

STATE OF MAINE  
HANCOCK, SS.

SUPERIOR COURT  
LOCATION: ELLSWORTH  
Docket No. CV-2019-

JANE DOE 125, by and through her  
Guardian, MOTHER DOE 125

PLAINTIFF,

v.

DOWN EAST COMMUNITY  
PARTNERS, INC.,  
and  
LOGISTICARE SOLUTIONS, LLC,  
and  
MAINE DEPARTMENT OF HEALTH  
AND HUMAN SERVICES  
and  
VAN STEVENS,

DEFENDANTS,

COMPLAINT

Plaintiff, for her cause of action against Defendants, alleges as follows:

**THE PARTIES**

1. At all times relevant to this Complaint, Plaintiff Jane Doe 125 was a resident of Hancock County, Maine. Plaintiff was born 125. Plaintiff was 29 years old at the time of the sexual abuse described herein. Plaintiff is mentally and physically disabled. Plaintiff was appointed a legal guardian and at all times material, had a legal guardian. Plaintiff is provided services by Defendant, Downeast Community Partners. Plaintiff is using the pseudonym of Jane Doe 125 because she is a vulnerable adult, and this matter involves claims relating to sexual assaults.

2. At all times relevant to this Complaint, Mother Doe 125 was the natural mother and the legal guardian of Jane Doe 125. Mother Doe 125 is using a pseudonym because the disclosure of her identity would identify the Plaintiff, Jane Doe 125.

3. Upon information and belief, Defendant Downeast Community Partners (hereinafter "DECP") is a non-profit corporation organized under the laws of Maine under the name Washington Hancock Community Agency Inc. on June 7, 1972. In 2017, Washington Hancock Community Agency Inc. merged with Child and Family Opportunities, Inc. to form Downeast Community Partners, Inc. Defendant DECP's registered agent is Mark Green, 7 VIP Drive, Machias, ME 04654. Defendant's principal office is located at 248 Bucksport Road, Ellsworth, ME 04605. Defendant DECP provides a variety of services to individuals with disabilities, including but not limited to, transportation to and from sheltered workshops for persons with disabilities through contracts with Defendant Logisticare Solutions, LLC.

4. Upon information and belief, Defendant Logisticare Solutions LLC (hereinafter "Logisticare"), is a limited liability company organized under the laws of the State of Delaware and registered as a foreign limited liability company with the State of Maine. Defendant Logisticare's registered agent is Registered Agent Solutions, Inc., One Canal Plaza, 9<sup>th</sup> Floor, Portland, ME 04112. Defendant Logisticare's principal office is located at 1275 Peachtree Street, 6<sup>th</sup> Floor, Atlanta, GA 30309. Defendant Logisticare provides transportation services to individuals with disabilities through contracts with, but not limited to, Defendant DECP and the Defendant, Maine Department of Health and Human Services.

5. Upon information and belief, the Maine Department of Health and Human Services (herein after "DHHS") is an agency of the State of Maine. DHHS contracts with DECP

and/or Logisticare to provide a variety of services to individuals with disabilities, including transportation services.

6. Defendant Van Stevens is an individual who resides at 361 Surry Road in Orland, Maine, which is in Hancock County.

7. Mr. Stevens is currently serving a sentence for convictions of Aggravated Assault and Gross Sexual Assault related to the facts alleged in this Complaint.

8. Defendant Van Stevens was an employee of DECP and/or Defendant Logisticare and/or DHHS at the time of the sexual assaults described herein.

### **GENERAL ALLEGATIONS**

9. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

10. On February 27, 2018, Plaintiff was being transported by the Defendant to her home, from Ellsworth after participating in special programming for vulnerable adults.

11. While being transported, Defendant Stevens arranged for Plaintiff to be the last person to be dropped off. When Plaintiff was alone on the bus with Defendant Stevens, Defendant Stevens pulled into an isolated parking area and stopped the bus. Defendant Stevens then sat Plaintiff was sitting and kissed her on the mouth. Defendant Stevens then grabbed Plaintiff by the wrist and had her stand up. Defendant Stevens pulled Plaintiff to the area on the bus where wheelchairs are secured and had Plaintiff lay on the floor. Defendant Stevens then sexually assaulted Plaintiff by touching her breasts, removing her clothing and forcing Plaintiff to have intercourse with him. The entire time that Defendant Stevens was sexually assaulting Plaintiff, Plaintiff was telling him “no” and “stop,” and pushing him away.

12. After sexually assaulting Plaintiff, Defendant Stevens provided a paper towel to Plaintiff so that she could wipe Defendant Stevens’ ejaculate off of her body. Defendant then

told Plaintiff to put her clothes back on, and Defendant Stevens took Plaintiff to her home and dropped her off.

13. Upon information and belief, Defendant Stevens sent Plaintiff a text message instructing Plaintiff to not tell her ex-boyfriend or the other bus drivers what he had done.

14. As a direct result of Defendants' breached duties, Plaintiff Jane Doe 125 has suffered and will continue to suffer great pain of mind and body, severe and permanent emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, humiliation and psychological injuries, was prevented and will continue to be prevented from performing her normal daily activities and obtaining the full enjoyment of life, has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

15. On [date], the Plaintiff caused a notice, consistent with the Maine Tort Claims Act, to Defendant Maine Department of Health and Human Services.

**COUNT I: ASSAULT AND BATTERY AGAINST DEFENDANT STEVENS**

16. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count.

17. Defendant Stevens had intentional offensive contact with the person of Plaintiff without Plaintiff's permission.

18. As a direct result of Defendant Stevens' tortuous conduct, Plaintiff Jane Doe 125 has suffered the injuries and damages described herein.

**COUNT II: VICARIOUS LIABILITY AGAINST DEFENDANT DECP,  
DEFENDANT DHHS, AND DEFENDANT LOGISTICARE**

19. Plaintiff incorporates all prior allegations as though set forth in full herein.

20. Defendant DECP and/or Defendant Logisticare and/or Defendant DHHS are vicariously liable for the acts of Defendant Stevens, who was acting within his scope of employment when he sexually assaulted Plaintiff. At the time of the sexual assault, Defendant Stevens was performing his tasks as a bus driver for Defendant DECP and/or Defendant Logisticare, the sexual assault occurred substantially within the time that Defendant Stevens worked as a bus driver, the sexual assault occurred on a bus operated by Defendant Logisticare and Defendant DECP, and Defendant Stevens' conduct in transporting Plaintiff was actuated, at least in part, by a purpose to serve Defendant DECP and/or Defendant Logisticare.

21. As a direct result of Defendants' conduct, Plaintiff Jane Doe 125 has suffered the injuries and damages described herein.

**COUNT III: NEGLIGENCE AGAINST DEFENDANT DECP, DEFENDANT  
LOGISTICARE, AND DEFENDANT DHHS**

22. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count.

23. Defendants had a special relationship with Plaintiff Jane Doe 125 in that Plaintiff Jane Doe was a vulnerable adult and Defendant DECP and/or Defendant Logisticare and/or Defendant DHHS, provided a variety of social services to Plaintiff Jane Doe 125 including, but not limited to, transportation to and from special programming for vulnerable adults.

24. Defendants owed Plaintiff Jane Doe 125 a duty to protect her from injury while Plaintiff Jane Doe 125 was in the care of Defendants.

25. Defendant Stevens' sexual assault of Jane Doe 125 was foreseeable to Defendant DECP and/or Defendant Logisticare and/or Defendant DHHS.

26. Defendants breached the duty to protect Plaintiff Jane Doe 125.

27. Defendants' breach of their duty was the proximate cause of Plaintiff Jane Doe 125's injuries.

28. Both employee/agent and principal are liable for acts by the employee/agent, acting within the scope of authority for the principal.

29. As a direct result of Defendants' negligent conduct, Plaintiff Jane Doe 125 has suffered the injuries and damages described herein.

**DEMAND FOR JURY TRIAL**

30. Plaintiff demands a trial by jury on all counts of this Complaint.

**PRAYER FOR RELIEF**


WHEREFORE, PLAINTIFF demands judgment against each Defendant, jointly and severally, as follows:

A. For an award of special and general damages, in excess of \$50,000, and to specifically be proven at trial; and

B. For such other and further relief as the Court deems just and equitable under the relevant circumstances.

Dated: 6/24/19

**LAW OFFICES OF ELLEN S. BEST**

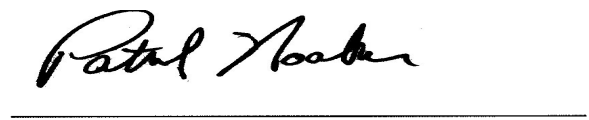


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Dated: July 1, 2019

**NOAKER LAW FIRM LLC**



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**ATTORNEYS FOR PLAINTIFF JANE  
DOE 125**