

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
CIVIL DIVISION

ARTHUR G. NEWMYER, individually and on )  
behalf of his minor daughter, L.N. )  
2355 Marseilles Drive )  
Palm Beach Gardens, FL 33410, )

Plaintiffs, )

vs. )

THE SIDWELL FRIENDS SCHOOL )  
3825 Wisconsin Avenue, N.W. )  
Washington, D.C. 20016-2999, )

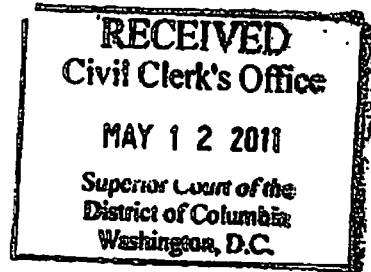
and )

JAMES F. HUNTINGTON, Psy.D. )  
8513 Bradmoor Drive )  
Bethesda, MD 20817, )

Defendants. )

0003727-11

Civil Action No. \_\_\_\_\_



**COMPLAINT**

**I. INTRODUCTION**

1. This case arises out of the flagrant and outrageous actions taken by The Sidwell Friends School which allowed its staff psychologist to have an open sexual relationship with the married mother of a then five-year-old Sidwell student he was treating. Despite repeated objections from the husband (who is the child's father) and from family members and parents of other students, Sidwell officials maliciously permitted the damaging conduct to continue for nearly a year, thereby depriving the student of educational benefits and causing severe emotional distress to her and, as a consequence, to her father. Plaintiffs seek to recover \$10 million in compensatory, punitive and special damages for the injuries suffered as a result of Defendants' tortious conduct.

## II. JURISDICTION

2. This Court has jurisdiction over this action pursuant to D.C. Code §11-921.

## III. THE PARTIES

3. Plaintiff L.N. is a minor child and at all times pertinent hereto was a student enrolled at The Sidwell Friends School ("Sidwell" or "School").
4. Plaintiff Arthur G. Newmyer, also known as "Terry," is the father of L.N.
5. Defendant Sidwell is a corporation organized under the laws of the District of Columbia with its principal place of business in Washington, D.C. Sidwell claims that its faculty members "are the stewards of the high standards and sound values that have characterized the school since [1883]" and promises to "cultivate in all members of our community high personal expectations and integrity." Sidwell has long been described by some as the Harvard of Washington's private schools, and has been nicknamed the "presidential prep school" because of the many children in the White House who have attended the school, including the children of Presidents Roosevelt, Nixon, Clinton and Obama.
6. Defendant James F. Huntington, Psy.D. ("Huntington"), also known as "Jack," is a resident of the State of Maryland and is a psychologist licensed in D.C. and Maryland. He was previously employed as the school psychologist at Sidwell and provided psychological and counseling services to Sidwell students and their families.

## IV. FACTUAL ALLEGATIONS

7. Plaintiff Terry Newmyer and his wife, Tara Newmyer, have two young children. The older one, Plaintiff L.N., is currently in kindergarten at Sidwell. Prior to the 2009-2010 school year, Terry and Tara, who were living in Florida, did not agree on where L.N. should attend pre-kindergarten. Terry wanted the family to stay in Florida but Tara wanted to move

back to the Washington, D.C. area and enroll L.N. at Sidwell. As a result, Terry and Tara entered into a postnuptial agreement which set forth the conditions under which they would stay together and have a commuter marriage, or separate. The couple decided to stay together and thereafter traveled extensively between Florida and the Washington area with their children. When they were in the Washington area, they lived in a rented house in Chevy Chase. In Florida, they lived in the family home in Palm Beach Gardens. In both locations, Terry and Tara lived and slept together as man and wife.

8. Although Terry had attended Sidwell and was the first member of his family to win the prestigious Newmyer Award for service to the School, he did not believe that Sidwell was the best place for L.N. As a result, he told Tara, who is an attorney, that she would have to pay for L.N. to attend Sidwell. He also did not sign L.N.'s application or enrollment contract for Sidwell, and he advised the head of admissions that he did not think L.N.'s enrollment at the school was in her best interest.

9. Tara nevertheless proceeded with her plan and L.N. started in the pre-kindergarten class at Sidwell in the Fall of 2009.

10. In the middle of the 2009-2010 school year, Sidwell fired one of its middle school teachers, Robert A. "Pete" Peterson, over allegations that he had sexually abused a minor.

11. On January 20, 2010, in the wake of the Peterson incident, Sidwell sent an email to all parents informing them that psychological assistance was available to the entire Sidwell community. In the email, Huntington was identified as someone parents could talk to about receiving counseling services, instruction and guidance for their children. Tara knew Huntington because he had a daughter in L.N.'s Pre-K class.

12. Tara contacted Huntington because she thought L.N. was having problems at school (although not related to the Peterson incident). A meeting was set up for January 22. This meeting occurred at the Newmyers' house in Chevy Chase, where Huntington conducted a comprehensive psychological assessment of L.N. -- the same type he would conduct in his office at Sidwell. Specifically, he observed L.N. play and read and asked Tara a series of questions about L.N.'s mental health. Terry was in Florida at the time and was unaware of the meeting when it happened.

13. The following day, January 23, Tara met Huntington for drinks to further discuss L.N. Huntington told Tara that based on his evaluation, L.N. was highly advanced but was not being recognized by her teachers and needed more stimulation in school.

14. In three emails sent on January 24, 25, and 26, 2010, Tara reported to Terry and his sister that Huntington asked Tara "a zillion shrink questions" during his assessment of L.N. on January 22. Tara also explained that "jack, you know the school shrink, has volunteered to talk to the resource counselor at lower school to tell her that he thinks L.N. needs to be pulled out for more stimulating work because she's too far ahead of the other kids. Apparently the teachers and the resource woman don't get along, turf wars or something. So the teachers are reluctant to refer kids to her."

15. Shortly thereafter, Huntington made specific, professional psychological conclusions and recommendations to the School. He told the resource teacher, Louise Whalen, that L.N. was not performing at her fullest academic potential and therefore should receive academic enrichment from her teachers.

16. Tara viewed Huntington as her daughter's psychotherapist. Upon information and belief, she discussed with him several issues affecting L.N., including that L.N. wished her

mother was dead, that L.N. was having meltdowns, and that she thought L.N.'s teachers disliked and unfairly judged L.N. Tara also sent Huntington a copy of a psychiatric evaluation with an email that stated "I thought you would find the psych part of L.N.'s eval interesting."

17. Around the same time that he was treating L.N., Huntington commenced an intimate, sexual affair with her mother, Tara. Huntington knew at the time that the Newmyers were married and that they were sleeping in the same bed when Terry was in Washington. Referring to the problem of having a sexual relationship with Tara in these circumstances, Huntington told her he did not want them to "lead lives of duplicity." In addition, his ex-wife, Dr. Liza Huntington, cautioned him "to date someone who is not married, does not put my kids at risk because of confusion over single/marriage status . . . ."

18. Ignoring this advice, Huntington continued to evaluate L.N. during play dates with his daughter who was in L.N.'s class. Huntington and Tara staged these play dates in order to spend time together, which they could not do by themselves because Tara was married and they were trying to cover up their affair.

19. On two occasions when a snow storm knocked the power out, Huntington and Tara took his three children and her two children to the Embassy Suites Hotel in downtown Washington. When checking into the hotel both times, they asked for adjoining rooms so that they could "fool around" while the children were asleep.

20. The affair was clearly causing visible harm and confusion to L.N., who correctly believed her parents were married, but Huntington continued the relationship in total disregard for her emotional and psychological well being. In fact, Huntington's ex-wife, who is a child and adolescent psychologist, warned Huntington about the damage his sexual relationship with Tara was having on L.N. as well as on their own daughter. However, Huntington ignored Liza's

warnings, as evidenced by an email he sent to Tara dated March 4, 2010, answering a question his ex-wife had posed: "Do you really want that Jack? When there are so many women out there, safer women, that might not cost you your reputation and job to have a relationship with? Is sex with her and are her blowjobs really worth that much risk you are taking? I said yes."

21. Throughout his affair with Tara, Huntington thought only about himself even though he knew he was causing damage to those around him, including his students, patients and even his own children.

22. Out of concern for L.N., Liza Huntington called Terry to tell him that her ex-husband and Tara were arranging play dates for their children so they could spend time with each other and that the affair was having an adverse impact on their children. Thereafter Terry confronted Tara, who admitted that she had been having an affair with Huntington.

23. Throughout the affair, Huntington sent numerous sexually-explicit emails to Tara on Sidwell's email server which described in graphic detail some of their sexual activity, including references to "blow jobs," "ejaculation," "anal sex," sexual role play, and "the manic rubbing and touching when [Huntington is] under the influence." The following email from Huntington is illustrative:

Fuck! Fuck! Fuck! Why not say that ["do come on my face please. i'd like that"] when we are together? This is so frustrating !!! I may be a fire hose, but I can't reach your house from here with my ejaculations. I mean, accuracy wise. What happens if I hit Terry in the face by accident? It is hard to aim this thing when, simultaneously having an orgasm!

All of these emails were written and sent by the same school psychologist who taught a sex-education class to Sidwell sixth graders during the 2009-2010 school year.

24. Upon information and belief, Sidwell knew or should have known about these emails and still did nothing to stop Huntington's relationship with Tara, or to appropriately discipline or terminate him.

25. Huntington's inappropriate and unprofessional conduct sometimes took place when other students were in his office at Sidwell. For example, on March 4, 2010, Huntington emailed Tara that "[He wanted] to be busy with [her] body" and then after a subsequent call from her cell phone, he emailed her that "Your call enabled me to kick out some 8<sup>th</sup> grade girls from my room. They were winners from Twin Day, so they were eating their prizes here and talking about male P.E. teachers that try to hit on them."

26. Huntington also violated the code of ethics governing psychologists by discussing with Tara confidential details of his relationship with other students and their families. For example, he emailed Tara on March 10, 2010, about a prominent couple in the Washington, D.C. community, saying that he intended to "just lay it on the line with [them]. (Maybe they can get me fired?) Beat Terry and Liza to the punch." This couple had complained to school officials about Huntington's mishandling of their own child's situation. Thereafter, Huntington called the couple to apologize, and his three direct supervisors at Sidwell also called and/or met with the couple to apologize for Huntington's conduct.

27. As indicated by his actions, Huntington showed little respect for his own profession, or for the boundaries psychologists are required to maintain. In an email dated March 10, 2010, Huntington told Tara that "Drugs, alcohol, shamans, chakras, faith healers, voodoo doctors, and people that work with crystals and Ouija boards, are usually a better, and my recommended first choice, route to go for help. Shrinks are a last resort in my book."

28. Although Huntington acted as a psychologist to L.N. and owed her a professional duty, he put his own interest in seeing Tara ahead of L.N.'s by suggesting that Tara divorce her husband, which would have a direct and negative impact on L.N. Huntington also made no effort to keep his sexual interests in Tara separate from his professional treatment of her daughter, asking in one email, "Do I talk about masturbating on your face or your marital situation with Terry and when and how to talk to L.N. about it? Decisions, decisions, decisions."

29. According to Huntington, Sidwell school officials -- specifically, the former interim head, Steve Barker, and the principal of the middle school, Sally Selby -- granted permission for him to have an intimate, sexual relationship with a Sidwell parent. They did nothing to stop the relationship and expressed no concerns about the impact of Sidwell's school psychologist having an intimate relationship with the married mother of a five-year-old student at the school.

30. Other school personnel also knew about the affair and it was being talked about in the Sidwell community. For example, in or around February 2010, one of L.N.'s Pre-K teachers, Kathleen Geier, warned Tara that Huntington's daughter was telling other children about the affair.

31. Sidwell was also aware that Huntington was having an affair with Tara while he was acting as her daughter's psychologist. In fact, on March 29, 2010, the former chairman of Sidwell's Board met with Sidwell's outside counsel, Chris Davies, and upon information and belief, informed him about Huntington's conduct.

32. On April 20, 2010, L.N.'s aunt, Barbara Johnson, talked to Steve Barker about the adverse impact that Huntington's conduct was having on L.N. Then, on April 22, 2010, on behalf of current and former Sidwell parents and one former board member, a law firm sent a



letter to Mr. Barker, requesting information and documents to investigate whether Huntington's conduct violated the professional code of ethics.

33. On April 26, 2010, Terry met with L.N.'s Pre-K teachers who confirmed that they had heard Huntington's daughter talk about how "her daddy's girlfriend is L.N.'s mommy." During his school visit, Terry also met with the resource teacher and confirmed that Huntington had called her about intervening on L.N.'s behalf.

34. For nearly a year Sidwell failed to stop Huntington's conduct, which was having an adverse impact on L.N., not to mention on the Newmyers' marriage. Notwithstanding the obvious conflict of interest involved, Sidwell continued to support Huntington and his actions, and Tara and Huntington continued to see each other.

35. In early February 2011, attorneys representing L.N. and Terry met with Sidwell's counsel, Chris Davies, and gave him a memorandum which described Huntington's inappropriate and unprofessional conduct and demonstrated that such conduct was having an adverse impact on L.N. They also asked that Mr. Davies provide the memorandum to Sidwell's Board of Trustees.

36. Terry was told by two acquaintances on the Sidwell Board that they had not received the memorandum regarding Huntington's conduct and its impact on his daughter. Therefore, on February 11, 2011, Terry sent copies of the memorandum and some of the emails between Huntington and Tara to Sidwell's Board members.

37. On February 16, 2011, nearly a year after Terry had pleaded with school officials to put a stop to this, Huntington was fired by the school. That same day, Sally Selby sent an email to Sidwell parents, expressing that "Jack served the School community with distinction and warmth for ten years, and we are grateful for his many contributions." No mention was

made of his outrageous conduct while serving as the school's psychologist, nor was anything said about the school's decision to allow such conduct to continue for nearly a year.

38. Recently, Sidwell's website included a job posting for Huntington's position which stated that the individual will work with "students . . . on issues affecting the mental health and general wellness of the individuals in the community and of the community at large." The job description clearly shows that Huntington's replacement, like Huntington himself, would provide psychological and counseling services to the entire Sidwell community.

39. Defendants Sidwell and Huntington completely disregarded the predictable damage the affair would have on L.N. At the time the affair became known and was being discussed in the school community, including by Huntington's daughter, a private-practice psychiatrist whom L.N. had been seeing recommended doubling her weekly therapy sessions. Another psychologist who was hired to examine the potential damage to L.N. concluded that the affair had adversely impacted the Newmyer family and caused severe emotional harm to L.N.

40. It was also apparent to close family friends that L.N. seemed more agitated and anxious after the affair between her mother and Huntington started. One friend, who had known the Newmyers for approximately 10 years, noticed a remarkable change in L.N.'s demeanor during the summer of 2010, describing her as being "on guard" and cagey, less outgoing, more anxious, and seemed to be "deprived of her childhood." See Affidavits in Exhibit A attached hereto.

41. As a direct and proximate result of Defendants' wrongful actions alleged herein, which were willful, malicious and in reckless disregard of Plaintiffs' rights, Plaintiffs have suffered and will continue to suffer substantial injuries, including emotional distress, mental anguish, humiliation, embarrassment, and loss of enjoyment of life, some or all of which may be

permanent in nature and which will require psychological counseling, therapy and treatment. Plaintiffs have also incurred and will continue to incur medical and legal expenses as a direct and proximate result of Defendants' wrongful actions.

## V. CAUSES OF ACTION

### COUNT ONE (Negligent Supervision Against Sidwell)

42. Plaintiffs restate and reallege each and every allegation contained in Paragraphs 1 through 41 of this Complaint as if fully set forth herein.

43. At all times relevant to this Complaint, L.N. was a student at Sidwell.

44. Sidwell has a duty to supervise the employees under its control in order to prevent them from harming students in its care.

45. Sidwell breached its duty by doing nothing to stop Huntington's egregious conduct for nearly a year. Rather, Sidwell school officials approved of Huntington's sexual relationship with a married Sidwell parent, and they continued to support Huntington's actions after his affair with Tara became public.

46. This breach of duty was the direct and proximate cause of Plaintiffs' injuries.

47. As a result of Sidwell's negligent supervision of Huntington, Plaintiffs have suffered and will continue to suffer substantial injuries, including emotional distress, mental anguish, humiliation, embarrassment, and loss of enjoyment of life, some or all of which may be permanent in nature and which will require psychological counseling, therapy and treatment, and have incurred and will continue to incur medical and legal expenses.

COUNT TWO  
(Professional Malpractice Against Sidwell and Huntington)

48. Plaintiffs restate and reallege each and every allegation contained in Paragraphs 1 through 47 of this Complaint as if fully set forth herein.

49. Huntington, Sidwell's school psychologist, provided psychological services to L.N., a student at the School. He evaluated L.N., intervened in L.N.'s school psychological treatment, provided psychological advice to L.N.'s mother, and had influence over L.N.'s teachers, counselors, and other school administrators.

50. Given the psychologist-patient relationship that existed between Huntington and L.N., Huntington owed L.N. a duty to observe the standard of care that a reasonably competent psychologist would exercise.

51. By having an affair with the mother of a Sidwell student he was counseling, Huntington violated D.C. and Maryland ethics rules because psychologists are prohibited from engaging in "sexual intimacies with individuals they know to be close relatives, guardians, or significant others of current clients/patients." American Psychological Association's (APA) Ethics Code §10.06; Code of Conduct and the Code of Maryland Regulations (COMAR) §10.36.05.07(C).

52. Huntington's conduct also created a conflict of interest which exposed L.N. to harm and confusion. Specifically, Huntington used his psychological evaluations of L.N., which took place outside of school, as opportunities to conduct a sexual relationship with her mother, and he continued to engage in this unethical conduct in disregard of the adverse impact on L.N.

53. Huntington failed to treat L.N. with the same degree of skill, care or knowledge required of a psychologist acting in the same or similar circumstances.

54. Huntington's failure in care was the direct and proximate cause of Plaintiffs' injuries.

55. As a result of Huntington's professional malpractice, Plaintiffs have suffered and will continue to suffer substantial injuries, including emotional distress, mental anguish, humiliation, embarrassment, and loss of enjoyment of life, some or all of which may be permanent in nature and which will require psychological counseling, therapy and treatment, and have incurred and will continue to incur medical and legal expenses.

56. Sidwell was clearly aware that Huntington was providing psychological services to L.N., within the scope and authority of his employment, as evidenced by the recommendations he made to its resource teacher.

57. Defendants are jointly and severally liable in damages and other relief as set forth herein.

### COUNT THREE

#### (Breach of Fiduciary Duty Against Sidwell and Huntington)

58. Plaintiffs restate and reallege each and every allegation contained in Paragraphs 1 through 57 of this Complaint as if fully set forth herein.

59. As a psychologist, psychotherapist and/or counselor who provided counseling, instruction and guidance to Sidwell students and their families, including L.N., Huntington assumed the duties of a fiduciary in his relationship with L.N.

60. As a fiduciary of L.N., Huntington had a duty to represent and further L.N.'s best interests by providing counseling, instruction and guidance to her.

61. When Huntington engaged in a sexual relationship with L.N.'s married mother while still acting as her school psychologist within the scope and authority of his employment, he breached his obligations as a fiduciary to L.N.

62. As a result of Huntington's breach of his fiduciary duties, Plaintiffs have suffered and will continue to suffer substantial injuries, including emotional distress, mental anguish, humiliation, embarrassment, and loss of enjoyment of life, some or all of which may be permanent in nature and which will require psychological counseling, therapy and treatment, and have incurred and will continue to incur medical and legal expenses.

63. Defendants are jointly and severally liable in damages and other relief as set forth herein.

**COUNT FOUR**  
**(Infliction of Emotional Distress Against Sidwell and Huntington)**

64. Plaintiffs restate and reallege each and every allegation contained in Paragraphs 1 through 63 of this Complaint as if fully set forth herein.

65. Defendants' actions and inactions were extreme and outrageous.

66. Defendants intentionally and/or negligently inflicted severe emotional distress on Plaintiffs and their actions were the direct and proximate cause of this distress.

67. By having a sexual relationship with the married mother of a student he was counseling, Huntington acted willfully, maliciously and in reckless disregard of the emotional distress, confusion and anxiety that such conduct would foreseeably cause L.N. In addition, Sidwell school officials acted willfully, maliciously and in reckless disregard of Plaintiffs' rights by consenting to Huntington's sexual affair with Tara and by continuing to support his actions for nearly a year. Defendants knew or should have known that this intimate, public relationship would cause serious harm and confusion to L.N.

68. As a result of Defendants' extreme and outrageous conduct, Plaintiffs have suffered and will continue to suffer substantial injuries, including emotional distress, mental anguish, humiliation, embarrassment, and loss of enjoyment of life, some or all of which may be

permanent in nature and which will require psychological counseling, therapy and treatment, and have incurred and will continue to incur medical and legal expenses.

69. Defendants are jointly and severally liable in damages and other relief as set forth herein.

#### VI. PRAYER FOR RELIEF

WHEREFORE, the Plaintiffs pray that this Court enter judgment against Defendants Sidwell and Huntington, jointly and severally, and in favor of the Plaintiffs, as follows:

(1) Award compensatory damages for all past, present and future economic and non-economic loss sustained by Plaintiffs, including emotional distress, mental anguish, humiliation, embarrassment, and loss of enjoyment of life;

(2) Award punitive and exemplary damages based on Defendants' conduct that was willful, malicious, and in reckless disregard of Plaintiffs' rights;

(3) Enjoin defendants from having any contact with L.N. for the next seven years;  
and

(4) Grant such other and further relief as this Court deems just and proper including damages, injunctive relief, costs, interest and attorneys' fees.

VII. JURY DEMAND

Plaintiffs demand a trial by jury.

Dated: May 12, 2011

Respectfully submitted,

  
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