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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SANTA CLARA

12 KENNEDY BAKER, an individual,

13 Plaintiff,

14 v.

15 LARRY NASSAR, an individual; USA
GYMNASTICS, a Texan business entity;
16 BOB COLAROSSO, an individual; KATHY
SCANLAN, an individual; STEVE PENNY,
17 an individual; UNITED STATES OLYMPIC
COMMITTEE, a federally-chartered
18 corporation; and DOES 7 through 500.

19 Defendants.

Case No.

COMPLAINT FOR DAMAGES FOR:

- 1) **SEXUAL ASSAULT;**
- 2) **SEXUAL BATTERY (CIVIL CODE § 1708.5);**
- 3) **GENDER VIOLENCE (CIVIL CODE § 52.4);**
- 4) **SEXUAL HARASSMENT (CIVIL CODE § 51.9);**
- 5) **UNFAIR BUSINESS PRACTICES (BUSINESS & PROFESSIONS CODE § 17200);**
- 6) **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS;**
- 7) **CONSTRUCTIVE FRAUD (CIVIL CODE § 1573);**
- 8) **NEGLIGENCE;**
- 9) **NEGLIGENT SUPERVISION;**
- 10) **NEGLIGENT HIRING/RETENTION;**
- 11) **NEGLIGENT FAILURE TO WARN, TRAIN OR EDUCATE;**
- 12) **MASHA'S LAW (18 U.S.C. §§ 2255, 2423(b), 2423(c));**
- 13) **RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT (18 U.S.C. §§ 1962, 1964)).**

26 DEMAND FOR JURY TRIAL.

27 [Certificates of Merit, pursuant to Code of
Civil Procedure §340.1 to be Filed
Substantially Concurrently with the
28 Complaint]

1 Plaintiff Kennedy Baker, by and through her attorneys, files this action against Dr. Larry
2 Nassar, an individual; USA Gymnastics, a Texas nonprofit corporation ("USAG"); Bob Colarossi,
3 an individual; Kathy Scanlan, an individual; Steve Penny, an individual; the United States
4 Olympic Committee, a federally-chartered corporation ("USOC"); and Does 7 through 500
5 (collectively referred to as "Defendants"). All allegations are made on information and belief,
6 except those of which Ms. Baker would have personal knowledge because they relate expressly to
7 her.

8 INTRODUCTION

9 1. Ms. Baker is a remarkably accomplished gymnast who was a National Team
10 member of USAG. She was one of the few elite gymnasts in the Nation.

11 2. This action arises out of the disturbing pattern of grotesque childhood sex abuse of
12 Ms. Baker by Dr. Nassar, her osteopathic physician for roughly two years. Dr. Nassar is a
13 convicted childhood sex abuser who was sentenced to federal prison for 120 years. As one of his
14 victims cried out in grief at his sentencing hearing, Dr. Nassar is a monster. He is a sexual
15 predator of hundreds of girls. His manipulative and ritualistic sexual impulses have ruined the
16 lives of girls like Ms. Baker who ambitiously pursued a career in elite gymnastics at all costs. His
17 job was to heal their ailments and injuries. Instead, he scarred them for life.

18 3. Dr. Nassar first began treating Ms. Baker in 2011 for athletic injuries resulting from
19 her participation in competitive gymnastics. Dr. Nassar was the doctor employed by USAG, the
20 official body of United States gymnastics, to care for its athletes, including Ms. Baker, and USOC,
21 the national Olympics committee for the United States, had hired Dr. Nassar as well. At the very
22 first visit, Dr. Nassar sexually abused Ms. Baker by touching her vagina without the use of gloves,
23 without lubricants, without her consent, and without any chaperone present. The reasons for the
24 "medical consultations" were injuries to Ms. Baker's musculoskeletal system, including her knee;
25 her vaginal area had no physiological or other medical relation to her injury. Yet, Dr. Nassar
26 performed vulgar massages of her private parts under the guise of "medical treatment." While
27 molesting Ms. Baker, Dr. Nassar would sweat profusely and pant.

28 4. During Ms. Baker's gymnastics career, USAG, the national governing body of

1 gymnastics, had hired Dr. Nassar as its team physician and gave him unfettered access to young
2 girls. USAG referred Ms. Baker to Dr. Nassar for medical treatment, even though it knew or
3 should have known of Dr. Nassar's sexual abuse and could have prevented it by taking sexual
4 abuse allegations seriously and maintaining a culture of accountability and transparency. USAG
5 could have fired Dr. Nassar before the sexual abuse of Ms. Baker occurred, and USOC could have
6 caused USAG to fire Dr. Nassar. Instead, USAG kept a secret file of sexual abuse allegations and
7 enabled a culture of psychological and physical abuse that kept young girls like Ms. Baker silent.
8 And USOC threatened to de-certify USAG as the sport's national governing body for denying "due
9 process" to child sex abusers whom USAG placed on a ban list. USOC coerced USAG to be *more*
10 *lenient* to child sex abusers, despite knowing of a systemic problem throughout USAG's
11 organization.

12 5. Ms. Baker had a remarkable gymnastics career that few gymnasts ever achieve.
13 Starting at eight years old, Ms. Baker pursued her dream of becoming a nationally-renowned
14 gymnast by becoming a member of USAG and participating in USAG's gymnastic competitions.
15 Ms. Baker achieved remarkable success through USAG's programs. By 2010, at fourteen years
16 old, Ms. Baker became a member of the National Team. But at the pinnacle of Ms. Baker's career,
17 she suffered sexual abuse at the hands of Dr. Nassar when she sought treatment from him as the
18 physician for the USAG National Team.

19 6. This action seeks justice for Ms. Baker against Dr. Nassar and those who permitted
20 Dr. Nassar to sexually abuse her as a child.

21 7. An elite national governing body for gymnastics in the United States, USAG
22 selects and trains the United States gymnastics teams for the Olympics and World Championships.
23 USAG has a legal responsibility to exercise reasonable care to protect the young girls in its
24 custody and care from sexual abuse by its personnel. USAG hired Dr. Nassar as its National
25 Medical Director and Dr. Nassar was an employee or agent of USAG from 1986 to 2015 in
26 various capacities. Instead of tackling a culture of sexual abuse head on, USAG elected to put its
27 head in the sand, ignoring and actively concealing the sexual abuse being perpetrated by its
28 personnel, including Dr. Nassar. USAG also maintained a culture of abuse that intimidated

1 impressionable young girls who participated in its programs and kept them silent about illegal
2 sexual activity within USAG's programs. As Presidents of USAG who could have prevented Ms.
3 Baker's sexual abuse, Mr. Colarossi, Ms. Scanlan, and Mr. Penny (the "USAG Presidents")
4 enabled and ratified the sexual abuse by Dr. Nassar against Ms. Baker and other participants and
5 members of USAG. They furthered the ongoing concealment of abuse at USAG.

6 8. The official national committee for the U.S. Olympics, USOC coordinates all
7 Olympic-related activity in the United States. It certifies national governing bodies under the Ted
8 Stevens Olympic and Amateur Sports Act (the "Ted Stevens Act") for each sport, including
9 USAG, to select and train Olympic athletes. With exclusive jurisdiction over all matters
10 pertaining to U.S. participation in the Olympics, USOC makes all arrangements for U.S.
11 participation in the Olympics, including employment decisions, credentialing, and qualifications
12 of the staff it hires, including Dr. Nassar. Further, USOC exercises legal, financial, and coercive
13 control over the business and affairs of USAG. In fact, USOC forced the entire board of directors
14 of USAG – its highest level of management – to resign in the wake of the sex abuse scandal at
15 USAG.

16 9. For over 20 years, Dr. Nassar had unfettered access to young girl athletes through
17 his involvement with USAG and USOC, who referred athletes to his care. USAG had a reputation
18 of institutional failure that not only attracted child sex abusers like Dr. Nassar, but also condoned
19 their conduct by failing to hold accused sexual abusers (including coaches and physicians) with
20 the care and custody of young girls to account. The conditions maintained by USAG were perfect
21 for Dr. Nassar to implement his scheme of childhood sex abuse and created a mass tort for USAG
22 and a nationwide reckoning for the sport of gymnastics.

23 10. Ms. Baker was a patient of Dr. Nassar who sought medical treatment for pain or
24 injuries arising out of her participation in USAG's gymnastics programs. Dr. Nassar came highly
25 recommended to Ms. Baker as a renowned orthopedic sports medicine physician, purportedly
26 well-respected in the sports medicine community, specifically in the gymnastics community as the
27 Team Physician for USAG. Ms. Baker's coach, who runs a USAG-affiliated gymnastics club and
28 is a member of USAG, referred Ms. Baker to Dr. Nassar for medical treatment. Ms. Baker sought

1 treatment from Dr. Nassar for athletic injuries. During these treatments, Dr. Nassar sexually
2 assaulted, abused, and molested her from when she was fourteen to sixteen years old.

3 11. Ms. Baker had no reason to suspect Dr. Nassar was anyone other than a competent
4 and ethical physician who truly cared for the well-being of his patients. In fact, Dr. Nassar was
5 the physician from whom virtually all elite gymnasts in USAG's programs received treatment and
6 to whom USAG referred its own members. USAG endorsed the reputation and integrity of Dr.
7 Nassar. Ms. Baker trusted and had substantial confidence in Dr. Nassar. He would routinely give
8 the athletes gifts such as t-shirts, pins, flags, leotards, and other items, some with USAG logos and
9 others without.

10 **THE PARTIES**

11 12. Ms. Baker is a resident of Flower Mound, Texas. She was a member of USAG as
12 an athlete from approximately 2004 to 2014. Ms. Baker is 22 years old. Ms. Baker brings her
13 claims pursuant to California Code of Civil Procedure § 340.1, and her claims are timely brought
14 thereunder before age 26.

15 13. Dr. Nassar was a resident and citizen of Michigan during the relevant period of
16 time of the sexual abuse of Ms. Baker, until he was taken under custody by the U.S. government
17 in 2017. Dr. Nassar is currently in federal prison, housed in a facility in the State of Arizona. He
18 has been convicted of sexual abuse and child pornography and will serve the rest of his life in
19 prison.

20 14. USAG is an organization incorporated in Texas with its principal place of business
21 in Indiana. USAG is authorized to conduct business and does conduct business throughout the
22 United States, including but not limited to California. USAG has repeatedly conducted
23 gymnastics competitions in California. Ms. Baker suffered sexual abuse at the hands of Dr.
24 Nassar at least one competition or other event that USAG conducted in California, including San
25 Jose, California. At such competition or other event, USAG was responsible for the operations and
26 programming of the events, as well as the activities and behavior of its employees and agents,
27 including but not limited to Dr. Nassar.

28 15. Defendant Ms. Scanlan is a resident and citizen of the State of Washington. Ms.

1 Scanlan was the President of USAG from 1994 to 1998. During this period, Ms. Scanlan was
2 responsible for the overall management and strategic planning for the organization.

3 16. Defendant Mr. Colarossi is a resident and citizen of the State of California. Mr.
4 Colarossi was the President of USAG from 1998 to 2005. During this period, Mr. Colarossi was
5 responsible for the overall management and strategic planning for the organization.

6 17. Defendant Mr. Penny is a resident and citizen of the State of Indiana. Mr. Penny
7 was the President of USAG from 2005 to 2017. During this period, Mr. Penny was responsible
8 for the overall management and strategic planning for the organization. On information and
9 belief, Mr. Penny has been arrested and jailed by law enforcement authorities for his destruction of
10 evidence related to the sexual abuse scandal at issue in this case.

11 18. Defendant USOC is a federally chartered nonprofit corporation under the Ted
12 Stevens Act. It has its principal place of business in Colorado. USOC is authorized to conduct
13 business and does conduct business throughout the United States, including but not limited to
14 California. USOC is the alter ego of USAG.

15 19. Each of Does 6 through 500, inclusive, is being sued under fictitious names.
16 Plaintiff does not know the true names and capacities of Does 7 through 500, whether individual,
17 corporate, associate, or otherwise. When their true names and capacities are known to Plaintiff,
18 Plaintiff will seek to amend this complaint to identify them.

19 20. USAG, Mr. Colarossi, Ms. Scanlan, and Does 7 through 500 are referred to herein
20 as the "USAG Defendants."

21 21. This Court has personal jurisdiction over all Defendants. This Court has specific
22 jurisdiction because Dr. Nassar perpetrated at least one act of sexual abuse of Ms. Baker in the
23 State of California, including at least one competition sponsored by both USAG and USOC.

24 **USAG SANCTIONS PERVASIVE CULTURE OF ABUSE AGAINST YOUNG GIRLS**

25 22. USAG is the national governing body for gymnastics in the United States. USAG
26 selects and trains the United States gymnastics teams for the Olympics and World Championships,
27 promotes and develops gymnastics locally and nationally, and serves as a resource center for
28 members, clubs, fans and gymnasts throughout the United States.

1 23. USAG has more than 174,000 athletes and professional members. It sanctions
2 approximately 4,000 gymnastic competitions and events throughout the United States annually.
3 More than 148,000 athletes register in its competitive programs.

4 24. For elite gymnasts like Ms. Baker, USAG administers a structured set of Women's
5 Artistic gymnastics programs. Specifically, as relevant here, USAG runs the Talent Opportunity
6 Program (TOPs) that identifies talented young girls (ages 7-10) for further training. After the
7 TOPs program, girls who wish to further compete can qualify for the Elite Program. The Elite
8 Program consists of regional and national training programs and competitions designed for
9 athletes aspiring to represent the United States in international competition, including the
10 Olympics. The Elite Program has two groups of women athletes divided by age: Junior Elite (11-
11 14) and Senior Elite (15+). Women from the Elite Program can qualify for the National Teams,
12 and USAG selects members of the National Teams from the US Championships each year.
13 Composed of the best gymnasts in the nation, the National Team represents the United States in
14 international competitions, and members of the National Team can qualify to represent the United
15 States at the Olympics. Girls must qualify for USAG's Elite Program in order to qualify for the
16 USA Olympics Team.

17 25. While headquartered in Indiana, USAG has a continuous and systematic presence
18 in the State of California, with regional affiliates in Northern California, Central California, and
19 Southern California. USAG currently sponsors and has scheduled over 75 competitions, meets,
20 and other events in California.

21 26. During all relevant times, USAG had a notorious culture of abuse over its
22 members, particularly girl athletes in the Elite Programs who are on the National Teams. For
23 highly competitive gymnasts, USAG has a culture of physical and emotional abuse that pressures
24 young girls to conceal weakness and misconduct by superiors (including coaches and team
25 doctors) and forces them to bow to the will of those superiors. The purpose of the abusive culture
26 was to push the young girls to be psychologically indestructible and stoic in the face of adversity,
27 pain, or even sexual abuse. The perfectionist culture and the insular politics of the sport meant
28 that the consequences of speaking out are too great for these young girls with dreams of the

1 National Teams, as it could mean the difference between qualifying up or flunking out. This
2 culture of abuse led the abused girls to stay silent about the sexual abuse they were experiencing at
3 the hands of Dr. Nassar.

4 27. Gymnastics is one of the most dangerous sports in the world, with a substantial risk
5 of injury, particularly repetitive motion injuries. Many gymnasts, including Ms. Baker, suffered
6 injuries throughout their gymnastics career. The culture of abuse forced them to train injured,
7 risking graver injuries. The frequency and severity of injuries among USAG's athletes led USAG
8 to have full-time medical personnel on staff, including doctors like Dr. Nassar.

9 28. Participants in USAG, like Ms. Baker, were willing to take the abuse because they
10 had their sights set on their dreams. As young girls, they had ambition and drive. They were
11 willing to do whatever it took to be the best gymnasts in the world, even if it meant staying silent
12 about the rampant abuse within USAG and their own sexual assaults.

13 29. USAG has a written Code of Ethical Conduct that meant nothing in practice. The
14 Code of Ethical Conduct states:

15 ...Members of [USAG] are expected to promote a safe environment for
16 participants, coaches, officials, volunteers and staff in all gymnastics disciplines,
17 which includes an environment free from sexual misconduct. It is inconsistent
18 with this obligation for any Member to: 1. Solicit or engage in sexual relations
19 with any minor. 2. Engage in any behavior that utilizes the influence of a
20 professional Member's position as coach, judge, official or administrator to
21 encourage sexual relations with an athlete or participant. 3. Engage in sexual
22 harassment by making unwelcome advances, requests for sexual favors or other
23 verbal or physical conduct of a sexual nature where such conduct creates an
24 intimidating, hostile or offensive environment.

25 30. USAG's policies allow sexual relationships among its members to occur:
26 "Professional Members of [USAG] must protect the integrity of the sport and the interests of the
27 athletes they serve by avoiding sexual relationships with athletes except where the capacity and
28 quality of the athlete's consent to enter that relationship is beyond question." It can be beyond
dispute that a girl under the age of 18 does not have the capacity to consent, or her consent lacks
the sufficient quality to be beyond question.

31. According to its policies, USAG enforces this Code of Ethical Conduct "primarily
upon understanding and voluntary compliance, secondarily upon reinforcement by peers, and,

1 when necessary, upon enforcement through disciplinary action....Any Member ('Complainant')
2 who believes that another Member of [USAG] has failed to meet such Member's obligations
3 under this Code is, under all but the most egregious circumstances, encouraged to first address that
4 concern directly to that Member."

5 32. Despite the Code of Ethical Conduct, USAG was notorious for maintaining a
6 recklessly lax system of vetting coaches, medical personnel, staff, and administrators. It failed to
7 follow its policy of reporting coaches who were known sexual abusers to authorities. Its culture
8 allowed coaches to move from gym to gym despite USAG's knowledge and notice of their
9 inappropriate behavior. The organization has admitted to routinely dismissing allegations of
10 sexual abuse unless they came directly from the victim or the victim's parents. USAG kept
11 records of complaints against coaches, but stashed them in a file to keep them secret, exposing
12 thousands of young girls to the risk of sexual predation.

13 33. At all relevant times, USAG (at the direction and under the supervision of the
14 USAG Presidents) engaged in a pattern and practice of employing other staff, coaches, and
15 volunteers and retaining members known to be a sexual danger to the girls in their care, including
16 Dr. Nassar. Defendants employed other professionals, staff, and agents who were known to be
17 sexually abusive and continued to be a risk to its girl athletes.

18 34. USAG's own systems to protect the girls from child sex abusers were a sham.
19 USAG touted a list of banned coaches because they were child sex abusers. USAG's own website
20 catalogues a list of over twenty (20) individuals, nationwide, who are "Permanently Ineligible
21 Members" at USAG for violation of Bylaw § 9.2(a)(iii). Among other "Special Categories of
22 Misconduct," this section of USAG's Bylaws specifically bars members who have "been convicted
23 of or ha[ve] entered a plea of guilty or no contest to a criminal charge or indictment issued by an
24 applicable City, County, State or Federal jurisdiction, and such charge or indictment directly or
25 indirectly involved or related to sexual misconduct, child abuse or conduct that is a violation of
26 any law or regulation that is specifically designed to protect minors." But this list omitted a
27 number of coaches who should have been on it. Some were suspected of sexual abuse, while
28 others were flat out convicted child molesters.

1 35. The prevalence of sexually abusive members of USAG is evidence of its
2 knowledge that the girls in its care were subject to a grave risk of permanent and irreversible
3 danger while participating in USAG’s programs. Despite knowing of this grave risk, USAG and
4 the USAG Presidents maintained a widespread and systematic culture that allowed sexually
5 abusive members with custody and care of young girls to participate in USAG’s programs and
6 stay in positions of authority over these children.

7 36. USAG is a mandated reporter under California law. USAG is a youth recreational
8 program within the meaning of California Penal Code § 11165.7 and its employees' duties require
9 direct contact and supervision of children, rendering the mandated reporter laws thereunder
10 applicable to it.

11 37. USAG’s policies for reporting abuse provide: “[USAG] will follow applicable law
12 in reporting abusive situations to the proper authorities. If, in [USAG]’[s] reasonable and good
13 faith judgment, reporting to the proper authorities is necessary to protect a person from the
14 possibility of further abuse, it may make such report even if not compelled by law to do so.”
15 Further, the policies and procedures for “Reporting Suspected Abuse” at USAG provide that
16 “[a]ny person who reasonably and in good faith believes a member of [USAG] has abused another
17 person, whether physical or sexual, such person may notify the [USAG] National Office pursuant
18 to Articles 9 and/or 10 of the [USAG] Bylaws.”

19 38. USAG put its own self-interest and well-being ahead of the interest and well-being
20 of the thousands of innocent young girls like Ms. Baker who participated in USAG's programs.
21 USAG receives millions of dollars in private donations and corporate financial support, including
22 athletic sponsorships. USAG knew that acting on the complaints of Dr. Nassar and other affiliated
23 sexual predators would subject it to public scrutiny, government investigations and the risk of civil
24 liability and criminal convictions. Disclosure of the pervasive accusations of sex abuse would also
25 break the façade of its undeserved reputation as a safe and fun recreational program for our
26 country's girls. USAG concealed the culture of abuse and sex abuse to put its profits ahead of its
27 participants, shattering the innocence of hundreds of young girls across the country. This culture
28 of concealment and secrecy effectively attracted child sex abusers and gave them a captive

1 audience on whom to commit their fetishes for sexual gratification, including Ms. Baker.

2 39. Obviously, Dr. Nassar flagrantly flouted USAG's ethical policies by engaging in
3 sexual acts with minors. Despite his repeated, egregious, pervasive, and well-known violations,
4 USAG failed to act in preventing further harm of young girls by Dr. Nassar. Defendants knew of,
5 or had reason to know of, Dr. Nassar's propensity and disposition to engage in sexual misconduct
6 with minors before he sexually abused and molested Plaintiff, and knew of the probability that he
7 would molest minors with whom he came into contact, such as Plaintiff. Defendants failed to
8 implement reasonable safeguards to avoid acts of unlawful sexual conduct by Dr. Nassar in the
9 future, including avoiding placement of Dr. Nassar in a position where contact and interaction
10 with children is an inherent function. Defendants ignored and suppressed the past sexual
11 misconduct Dr. Nassar had engaged in.

12 **USAG IS RESPONSIBLE FOR THE CONDUCT OF DR. NASSER**

13 40. Dr. Nassar began his work for USAG in 1986 when he was employed as a Certified
14 Athletic Trainer. Dr. Nassar was an employee or agent of USAG from approximately 1986 to
15 2015, serving in various positions including but not limited to a Certified Athletic Trainer,
16 Osteopathic Physician, National Medical Director, National Team Physician (USAG), and
17 National Team Physician, USAG Women's Artistic Gymnastics National Team.

18 41. In 1993, Dr. Nassar graduated from the Michigan State University College of
19 Osteopathic Medicine as a Doctor of Osteopathic Medicine. He completed his residency in family
20 practice at St. Lawrence Hospital and a sports medicine fellowship shortly thereafter.

21 42. Dr. Nassar was responsible for providing care, treatment, and athletic training to
22 the USAG and its participants. Dr. Nassar was also responsible for coordinating the medical care
23 of participants in USAG's gymnastics programs, including the treatment of participants and
24 members at every national and international competition. Dr. Nassar generally traveled with the
25 USAG team to relevant gymnastic competitions (internationally and domestic) and traveled to
26 Olympic games with the U.S. gymnastics team as the gymnastics team doctor. Dr. Nassar held a
27 position with USAG until roughly the middle of 2015. Dr. Nassar was an employee, agent,
28 volunteer, or servant of USAG at all relevant times.

1 43. As the USAG team doctor, Dr. Nassar held a position of trust and confidence of
2 team members like Ms. Baker. Through this position of trust and confidence, Dr. Nassar was able
3 to perpetrate his sexual abuse, molestation, and harassment upon Ms. Baker. Dr. Nassar abused
4 Ms. Baker for his personal sexual gratification and pleasure. Dr. Nassar had a grotesque
5 predilection for young girls like Ms. Baker.

6 44. Dr. Nassar used his position of authority and trust within USAG to implement a
7 scheme to sexually abuse, molest, and harass young girls who participated in the U.S. Women's
8 Olympic Gymnastics team and National teams over a 30-year period.

9 45. By his position within USAG's programs, Dr. Nassar attained a position of
10 influence over Ms. Baker and other young girls like herself. USAG Defendants' actions and
11 omissions created a situation of peril that was not, and could not be understood, by Plaintiff.
12 USAG and Dr. Nassar demanded and required that Plaintiff respect Dr. Nassar, in his position as
13 team physician for USAG.

14 46. By assigning Dr. Nassar as team physician of USAG, USAG represented to the
15 gymnastics community that Dr. Nassar was safe, trustworthy, ethical and professionally
16 competent. This led many parents to believe their children were safe in the care and custody of
17 USAG and under treatment of Dr. Nassar, when in fact these children were in grave danger.
18 USAG portrayed this public image of Dr. Nassar to preserve its own public image and reputation,
19 so USAG could retain and recruit participants, thus allowing donations and other financial support
20 to continue flowing into their coffers for financial gain.

21 **DR. NASSAR EARNS THE TRUST AND CONFIDENCE OF MS. BAKER**

22 47. Ms. Baker became a member of the TOPs Program of USAG in 2004 when she
23 was eight years old. After competing successfully, she became part of the Elite Program of
24 USAG, qualifying for the Junior National Team from approximately 2009 to 2011 and the Senior
25 National Team from 2012 to 2014.

26 48. Ms. Baker participated in USAG National Championships, U.S. Classic, or the
27 American Classic during the five-year period from 2009 to 2013. She participated in the USAG
28 National Team Training Center at Karolyi Ranch in Huntsville, Texas during roughly the same

1 period. Karolyi Ranch is a training facility sponsored and operated by USAG and the USOC.

2 49. As a member and participant of USAG, Ms. Baker was referred to Dr. Nassar for
3 medical treatment. Ms. Baker saw Dr. Nassar on at least six separate occasions. She saw Dr.
4 Nassar, at minimum, when she was fifteen years old in 2011 at the U.S. Championships in St.
5 Paul, Minnesota, when she was sixteen years old at the 2012 Olympic Trials in San Jose,
6 California, and when she was seventeen years old in 2013 at Karoyli Ranch.

7 50. Dr. Nassar would interact with Ms. Baker under the guise of medical treatments.
8 Ms. Baker was referred to Dr. Nassar for treatment of injuries and pain she was experiencing. She
9 was referred to him by USAG and her USAG-affiliated coach.

10 51. As a pediatric patient of Dr. Nassar, Ms. Baker was under his direct supervision,
11 control and care, creating a special and fiduciary relationship. Dr. Nassar owed a heightened duty
12 of care to Ms. Baker. Moreover, because USAG had custody and control of Ms. Baker during the
13 competitions and referred Ms. Baker during that time to Dr. Nassar as USAG's official team
14 physician, USAG owed a special, confidential, and fiduciary to Ms. Baker. USAG (as well as the
15 USAG Presidents), stood *in loco parentis* with the Plaintiff, requiring a heightened duty of care.

16 52. Despite these heightened duties based on the special and fiduciary relationship, Dr.
17 Nassar breached these duties by exploiting his position of authority to coerce young girls like Ms.
18 Baker to concede to his sexual abuse and touching.

19 53. The USAG Defendants had a duty to disclose to the parents of Ms. Baker its
20 knowledge and notice of complaints that Dr. Nassar was a child sex abuser. USAG breached this
21 duty to disclose these facts to Ms. Baker and her parents by negligently or intentionally
22 suppressing, concealing, and failing to disclose these prejudicial facts. The duty to disclose arose
23 from the special relationship between the USAG Defendants and Ms. Baker.

24 **DR. NASSAR SEXUALLY ABUSED MS. BAKER**

25 54. At USAG's 2011 U.S. Championships in St. Paul Minnesota, Ms. Baker suffered
26 the first of many sex abuses at the hands of Dr. Nassar when she was fifteen years old. At the
27 event, she had hurt her knee while performing a vault, an event in which gymnasts run down a
28 runway, jump on a springboard, and vault over an object. Ms. Baker's coach, who was an affiliate

1 of USAG, referred Ms. Baker to Dr. Nassar for medical treatment. Dr. Nassar looked at her knee
2 and began massaging the inside of her knee. After Ms. Baker's coach left the consultation, Dr.
3 Nassar began massaging higher up Ms. Baker's leg, eventually touching her thigh and her hips in a
4 sexual manner. Dr. Nassar told Ms. Baker to roll over onto her stomach for further massage that
5 had nothing to do with the initial injury for which she consulted him. While Ms. Baker laid on her
6 stomach under his care, Dr. Nassar massaged her butt and inserted his fingers into her vagina,
7 without any gloves, without a lubricant, without her consent, and without any chaperone or
8 guardian present. While his fingers were inside her, Dr. Nassar breathed heavily, sweat profusely,
9 and appeared to get sexual gratification from this contact.

10 55. The next instance of sex abuse occurred at the 2012 Olympic Trials. Ms. Baker
11 wished to get her ankles adjusted and went for treatment from an available doctor. She ended up
12 being treated again by Dr. Nassar. Ms. Baker asked Dr. Nassar if he could adjust her ankle in the
13 treatment room. He said he could do it quickly in the hallway where they were and told her to sit
14 down. Dr. Nassar adjusted her ankle quickly and Ms. Baker attempted to end the consultation by
15 getting up to leave. Dr. Nassar told Ms. Baker to wait because he opined that her hip seemed "off"
16 and so he needed to adjust her hip as well. Ms. Baker laid on her stomach so that Dr. Nassar could
17 adjust her hip. He began massaging her hip and stuck two fingers in her vagina, pulling sideways
18 – again, without any gloves, without a lubricant, without her consent, and without any chaperone
19 or guardian present. While his fingers were inside her, Dr. Nassar breathed heavily, sweat
20 profusely, and appeared to get sexual gratification from this contact.

21 56. Finally, in 2013, at Karoyli Ranch, Ms. Baker signed up to get a massage during
22 the day – a normal form of treatment for the bodily strain from the stressful impacts of
23 gymnastics. Dr. Nassar gave her the massage she signed up for and began massaging her butt. He
24 then inserted his fingers into her vagina – again, without any gloves, without a lubricant, without
25 her consent, and without any chaperone or guardian present. Dr. Nassar displayed his signature
26 signs of personal gratification, again: breathing heavily, sweating profusely, and appearing to get
27 sexual gratification from this contact.

28 57. None of these sexual contacts was in any way medically necessary or even related

1 to the body part for which Ms. Baker sought treatment from Dr. Nassar.

2 58. Ms. Baker received treatment from Dr. Nassar on approximately six occasions and
3 believes she was assaulted by Dr. Nassar on every one of them. These sexual assaults occurred
4 when Ms. Baker was under the supervision of USAG and on the premises of USAG, in sleeping
5 quarters, in training facilities, in gyms, and at competition sites.

6 59. Dr. Nassar's sexual abuse of Ms. Baker followed a pattern and practice that came to
7 light following the investigative report by *IndyStar*. Dr. Nassar would do anal and vaginal
8 examinations of Plaintiff and other gymnasts in the care of USAG — also *without gloves, without*
9 *consent, without lubricant, and without a chaperone*. These anal and vaginal examinations were
10 well outside any recognized and/or accepted technique and were done for Dr. Nassar's own sexual
11 gratification.

12 60. Dr. Nassar's sexual abuse and harassment of Ms. Baker was done for Dr. Nassar's
13 personal sexual gratification, and it annoyed, disturbed, irritated, anguished, embarrassed,
14 humiliated, permanently injured and offended Ms. Baker as it would have a reasonable person.
15 Plaintiff did not consent to the sexual abuse and harassment by Dr. Nassar and further, was
16 incapable of consenting to such because she was a minor at the time of the sexual abuse.

17 61. Ms. Baker did not discover her psychological injuries until 2017 when other
18 victims of Dr. Nassar publicly came forward with their own experiences of sexual abuse at the
19 hands of Dr. Nassar. Until this time, Ms. Baker never made a mental connection between the
20 sexual abuse by Dr. Nassar and her permanent and irreversible psychological, physical, mental,
21 and emotional injuries. At the time of the public revelations of other victims, Ms. Baker realized
22 for the first time that Dr. Nassar was a serial molester, Ms. Baker was one of his victims, and the
23 so-called "procedures" he had performed were actually occurrences of sexual abuse. This deferred
24 realization is common for victims of sexual abuse, particularly childhood sexual abuse and
25 particularly sexual abuse arising out of relationships of trust and confidence similar to that of Dr.
26 Nassar and Ms. Baker. The commonplace nature of deferred realization of childhood sexual abuse
27 is one of the reasons why the California legislature has enacted a special statute of limitations for
28 childhood sexual abuse. *See* Cal. Code of Civ. Proc. § 340.1.

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THE USAG DEFENDANTS ARE COMPLICIT IN DR. NASSAR'S SEXUAL ABUSE OF MS. BAKER

62. From 1994 to 1998, Ms. Scanlan was the President of USAG. In this position, he was responsible for the overall management and strategic planning of the organization. Given the pervasive policy and practice of concealing allegations of sexual abuse at USAG, Ms. Scanlan oversaw this policy and practice during her tenure. She affirmatively contributed to the policy and practice by failing to stop the abuse and failing to nurture a supportive culture to encourage young girls and their parents to speak out. Ms. Scanlan had the power to stop the rampant sexual abuse within USAG and fix the culture of silence, secrecy, and self-interest at USAG. She could have prevented the future sexual abuse of Ms. Baker. Accordingly, she actively concealed the rampant allegations of sexual violence and abuse at USAG and knowingly failed to prevent foreseeable future instances of abuse, including Ms. Baker's. She breached her duty of reasonable care to protect the young girls in the custody and supervision of USAG, including Ms. Baker. Ms. Scanlan was an employee, agent, or servant of USAG at all relevant times alleged herein.

63. So too with Mr. Colarossi. From 1998 to 2005, Mr. Colarossi was the President of USAG. In this position, she was responsible for the overall management and strategic planning of the organization. Given the pervasive policy and practice of concealing allegations of sexual abuse at USAG, Mr. Colarossi oversaw this policy and practice during his tenure. He affirmatively contributed to the policy and practice by failing to stop the abuse and failing to nurture a supportive culture to encourage young girls and their parents to speak out. Mr. Colarossi had the power to stop the rampant sexual abuse within USAG and fix the culture of silence, secrecy, and self-interest at USAG. He could have prevented the future sexual abuse of Ms. Baker. Accordingly, he actively concealed the rampant allegations of sexual violence and abuse at USAG and knowingly failed to prevent foreseeable future instances of abuse, including Ms. Baker's. He breached his duty of reasonable care to protect the young girls in the custody and supervision of USAG, including Ms. Baker. Mr. Colarossi was an employee, agent, or servant of USAG at all relevant times alleged herein.

64. And the same for Mr. Penny. From 2005 to 2017, Mr. Penny was the President of

1 USAG. In this position, he was responsible for the overall management and strategic planning of
 2 the organization. Given the pervasive policy and practice of concealing allegations of sexual
 3 abuse at USAG, Mr. Penny oversaw this policy and practice during his tenure. He affirmatively
 4 contributed to the policy and practice by failing to stop the abuse and failing to nurture a
 5 supportive culture to encourage young girls and their parents to speak out. Mr. Penny had the
 6 power to stop the rampant sexual abuse within USAG and fix the culture of silence, secrecy, and
 7 self-interest at USAG. He could have prevented the future sexual abuse of Ms. Baker. Instead, he
 8 actively concealed the rampant allegations of sexual violence and abuse at USAG and knowingly
 9 failed to prevent foreseeable future instances of abuse, including Ms. Baker's. In fact, he has been
 10 arrested and jailed by law enforcement on charges of tampering with the evidence at issue in the
 11 USAG sex abuse scandal – the very scandal at issue in this suit. He breached his duty of
 12 reasonable care to protect the young girls in the custody and supervision of USAG, including Ms.
 13 Baker. Indeed, Mr. Penny resigned from his position as President as a result of his role in the
 14 concealment of the USAG sex abuse scandal. Mr. Penny was an employee, agent, or servant of
 15 USAG at all relevant times alleged herein.

16 65. The USAG Defendants had notice of, knew of, or should have known of Dr.
 17 Nassar’s past sexual abuse of children, past claims and investigations, and his propensity and
 18 disposition to engage in unlawful sexual activity with young girls like Ms. Baker. Accordingly,
 19 Defendants knew or should have known that Dr. Nassar would commit wrongful sexual acts in the
 20 future with young girl participants and members, including Ms. Baker. Defendants' records reflect
 21 numerous incidents of inappropriate sexual touching and sexual misconduct by Dr. Nassar with
 22 young girls like Ms. Baker, as well as other professionals, employees, assistants, agents,
 23 supervisors and others, including incidents occurring both on and off the physical premises of such
 24 Defendants and at national and international meets.

25 66. Because of the relationship between Ms. Baker and Defendants, Defendants had an
 26 obligation and duty under the law not to hide material facts and information about Dr. Nassar’s
 27 past, and his deviant sexual behavior and propensities. Additionally, all Defendants had an
 28 affirmative duty to inform, warn, and institute appropriate protective measures to safeguard minors

1 who were reasonably likely to come in contact with Dr. Nassar. Defendants willfully refused to
2 notify, give adequate warning and implement appropriate safeguards, thereby creating the peril
3 that ultimately damaged Plaintiff.

4 67. Prior to Plaintiff's sexual abuse by Dr. Nassar, Defendants engaged in a pattern and
5 practice of employing sexual abusers at Dr. Nassar. Defendants concealed these facts from
6 participants and members, their parents, the gymnastics community, the public at large, the United
7 States government, various local governments, and law enforcement agencies.

8 68. As part of Dr. Nassar's scheme to sexually abuse young girls, Dr. Nassar had one-
9 on-one access with participants of USAG. This violated USAG's own policies. USAG has a set
10 of policies entitled "Standards of Behavior" that provide: "Avoid Being Alone with a Minor.
11 Gymnastics is a sport that lends itself to one-on-one situations between a coach and a gymnast.
12 Avoid being alone with a child or any group of children in a private setting (e.g., locker room,
13 bathroom, office, vehicle or residence), and avoid being alone with a child or any group of
14 children in any place that is inappropriate to the coach-athlete relationship. When a one-on-one
15 situation is necessary, such as private coaching lessons or conversations, conduct the activity
16 within the view of another adult."

17 69. As part of Defendants' pattern and practice of concealing Dr. Nassar's illegal sexual
18 propensities toward young girls, Defendants implemented measures designed to make Dr. Nassar's
19 conduct harder to detect, pressure his victims to remain silent, and thereby perpetuate Dr. Nassar's
20 pattern of sexual abuse, including:

- 21
- 22 a. Permitting Dr. Nassar to remain in a position of authority and trust after
23 Defendants knew or had reason to know that he was a molester of children;
 - 24 b. Placing Dr. Nassar in a separate and secluded environment, at USAG,
25 including assigning him unfettered access and control over young girls, giving
26 him individual and private examinations (including private osteopathic
27 adjustments without a chaperone), and allowing Dr. Nassar to physically and
28 sexually interact with the children, including Ms. Baker;
 - 29 c. Failing to disclose Dr. Nassar's prior record of misconduct, sexual abuse,
30 harassment and molestation and his propensity to commit such acts towards
31 participants and members in USAG's program, the public at large, and law
32 enforcement;

- 1 d. Allowing Dr. Nassar unsupervised and un-controlled access to minors,
2 including the Plaintiff Ms. Baker;
- 3 e. Holding out Dr. Nassar to Plaintiff, her parents, other participants and
4 members of USAG, and the public at large as a trustworthy and honest person
5 of high ethical and moral repute who was capable and worthy of being granted
6 unsupervised access to the children of USAG;
- 7 f. Failing to investigate or otherwise confirm or deny such facts about Dr.
8 Nassar, including prior arrests, charges, claims and investigations for sexual
9 abuse;
- 10 g. Failing to inform, or concealing from Plaintiff's parents and law enforcement
11 officials the fact that Plaintiff and others were or may have been sexually
12 abused, harassed and molested, after Defendants knew or had reason to know
13 that Dr. Nassar may have sexually abused Plaintiff or others, thereby enabling
14 Plaintiff to continue to be endangered and sexually abused, harassed, molested,
15 and/or creating the circumstance where Plaintiff and others were less likely to
16 receive proper medical treatment, thus exacerbating the harm to Plaintiff;
- 17 h. Holding out Dr. Nassar to Plaintiff, her parents, and to the community as being
18 in good standing and trustworthy;
- 19 i. Cloaking Dr. Nassar's prior sexual misconduct with children within the facade
20 of normalcy and under the guise of "medical treatment," thereby disguising the
21 nature of his sexual abuse and contact with minors;
- 22 j. Failing to take reasonable steps and to implement reasonable safeguards to
23 avoid acts of unlawful sexual conduct by Dr. Nassar such as avoiding
24 placement of Dr. Nassar in functions or environments in which his solitary
25 contact with children was inherent;
- 26 k. Failing to put in place a system or procedure to supervise or monitor physicians,
27 athletic trainers, and agents to insure they do not molest or abuse minors in
28 Defendants' care.
70. By virtue of Defendants' conspiratorial and fraudulent conduct, and in keeping with
their intent to conceal Dr. Nassar's misconduct from the gymnastics community, the public, and
law enforcement, Defendants allowed Dr. Nassar to remain in a position of influence where his
unsupervised or negligently supervised conduct with minor participants and members made the
molestation and abuse of minor participants and members possible.

71. During the period Plaintiff was being sexually abused and harassed by Dr. Nassar,
Defendants had the authority and ability to prevent such abuse by removing Dr. Nassar from his
position as team physician at USAG. They failed to do so, allowing the abuse to occur and to
continue unabated. Plaintiff is informed and believes and, on that basis, alleges that this failure
was a part of Defendants' conspiratorial plan and arrangement to conceal Dr. Nassar's wrongful

1 acts, to avoid and inhibit detection, to block public disclosure, to avoid scandal, to avoid the
2 disclosure of their tolerance of child sexual molestation and abuse, to preserve a false appearance
3 of propriety, and to avoid investigation and action by public authority including law enforcement.
4 Such actions were motivated by a desire to protect the reputation of Defendants and protect the
5 monetary support of Defendants, while fostering an environment where such abuse could continue
6 to occur.

7 72. As is set forth herein, Defendants and each of them have failed to uphold numerous
8 mandatory duties required of them by state and federal law, as well as their own internal written
9 policies and procedures, including:

- 10 • Duty to use reasonable care to protect participants and members from known or
11 foreseeable dangers;
- 12 • Duty to enact policies and procedures that are not in contravention of the Federal Civil
13 Rights Act, section 1983 and the 14th amendment of the United States Constitution;
- 14 • Duty to protect participants and members and staff, and provide adequate supervision;
- 15 • Duty to ensure that any direction given to participants and members is lawful, and that
16 adults act fairly, responsible and respectfully towards participants and members;
- 17 • Duty to properly train staff so that they are aware of their individual responsibility for
18 creating and maintaining a safe environment;
- 19 • Duty to review the criminal history of applicants and current employees;
- 20 • Duty to provide diligent supervision over minors;
- 21 • Duty to act promptly and diligently and not ignore or minimize problems.
- 22 • Duty to report suspected incidents of child abuse and more specifically childhood
23 sexual abuse (*Penal Code* sections 11166, 11167).

24 73. Defendants and each of them had and have a duty to protect participants and
25 members, including Plaintiff. Defendants were required to, and failed, to provide adequate
26 supervision, and failed to be properly vigilant in seeing that supervision was sufficient at USAG,
27 Defendants Does 7 through 500 to ensure the safety of Plaintiff and others.

28 74. Despite having a duty to do so, Defendants failed to adequately train and supervise
all staff to create a positive and safe environment, specifically including training to perceive,
report and stop inappropriate sexual conduct by other members of the staff, specifically including

1 Dr. Nassar, with children.

2 75. Defendants failed to enforce their own rules and regulations designed to protect the
3 health and safety of the participants and members. Further, they failed to adopt and implement
4 safety measures, policies and procedures designed to protect minor children such as Plaintiff from
5 the sexually exploitive and abusive acts of their agents and employees such as Dr. Nassar.

6 **USOC IS COMPLICIT IN THE SEXUAL ABUSE OF MS. BAKER AND IS THE ALTER**
7 **EGO OF USAG**

8 76. USOC is a federally-chartered nonprofit corporation under the Ted Stevens Act.
9 USOC publicly proclaims it is "committed to a safe and positive environment for athletes'
10 physical, emotional, and social development and to ensuring that it promotes an environment free
11 of misconduct." USOC is legally obligated under federal law to ensure as a condition to
12 certification of USAG as a national governing body that USAG provide "proper medical
13 supervision . . . for athletes who will participate in the competition." 36 U.S.C. § 220525(b)(4)(E).

14 77. USOC had a responsibility for ensuring that the preeminent Olympic training
15 facility for gymnastics in the United States, Karolyi Ranch, had adequate safety protocols and
16 procedures. USOC had a responsibility to ensure USAG and Karolyi Ranch were adequately
17 supervising the minors in their custody and care, including training and education of all staff on
18 the identification of sexual abuse, the scope of appropriate medical treatments, and responsible
19 supervision of minors. Despite these duties, USOC implemented virtually no safety protocols and
20 procedures at the Karolyi Ranch and failed to take any steps to protect the minors in its custody
21 and care.

22 78. USOC had the ability to protect Ms. Baker from sexual abuse at the hands of
23 USAG's employees. Instead, USOC threatened to de-certify USAG as the national governing
24 body for gymnastics because USAG failed to adequately protect the due process rights of child sex
25 abusers who were placed on USAG's sham "ban list." USOC's pressure, and its overall control
26 and supervision of national governing bodies like USAG, and the steps USOC took to frustrate
27 any effort by USAG to protect the minors in its care from sex abuse, together make it responsible
28 by law, as alter ego or otherwise, for the actions of USAG.

1 79. In fact, Ms. Baker participated in the Olympic Trials in 2012. This competition is
2 run and sponsored by USOC. Dr. Nassar attended the competition as an employee or agent of
3 USOC for the purpose of providing medical treatment to participants. Ms. Baker received
4 treatment and interactions with Dr. Nassar at that competition, enabling Dr. Nassar to have access
5 to Ms. Baker and solidify his bond with Ms. Baker for purposes of perpetuating sexual abuse on
6 her.

7 80. Further, sexual abuse of Ms. Baker happened at the Karolyi Ranch training camp.
8 Karolyi Ranch training camp was largely controlled by USAG and USOC because the purpose of
9 the training camp was to help USOC find a winning Olympic gymnastics team. The Karolyi
10 Ranch training camp benefited USOC, and USOC had substantial control over its operations.

11 81. USOC is the alter ego of USAG. USOC had pervasive and unprecedented control
12 over the business and affairs of USAG. Indeed, as the national governing body for gymnastics,
13 USAG had to meet stringent requirements under the Ted Stevens Act, including requirements
14 pertaining to the supervision, care, and medical treatment of participants. USOC had the power
15 and authority to enforce those requirements. USOC could enforce them by de-certifying USAG;
16 USOC thus had legal and coercive control over USAG. Indeed, USOC has threatened to de-
17 certify USAG in the past and by doing so, altered USAG's course of conduct, demonstrating actual
18 control. For example, in the wake of the revelations of the sex abuse scandal at USAG, USOC
19 threatened to de-certify USAG as the national governing body of gymnastics unless USAG's entire
20 board of directors were replaced. As anticipated, USAG bowed to USOC's threats, proving that
21 USOC had complete control over the highest levels of management at USAG. In another instance,
22 USOC actually promoted and exacerbated the pervasive culture of sex abuse at USAG by
23 threatening to de-certify USAG if USAG continued to deny "due process" rights to convicted child
24 sex abusers whom USAG placed on a "ban list." Further, USAG and USOC channeled funds
25 between them, used funds and employees interchangeably, and payed each other's bills.
26 Moreover, USAG was the exclusive body to select and train the athletes that USOC supported at
27 Olympic games.

28

DEFENDANTS INJURED MS. BAKER

1
2 82. As a direct result of the sexual harassment and abuse of Plaintiff by Dr. Nassar,
3 Plaintiff has had difficulty in meaningfully interacting with others, including those in positions of
4 authority over Plaintiff including physicians, athletic supervisors, and agents. Plaintiff has been
5 limited in her ability to meaningfully interact with others due to the trauma of childhood sexual
6 abuse. This inability to interact creates conflict with Plaintiff's values of trust and confidence in
7 others, and has caused Plaintiff substantial emotional distress, anxiety, nervousness and fear. As a
8 direct result of the sexual abuse and molestation by Dr. Nassar, Plaintiff suffered immensely,
9 including, but not limited to, encountering issues with a lack of trust, various negative
10 psychological and emotional sequelae, depressive symptoms, anxiety, and nervousness.

11 83. As a direct and proximate result of Defendants' tortuous acts, omissions, wrongful
12 conduct and breaches of their duties, Plaintiff's employment and professional development has
13 been adversely affected. Plaintiff has lost wages and will continue to lose wages in an amount to
14 be determined at trial. Plaintiff has suffered substantial economic injury, all to Plaintiff's general,
15 special and consequential damage in an amount to be proven at trial, but in no event less than the
16 minimum jurisdictional amount of this Court.

17 84. As a further direct and proximate result of Defendants' wrongful actions, as herein
18 alleged, Plaintiff has been hurt in her health, strength and activity. Plaintiff has sustained
19 permanent and continuing injury to her nervous system and person, which has caused and
20 continues to cause great mental, physical and nervous pain, suffering, fright, upset, grief, worry
21 and shock in an amount according to proof at trial but in no event less than the jurisdictional
22 minimum requirements of this Court.

23 85. In subjecting Ms. Baker to the wrongful treatment herein described, Defendants
24 acted willfully and maliciously with the intent to harm Plaintiff, and in conscious disregard of
25 Plaintiff's rights, so as to constitute malice and/or oppression under California Civil Code § 3294.
26 Plaintiff is informed, and on that basis alleges, that specifically, the Defendants acted in concert,
27 and under their authority as child care providers, with reckless disregard for the concern of the
28 minor participants in its charge, in order to further financially benefit their respective businesses'

1 growth. The Defendants acted intentionally in creating an environment that harbored molesters,
2 put vulnerable minor participants at-risk of harm, ignored clear warning signs and their duties to
3 report sexual abusers and molesters in their ranks, to maintain a façade of normalcy, in order to
4 maintain its funding and provide further financial growth of the Defendants, on the international
5 level. The safety of the minor participants that were entrusted to USAG was compromised due to
6 Defendants desire to maintain the status quo of the Defendants, and avoid any public scrutiny for
7 its misconduct. Plaintiff is informed, and on that basis alleges, that these willful, malicious, and/or
8 oppressive acts, as alleged herein above, were ratified by the officers, directors, and/or managing
9 agents of the Defendants. Plaintiff is therefore entitled to recover punitive damages, in an amount
10 to be determined by the court, against Defendants Dr. Nassar, USAG, Ms. Scanlan, Mr. Colarossi,
11 USOC and Does 7 through 500.

12
13 **FIRST CAUSE OF ACTION**
SEXUAL ASSAULT
14 **(Against Defendant Dr. Nassar)**

15 86. Plaintiff re-alleges and incorporates by reference herein each and every allegation
16 contained herein above as though fully set forth and brought in this cause of action.

17 87. Dr. Nassar committed an overt act of sexual abuse and molestation against Ms.
18 Baker. The first overt act occurred in 2010 and there were substantial overt acts in connection
19 with approximately six "medical" consultations with Dr. Nassar up to and including 2014, all
20 while Ms. Baker was a member and participant of USAG, including on USAG's National Team.
21 The overt acts consisted of groping and fondling the Plaintiff's vagina. Dr. Nassar acted in the
22 course and scope of his agency/employment with USAG during this period, putting Ms. Baker in
23 imminent apprehension of such contact.

24 88. In Dr. Nassar's doing this overt act, Dr. Nassar intended to inflict a harmful or
25 offensive contact against Ms. Baker and intended to cause Ms. Baker to fear such contact. Dr.
26 Nassar knew that the consequence of an offensive contact was certain to result, as Dr. Nassar's
27 sexual abuse was intentionally inflicted.

28 89. Dr. Nassar's actions placed Ms. Baker in apprehension of an immediate harmful or

1 offensive contact, and Ms. Baker actually believed Dr. Nassar had the ability to make harmful or
2 offensive contact with Plaintiff's person.

3 90. Plaintiff did not consent to Dr. Nassar's harmful or offensive contact with
4 Plaintiff's person, or to Dr. Nassar's conduct putting Plaintiff in imminent apprehension of such
5 contact. Additionally, because Plaintiff was a minor during the time herein alleged, she lacked the
6 ability to consent to sexual contact with any person, especially with a physician at USAG.

7 91. In doing the things herein alleged, Dr. Nassar violated Plaintiff's right under
8 California Civil Code § 43 of protection from bodily restraint or harm, and from personal insult. In
9 doing the things herein alleged, Dr. Nassar violated his duty, pursuant to California Civil Code
10 §1708, to abstain from injuring the person of Plaintiff or infringing upon her rights.

11 92. As a result of the above-described conduct, Plaintiff has suffered and continues to
12 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
13 emotional distress including embarrassment, loss of self-esteem, disgrace, humiliations, and loss
14 of enjoyment of life; has suffered and continues to suffer and was prevented and will continue to
15 be prevented from performing daily activities and obtaining the full enjoyment of life; will sustain
16 loss of earnings and earning capacity, and/or has incurred and will continue to incur expenses for
17 medical and psychological treatment, therapy, and counseling.

18 93. Dr. Nassar's sexual assault is a substantial factor in bringing about these harms to
19 Ms. Baker.

20 94. Plaintiff is informed and based thereon alleges that the conduct of Defendant Dr.
21 Nassar was oppressive, malicious and despicable in that it was intentional and done in conscious
22 disregard for the rights and safety of others, and were carried out with a conscious disregard of her
23 right to be free from such tortious behavior, such as to constitute oppression, fraud or malice
24 pursuant to California *Civil Code* section 3294, entitling Plaintiff to punitive damages against
25 Defendant Dr. Nassar in an amount appropriate to punish and set an example of Defendants.

26
27 **SECOND CAUSE OF ACTION**
SEXUAL BATTERY: Civil Code § 1708.5
(Against Dr. Nassar)
28

1 95. Plaintiff re-alleges and incorporates by reference herein each and every allegation
2 contained herein above as though fully set forth and brought in this cause of action.

3 96. During Plaintiff's time as team member and participant with USAG, Dr. Nassar
4 intentionally, recklessly and wantonly did acts which were intended to, and did result in harmful
5 and offensive contact with intimate parts of Plaintiff's person, including but not limited to being
6 subjected to numerous instances of sexual abuse by Dr. Nassar, beginning on or around 2010, and
7 lasting for the duration of Plaintiff's tenure with USAG, in or around 2014, including but not
8 limited to instances of Dr. Nassar groping and fondling the Plaintiff's vagina all while Dr. Nassar
9 acted in the course and scope of his agency/employment with Defendants.

10 97. Dr. Nassar's sexual battery involved actual physical contact.

11 98. Dr. Nassar did the aforementioned acts with the intent to cause a harmful or
12 offensive contact with an intimate part of Plaintiff's person and would offend a reasonable sense
13 of personal dignity. Further, said acts did cause a harmful or offensive contact with an intimate
14 part of Plaintiff's person that would offend a reasonable sense of personal dignity.

15 99. Because of Dr. Nassar's position of authority over Plaintiff, and Plaintiff's mental
16 and emotional state, and Plaintiff's status as a minor, Plaintiff was unable to, and did not, give
17 legal consent to such acts.

18 100. As a direct, legal and proximate result of the acts of Dr. Nassar, Plaintiff sustained
19 serious and permanent injuries to her person, all of her damage in an amount to be shown
20 according to proof and within the jurisdiction of the Court.

21 101. As a direct result of the sexual abuse by Dr. Nassar, Plaintiff has difficulty in
22 reasonably or meaningfully interacting with others, including those in positions of authority over
23 Plaintiff including supervisors, and in intimate, confidential and familial relationships, due to the
24 trauma of childhood sexual abuse inflicted upon her by Defendants. This inability to interact
25 creates conflict with Plaintiff's values of trust and confidence in others, and has caused Plaintiff
26 substantial emotional distress, anxiety, nervousness and fear. As a direct result of the sexual abuse
27 and molestation by Dr. Nassar, Plaintiff suffered immensely, including, but not limited to,
28 encountering issues with a lack of trust, various psychological sequelae, depressive symptoms,

1 anxiety, and nervousness.

2 102. Dr. Nassar's sexual battery was a substantial factor in bringing about the harm to
3 Ms. Baker.

4 103. Plaintiff is informed and based thereon alleges that the conduct of Dr. Nassar was
5 oppressive, malicious and despicable in that it was intentional and done in conscious disregard for
6 the rights and safety of others, and were carried out with a conscious disregard of her right to be
7 free from such tortious behavior, such as to constitute oppression, fraud or malice pursuant to
8 California *Civil Code* section 3294, entitling Plaintiff to punitive damages against Dr. Nassar in an
9 amount appropriate to punish and set an example of Dr. Nassar.

10 **THIRD CAUSE OF ACTION**
11 **GENDER VIOLENCE**
12 **(Against Dr. Nassar)**

13 104. Plaintiff re-alleges and incorporates by reference herein each and every allegation
14 contained herein above as though fully set forth and brought in this cause of action.

15 105. Ms. Baker was subjected to one or more acts of Dr. Nassar that constituted a crime
16 under California law involving the use, attempted use, or threatened use of physical force against
17 Ms. Baker. Specifically, Dr. Nassar committed the crime of sexual battery and sexual assault
18 against Ms. Baker, and those crimes involve the use, attempted use, or threatened use of physical
19 force against the person of another.

20 106. Dr. Nassar committed the crime at least in part based on Ms. Baker's gender. Dr.
21 Nassar had a propensity to sexually abuse young girls, and Ms. Baker was a young girl.

22 107. Ms. Baker was subjected to Dr. Nassar's physical intrusion or physical invasion of a
23 sexual nature under coercive conditions. Dr. Nassar made a physical intrusion of invasion of a
24 sexual nature by fondling her vagina under the guise of medical treatment, and the conditions were
25 coercive because Ms. Baker was a minor under the care and custody of Dr. Nassar, was referred to
26 Dr. Nassar by USAG, was manipulated to have trust and confidence in Dr. Nassar's care and
27 custody, and had no choice but to receive medical treatment from Dr. Nassar.

28 108. As a proximate result of Dr. Nassar's acts, Plaintiff is entitled to actual damages,
compensatory damages, punitive damages, injunctive relief, any combination of those, or any

1 other appropriate relief. Plaintiff is also entitled to an award of attorney's fees and costs pursuant
2 to *Civil Code* § 52.4, against Dr. Nassar.

3
4 **FOURTH CAUSE OF ACTION**
SEXUAL HARASSMENT (CIVIL CODE § 51.9)
5 **(Against All Defendants)**

6 109. Plaintiff re-alleges and incorporates by reference herein each and every allegation
7 contained herein above as though fully set forth and brought in this cause of action.

8 110. During Plaintiff's time as a team member and participant at USAG, Dr. Nassar
9 intentionally, recklessly and wantonly made sexual advances, solicitations, requests, demands for
10 sexual compliance of a hostile nature based on Plaintiff's gender that were unwelcome, pervasive
11 and severe, including but not limited to Dr. Nassar groping and fondling Plaintiff's vagina, all
12 under the supervision of Defendants, who were acting in the course and scope of their agency with
13 Defendants and each of them.

14 111. The incidents of abuse outlined herein above took place while Plaintiff was under
15 the control of Dr. Nassar and the other Defendants, as well as the staff of the other Defendants, in
16 their capacity and position as team physicians, athletic trainers, and staff at USAG and while
17 acting specifically on behalf of Defendants.

18 112. During Plaintiff's time as a team member and participant at USAG, Dr. Nassar
19 intentionally, recklessly and wantonly did acts which resulted in harmful and offensive contact
20 with intimate parts of Plaintiff's person, including but not limited to, using his position of authority
21 and age to force Plaintiff to give into Dr. Nassar's sexual suggestions.

22 113. Because of Plaintiff's relationship with Dr. Nassar and the other Defendants, and
23 Plaintiff's young age as a minor team member and participant, Plaintiff was unable to easily
24 terminate the relationship she had with the Defendants.

25 114. Because of Dr. Nassar's age and position of authority, physical seclusion of the
26 Plaintiff, Plaintiff's mental and emotional state, and Plaintiff's status as a minor, Plaintiff was
27 unable to, and did not and could not, give legal consent to such acts.

28 115. Even though the Defendants knew or had reason to know of these activities by Dr.
Nassar, Defendants did nothing to investigate, supervise or monitor Dr. Nassar to ensure the safety

1 of the minor participants and members.

2 116. Because of Plaintiff's relationship with Defendants, as a team member and
3 participant of Defendants, and Plaintiff's young age as a minor team member and participant,
4 Plaintiff was unable to easily terminate the doctor-patient relationship she had with Defendants.

5 117. A corporation is a "person" within meaning of *Civil Code* section 51.9, which
6 subjects persons to liability for sexual harassment within a business, service or professional
7 relationship, and such an entity defendant may be held liable under this statute for the acts of its
8 employees. *C.R. v. Tenet Healthcare Corp.*, (2009) 169 Cal.App.4th 1094. Further, principles of
9 ratification apply when the principal ratifies the agent's originally unauthorized harassment, as is
10 alleged to have occurred herein.

11 118. Defendants' conduct (and the conduct of their agents) was a breach of their duties
12 to Plaintiff.

13 119. As a result of the above-described conduct, Plaintiff has suffered and continues to
14 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
15 emotional distress including embarrassment, loss of self-esteem, disgrace, humiliations, and loss
16 of enjoyment of life; has suffered and continues to suffer and was prevented and will continue to
17 be prevented from performing daily activities and obtaining the full enjoyment of life; will sustain
18 loss of earnings and earning capacity, and/or has incurred and will continue to incur expenses for
19 medical and psychological treatment, therapy, and counseling.

20 120. USOC is the alter ego of USAG and is therefore liable to the extent USAG is liable.

21 **FIFTH CAUSE OF ACTION**
22 **UNFAIR BUSINESS PRACTICES (*BUSINESS & PROFESSIONS CODE §17200*)**
23 **(Against All Defendants)**

24 121. Plaintiff re-alleges and incorporates by reference herein each and every allegation
25 contained herein above as though fully set forth and brought in this cause of action.

26 122. Plaintiff is informed and believes and, on that basis, alleges that Defendants have
27 engaged in unlawful, unfair and deceptive business practices including allowing Dr. Nassar to
28 engage in repeated harassment and sexual abuse of participants and members, including Plaintiff,
and failing to take all reasonable steps to prevent harassment and abuse from occurring. The

1 unlawful, unfair and deceptive business practices also included failing to adequately investigate,
2 vet, and evaluate individuals for employment with Defendants, refusing to design, implement, and
3 oversee policies regarding sexual harassment and abuse of children in a reasonable manner that is
4 customary in similar educational environments. Plaintiff is informed and believes and, on that
5 basis, alleges that Defendants have engaged in unlawful, unfair and deceptive business practices
6 including concealing sexual harassment, abuse and/or molestation claims by participants and
7 members, such as Plaintiff, so as to retain other participants and members within Defendants who
8 were not apprised of such illicit sexual misconduct by Dr. Nassar.

9 123. Plaintiff is informed and believes that Defendants engaged in a common scheme,
10 arrangement or plan to actively conceal allegations against sexual abusers who were employees,
11 agents, members, and/or participants at USAG, including Dr. Nassar, such that USAG could
12 maintain its public image, and avoid detection of such abuse and abusers. Plaintiff is informed and
13 believes and thereon alleges that Defendants actively concealed these allegations, such that
14 Defendants would be insulated from public scrutiny, governmental oversight, and/or investigation
15 from various law enforcement agencies, all done in order to maintain the false sense of safety for
16 participants and their families and to perpetuate the program financially.

17 124. By engaging in unlawful, unfair and deceptive business practices, Defendants
18 benefitted financially to the detriment of its competitors, who had to comply with the law.

19 125. Unless restrained, Defendants will continue to engage in the unfair acts and
20 business practices described above, resulting in great and irreparable harm to Plaintiff and/or other
21 similarly situated participants and members.

22 126. Plaintiff seeks restitution for all amounts improperly obtained by Defendants
23 through the use of the above-mentioned unlawful business practices, as well as the disgorgement
24 of all ill-gotten gains and restitution on behalf of Plaintiff and all other similarly situated
25 participants and members who were also subjected to Defendants' illegal and unfair business
26 practices.

27 127. Pursuant to section 17203 of the California *Business and Professions Code* and
28 available equitable powers, Plaintiff is entitled to a preliminary and permanent injunction,

1 enjoining Defendants from continuing the unlawful and unfair business practices described above.
2 Further, Plaintiff seeks the appointment of a court monitor to enforce its orders regarding client
3 safety. In addition, Plaintiff is entitled to recover reasonable attorneys' fees pursuant to the
4 California *Business and Professions Code* and section 1021.5 of the *California Code of Civil*
5 *Procedure*.

6 128. USOC is the alter ego of USAG and is therefore liable to the extent USAG is liable.

7 **SIXTH CAUSE OF ACTION**

8 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**
9 **(Against All Defendants)**

10 129. Plaintiff re-alleges and incorporates by reference herein each and every allegation
11 contained herein above as though fully set forth and brought in this cause of action.

12 130. The conduct of Dr. Nassar and each USAG DEFENDANT toward Plaintiff, as
13 described herein, was outrageous and extreme.

14 131. A reasonable person would not expect or tolerate the sexual harassment,
15 molestation and abuse of Plaintiff by Dr. Nassar, and Defendants' knowledge and callous
16 indifference thereof. Plaintiff had great trust, faith and confidence in in Defendants, which, by
17 virtue of Dr. Nassar's and Defendants' wrongful conduct, turned to fear.

18 132. Defendants' conduct toward Plaintiff, as described herein, was outrageous and
19 extreme.

20 133. A reasonable person would not expect or tolerate Defendants putting Dr. Nassar,
21 who was known to Defendants to have physically and sexually abused other participants and
22 members, in a position of care of Plaintiff and other minor participants and members, which
23 enabled Dr. Nassar to have access to minor participants and members so that he could commit
24 wrongful sexual acts, including the conduct described herein, with minors, including Plaintiff.
25 Plaintiff had great trust, faith and confidence in Defendants, which, by virtue of Defendants'
26 wrongful conduct, turned to fear.

27 134. A reasonable person would not expect or tolerate the Defendants and their agents to
28 be incapable of supervising and/or stopping participants and members of Defendants, including
Dr. Nassar, from committing wrongful sexual acts with minors, including Plaintiff, or to supervise

1 Dr. Nassar. Plaintiff had great trust, faith and confidence in Defendants, which, by virtue of
2 Defendants' wrongful conduct, turned to fear.

3 135. Defendants' conduct described herein was intentional and malicious and done for
4 the purpose of causing or with the substantial certainty that Plaintiff would suffer humiliation,
5 mental anguish, and emotional and physical distress.

6 136. As a result of the above-described conduct, Plaintiff has suffered and continues to
7 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
8 emotional distress including embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
9 enjoyment of life; has suffered and continues to suffer and was prevented and will continue to be
10 prevented from performing daily activities and obtaining the full enjoyment of life; will sustain
11 loss of earnings and earning capacity, and/or has incurred and will continue to incur expenses for
12 medical and psychological treatment, therapy, and counseling.

13 137. In subjecting Plaintiff to the wrongful treatment herein described, Dr. Nassar, and
14 the USAG Defendants willfully and maliciously with the intent to harm Plaintiff, and in conscious
15 disregard of Plaintiff's rights, so as to constitute malice and/or oppression under California *Civil*
16 *Code* section 3294. Plaintiff is informed, and on that basis alleges, that these willful, malicious,
17 and/or oppressive acts, as alleged herein above, were ratified by the officers, directors, and/or
18 managing agents of the Defendants. Plaintiff is therefore entitled to recover punitive damages, in
19 an amount to be determined by the court, against Dr. Nassar and the USAG Defendants.

20 138. USOC is the alter ego of USAG and is therefore liable to the extent USAG is liable.

21 **SEVENTH CAUSE OF ACTION**
22 **CONSTRUCTIVE FRAUD**
23 **(Against All Defendants)**

24 139. Plaintiff re-alleges and incorporates by reference herein each and every allegation
25 contained herein above as though fully set forth and brought in this cause of action.

26 140. By holding Dr. Nassar out as an agent of Defendants, and by allowing him to
27 undertake the physical care and athletic training of minor children such as Plaintiff, Defendants
28 entered into a confidential, fiduciary, and special relationship with Plaintiff.

141. By holding themselves out as the national program for woman's gymnastics,

1 undertaking to select and train national gymnastics teams, and facilitating competition both
2 nationally and internationally of Plaintiff and other minor team participants and members,
3 Defendants entered into a confidential, fiduciary and special relationship with Plaintiff.

4 142. Defendants breached their confidential, fiduciary duty and special duties to Plaintiff
5 by the wrongful and negligent conduct described above and incorporated into this cause of action,
6 and in so doing, gained an advantage over Plaintiff in matters relating to Plaintiff's safety, security
7 and health. In particular, in breaching such duties as alleged, Defendants were able to sustain their
8 status as an institution of high moral repute, and preserve their reputation, all at the expense of
9 Plaintiff's further injury and in violation of Defendants' mandatory duties.

10 143. By virtue of their confidential, fiduciary and special relationship with Plaintiff,
11 Defendants owed Plaintiff a duty to:

- 12 a. Investigate or otherwise confirm or deny such claims of sexual abuse;
- 13 b. Reveal such facts to Plaintiff, Plaintiff's family and caretakers, the gymnastics
14 community, the community at large, the US Olympic Committee, and law
15 enforcement agencies;
- 16 c. Refuse to place Dr. Nassar and other molesters in positions of trust and
17 authority within Defendants' institutions;
- 18 d. Refuse to hold out Dr. Nassar and other molesters to the public, the
19 community, minors, parents and law enforcement agencies as being in good
20 standing and, trustworthy in keeping with him and his position as a team
21 physician and authority figure;
- 22 e. Refuse to assign Dr. Nassar and other molesters to positions of power within
23 USAG and over minors; and
- 24 f. Disclose to Plaintiff, her family, the public, the school community, minors, and
25 law enforcement agencies the wrongful, tortious, and sexually exploitive acts
26 that Dr. Nassar had engaged in with children.

23 144. Defendants' breach of their respective duties included:

- 24 a. Not making reasonable investigations of Dr. Nassar;
- 25 b. Issuing no warnings about Dr. Nassar;
- 26 c. Permitting Dr. Nassar to routinely be alone with and in control of minors,
27 unsupervised;
- 28 d. Not adopting a policy to prevent Dr. Nassar from routinely having minors and

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participants and members in his unsupervised control;

- e. Making no reports of any allegations of Dr. Nassar’s abuse of participants and members, or of minors prior to or during his employment at USAG; and
- f. Assigning and continuing to assign Dr. Nassar to duties which placed him in positions of authority and trust over minors, positions in which Dr. Nassar could easily isolate and sexually abuse minors.

145. At the time that Defendants engaged in such suppression and concealment of acts, such acts were done for the purpose of causing Plaintiff to forbear on Plaintiff's rights.

146. Defendants' misconduct did reasonably cause Plaintiff to forbear on Plaintiff's rights.

147. The misrepresentations, suppressions and concealment of facts by Defendants were intended to and were likely to mislead Plaintiff and others to believe that Defendants had no knowledge of any charges against Dr. Nassar, or that there were no other charges of unlawful or sexual misconduct against Dr. Nassar or others and that there was no need for them to take further action or precaution.

148. The misrepresentations, suppressions and concealment of facts by Defendants was likely to mislead Plaintiff and others to believe that Defendants had no knowledge of the fact that Dr. Nassar was a molester and was known to commit wrongful sexual acts with minors, including Plaintiff.

149. Defendants knew or had reason to know at the time they suppressed and concealed the true facts regarding others' sexual molestations, that the resulting impressions were misleading.

150. Defendants suppressed and concealed the true facts regarding Dr. Nassar with the purpose of: preventing Plaintiff, Plaintiff's parents and family, and others, from learning that Dr. Nassar and others had been and were continuing to sexually harass, molest and abuse minors and others under Dr. Nassar’s and Defendants' control, direction, and guidance, with complete impunity; inducing people, including Plaintiff and other benefactors and donors to participate and financially support Defendants' program and other enterprises of Defendants; preventing further reports and outside investigations into Dr. Nassar’s and Defendants' conduct; preventing discovery of Defendants' own conduct; avoiding damage to the reputations of Defendants; protecting

1 Defendants' power and status in the community and the gymnastics community; avoiding damage
2 to the reputation of Defendants, or Defendants' institutions; and avoiding the civil and criminal
3 liability of Defendants, of Dr. Nassar, and of others.

4 151. At all times mentioned herein, Defendants, and in particular Dr. Nassar and the
5 USAG Defendants, with knowledge of the tortious nature of their own and Dr. Nassar's conduct,
6 knowingly conspired and gave each other substantial assistance to perpetrate the
7 misrepresentations, fraud and deceit alleged herein—covering up the past allegations of sexual
8 misconduct lodged against Dr. Nassar, and allowing Dr. Nassar to remain in his position as a team
9 physician so they could maintain their reputations and continue with their positions within the
10 organization.

11 152. Plaintiff and others were misled by Defendants' suppressions and concealment of
12 facts, and in reliance thereon, were induced to act or induced not to act, exactly as intended by
13 Defendants. Specifically, Plaintiff and Plaintiff's family were induced to believe that there were no
14 allegations of criminal or sexual abuse against Dr. Nassar and that he was safe to be around
15 children. Had Plaintiff and her family, and others, known the true facts about Dr. Nassar, they
16 would have not participated further in activities of Dr. Nassar, or continued to financially support
17 Defendants' activities. They would have reported the matters to the proper authorities, to other
18 minor participants and members and their parents so as to prevent future recurrences; they would
19 not have allowed children, including Plaintiff, to be alone with, or have any relationship with Dr.
20 Nassar; they would not have allowed children, including Plaintiff, to attend or be under the control
21 of Defendants; they would have undertaken their own investigations which would have led to
22 discovery of the true facts; and they would have sought psychological counseling for Plaintiff, and
23 for other children molested and abused by Dr. Nassar.

24 153. By giving Dr. Nassar the position of team physician, Defendants impliedly
25 represented that Dr. Nassar was safe and morally fit to give children care and provide osteopathic
26 adjustments.

27 154. When Defendants made these affirmative or implied representations and non-
28 disclosures of material facts, Defendants knew or had reason to know that the facts were

1 otherwise. Defendants knowingly and intentionally suppressed the material facts that Dr. Nassar
2 had on numerous, prior occasions sexually, physically, and mentally abused minors and
3 participants and members of Defendants, including Plaintiff, and knew of or learned of conduct, or
4 had reason to know of conduct by Dr. Nassar which placed Defendants on notice that Dr. Nassar
5 had previously been suspected of felonies, including unlawful sexual conduct with minors, and
6 was likely abusing children.

7 155. Because of Plaintiff's young age, and because of the status of Dr. Nassar as a
8 trusted, authority figure to Plaintiff, Plaintiff was vulnerable to Dr. Nassar. Dr. Nassar sought
9 Plaintiff out and was empowered by and accepted Plaintiff's vulnerability. Plaintiff's vulnerability
10 also prevented Plaintiff from effectively protecting herself from the sexual advances of Dr. Nassar.

11 156. Defendants had the duty to obtain and disclose information relating to sexual
12 misconduct of Dr. Nassar.

13 157. Defendants misrepresented, concealed or failed to disclose information relating to
14 sexual misconduct of Dr. Nassar.

15 158. Defendants knew that they had misrepresented, concealed or failed to disclose
16 information related to sexual misconduct of Dr. Nassar.

17 159. Plaintiff justifiably relied upon Defendants for information relating to sexual
18 misconduct of Dr. Nassar.

19 160. Dr. Nassar and the USAG Defendants, in concert with each other and with the
20 intent to conceal and defraud, conspired and came to a meeting of the minds whereby they would
21 misrepresent, conceal or fail to disclose information relating to the sexual misconduct of Dr.
22 Nassar, the inability of Defendants to supervise or stop Dr. Nassar from sexually harassing,
23 molesting and abusing Plaintiff, and their own failure to properly investigate, supervise and
24 monitor his conduct with minor participants and members.

25 161. By so concealing, Defendants committed at least one act in furtherance of the
26 conspiracy.

27 162. As a result of the above-described conduct, Plaintiff has suffered and continues to
28 suffer great pain of mind and body, shock, emotional distress, physical manifestations of

1 emotional distress including embarrassment, loss of self-esteem, disgrace, humiliations, and loss
2 of enjoyment of life; has suffered and continues to suffer and was prevented and will continue to
3 be prevented from performing daily activities and obtaining the full enjoyment of life; will
4 sustain loss of earnings and earning capacity, and/or has incurred and will continue to incur
5 expenses for medical and psychological treatment, therapy, and counseling.

6 163. In addition, when Plaintiff finally discovered the fraud of Defendants, and
7 continuing thereafter, Plaintiff experienced recurrences of the above-described injuries. Plaintiff
8 experienced extreme and severe mental anguish and emotional distress that Plaintiff had been the
9 victim of Defendants' fraud; that Plaintiff had not been able to help other minors being molested
10 because of the fraud, and that Plaintiff had not been able because of the fraud to receive timely
11 medical treatment needed to deal with the problems Plaintiff had suffered and continues to suffer
12 as a result of the sexual harassment, molestation and abuse.

13 164. In subjecting Plaintiff to the wrongful treatment herein described, Dr. Nassar and
14 the USAG Defendants acted willfully and maliciously with the intent to harm Plaintiff, and in
15 conscious disregard of Plaintiff's rights, so as to constitute malice and/or oppression under
16 California *Civil Code* section 3294. Plaintiff is informed, and on that basis alleges, that these
17 willful, malicious, and/or oppressive acts, as alleged herein above, were ratified by the officers,
18 directors, and/or managing agents of the Defendants. Plaintiff is therefore entitled to recover
19 punitive damages, in an amount to be determined by the court, against Defendants Dr. Nassar and
20 the USAG Defendants.

21 165. USOC is the alter ego of USAG and is therefore liable to the extent USAG is liable.

22 **EIGHTH CAUSE OF ACTION**
23 **NEGLIGENCE**
24 **(Against USAG Defendants and USOC)**

25 166. Plaintiff re-alleges and incorporates by reference herein each and every allegation
26 contained herein above as though fully set forth and brought in this cause of action.

27 167. Prior to and after the first incident of Dr. Nassar's sexual harassment, molestation
28 and abuse of Plaintiff, through the present, Defendants, knew and/or had reason to know that Dr.
Nassar had and was capable of sexually, physically, and mentally abusing and harassing Plaintiff

1 or other victims.

2 168. Defendants and each of them had special duties to protect the minor Plaintiff and
3 the other participants and members, when such minors were entrusted to Defendants' care by their
4 parents. Plaintiff's care, welfare and physical custody was entrusted to Defendants. Defendants
5 voluntarily accepted the entrusted care of Plaintiff. As such, Defendants owed Plaintiff, a minor
6 child, a special duty of care that adults dealing with children owe to protect them from harm. The
7 duty to protect and warn arose from the special, trusting, confidential, and fiduciary relationship
8 between Defendants and Plaintiff.

9 169. Defendants breached their duties of care to the minor Plaintiff by allowing Dr.
10 Nassar to come into contact with the minor Plaintiff and other participants and members, without
11 supervision; by failing to adequately hire, supervise and retain Dr. Nassar whom they permitted
12 and enabled to have access to Plaintiff; by concealing from Plaintiff, her family, and law
13 enforcement that Dr. Nassar was sexually harassing, molesting and abusing minors; and by
14 holding Dr. Nassar out to Plaintiff and her family as being of high moral and ethical repute, in
15 good standing and trustworthy.

16 170. Defendants breached their duties to Plaintiff by failing to investigate or otherwise
17 confirm or deny such facts of sexual abuse by Dr. Nassar, failing to reveal such facts to Plaintiff,
18 her parents, the community and law enforcement agencies, and by placing Dr. Nassar into a
19 position of trust and authority, holding him out to Plaintiff, her parents, and the public as being in
20 good standing and trustworthy.

21 171. Defendants breached their duty to Plaintiff by failing to adequately monitor and
22 supervise Dr. Nassar and failing to prevent Dr. Nassar from committing wrongful sexual acts with
23 minors including Plaintiff. Defendants' voluminous past records of sexual misconduct by Dr.
24 Nassar caused Defendants to know, or gave them reason to know, of Dr. Nassar's incapacity to
25 serve as a team physician, providing for the physical care of minor females.

26 172. As a result of the above-described conduct, Plaintiff has suffered and continues to
27 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
28 emotional distress including embarrassment, loss of self-esteem, disgrace, humiliations, and loss

1 of enjoyment of life; has suffered and continues to suffer and was prevented and will continue to
2 be prevented from performing daily activities and obtaining the full enjoyment of life; will sustain
3 loss of earnings and earning capacity, and has incurred and will continue to incur expenses for
4 medical and psychological treatment, therapy, and counseling.

5 173. USOC is the alter ego of USAG and is therefore liable to the extent USAG is liable.

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7 **NINTH CAUSE OF ACTION**
8 **NEGLIGENT SUPERVISION**
9 **(Against USAG Defendants and USOC)**

10 174. Plaintiff re-alleges and incorporates by reference herein each and every allegation
11 contained herein above as though fully set forth and brought in this cause of action.

12 175. By virtue of Plaintiff's special relationship with Defendants, and Defendants'
13 relation to Dr. Nassar, Defendants owed Plaintiff a duty to provide reasonable supervision of Dr.
14 Nassar, to use reasonable care in investigating Dr. Nassar's background, and to provide adequate
15 warning to Plaintiff, Plaintiff's family, and minor participants and members of Dr. Nassar's
16 dangerous propensities and unfitness. As an organization responsible for, and entrusted with, the
17 welfare of minor children, USAG, the USAG Presidents and Does 7 through 500 had a duty to
18 protect, supervise, and monitor both the Plaintiff from being preyed upon by sexual predators, and
19 to supervise and monitor Dr. Nassar such that he would not be placed in seclusion with minor
20 children, including the Plaintiff.

21 176. As representatives of USAG, where many of the participants and members thereof
22 are vulnerable minors entrusted to USAG, Defendants' agents expressly and implicitly represented
23 that team physicians and staff, including Dr. Nassar, were not a sexual threat to children and
24 others who would fall under Dr. Nassar's influence, control, direction, and care.

25 177. Defendants, by and through their respective agents, servants and employees, knew
26 or had reason to know of Dr. Nassar's dangerous and exploitive propensities and that Dr. Nassar
27 was an unfit agent. Despite such knowledge, Defendants negligently failed to supervise Dr. Nassar
28 in his position of trust and authority as a team physician and authority figure over children, where
he was able to commit wrongful acts of sexual misconduct against Plaintiff. Defendants failed to

1 provide reasonable supervision of Dr. Nassar, failed to use reasonable care in investigating Dr.
2 Nassar, and failed to provide adequate warning to Plaintiff and Plaintiff's family of Dr. Nassar's
3 dangerous propensities and unfitness. Defendants further failed to take reasonable steps to ensure
4 the safety of minors, including Plaintiff, from sexual harassment, molestation, and abuse.

5 178. At no time during the periods of time alleged did Defendants have in place a
6 reasonable system or procedure to investigate, supervise and monitor the team physician or staff,
7 including Dr. Nassar, to prevent pre-sexual grooming and sexual harassment, molestation and
8 abuse of children, nor did they implement a system or procedure to oversee or monitor conduct
9 toward minors and others in Defendants' care.

10 179. Defendants were aware or had reason to be aware of how vulnerable children were
11 to sexual harassment, molestation and abuse by teachers and other persons of authority within
12 Defendants' entities.

13 180. Defendants were put on notice, knew and had reason to know that Dr. Nassar had
14 previously engaged and was continuing to engage in unlawful sexual conduct with minors, and
15 had committed other felonies, for his own personal sexual gratification, and that it was foreseeable
16 that he was engaging, or would engage in illicit sexual activities with Plaintiff, and others, under
17 the cloak of the authority, confidence, and trust, bestowed upon him through Defendants.

18 181. Defendants were placed on actual or constructive notice that Dr. Nassar had
19 molested other minors and participants and members during his employment with Defendants.
20 Defendants were informed of molestations of minors committed by Dr. Nassar prior to Plaintiff's
21 sexual abuse, and of conduct by Dr. Nassar that would put a reasonable person on notice of such
22 propensity to molest and abuse children.

23 182. Even though Defendants knew or had reason to know of these illicit sexual
24 activities by Dr. Nassar, Defendants did not reasonably investigate, supervise or monitor Dr.
25 Nassar to ensure the safety of the minor participants and members.

26 183. Defendants' conduct was a breach of their duties to Plaintiff.

27 184. Defendants, and each of them, breached their duty to Plaintiff by, inter alia, by
28 failing to adequately monitor and supervise Dr. Nassar and stop Dr. Nassar from committing

1 wrongful sexual acts with minors including Plaintiff.

2 185. As a result of the above-described conduct, Plaintiff has suffered and continues to
3 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
4 emotional distress including embarrassment, loss of self-esteem, disgrace, humiliations, and loss
5 of enjoyment of life; has suffered and continues to suffer and was prevented and will continue to
6 be prevented from performing daily activities and obtaining the full enjoyment of life; will sustain
7 loss of earnings and earning capacity, and/or has incurred and will continue to incur expenses for
8 medical and psychological treatment, therapy, and counseling.

9 **NEGLIGENCE PER SE-CONDUCT IN VIOLATION OF PENAL CODE §11166, ET. SEQ**

10 186. Under the Child Abuse and Neglect Reporting Act, Defendants, by and through
11 their employees and agents, were child care custodians and were under a statutory duty to report
12 known or suspected incidents of sexual molestation or abuse of minors to a child protective
13 agency, pursuant to California *Penal Code* section 11166, and not to impede the filing of any such
14 report.

15 187. Defendants knew or had reason to know that their team physician, Dr. Nassar, and
16 other staff of Defendants, had sexually molested, abused or caused touching, battery, harm, and/or
17 other injuries to minors, including Plaintiff, giving rise to a duty to report such conduct under
18 California *Penal Code* section 11166.

19 188. Defendants knew, or had reason to know, in the exercise of reasonable diligence,
20 that an undue risk to minors, including Plaintiff, existed because Defendants did not comply with
21 California's mandatory reporting requirements.

22 189. By failing to report the continuing molestations and abuse by Dr. Nassar, which
23 Defendants knew or had reason to know about, and by ignoring the fulfillment of the mandated
24 compliance with the reporting requirements provided under California *Penal Code* section 11166,
25 Defendants created the risk and danger contemplated by the Child Abuse and Neglect Reporting
26 Act, and as a result, unreasonably and wrongfully exposed Plaintiff and other minors to sexual
27 molestation and abuse.

28 190. Plaintiff was a member of the class of persons for whose protection California

1 *Penal Code* section 11166 was specifically adopted to protect.

2 191. Had Defendants adequately reported the molestation of Plaintiff and other minors
3 as required by California *Penal Code* section 11166, further harm to Plaintiff and other minors
4 would have been avoided.

5 192. As a proximate result of Defendants' failure to follow the mandatory reporting
6 requirements of California *Penal Code* section 11166, Defendants wrongfully denied Plaintiff and
7 other minors the intervention of child protection services. Such public agencies would have
8 changed the then-existing arrangements and conditions that provided the access and opportunities
9 for the molestation of Plaintiff by Dr. Nassar.

10 193. The physical, mental, and emotional damages and injuries resulting from the sexual
11 molestation of Plaintiff by Dr. Nassar, were the type of occurrence and injuries that the Child
12 Abuse and Neglect Reporting Act was designed to prevent.

13 194. As a result, Defendants' failure to comply with the mandatory reporting
14 requirements of California *Penal Code* section 11166 also constituted a per se breach of
15 Defendants' duties to Plaintiff.

16 195. Defendants, and each of them, breached their duty to Plaintiff by, inter alia, by
17 failing to adequately monitor and supervise Dr. Nassar and stop Dr. Nassar from committing
18 wrongful sexual acts with minors including Plaintiff.

19 196. As a result of the above-described conduct, Plaintiff has suffered and continues to
20 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
21 emotional distress including embarrassment, loss of self-esteem, disgrace, humiliations, and loss
22 of enjoyment of life; has suffered and continues to suffer and was prevented and will continue to
23 be prevented from performing daily activities and obtaining the full enjoyment of life; will sustain
24 loss of earnings and earning capacity, and/or has incurred and will continue to incur expenses for
25 medical and psychological treatment, therapy, and counseling.

26 197. USOC is the alter ego of USAG and is therefore liable to the extent USAG is liable.

27 **TENTH CAUSE OF ACTION**
28 **NEGLIGENT HIRING/RETENTION**
 (Against USAG Defendants and USOC)

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198. Plaintiff re-alleges and incorporates by reference herein each and every allegation contained herein above as though fully set forth and brought in this cause of action.

199. By virtue of Plaintiff's special relationship with Defendants, and Defendants' relation to Dr. Nassar, Defendants owed Plaintiff a duty to not hire or retain Dr. Nassar, given his dangerous and exploitive propensities, which Defendants knew or had reason to know about had they engaged in a reasonable, meaningful and adequate investigation of her background prior to her hiring or retaining her in subsequent positions of employment.

200. Defendants, expressly and implicitly represented that the team staff, trainers, and team physicians, including Dr. Nassar, were not a sexual threat to children and others who would fall under Dr. Nassar's influence, control, direction, and guidance.

201. At no time during the periods of time alleged did Defendants have in place a reasonable system or procedure to investigate, supervise and monitor team staff, trainers, and team physicians, including Dr. Nassar, to prevent pre-sexual grooming or sexual harassment, molestation and abuse of children, nor did they implement a system or procedure to oversee or monitor conduct toward minors, participants and members and others in Defendants' care.

202. Defendants were aware or had reason to be aware and understand how vulnerable children were to sexual harassment, molestation and abuse by teachers and other persons of authority within the control of Defendants prior to Plaintiff's sexual abuse by Dr. Nassar.

203. Defendants were put on notice, and had reason to know, that Dr. Nassar had previously engaged and continued to engage in unlawful sexual conduct with minors and was committing other felonies, for his own personal gratification, and that it was, or had reason to know it would have been foreseeable that he was engaging, or would engage in illicit sexual activities with Plaintiff, and others, under the cloak of his authority, confidence, and trust, bestowed upon her through Defendants.

204. Defendants were placed on actual or constructive notice that Dr. Nassar had molested or was molesting minors and participants and members, both before his employment within Defendants, and during that employment. Defendants had knowledge of inappropriate

1 conduct and molestations committed by Dr. Nassar before and during his employment yet chose to
2 allow him to remain unsupervised where she sexually abused Plaintiff.

3 205. Even though Defendants knew or had reason to know of these sexually illicit
4 activities by Dr. Nassar, Defendants failed to use reasonable care in investigating Dr. Nassar and
5 did nothing to reasonably investigate, supervise or monitor Dr. Nassar to ensure the safety of the
6 minor participants and members.

7 206. Defendants' conduct was a breach of their duties to Plaintiff.

8 207. As a result of the above-described conduct, Plaintiff has suffered and continues to
9 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
10 emotional distress including embarrassment, loss of self-esteem, disgrace, humiliations, and loss
11 of enjoyment of life; has suffered and continues to suffer and was prevented and will continue to
12 be prevented from performing daily activities and obtaining the full enjoyment of life; will sustain
13 loss of earnings and earning capacity, and/or has incurred and will continue to incur expenses for
14 medical and psychological treatment, therapy, and counseling.

15 208. USOC is the alter ego of USAG and is therefore liable to the extent USAG is liable.

16 **ELEVENTH CAUSE OF ACTION**
17 **NEGLIGENT FAILURE TO WARN, TRAIN, or EDUCATE**
18 **(Against USAG Defendants and USOC)**

19 209. Plaintiff re-alleges and incorporates by reference herein each and every allegation
20 contained herein above as though fully set forth and brought in this cause of action.

21 210. Defendants owed Plaintiff a duty to take reasonable protective measures to protect
22 Plaintiff and other minor participants and members from the risk of childhood sexual harassment,
23 molestation and abuse by Dr. Nassar by properly warning, training or educating Plaintiff and other
24 about how to avoid such a risk.

25 211. Defendants breached their duty to take reasonable protective measures to protect
26 Plaintiff and other minor participants and members from the risk of childhood sexual harassment,
27 molestation and abuse by Dr. Nassar, such as the failure to properly warn, train or educate Plaintiff
28 and other minor participants and members about how to avoid such a particular risk that Dr.
Nassar posed—of sexual misconduct.

1 212. Defendants breached their duty to take reasonable protective measures to protect
2 Plaintiff and other minor participants and members from the risk of childhood sexual harassment,
3 molestation and abuse by Dr. Nassar, by failing to supervise and stop employees of Defendants,
4 including Dr. Nassar, from committing wrongful sexual acts with minors, including Plaintiff.

5 213. As a result of the above-described conduct, Plaintiff has suffered and continues to
6 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
7 emotional distress including embarrassment, loss of self-esteem, disgrace, humiliations, and loss
8 of enjoyment of life; has suffered and continues to suffer and was prevented and will continue to
9 be prevented from performing daily activities and obtaining the full enjoyment of life; will sustain
10 loss of earnings and earning capacity, and/or has incurred and will continue to incur expenses for
11 medical and psychological treatment, therapy, and counseling.

12 214. USOC is the alter ego of USAG and is therefore liable to the extent USAG is liable.

13 **TWELFTH CAUSE OF ACTION**
14 **MASHA'S LAW (18 U.S.C. §§ 2255, 2423(b), 2423(c))**
15 **(Against All Defendants)**

16 215. Plaintiff re-alleges and incorporates by reference herein each and every allegation
17 contained herein above as though fully set forth and brought in this cause of action.

18 216. Federal law provides any person who, while a minor, was a victim of child sex
19 trafficking in violation of 18 U.S.C. § 2423 with a private right of action for damages in an
20 amount no less than \$150,000, plus costs and fees. A court may also award punitive damages.

21 217. Ms. Baker is a victim of the federal crime established by 18 U.S.C. § 2423. Dr.
22 Nassar is a person who traveled in interstate commerce for the purpose of engaging in illicit sexual
23 conduct with Ms. Cobs. Defendants aided and abetted Dr. Nassar's violation, and they are
24 vicariously and strictly liable for Dr. Nassar's offenses while across State lines.

25 218. Dr. Nassar is a United States citizen. He travelled with Ms. Baker in interstate
26 commerce for the purpose of engaging in illicit sexual conduct with her.

27 219. As a result of the above-described conduct, Plaintiff has suffered and continues to
28 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
emotional distress including embarrassment, loss of self-esteem, disgrace, humiliations, and loss

1 of enjoyment of life; has suffered and continues to suffer and was prevented and will continue to
2 be prevented from performing daily activities and obtaining the full enjoyment of life; will sustain
3 loss of earnings and earning capacity, and/or has incurred and will continue to incur expenses for
4 medical and psychological treatment, therapy, and counseling.

5 220. In subjecting Plaintiffs to the wrongful treatment herein described, Defendants
6 acted willfully and maliciously with the intent to harm Plaintiff, and in conscious disregard of
7 Plaintiff's rights, so as to constitute malice, oppression, or fraud under California Civil Code §
8 3294. Plaintiff is informed, and on that basis alleges, that these willful, malicious, oppressive, or
9 fraudulent acts were ratified by the officers, directors or managing agents of USAG and USOC.
10 Plaintiff is therefore entitled to the recovery of punitive damages in an amount to be determined by
11 the court.

12 **THIRTEENTH CAUSE OF ACTION**
13 **RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT (18 U.S.C. §§**
14 **1962, 1964)**

15 **(Against all Defendants)**

16 221. Plaintiff re-alleges and incorporates by reference herein each and every allegation
17 contained herein above as though fully set forth and brought in this cause of action.

18 222. Federal law bars conduct of an enterprise through a pattern of racketeering activity
19 causing injury to a person's business or property.

20 223. Defendants are each an enterprise within the meaning of 18 U.S.C. § 1961(4).
21 USAG and USOC are each a corporation. Dr. Nassar, Ms. Scanlan, Mr. Colarossi, Mr. Penny and
22 Does 7 through 500 are each an individual or other enterprise.

23 224. Each of these Defendants engaged in a pattern of racketeering. Racketeering
24 activity includes the sexual exploitation, abuse, and trafficking of minors and conspiracy to
25 commit such acts, and Defendants engaged in multiple acts of such racketeering activity and
26 conspiracy with respect to Ms. Baker such that those acts constituted a pattern.

27 225. Such acts caused injury to Ms. Cobb's business or property. Specifically, Ms.
28 Baker has a property interest in her image and likeness. Defendants exploited Ms. Baker's image
and likeness by selling or otherwise profiting from it in exchange for sponsorships, broadcasting

1 revenue, and other financial supports. Defendants engaged in a pattern of racketeering, and a
2 racketeering conspiracy, including the concealment and cover up of the sex abuse it knew or
3 should have known, in order to continue to exploit Ms. Baker's image and likeness.

4 226. As a result of such conduct, Ms. Baker suffered injury to her property rights in her
5 image and likeness inasmuch as Defendants obtained exclusive rights to exploit them as a result of
6 the pattern of racketeering activity.

7 227. As a result, Plaintiff is entitled to all damages associated with the injury to her
8 business or property, treble damages, attorney's fees, disgorgement of profits, and other equitable
9 relief.

10 **WHEREFORE**, Plaintiff prays for a jury trial and for judgment against Defendants as
11 follows:

12 **FOR ALL CAUSES OF ACTION**

- 13 1. For past, present and future non-economic damages in an amount to be determined at
14 trial;
- 15 2. For past, present and future special damages, including but not limited to past, present
16 and future lost earnings, economic damages and others, in an amount to be determined
17 at trial;
- 18 3. Any appropriate statutory damages;
- 19 4. For costs of suit;
- 20 6. Punitive damages, according to proof, though not as to the Negligence Causes of
21 Action (Causes of Action 8 through 11);
- 22 7. For interest based on damages, as well as pre-judgment and post-judgment interest as
23 allowed by law;
- 24 8. For attorney's fees pursuant to California *Code of Civil Procedure* sections 1021.4,
25 1021.5, *et seq.*, 52, *et seq.*, 51, *et seq.*, or as otherwise allowable by law;
- 26 9. For declaratory and injunctive relief, including but not limited to court supervision of
27 USAG; and
- 28 10. For such other and further relief as the Court may deem proper.

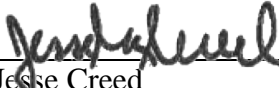
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DATED: November 14, 2018

PANISH SHEA & BOYLE LLP

By: 
Jesse Creed
Attorneys for Plaintiff