

SEARCH (/newyorklawjournal/search/)

LAW.COM

New York Law Journal (/newyorklawjournal/)

PROMOCODE=NY&SOURCE=ISLAND-FEDERAL-JUDGE-SA
PROMOCODE=NY&SOURCE=ISLAND-FEDERAL-JU
DISTURBING-R

TOPICS ▾ (/TOPICS/) SURVEYS & RANKINGS ▾ (/RANKINGS/) CASES ▾ (/NEWYORKLAWJOURNAL/CASE-DIGESTS/)

NEW YORK'S LEADING MATRIMONIAL LAWYER
Jewell Law, PLLC
A Matrimonial and Family Law Firm
[Learn More](#)

Long Island Federal Judge Says Parents May Sue School, Classmates Over Alleged 'Disturbing Racial Attack'

The Moores were disappointed in the school's response, which failed to separate their son from three classmates who allegedly engaged in harassment.

By [Jane Wester](https://www.law.com/newyorklawjournal/author/profile/jane-wester/) | September 17, 2019 at 01:46 PM

f

in

🐦

📄

📄 (http)



Photo: panitanphoto/Shutterstock.com

A lawsuit alleging racial harassment and threats aimed at an African American teenager on Long Island has seen several key claims surviving a defense motion to dismiss.

Trending Stories

- 1 **[Morgan Lewis Offers Secretary Buyouts. But Promises Layoffs Won't Follow](https://www.law.com/american-lawyer/news/articles/2019/09/17/morgan-lewis-offers-secretary-buyouts-but-promises-layoffs-won-t-follow-will-not-follow/)**
[\(https://www.law.com/american-lawyer/news/articles/2019/09/17/morgan-lewis-offers-secretary-buyouts-but-promises-layoffs-will-not-follow/\)](https://www.law.com/american-lawyer/news/articles/2019/09/17/morgan-lewis-offers-secretary-buyouts-but-promises-layoffs-will-not-follow/)

THE AMERICAN LAWYER
(/AMERICANLAWYER/)

- 2 **[Miami Litigator Andrew Hall, Who Pursued Anti-Terror Cases, Dies at 75](https://www.law.com/daily-business-review/news/articles/2019/09/17/miami-litigator-andrew-hall-who-pursued-anti-terror-cases-dies-at-75/)**
[\(https://www.law.com/daily-business-review/news/articles/2019/09/17/miami-litigator-andrew-hall-who-pursued-anti-terror-cases-dies-at-75/\)](https://www.law.com/daily-business-review/news/articles/2019/09/17/miami-litigator-andrew-hall-who-pursued-anti-terror-cases-dies-at-75/)

DAILY BUSINESS REVIEW
(/DAILYBUSINESSREVIEW/)

- 3 **[Survival of the Fittest: Millennial Lawyers Are Skipping NY Bar Association Events. We Wanted to Know Why](https://www.law.com/newyork-law-journal/news/articles/2019/09/17/survival-of-the-fittest-millennial-lawyers-are-skipping-ny-bar-association-events-we-wanted-to-know-why/)**
[\(https://www.law.com/newyork-law-journal/news/articles/2019/09/17/survival-of-the-fittest-millennial-lawyers-are-skipping-ny-bar-association-events-we-wanted-to-know-why/\)](https://www.law.com/newyork-law-journal/news/articles/2019/09/17/survival-of-the-fittest-millennial-lawyers-are-skipping-ny-bar-association-events-we-wanted-to-know-why/)

NEW YORK LAW JOURNAL
(/NEWYORKLAWJOURNAL/)

Plaintiffs Willie and Ursula Moore said their son was in eighth grade at East Islip's St. Mary School when he began receiving alarming images from three of his classmates through the chat site Discord, Long Island-based attorney Cory Morris wrote in a May 2018 complaint. The pictures targeted the student's race and referenced the KKK, Nazis and suicide, according to copies included with the complaint.

One picture allegedly contained a picture of a noose, which terrified the eighth-grader, according to Morris.

"There's only one thing a noose means to an African American," Morris said.

When the student finally brought the issues to his parents, Morris said, Ursula Moore acted fast. She reported the photos to St. Mary School staff members, local police and the Office of Civil Rights, Morris said.

But outside authorities considered it a school issue, Morris said, and the Moores were disappointed in the school's response, which they say failed to separate their son from the three classmates.

U.S. District Court Judge Denis Hurley of the Eastern District of New York agreed with the Moores' reaction in his order, which was entered in the week before Labor Day.

"While Courts should not second-guess school administrators' disciplinary decisions, this does not give the School Defendants carte blanche to fail to take any meaningful action in response to a disturbing racial attack that supposedly threatened violence," he wrote.

Joseph Nador of Patrick F. Adams PC, who is representing St. Mary School, its former principal and the Roman Catholic Diocese of Rockville Center, wrote in the motion to dismiss that the school did, in fact, impose some separation on the boys, including having one student eat lunch away from the main lunchroom and preventing the other two students from attending some after-school activities.

Nador wrote that the Moores did not claim the Discord harassment occurred at school, so the school lacked substantial control over the situation and therefore could not be held liable.

In its answer the school said that in its information and belief it could not say whether the alleged racial harassment occurred. Attorneys representing the three boys denied that they participated in cyberattacks against the Moores' son.

Hurley granted parts of the defendants' motion to dismiss, but he ruled the Moores could continue to pursue their case on the grounds that the school was negligent, breached its contract and showed deliberate indifference to student-on-student racial harassment while accepting federal funding.

He also found that the eighth-grader's claim for intentional infliction of emotional distress by his three classmates can survive, along with a claim for negligent infliction of emotional distress by the school.

All the defendants quickly responded to Hurley's order, calling for the remaining claims to be dismissed.

Vesselin Mitev of Ray, Mitev & Associates, who is representing one of the three boys, said he's confident the remaining claims will be dismissed once more information comes out through discovery and depositions.

[Investors Claim AT&T Create Fake Streaming Service Accounts to Hide Failure](https://www.law.com/newyorkclaim-att-created-fake-streaming-service-accounts-to-hide-failure/)
[\(https://www.law.com/newyorkclaim-att-created-fake-streaming-service-accounts-to-hide-failure/\)](https://www.law.com/newyorkclaim-att-created-fake-streaming-service-accounts-to-hide-failure/)

[NEW YORK LAW JOURNAL](https://www.law.com/newyorkclaim-att-created-fake-streaming-service-accounts-to-hide-failure/)
[\(/NEWYORKLAWJOURNAL/\)](https://www.law.com/newyorkclaim-att-created-fake-streaming-service-accounts-to-hide-failure/)

5 **[GirlsDoPorn Argues That Law Grad's Jet-Setting Instagram Counters Claims of a Ruined Life](https://www.law.com/therecorder-argues-that-law-grads-jet-setting-instagram-counters-claims-of-a-ruined-life/)**
[\(https://www.law.com/therecorder-argues-that-law-grads-jet-setting-instagram-counters-claims-of-a-ruined-life/\)](https://www.law.com/therecorder-argues-that-law-grads-jet-setting-instagram-counters-claims-of-a-ruined-life/)

[THE RECORDER \(/THERECORDER/\)](https://www.law.com/therecorder-argues-that-law-grads-jet-setting-instagram-counters-claims-of-a-ruined-life/)

SERVING PROCESS IS OUR ONLY BUSINESS

START USING US!

Guaranteed
Subpoena Service, Inc.

"If we don't serve it, you don't pay!"[®]
Anywhere in the U.S.A.

1-800-PROCESS

New York City Journal
BEST OF 2017-2018
HALL OF FAME
PROCESS SERVING GUARANTEED SUBPOENA

The Legal Intelligencer
BEST OF 2017-2018
HALL OF FAME
PROCESS SERVING GUARANTEED SUBPOENA

New Jersey Law Journal
BEST OF 2017-2018
HALL OF FAME
BEST PROCESS SERVING GUARANTEED SUBPOENA

General Counsel Conference 2019
a CORPORATE COUNSEL Event

September 25-26, 2019
New York Marriott Marquis | New York City

NETWORK WITH HUNDREDS OF GENERAL COUNSEL, IN-HOUSE COUNSEL AND SENIOR LEGAL LEADERS FROM TODAY'S LEADING CORPORATION

Keynote Speaker
Adam Markel
Bestselling Author, Executive Business Mentor & CEO
More Love Media, Inc.

REGISTER TODAY

Nador and Stephen Ruland, a lawyer for Tierney & Tierney representing another of the boys, each said they had little to add to the response they filed in court. A lawyer representing the third boy did not respond to requests for comment.

The Moores' sons are attending different schools this year, Morris said.

 [SHARE ON FACEBOOK](#)


 [SHARE ON TWITTER](#)

Jane Wester

Dig Deeper

[Education \(/topics/education/\)](#)

FEATURED PRODUCT

 **Higher Law**
(/briefings/higher-law/)

Cannabis & the Legal Industry

Cheryl Miller tracks law firm cannabis practices and clears the haze around the biggest legal issues. Sign up for the weekly Higher Law newsletter.

[Learn More \(/briefings/higher-law/\)](#)



Recommended Stories

LAW.COM ([HTTPS://WWW.LAW.COM/](https://www.law.com/))

MAGA Hats, Skirts and Shirts: Law School Clothing Controversies for the Ages

(<https://www.law.com/newyorklawjournal/2019/08/09/maga-hats-skirts-and-shirts-law-school-clothing-controversies-for-the-ages/>)

KAREN SLOAN

([HTTPS://WWW.LAW.COM/AUTHOR/PROFILE/KAREN-SLOAN/](https://www.law.com/author/profile/karen-sloan/)) | AUGUST 09, 2019

The latest dustup over law school attire revolves around a Gonzaga student wearing a MAGA hat in class. Here's a look at other clothing conflicts at law schools in recent history.

(<https://www.law.com/newyorklawjournal/2019/08/09/maga-hats-skirts-and-shirts-law-school-clothing-controversies-for-the-ages/>)

Featured Firms

Law Offices of Gary Martin Ha Associates P.C.

620 GLEN IRIS DR NE SUITE 102
ATLANTA, GA 30308
(470) 294-1674 www.garymartinhays.com

Law Offices of Mark E. Salome

2 OLIVER ST #608
BOSTON, MA 02109
(857) 444-6468 www.marksalomone.com

Smith & Hassler

1225 N LOOP W #525
HOUSTON, TX 77008
(713) 739-1250 www.smithandhassler.com

Presented by BigV

SPONSOR CONTENT

By JAMS

Co-op and Condo Disputes: Mediation Offers Flexible, Quick Solutions

(<https://www.law.com/native?mvi=f6866a09a5364372b2231f96d299447e>)



New Yorkers are used to communal living. Hundreds of thousands of New York City residents live in co-ops and condos. They are scattered throughout the five boroughs and the buildings come in many sizes, shapes and flavors.

Handicapping the 'Varsity Blues' Sentencing

(<https://www.law.com/newyorklawjournal/2019/09/04/handicapping-the-varsity-blues-sentencing/>)

(<https://www.law.com/newyorklawjournal/2019/09/04/handicapping-the-varsity-blues-sentencing/>)

STEVEN M. WITZEL AND RENEE E. TURNER | SEPTEMBER 04, 2019

In this Corporate Crime column, Steven M. Witzel and Renee E. Turner provide an overview of the college admissions scandal; the sentencing issues faced by the various groups of defendants; the bellwether Vandemoer sentencing and its implications; and the arguments for severe sentences as well as for leniency.

LAW.COM ([HTTPS://WWW.LAW.COM/](https://www.law.com/))

ABA's Legal Education Honcho Reflects on a Turbulent Tenure

(<https://www.law.com/newyorklawjournal/2019/08/08/abas-legal-education-honcho-reflects-on-a-turbulent-tenure/>)

(<https://www.law.com/newyorklawjournal/2019/08/08/abas-legal-education-honcho-reflects-on-a-turbulent-tenure/>)

KAREN SLOAN

([HTTPS://WWW.LAW.COM/AUTHOR/PROFILE/KAREN-SLOAN/](https://www.law.com/author/profile/karen-sloan/)) | AUGUST 08, 2019

Barry Currier will step down as the American Bar Association's managing director for accreditation and legal education next summer. The job comes with lots of challenges and opportunities, he says.

More from ALM

- CLE Center
- Legal Compass
- Events
- Webcasts
- Lawjobs
- Professional Announcements

Premium Subscription

With this subscription you will receive unlimited access to high quality, online, on-demand premium content from well-respected faculty in the legal industry. This is perfect for attorneys licensed in multiple jurisdictions or for attorneys that have fulfilled their CLE requirement but need to access resourceful information for their practice areas.

[View Now \(http://clecenter.com/Program/Premium.aspx\)](http://clecenter.com/Program/Premium.aspx)

Team Accounts

Our Team Account subscription service is for legal teams of four or more attorneys. Each attorney is granted unlimited access to high quality, on-demand premium content from well-respected faculty in the legal industry along with administrative access to easily manage CLE for the entire team.

[View Now \(http://clecenter.com/CleForFirm/Default.aspx\)](http://clecenter.com/CleForFirm/Default.aspx)

Bundle Subscriptions

Gain access to some of the most knowledgeable and experienced attorneys with our 2 bundle options! Our Compliance bundles are curated by CLE Counselors and include current legal topics and challenges within the industry. Our second option allows you to build your bundle and strategically select the content that pertains to your needs. Both options are priced the same.

[View Now \(http://clecenter.com/Default.aspx\)](http://clecenter.com/Default.aspx)

[CLE Center → \(http://clecenter.com\)](http://clecenter.com)

ALM Legal Publication Newsletters

Sign Up Today and Never Miss Another Story.

As part of your digital membership, you can sign up for an unlimited number of a wide range of complimentary newsletters. Visit your [My Account \(https://store.law.com/registration/login.aspx?promoCode=NY\)](https://store.law.com/registration/login.aspx?promoCode=NY) page to make your selections. Get the timely legal news and critical analysis you cannot afford to miss. Tailored just for you. In your inbox. Every day.

Subscribe Now

<https://store.law.com/registration/promoCode=NY>
[Privacy Policy \(https://www.alm.com/privacy-policy-new/\)](https://www.alm.com/privacy-policy-new/)

[/i](#)

FOLLOW US

<https://www.facebook.com/LawdotcomALM/> <https://twitter.com/lawdotcom> <https://www.linkedin.com/company/law-com/>
<http://feeds.feedblitz.com/law/legal-news/>

Publications

[The American Lawyer \(/americanlawyer/\)](/americanlawyer/)
[Corporate Counsel \(/corpcounsel/\)](/corpcounsel/)
[National Law Journal \(/nationallawjournal/\)](/nationallawjournal/)
[New York Law Journal \(/newyorklawjournal/\)](/newyorklawjournal/)
[New Jersey Law Journal \(/njlawjournal/\)](/njlawjournal/)
[The Recorder \(/therecorder/\)](/therecorder/)
[More Publications > \(/publications/\)](/publications/)

Law Topics

[Litigation \(/topics/litigation/\)](/topics/litigation/)
[Deals and Transactions \(/topics/deals-and-transactions/\)](/topics/deals-and-transactions/)
[Law Firm Management \(/topics/legal-practice-management/\)](/topics/legal-practice-management/)
[Legal Practice Management \(/topics/legal-practice-management/\)](/topics/cybersecurity/)
[Cybersecurity \(/topics/cybersecurity/\)](/topics/cybersecurity/)
[Intellectual Property \(/topics/intellectual-property/\)](/topics/intellectual-property/)
[More Law Topics > \(/topics/\)](/topics/)

Rankings

[Am Law 100 \(/americanlawyer/rankings/the-2019-am-law-100/\)](/americanlawyer/rankings/the-2019-am-law-100/)
[Am Law 200 \(/americanlawyer/rankings/the-2018-am-law-200-the-american-lawyer/\)](/americanlawyer/rankings/the-2018-am-law-200-the-american-lawyer/)
[Global 100 \(/americanlawyer/rankings/global-100/\)](/americanlawyer/rankings/global-100/)
[National Law Journal 500 \(/nationallawjournal/rankings/the-nj-500/\)](/nationallawjournal/rankings/the-nj-500/)
[Pro Bono Scorecard \(/americanlawyer/rankings/pro-bono/\)](/americanlawyer/rankings/pro-bono/)

More

[Events \(/events/\)](/events/)
[Legal Compass \(https://www.alm.com/intelligence/solutions-we-provide/business-of-law-solutions/legal-compass/\)](https://www.alm.com/intelligence/solutions-we-provide/business-of-law-solutions/legal-compass/)
[Editorial Calendar \(/editorial-calendar/\)](/editorial-calendar/)
[Briefings \(/static/briefings/\)](/static/briefings/)
[Legal Dictionary \(https://dictionary.law.com/\)](https://dictionary.law.com/)
[Lawjobs.com \(http://lawjobs.com/\)](http://lawjobs.com/)
[Law Firms \(/law-firms/\)](/law-firms/)
[Law Schools \(/topics/legal-education/\)](/topics/legal-education/)

Law.com

[About Us \(/static/about\)](/static/about)
[Contact Us \(/static/contact\)](/static/contact)
[Site Map \(/sitemap/\)](/sitemap/)
[Advertise With Us \(/static/advertise-with-us/\)](/static/advertise-with-us/)
[Customer Support \(https://www.alm.com/customer-support\)](https://www.alm.com/customer-support)
[Terms of Service \(https://www.alm.com/terms-of-service\)](https://www.alm.com/terms-of-service)
[FAQ \(https://sites/almstaff/2017/10/20/faq\)](https://sites/almstaff/2017/10/20/faq)
[asked-questions/](https://sites/almstaff/2017/10/20/faq)

[The A-List
\(/americanlawyer/rankings/a-list/\)](https://americanlawyer.com/rankings/a-list/)

[Privacy Policy
\(https://www.alm.com/privacy-policy-
new/\)](https://www.alm.com/privacy-policy-new/)

[More Rankings > \(/rankings/\)](https://americanlawyer.com/rankings/)

Copyright © 2019 ALM Media Properties, LLC. All Rights Reserved.