of A.B. and all residents of the Marysville Borough.

45. As a direct and foreseeable result of Marysville's maintaining a police department and of hiring Pavlovich knowing of his history of sexual assault and abuse of children and Marysville's failure to investigate complaints, Marysville created the opportunity, that otherwise would not have existed, for Pavlovich to commit sexual battery and indecent assault on A.B.

46. The conduct of Marysville and Stoss was willful, wanton, and outrageous, thereby entitling A.B. to an award for punitive damages.

WHEREFORE, Plaintiff, A.B., demands judgment against Defendants, Marysville Borough and Jacob J. Stoss, Jr., for an amount in excess of \$75,000, exclusive of interest, costs, and attorney's fees.

COUNT III
A.B. V. ROBERT J. PAVLOVICH, JR.
SEXUAL BATTER, INDECENT ASSAULT, AND STATUTORY RAPE


47. Paragraphs 1 through 46 above are incorporated herein by reference.

48. Pavlovich did commit indecent sexual assault against A.B. when he, a thirty-nine year old male, did knowingly and intentionally engage in indecent contact with A.B. who was at the time thirteen or fourteen years old and not related by marriage and by statute unable to give her consent.

49. As a direct result of the conduct by Pavlovich against A.B., she has suffered damage in the form of severe emotional distress and will continue to suffer the emotional pain and suffering that is the direct result of Pavlovich's illegal, predatory and unconscionable sexual conduct against her.

50. The conduct of Pavlovich was willful, wanton, and outrageous, thereby entitling A.B. to an award of punitive damages.

WHEREFORE, Plaintiff, A.B., demands judgment against Defendants, Marysville Borough and Jacob J. Stoss, Jr., for an amount in excess of \$75,000, exclusive of interest, costs, and attorney's fees.

BY: 
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DATED: December 12, 2007.