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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

12 JORDAN COBBS, an individual,

13 Plaintiff,

14 v.

15 DOE 1, an individual; DOE 2, an Indiana
16 Business entity of form unknown; DOE 3, an
individual; DOE 4, an individual; DOE 5, a
17 federally-chartered corporation; and DOES 6
through 500.

18 Defendants.
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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)).**

DEMAND FOR JURY TRIAL.

[Filed concurrently with Certificates of Merit, pursuant to Code of Civil Procedure §340.1]

1 Plaintiff Jordan Cobbs (formerly known as Jordan Schwikert-Warren), by and through her
2 attorneys, files this action against Doe 1, an individual; Doe 2, a Texas nonprofit corporation; Doe
3 3, an individual; Doe 4, an individual; Doe 5, a federally chartered corporation; and Does 6
4 through 500 (collectively referred to as "Defendants").¹ All allegations are made on information
5 and belief, except those of which Ms. Cobbs would have personal knowledge because they relate
6 expressly to her.

7 **INTRODUCTION**

- 8 1. Ms. Cobbs is a remarkably accomplished gymnast who was a National Team
9 member of Doe 2. She is one of the few elite gymnasts in the Nation.
- 10 2. This action arises out of the disturbing pattern of grotesque childhood sex abuse of
11 Ms. Cobbs by Doe 1, her osteopathic physician for roughly two years. Doe 1 is a convicted
12 childhood sex abuser who was sentenced to federal prison for 120 years. As one of his victims
13 cried out in grief at his sentencing hearing, Doe 1 is a monster. He is a sexual predator of
14 hundreds of girls. His manipulative and ritualistic sexual impulses have ruined the lives of girls
15 like Ms. Cobbs who ambitiously pursued a career in elite gymnastics at all costs. His job was to
16 heal their ailments and injuries. Instead, he scarred them for life.
- 17 3. Doe 1 first began treating Ms. Cobbs in 2001 for sports injuries due to her
18 participation in competitive gymnastics. Doe 1 was the doctor employed by Doe 2, the official
19 body of United States gymnastics, to care for its athletes, including Ms. Cobbs and Doe 5, the
20 national Olympics committee for the United States, had hired Doe 1 as well. From the beginning,
21 Doe 1 sexually abused Ms. Cobbs by touching her vagina area without the use of gloves, without
22 lubricants, without her consent, and without any chaperone present. The reasons for the "medical
23 consultations" were injuries to Ms. Cobbs's musculoskeletal system, including her hamstrings,
24 thighs, and lower back; her vaginal area had no physiological or other medical relation to her
25 injury. Yet, Doe 1 performed vulgar massages of her private parts under the guise of "medical
26 _____

27 ¹ The identities of Doe 1, Doe 2, Doe 3, Doe 4, and Doe 5 are known to Ms. Cobbs, but they
28 cannot be revealed until Ms. Cobbs seeks approval from a court pursuant to California Code of
Civil Procedure § 340.1.

1 treatment." While molesting Ms. Cobbs, Doe 1 would sweat profusely, particularly on his
2 forehead, and pant.

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

15 5. Ms. Cobbs had a remarkable gymnastics career that few gymnasts ever achieve.
16 Starting at six years old, Ms. Cobbs pursued her dream of becoming a nationally-renowned
17 gymnast by becoming a member of Doe 2 and participating in Doe 2's gymnastic competitions.
18 Ms. Cobbs achieved remarkable success through Doe 2's programs. By 2001, at fourteen years
19 old, Ms. Cobbs became a member of the National Team. But at the pinnacle of Ms. Cobbs's
20 career, she suffered sexual abuse at the hands of Doe 1 when she sought treatment from him as the
21 physician for the Doe 2 National Team.

22 6. This action seeks justice for Ms. Cobbs against Doe 1 and those who permitted Doe
23 1 to sexually abuse her as a child.

24 7. An elite national governing body for gymnastics in the United States, Doe 2 selects
25 and trains the United States gymnastics teams for the Olympics and World Championships. Doe 2
26 has a legal responsibility to exercise reasonable care to protect the young girls in its custody and
27 care from sexual abuse by its personnel. Doe 2 hired Doe 1 as its National Medical Director and
28 Doe 1 was an employee or agent of Doe 2 from 1986 to 2015 in various capacities. Instead of

1 tackling a culture of sexual abuse head on, Doe 2 elected to put its head in the sand, ignoring and
2 actively concealing the sexual abuse being perpetrated by its personnel, including Doe 1. Doe 2
3 also maintained a culture of abuse that intimidated impressionable young girls who participated in
4 its programs and kept them silent about illegal sexual activity within Doe 2's programs. As
5 Presidents of Doe 2, Doe 4 and Doe 3 (the "Doe 2 Presidents") enabled and ratified the sexual
6 abuse by Doe 1 against Plaintiffs and other participants and members of Doe 2 and furthered the
7 ongoing concealment of abuse at Doe 2.

8 8. The official national committee for the U.S. Olympics, Doe 5 coordinates all
9 Olympic-related activity in the United States. It certifies national governing bodies under the Ted
10 Stevens Olympic and Amateur Sports Act (the "Ted Stevens Act") for each sport, including Doe 2,
11 to select and train Olympic athletes. With exclusive jurisdiction over all matters pertaining to U.S.
12 participation in the Olympics, Doe 5 makes all arrangements for U.S. participation in the
13 Olympics, including employment decisions, credentialing, and qualifications of the staff it hires,
14 including Doe 1. Further, Doe 5 exercises legal, financial, and coercive control over the business
15 and affairs of Doe 2. In fact, Doe 5 forced the entire board of directors of Doe 2 – its highest level
16 of management – to resign in the wake of the sex abuse scandal at Doe 2.

17 9. For over 20 years, Doe 1 had unfettered access to young girl athletes through his
18 involvement with Doe 2 and Doe 5, who referred athletes to his care. Doe 2 had a reputation of
19 institutional failure that not only attracted child sex abusers like Doe 1, but also condoned their
20 conduct by failing to hold accused sexual abusers (including coaches and physicians) with the care
21 and custody of young girls to account. The conditions maintained by Doe 2 were perfect for Doe
22 1 to implement his scheme of childhood sex abuse and created a mass tort for Doe 2 and a
23 nationwide reckoning for the sport of gymnastics.

24 10. Ms. Cobbs was a patient of Doe 1 who sought medical treatment for pain or
25 injuries arising out of her participation in Doe 2's gymnastics programs. Doe 1 came highly
26 recommended to Ms. Cobbs as a renowned orthopedic sports medicine physician, purportedly
27 well-respected in the sports medicine community, specifically in the gymnastics community as the
28 Team Physician for Doe 2. Ms. Cobbs sought treatment from Doe 1 for thigh, hamstring, and

1 lower back injuries. During these treatments, Doe 1 sexually assaulted, abused, and molested her
2 from when she was fourteen and sixteen years old.

3 11. Ms. Cobbs had no reason to suspect Doe 1 was anyone other than a competent and
4 ethical physician who truly cared for the well-being of his patients. In fact, Doe 1 was the
5 physician from whom virtually all elite gymnasts in Doe 2's programs received treatment and to
6 whom Doe 2 referred its own members. Doe 2 endorsed the reputation and integrity of Doe 1. He
7 would routinely give the athletes gifts such as t-shirts, pins, flags, leotards, and other items, some
8 with Doe 2 logos and others without.

9 **THE PARTIES**

10 12. Ms. Cobbs is a resident of Las Vegas, Nevada. She was a member of Doe 2 as an
11 athlete from approximately 1992 to the present. Ms. Cobbs is 32 years old. Ms. Cobbs brings her
12 claims pursuant to California Code of Civil Procedure § 340.1.

13 13. Doe 1 was a resident and citizen of Michigan during the relevant period of time of
14 the sexual abuse of Ms. Cobbs, until he was taken under custody by the U.S. government in 2017.
15 Doe 1 is currently in federal prison, housed in a facility in the State of Arizona. He has been
16 convicted of sexual abuse and child pornography and will serve the rest of his life in prison.

17 14. Doe 2 is an organization incorporated in Texas with its principal place of business
18 in Indiana. Doe 2 is authorized to conduct business and does conduct business throughout the
19 United States, including but not limited to California. Doe 2 has repeatedly conducted gymnastics
20 competitions in California. Ms. Cobbs suffered sexual abuse at the hands of Doe 1 at least one
21 competition or other event that Doe 2 conducted in California. At such competition or other event,
22 Doe 2 was responsible for the operations and programming of the events, as well as the activities
23 and behavior of its employees and agents, including but not limited to Doe 1.

24 15. Defendant Doe 3 is a resident and citizen of the State of Washington. Doe 3 was
25 the President of Doe 2 from 1994 to 1998. During this period, Doe 3 was responsible for the
26 overall management and strategic planning for the organization.

27 16. Defendant Doe 4 is a resident and citizen of the State of California. Doe 4 was the
28 President of Doe 2 from 1998 to 2005. During this period, Doe 4 was responsible for the overall

1 management and strategic planning for the organization.

2 17. Defendant Doe 5 is a federally chartered nonprofit corporation under the Ted
3 Stevens Act. It has its principal place of business in Colorado. Doe 5 is authorized to conduct
4 business and does conduct business throughout the United States, including but not limited to
5 California. Doe 5 is the alter ego of Doe 2.

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

10 19. Doe 2, Doe 4, Doe 3, and Does 6 through 500 are referred to herein as the "Doe 2
11 Defendants."

12 **DOE 2 SANCTIONS PERVASIVE CULTURE OF ABUSE AGAINST YOUNG GIRLS**

13 20. Doe 2 is the national governing body for gymnastics in the United States. Doe 2
14 selects and trains the United States gymnastics teams for the Olympics and World Championships,
15 promotes and develops gymnastics locally and nationally, and serves as a resource center for
16 members, clubs, fans and gymnasts throughout the United States.

17 21. Doe 2 has more than 174,000 athletes and professional members. It sanctions
18 approximately 4,000 gymnastic competitions and events throughout the United States annually.
19 More than 148,000 athletes register in its competitive programs.

20 22. For elite gymnasts like Ms. Cobbs, Doe 2 administers a structured set of Women's
21 Artistic gymnastics programs. Specifically, as relevant here, Doe 2 runs the Talent Opportunity
22 Program (TOPs) that identifies talented young girls (ages 7-10) for further training. After the
23 TOPs program, girls who wish to further compete can qualify for the Elite Program. The Elite
24 Program consists of regional and national training programs and competitions designed for
25 athletes aspiring to represent the United States in international competition, including the
26 Olympics. The Elite Program has two groups of women athletes divided by age: Junior Elite (11-
27 14) and Senior Elite (15+). Women from the Elite Program can qualify for the National Teams,
28 and Doe 2 selects members of the National Teams from the US Championships each year.

1 Composed of the best gymnasts in the nation, the National Team represents the United States in
2 international competitions, and members of the National Team can qualify to represent the United
3 States at the Olympics. Girls must qualify for Doe 2's Elite Program in order to qualify for the
4 USA Olympics Team.

5 23. While headquartered in Indiana, Doe 2 has a continuous and systematic presence in
6 the State of California, with regional affiliates in Northern California, Central California, and
7 Southern California. Doe 2 currently sponsors and has scheduled over 75 competitions, meets,
8 and other events in California.

9 24. During all relevant times, Doe 2 had a notorious culture of abuse over its members,
10 particularly girl athletes in the Elite Programs who are on the National Teams. For highly
11 competitive gymnasts, Doe 2 has a culture of physical and emotional abuse that pressures young
12 girls to conceal weakness and misconduct by superiors (including coaches and team doctors) and
13 forces them to bow to the will of those superiors. The purpose of the abusive culture was to push
14 the young girls to be psychologically indestructible and stoic in the face of adversity, pain, or even
15 sexual abuse. The perfectionist culture and the insular politics of the sport meant that the
16 consequences of speaking out are too great for these young girls with dreams of the National
17 Teams, as it could mean the difference between qualifying up or flunking out. This culture of
18 abuse led the abused girls to stay silent about the sexual abuse they were experiencing at the hands
19 of Doe 1.

20 25. Gymnastics is one of the most dangerous sports in the world, with a substantial risk
21 of injury, particularly repetitive motion injuries. Many gymnasts, including Ms. Cobbs, suffered
22 injuries throughout their gymnastics career. The culture of abuse forced them to train injured,
23 risking graver injuries. The frequency and severity of injuries among Doe 2's athletes led Doe 2 to
24 have full-time medical personnel on staff, including doctors like Doe 1.

25 26. Participants in Doe 2, like Ms. Cobbs, were willing to take the abuse because they
26 had their sights set on their dreams. As young girls, they had ambition and drive. They were
27 willing to do whatever it took to be the best gymnasts in the world, even if it meant staying silent
28 about the rampant abuse within Doe 2 and their own sexual assaults.

1 27. For example, Ms. Cobbs fractured her back in a way that required experimental
 2 surgery because of Doe 1's desire sexual gratification and Doe 2's toxic culture. In 2002, Ms.
 3 Cobbs competed at the U.S. Championships in Cleveland where Doe 2 would select its National
 4 Team members. The stakes were incredibly high for Ms. Cobbs. If she competed successfully,
 5 she would earn a place on the National Team. But she was injured and in pain due to a lower back
 6 injury. She saw Doe 1 for treatment. After some imaging on her back, Doe 1 diagnosed her with
 7 a stress fracture of the back. Doe 1 advised Ms. Cobbs she could still compete, despite the
 8 fracture of her back. Doe 1 told Ms. Cobbs that his treatment (which sometimes comprised sexual
 9 abuse) would help her get through the competition with a fractured back. Plus, Doe 2's toxic
 10 culture coerced her to "push" through the injury. Doe 1 further advised Ms. Cobbs, her parents,
 11 and the staff of Doe 2 that Ms. Cobbs was capable of pushing though the severe injury and rest
 12 after the competition in order to gain the prestige of qualifying for the National Team. Ms. Cobbs
 13 deferred to the judgment of Doe 1 because he was the expert and felt pressured and coerced by
 14 Doe 1 and Doe 2 staff into competing injured. When Ms. Cobbs attempted to compete injured,
 15 she broke her back during a routine, completed the routine by pushing through the injury, and then
 16 had to withdraw from the championship meet because the pain was simply too great. She ended
 17 up having to get an experimental spinal surgery and suspend her participation in gymnastics for
 18 over a year in order to recuperate. Doe 1 advised Ms. Cobbs to stay in the competition because
 19 Doe 1 desired further opportunities for medical treatment of Ms. Cobbs and for his personal sexual
 20 gratification.

21 28. Doe 2 has a written Code of Ethical Conduct that meant nothing in practice. The
 22 Code of Ethical Conduct states:

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

1 29. Doe 2’s policies allow sexual relationships among its members to occur:
2 “Professional Members of [Doe 2] must protect the integrity of the sport and the interests of the
3 athletes they serve by avoiding sexual relationships with athletes except where the capacity and
4 quality of the athlete's consent to enter that relationship is beyond question.” It can be beyond
5 dispute that a girl under the age of 18 does not have the capacity to consent, or her consent lacks
6 the sufficient quality to be beyond question.

7 30. According to its policies, Doe 2 enforces this Code of Ethical Conduct "primarily
8 upon understanding and voluntary compliance, secondarily upon reinforcement by peers, and,
9 when necessary, upon enforcement through disciplinary action....Any Member (‘Complainant’)
10 who believes that another Member of [Doe 2] has failed to meet such Member’s obligations under
11 this Code is, under all but the most egregious circumstances, encouraged to first address that
12 concern directly to that Member.”

13 31. Despite the Code of Ethical Conduct, Doe 2 was notorious for maintaining a
14 recklessly lax system of vetting coaches, medical personnel, staff, and administrators. It failed to
15 follow its policy of reporting coaches who were known sexual abusers to authorities. Its culture
16 allowed coaches to move from gym to gym despite Doe 2's knowledge and notice of their
17 inappropriate behavior. The organization has admitted to routinely dismissing allegations of
18 sexual abuse unless they came directly from the victim or the victim's parents. Doe 2 kept records
19 of complaints against coaches, but stashed them in a file to keep them secret, exposing thousands
20 of young girls to the risk of sexual predation.

21 32. At all relevant times, Doe 2 (at the direction and under the supervision of the Doe 2
22 Presidents) engaged in a pattern and practice of employing other staff, coaches, and volunteers and
23 retaining members known to be a sexual danger to the girls in their care, including Doe 1.
24 Defendants employed other professionals, staff, and agents who were known to be sexually
25 abusive and continued to be a risk to its girl athletes.

26 33. Doe 2's own systems to protect the girls from child sex abusers were a sham. Doe 2
27 touted a list of banned coaches because they were child sex abusers. Doe 2’s own website
28 catalogues a list of over twenty (20) individuals, nationwide, who are “Permanently Ineligible

1 Members” at Doe 2 for violation of Bylaw § 9.2(a)(iii). Among other "Special Categories of
2 Misconduct," this section of Doe 2's Bylaws specifically bars members who have "been convicted
3 of or ha[ve] entered a plea of guilty or no contest to a criminal charge or indictment issued by an
4 applicable City, County, State or Federal jurisdiction, and such charge or indictment directly or
5 indirectly involved or related to sexual misconduct, child abuse or conduct that is a violation of
6 any law or regulation that is specifically designed to protect minors.” But this list omitted a
7 number of coaches who should have been on it. Some were suspected of sexual abuse, while
8 others were flat out convicted child molesters.

9 34. The prevalence of sexually abusive members of Doe 2 is evidence of its knowledge
10 that the girls in its care were subject to a grave risk of permanent and irreversible danger while
11 participating in Doe 2’s programs. Despite knowing of this grave risk, Doe 2 and the Doe 2
12 Presidents maintained a widespread and systematic culture that allowed sexually abusive members
13 with custody and care of young girls to participate in Doe 2’s programs and stay in positions of
14 authority over these children.

15 35. Doe 2 is a mandated reporter under California law. Doe 2 is a youth recreational
16 program within the meaning of California Penal Code § 11165.7 and its employees' duties require
17 direct contact and supervision of children, rendering the mandated reporter laws thereunder
18 applicable to it.

19 36. Doe 2’s policies for reporting abuse provide: “[Doe 2] will follow applicable law in
20 reporting abusive situations to the proper authorities. If, in [Doe 2]’[s] reasonable and good faith
21 judgment, reporting to the proper authorities is necessary to protect a person from the possibility
22 of further abuse, it may make such report even if not compelled by law to do so.” Further, the
23 policies and procedures for “Reporting Suspected Abuse” at Doe 2 provide that “[a]ny person who
24 reasonably and in good faith believes a member of [Doe 2] has abused another person, whether
25 physical or sexual, such person may notify the [Doe 2] National Office pursuant to Articles 9
26 and/or 10 of the [Doe 2] Bylaws.”

27 37. Doe 2 put its own self-interest and well-being ahead of the interest and well-being
28 of the thousands of innocent young girls like Ms. Cobbs who participated in Doe 2's programs.

1 Doe 2 receives millions of dollars in private donations and corporate financial support, including
2 athletic sponsorships. Doe 2 knew that acting on the complaints of Doe 1 and other affiliated
3 sexual predators would subject it to public scrutiny, government investigations and the risk of civil
4 liability and criminal convictions. Disclosure of the pervasive accusations of sex abuse would also
5 break the façade of its undeserved reputation as a safe and fun recreational program for our
6 country's girls. Doe 2 concealed the culture of abuse and sex abuse to put its profits ahead of its
7 participants, shattering the innocence of hundreds of young girls across the country. This culture
8 of concealment and secrecy effectively attracted child sex abusers and gave them a captive
9 audience on whom to commit their fetishes for sexual gratification, including Ms. Cobbs.

10 38. Obviously, Doe 1 flagrantly flouted Doe 2's ethical policies by engaging in sexual
11 acts with minors. Despite his repeated, egregious, pervasive, and well-known violations, Doe 2
12 failed to act in preventing further harm of young girls by Doe 1. Defendants knew of, or had
13 reason to know of, Doe 1's propensity and disposition to engage in sexual misconduct with minors
14 before he sexually abused and molested Plaintiff, and knew of the probability that he would
15 molest minors with whom he came into contact, such as Plaintiff. Defendants failed to implement
16 reasonable safeguards to avoid acts of unlawful sexual conduct by Doe 1 in the future, including
17 avoiding placement of Doe 1 in a position where contact and interaction with children is an
18 inherent function. Defendants ignored and suppressed the past sexual misconduct Doe 1 had
19 engaged in.

20 **Doe 2 IS RESPONSIBLE FOR THE CONDUCT OF Doe 1**

21 39. Doe 1 began his work for Doe 2 in 1986 when he was employed as a Certified
22 Athletic Trainer. Doe 1 was an employee or agent of Doe 2 from approximately 1986 to 2015,
23 serving in various positions including but not limited to a Certified Athletic Trainer, Osteopathic
24 Physician, National Medical Director, National Team Physician (Doe 2), and National Team
25 Physician, Doe 2 Women's Artistic Gymnastics National Team.

26 40. In 1993, Doe 1 graduated from the Michigan State University College of
27 Osteopathic Medicine as a Doctor of Osteopathic Medicine. He completed his residency in family
28 practice at St. Lawrence Hospital and a sports medicine fellowship shortly thereafter.

1 41. Doe 1 was responsible for providing care, treatment, and athletic training to the
2 Doe 2 and its participants. Doe 1 was also responsible for coordinating the medical care of
3 participants in Doe 2's gymnastics programs, including the treatment of participants and members
4 at every national and international competition. Doe 1 generally traveled with the Doe 2 team to
5 relevant gymnastic competitions (internationally and domestic) and traveled to Olympic games
6 with the U.S. gymnastics team as the gymnastics team doctor. Doe 1 held a position with Doe 2
7 until roughly the middle of 2015. Doe 1 was an employee, agent, volunteer, or servant of Doe 2 at
8 all relevant times.

9 42. As the Doe 2 team doctor, Doe 1 held a position of trust and confidence of team
10 members like Ms. Cobbs. Through this position of trust and confidence, Doe 1 was able to
11 perpetrate his sexual abuse, molestation, and harassment upon Ms. Cobbs. Doe 1 abused Ms.
12 Cobbs for his personal sexual gratification and pleasure. Doe 1 had a grotesque predilection for
13 young girls like Ms. Cobbs.

14 43. Doe 1 used his position of authority and trust within Doe 2 to implement a scheme
15 to sexually abuse, molest, and harass young girls who participated in the U.S. Women's Olympic
16 Gymnastics team and National teams over a 30-year period.

17 44. By his position within Doe 2's programs, Doe 1 attained a position of influence
18 over Ms. Cobbs and other young girls like herself. Doe 2 Defendants' actions and omissions
19 created a situation of peril that was not, and could not be understood, by Plaintiff. Doe 2 and Doe
20 1 demanded and required that Plaintiff respect Doe 1, in his position as team physician for Doe 2.

21 45. By assigning Doe 1 as team physician of Doe 2, Doe 2 represented to the
22 gymnastics community that Doe 1 was safe, trustworthy, ethical and professionally competent.
23 This led many parents to believe their children were safe in the care and custody of Doe 2 and
24 under treatment of Doe 1, when in fact these children were in grave danger. Doe 2 portrayed this
25 public image of Doe 1 to preserve its own public image and reputation, so Doe 2 could retain and
26 recruit participants, thus allowing donations and other financial support to continue flowing into
27 their coffers for financial gain.

28

1 **Doe 1 EARNS THE TRUST AND CONFIDENCE OF MS. Cobbs**

2 46. Ms. Cobbs has had a remarkable gymnastics career. She was a member of the U.S.
3 National Team for one year beginning in 2001. She has been a member of USA Gymnastics since
4 she was six years old. She was a member of the University of California, Los Angeles gymnastics
5 team from 2004 to 2008, receiving the honor of being named UCLA's Gymnast of the Year in
6 2008.

7 47. Because she had the ambition of joining the National Team, she was driven and
8 ambitious, dedicating virtually her entire childhood to the sport of gymnastics and succeeding
9 within the programs of Doe 2. Ms. Cobbs worked her way up to Doe 2 programs, from TOPs to
10 the Elite Program, including the Junior National Team.

11 48. Ms. Cobbs participated in Doe 2 National Championships, U.S. Classic, or the
12 American Classic from 2001 to 2002. She participated in the Doe 2 National Team Training
13 Center at Karolyi Ranch in Huntsville, Texas during roughly the same period. Karolyi Ranch was
14 a training facility sponsored and operated by Doe 2.

15 49. As a member and participant of Doe 2, Ms. Cobbs was referred to Doe 1 for
16 medical treatment. Ms. Cobbs saw Doe 1 on at least thirty occasions. The first assault occurred in
17 2001 at the U.S. Classic in Pomona, California, and the last assault occurred in 2002 at the U.S.
18 Championships. Doe 1 assaulted Ms. Cobbs on at least fifteen occasions.

19 50. Doe 1 would interact with Ms. Cobbs under the guise of medical treatments. Ms.
20 Cobbs was referred to Doe 1 for treatment of injuries and pain she was experiencing. She was
21 referred to him by Doe 2.

22 51. As a pediatric patient of Doe 1, Ms. Cobbs was under his direct supervision, control
23 and care, creating a special and fiduciary relationship. Doe 1 owed a heightened duty of care to
24 Ms. Cobbs. Moreover, because Doe 2 had custody and control of Ms. Cobbs during the
25 competitions and referred Ms. Cobbs during that time to Doe 1 as Doe 2's official team physician,
26 Doe 2 owed a special, confidential, and fiduciary to Ms. Cobbs. Doe 2 (as well as the Doe 2
27 Presidents), stood *in loco parentis* with the Plaintiff, requiring a heightened duty of care.

28 52. Despite these heightened duties based on the special and fiduciary relationship,

1 Doe 1 breached these duties by exploiting his position of authority to coerce young girls like Ms.
2 Cobbs to concede to his sexual abuse and touching.

3 53. The Doe 2 Defendants had a duty to disclose to the parents of Ms. Cobbs its
4 knowledge and notice of complaints that Doe 1 was a child sex abuser. Doe 2 breached this duty
5 to disclose these facts to Ms. Cobbs and her parents by negligently or intentionally suppressing,
6 concealing, and failing to disclose these prejudicial facts. The duty to disclose arose from the
7 special relationship between the Doe 2 Defendants and Ms. Cobbs.

8 **DOE 1 SEXUALLY ABUSED MS. Cobbs**

9 54. The first time Ms. Cobbs recalls suffering sexual abuse at the hands of Doe 1 was
10 in 2001 at the U.S. Classic in Pomona, California. Ms. Cobbs was fourteen years old. She had
11 hurt her hamstring and thigh at the event. The staff of Doe 2 referred Ms. Cobbs to Doe 1 for
12 medical treatment and therapy. Ms. Cobbs saw Doe 1 for medical treatment at least thirty times.
13 Doe 1 sexually assaulted her on at least fifteen separate occasions.

14 55. Doe 2's sexual assault of Ms. Cobbs followed a common pattern or practice. Ms.
15 Cobbs would see Doe 1 for a sports injury from gymnastics. Her injuries included hamstring and
16 thigh injuries and a lower back injury that resulted in a stress fracture of her back. Ms. Cobbs
17 would take her biking shorts off and strip down to her leotard. Only a small piece of cloth covered
18 her vagina area. Doe 1 would put a towel over her leg and anus area to make the consultation
19 appear as professional as possible. He lifted her leg up and positioned it to the side, sometimes
20 holding her leg on his chest. He would slip his hands under the towel and under her leotard and
21 begin massaging her vagina area. As he was massaging her vagina area, he would close his eyes
22 and begin to pant and breath heavily. He would sweat profusely, particularly from his forehead.
23 Doe 1 was performing these massages not for treatment of Ms. Cobbs's injuries, but for his own
24 personal sexual gratification.

25 56. He justified the sexual abuse to Ms. Cobbs as a form of medical treatment.
26 Specifically, he described the vaginal area – which is part of the reproductive system, not the
27 musculoskeletal system – as a pressure point to release pain in other parts of her body. He
28 massaged the vagina area with his finger in a circular motion.

1 57. Sometimes other people were present during these consultations. But other times,
2 Ms. Cobbs had no chaperone or other adult present in the room.

3 58. Ms. Cobbs was sexually assaulted by Doe 1 at a minimum of six competition or
4 other events of Doe 2. Ms. Cobbs was sexually assaulted at the Karolyi Ranch Training Camp for
5 the National Team of Doe 2.

6 59. None of these sexual contacts was in any way medically necessary or even related
7 to the body part for which Ms. Cobbs sought treatment from Doe 1.

8 60. Ms. Cobbs received treatment from Doe 1 on approximately six occasions and
9 believes she was assaulted by Doe 1 on every one of them. These sexual assaults occurred when
10 Ms. Cobbs was under the supervision of Doe 2 and on the premises of Doe 2, in sleeping quarters,
11 in training facilities, in gyms, and at competition sites.

12 61. Doe 1's sexual abuse of Ms. Cobbs followed a pattern and practice that came to
13 light following the investigative report by *IndyStar*. Doe 1 would do anal and vaginal
14 examinations of other gymnasts in the care of Doe 2 — also *without gloves, without consent,*
15 *without lubricant, and without a chaperone.* These anal and vaginal examinations were well
16 outside any recognized and/or accepted technique and were done for Doe 1's own sexual
17 gratification.

18 62. Doe 1's sexual abuse and harassment of Ms. Cobbs was done for Doe 1's personal
19 sexual gratification, and it annoyed, disturbed, irritated, anguished, embarrassed, humiliated,
20 permanently injured and offended Ms. Cobbs as it would have a reasonable person. Plaintiff did
21 not consent to the sexual abuse and harassment by Doe 1 and further, was incapable of consenting
22 to such because she was a minor at the time of the sexual abuse.

23 63. Ms. Cobbs did not discover her psychological injuries until 2018 when other
24 victims of Doe 1 publicly came forward with their own experiences of sexual abuse at the hands of
25 Doe 1. Until this time, Ms. Cobbs never made a mental connection between the sexual abuse by
26 Doe 1 and her permanent and irreversible psychological, physical, mental, and emotional injuries.
27 At the time of the public revelations of other victims, Ms. Cobbs realized for the first time that
28 Doe 1 was a serial molester, Ms. Cobbs was one of his victims, and the so-called "procedures" he

1 had performed were actually occurrences of sexual abuse. This deferred realization is common for
2 victims of sexual abuse, particularly childhood sexual abuse and particularly sexual abuse arising
3 out of relationships of trust and confidence similar to that of Doe 1 and Ms. Cobbs. The
4 commonplace nature of deferred realization of childhood sexual abuse is one of the reasons why
5 the California legislature has enacted a special statute of limitations for childhood sexual abuse.
6 *See* Cal. Code of Civ. Proc. § 340.1.

7 **THE DOE 2 DEFENDANTS ARE COMPLICIT IN DOE 1'S SEXUAL ABUSE OF MS.**
8 **COBBS**

9 64. From 1994 to 1998, Doe 4 was the President of Doe 2. In this position, she was
10 responsible for the overall management and strategic planning of the organization. Given the
11 pervasive policy and practice of concealing allegations of sexual abuse at Doe 2, Doe 4 oversaw
12 this policy and practice during her tenure. She affirmatively contributed to the policy and practice
13 by failing to stop the abuse and failing to nurture a supportive culture to encourage young girls and
14 their parents to speak out. Doe 4 had the power to stop the rampant sexual abuse within Doe 2 and
15 fix the culture of silence, secrecy, and self-interest at Doe 2. She could have prevented the future
16 sexual abuse of Ms. Cobbs. Accordingly, she actively concealed the rampant allegations of sexual
17 violence and abuse at Doe 2 and knowingly failed to prevent foreseeable future instances of abuse,
18 including Ms. Cobbs's. She breached her duty of reasonable care to protect the young girls in the
19 custody and supervision of Doe 2, including Ms. Cobbs. Doe 4 was an employee, agent, or
20 servant of Doe 2 at all relevant times alleged herein.

21 65. So too with Doe 3. From 1998 to 2005, Doe 3 was the President of Doe 2. In this
22 position, he was responsible for the overall management and strategic planning of the
23 organization. Given the pervasive policy and practice of concealing allegations of sexual abuse at
24 Doe 2, Doe 3 oversaw this policy and practice during her tenure. He affirmatively contributed to
25 the policy and practice by failing to stop the abuse and failing to nurture a supportive culture to
26 encourage young girls and their parents to speak out. Doe 3 had the power to stop the rampant
27 sexual abuse within Doe 2 and fix the culture of silence, secrecy, and self-interest at Doe 2. He
28 could have prevented the future sexual abuse of Ms. Cobbs. Accordingly, he actively concealed

1 the rampant allegations of sexual violence and abuse at Doe 2 and knowingly failed to prevent
2 foreseeable future instances of abuse, including Ms. Cobbs's. He breached her duty of reasonable
3 care to protect the young girls in the custody and supervision of Doe 2, including Ms. Cobbs. Doe
4 3 was an employee, agent, or servant of Doe 2 at all relevant times alleged herein.

5 66. The Doe 2 Defendants had notice of, knew of, or should have known of Doe 1's
6 past sexual abuse of children, past claims and investigations, and his propensity and disposition to
7 engage in unlawful sexual activity with young girls like Ms. Cobbs. Accordingly, Defendants
8 knew or should have known that Doe 1 would commit wrongful sexual acts in the future with
9 young girl participants and members, including Ms. Cobbs. Defendants' records reflect numerous
10 incidents of inappropriate sexual touching and sexual misconduct by Doe 1 with young girls like
11 Ms. Cobbs, as well as other professionals, employees, assistants, agents, supervisors and others,
12 including incidents occurring both on and off the physical premises of such Defendants and at
13 national and international meets.

14 67. Because of the relationship between Ms. Cobbs and Defendants, Defendants had an
15 obligation and duty under the law not to hide material facts and information about Doe 1's past,
16 and his deviant sexual behavior and propensities. Additionally, all Defendants had an affirmative
17 duty to inform, warn, and institute appropriate protective measures to safeguard minors who were
18 reasonably likely to come in contact with Doe 1. Defendants willfully refused to notify, give
19 adequate warning and implement appropriate safeguards, thereby creating the peril that ultimately
20 damaged Plaintiff.

21 68. Prior to Plaintiff's sexual abuse by Doe 1, Defendants engaged in a pattern and
22 practice of employing sexual abusers at Doe 1. Defendants concealed these facts from participants
23 and members, their parents, the gymnastics community, the public at large, the United States
24 government, various local governments, and law enforcement agencies.

25 69. As part of Doe 1's scheme to sexually abuse young girls, Doe 1 had one-on-one
26 access with participants of Doe 2. This violated Doe 2's own policies. Doe 2 has a set of policies
27 entitled "Standards of Behavior" that provide: "Avoid Being Alone with a Minor. Gymnastics is a
28 sport that lends itself to one-on-one situations between a coach and a gymnast. Avoid being alone

1 with a child or any group of children in a private setting (e.g., locker room, bathroom, office,
2 vehicle or residence), and avoid being alone with a child or any group of children in any place that
3 is inappropriate to the coach-athlete relationship. When a one-on-one situation is necessary, such
4 as private coaching lessons or conversations, conduct the activity within the view of another
5 adult.”

6 70. As part of Defendants' pattern and practice of concealing Doe 1's illegal sexual
7 propensities toward young girls, Defendants implemented measures designed to make Doe 1's
8 conduct harder to detect, pressure his victims to remain silent, and thereby perpetuate Doe 1's
9 pattern of sexual abuse, including:

- 10 a. Permitting Doe 1 to remain in a position of authority and trust after Defendants
11 knew or had reason to know that he was a molester of children;
- 12 b. Placing Doe 1 in a separate and secluded environment, at Doe 2, including
13 assigning him unfettered access and control over young girls, giving him
14 individual and private examinations (including private osteopathic adjustments
15 without a chaperone), and allowing Doe 1 to physically and sexually interact
16 with the children, including Ms. Cobbs;
- 17 c. Failing to disclose Doe 1's prior record of misconduct, sexual abuse,
18 harassment and molestation and his propensity to commit such acts towards
19 participants and members in Doe 2's program, the public at large, and law
20 enforcement;
- 21 d. Allowing Doe 1 unsupervised and un-controlled access to minors, including
22 the Plaintiff Ms. Cobbs;
- 23 e. Holding out Doe 1 to Plaintiff, her parents, other participants and members of
24 Doe 2, and the public at large as a trustworthy and honest person of high
25 ethical and moral repute who was capable and worthy of being granted
26 unsupervised access to the children of Doe 2;
- 27 f. Failing to investigate or otherwise confirm or deny such facts about Doe 1,
28 including prior arrests, charges, claims and investigations for sexual abuse;
- g. Failing to inform, or concealing from Plaintiff's parents and law enforcement
officials the fact that Plaintiff and others were or may have been sexually
abused, harassed and molested, after Defendants knew or had reason to know
that Doe 1 may have sexually abused Plaintiff or others, thereby enabling
Plaintiff to continue to be endangered and sexually abused, harassed, molested,
and/or creating the circumstance where Plaintiff and others were less likely to
receive proper medical treatment, thus exacerbating the harm to Plaintiff;
- h. Holding out Doe 1 to Plaintiff, her parents, and to the community as being in
good standing and trustworthy;

- 1 i. Cloaking Doe 1's prior sexual misconduct with children within the facade of
2 normalcy and under the guise of "medical treatment," thereby disguising the
3 nature of his sexual abuse and contact with minors;
- 4 j. Failing to take reasonable steps and to implement reasonable safeguards to
5 avoid acts of unlawful sexual conduct by Doe 1 such as avoiding placement of
6 Doe 1 in functions or environments in which his solitary contact with children
7 was inherent;
- 8 k. Failing to put in place a system or procedure to supervise or monitor physicians,
9 athletic trainers, and agents to insure they do not molest or abuse minors in
10 Defendants' care.

11 71. By virtue of Defendants' conspiratorial and fraudulent conduct, and in keeping with
12 their intent to conceal Doe 1's misconduct from the gymnastics community, the public, and law
13 enforcement, Defendants allowed Doe 1 to remain in a position of influence where his
14 unsupervised or negligently supervised conduct with minor participants and members made the
15 molestation and abuse of minor participants and members possible.

16 72. During the period Plaintiff was being sexually abused and harassed by Doe 1,
17 Defendants had the authority and ability to prevent such abuse by removing Doe 1 from his
18 position as team physician at Doe 2. They failed to do so, allowing the abuse to occur and to
19 continue unabated. Plaintiff is informed and believes and, on that basis, alleges that this failure
20 was a part of Defendants' conspiratorial plan and arrangement to conceal Doe 1's wrongful acts, to
21 avoid and inhibit detection, to block public disclosure, to avoid scandal, to avoid the disclosure of
22 their tolerance of child sexual molestation and abuse, to preserve a false appearance of propriety,
23 and to avoid investigation and action by public authority including law enforcement. Such actions
24 were motivated by a desire to protect the reputation of Defendants and protect the monetary
25 support of Defendants, while fostering an environment where such abuse could continue to occur.

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

- Duty to use reasonable care to protect participants and members from known or foreseeable dangers;
- Duty to enact policies and procedures that are not in contravention of the Federal Civil Rights Act, section 1983 and the 14th amendment of the United States Constitution;

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- Duty to protect participants and members and staff, and provide adequate supervision;
- Duty to ensure that any direction given to participants and members is lawful, and that adults act fairly, responsible and respectfully towards participants and members;
- Duty to properly train staff so that they are aware of their individual responsibility for creating and maintaining a safe environment;
- Duty to review the criminal history of applicants and current employees;
- Duty to provide diligent supervision over minors;
- Duty to act promptly and diligently and not ignore or minimize problems.
- Duty to report suspected incidents of child abuse and more specifically childhood sexual abuse (*Penal Code* sections 11166, 11167).

74. Defendants and each of them had and have a duty to protect participants and members, including Plaintiff. Defendants were required to, and failed, to provide adequate supervision, and failed to be properly vigilant in seeing that supervision was sufficient at Doe 2, Defendants Does 6 through 500 to ensure the safety of Plaintiff and others.

75. 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 Doe 1, with children.

76. Defendants failed to enforce their own rules and regulations designed to protect the health and safety of the participants and members. Further, they failed to adopt and implement safety measures, policies and procedures designed to protect minor children such as Plaintiff from the sexually exploitive and abusive acts of their agents and employees such as Doe 1.

DOE 5 IS COMPLICIT IN THE SEXUAL ABUSE OF MS. COBBS AND IS THE ALTER EGO OF DOE 2

77. Doe 5 is a federally-chartered nonprofit corporation under the Ted Stevens Act. Doe 5 publicly proclaims it is "committed to a safe and positive environment for athletes' physical, emotional, and social development and to ensuring that it promotes an environment free of misconduct." Doe 5 is legally obligated under federal law to ensure as a condition to certification of Doe 2 as a national governing body that Doe 2 provide "proper medical supervision . . . for

1 athletes who will participate in the competition." 36 U.S.C. § 220525(b)(4)(E).

2 78. Doe 5 had a responsibility for ensuring that the preeminent Olympic training
3 facility for gymnastics in the United States, Karolyi Ranch, had adequate safety protocols and
4 procedures. Doe 5 had a responsibility to ensure Doe 2 and Karolyi Ranch were adequately
5 supervising the minors in their custody and care, including training and education of all staff on
6 the identification of sexual abuse, the scope of appropriate medical treatments, and responsible
7 supervision of minors. Despite these duties, Doe 5 implemented virtually no safety protocols and
8 procedures at the Karolyi Ranch and failed to take any steps to protect the minors in its custody
9 and care.

10 79. Doe 5 had the ability to protect Ms. Cobbs from sexual abuse at the hands of Doe
11 2's employees. Instead, Doe 5 threatened to de-certify Doe 2 as the national governing body for
12 gymnastics because Doe 2 failed to adequately protect the due process rights of child sex abusers
13 who were placed on Doe 2's sham "ban list." Doe 5's pressure, and its overall control and
14 supervision of national governing bodies like Doe 2, and the steps Doe 5 took to frustrate any
15 effort by Doe 2 to protect the minors in its care from sex abuse, together make it responsible by
16 law, as alter ego or otherwise, for the actions of Doe 2.

17 80. Further, Doe 5 is the alter ego of Doe 2. Doe 5 had pervasive and unprecedented
18 control over the business and affairs of Doe 2. Indeed, as the national governing body for
19 gymnastics, Doe 2 had to meet stringent requirements under the Ted Stevens Act, including
20 requirements pertaining to the supervision, care, and medical treatment of participants. Doe 5 had
21 the power and authority to enforce those requirements. Doe 5 could enforce them by de-certifying
22 Doe 2; Doe 5 thus had legal and coercive control over Doe 2. Indeed, Doe 5 has threatened to de-
23 certify Doe 2 in the past and by doing so, altered Doe 2's course of conduct, demonstrating actual
24 control. For example, in the wake of the revelations of the sex abuse scandal at Doe 2, Doe 5
25 threatened to de-certify Doe 2 as the national governing body of gymnastics unless Doe 2's entire
26 board of directors were replaced. As anticipated, Doe 2 bowed to Doe 5's threats, proving that
27 Doe 5 had complete control over the highest levels of management at Doe 2. In another instance,
28 Doe 5 actually promoted and exacerbated the pervasive culture of sex abuse at Doe 2 by

1 threatening to de-certify Doe 2 if Doe 2 continued to deny "due process" rights to convicted child
2 sex abusers whom Doe 2 placed on a "ban list." Further, Doe 2 and Doe 5 channeled funds
3 between them, used funds and employees interchangeably, and payed each other's bills.
4 Moreover, Doe 2 was the exclusive body to select and train the athletes that Doe 5 supported at
5 Olympic games.

6 **DEFENDANTS INJURED MS. COBBS**

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

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

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

28 84. In subjecting Ms. Cobbs to the wrongful treatment herein described, Defendants

1 Doe 1, Doe 2, Doe 3, Doe 4, Doe 5 and Does 6 through 500 acted willfully and maliciously with
2 the intent to harm Plaintiff, and in conscious disregard of Plaintiff's rights, so as to constitute
3 malice and/or oppression under California Civil Code § 3294. Plaintiff is informed, and on that
4 basis alleges, that specifically, the Defendants acted in concert, and under their authority as child
5 care providers, with reckless disregard for the concern of the minor participants in its charge, in
6 order to further financially benefit their respective businesses' growth. The Defendants acted
7 intentionally in creating an environment that harbored molesters, put vulnerable minor participants
8 at-risk of harm, ignored clear warning signs and their duties to report sexual abusers and molesters
9 in their ranks, to maintain a façade of normalcy, in order to maintain its funding and provide
10 further financial growth of the Defendants, on the international level. The safety of the minor
11 participants that were entrusted to Doe 2 was compromised due to Defendants desire to maintain
12 the status quo of the Defendants, and avoid any public scrutiny for its misconduct. Plaintiff is
13 informed, and on that basis alleges, that these willful, malicious, and/or oppressive acts, as alleged
14 herein above, were ratified by the officers, directors, and/or managing agents of the Defendants.
15 Plaintiff is therefore entitled to recover punitive damages, in an amount to be determined by the
16 court, against Defendants Doe 1, Doe 2, Doe 3, Doe 4, Doe 5 and Does 6 through 500.

17
18 **FIRST CAUSE OF ACTION**
SEXUAL ASSAULT
19 **(Against Defendant Doe 1)**

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

22 86. Doe 1 committed an overt act of sexual abuse and molestation against Ms. Cobbs.
23 The first overt act occurred in 2001 and there were substantial overt acts in connection with
24 approximately thirty "medical" consultations with Doe 1 up to and including 2002, all while Ms.
25 Cobbs was a member and participant of Doe 2, including on Doe 2's National Team. The overt
26 acts consisted of touching, massaging, and fondling the Plaintiff's vagina and anal area. Doe 1
27 acted in the course and scope of his agency/employment with Doe 2 during this period, putting
28 Ms. Cobbs in imminent apprehension of such contact.

1 87. In Doe 1's doing this overt act, Doe 1 intended to inflict a harmful or offensive
2 contact against Ms. Cobbs and intended to cause Ms. Cobbs to fear such contact. Doe 1 knew that
3 the consequence of an offensive contact was certain to result, as Doe 1's sexual abuse was
4 intentionally inflicted.

5 88. Doe 1's actions placed Ms. Cobbs in apprehension of an immediate harmful or
6 offensive contact, and Ms. Cobbs actually believed Doe 1 had the ability to make harmful or
7 offensive contact with Plaintiff's person.

8 89. Plaintiff did not consent to Doe 1's harmful or offensive contact with Plaintiff's
9 person, or to Doe 1's conduct putting Plaintiff in imminent apprehension of such contact.
10 Additionally, because Plaintiff was a minor during the time herein alleged, she lacked the ability
11 to consent to sexual contact with any person, especially with a physician at Doe 2.

12 90. In doing the things herein alleged, Doe 1 violated Plaintiff's right under California
13 Civil Code § 43 of protection from bodily restraint or harm, and from personal insult. In doing the
14 things herein alleged, Doe 1 violated his duty, pursuant to California Civil Code §1708, to abstain
15 from injuring the person of Plaintiff or infringing upon her rights.

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

23 92. Doe 1's sexual assault is a substantial factor in bringing about these harms to Ms.
24 Cobbs.

25 93. Plaintiff is informed and based thereon alleges that the conduct of Defendant Doe 1
26 was oppressive, malicious and despicable in that it was intentional and done in conscious
27 disregard for the rights and safety of others, and were carried out with a conscious disregard of her
28 right to be free from such tortious behavior, such as to constitute oppression, fraud or malice

1 pursuant to California *Civil Code* section 3294, entitling Plaintiff to punitive damages against
2 Defendant Doe 1 in an amount appropriate to punish and set an example of Defendants.

3
4 **SECOND CAUSE OF ACTION**
5 **SEXUAL BATTERY: Civil Code § 1708.5**
6 **(Against Doe 1)**

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

9 95. During Plaintiff's time as team member and participant with Doe 2, Doe 1
10 intentionally, recklessly and wantonly did acts which were intended to, and did result in harmful
11 and offensive contact with intimate parts of Plaintiff's person, including but not limited to being
12 subjected to numerous instances of sexual abuse by Doe 1, beginning on or around 2001 and
13 ending in or around 2002, including but not limited to instances of Doe 1 massaging, touching,
14 and fondling the Plaintiff's vagina and anal area all while Doe 1 acted in the course and scope of
15 his agency/employment with Defendants.

16 96. Doe 1's sexual battery involved actual physical contact.

17 97. Doe 1 did the aforementioned acts with the intent to cause a harmful or offensive
18 contact with an intimate part of Plaintiff's person and would offend a reasonable sense of personal
19 dignity. Further, said acts did cause a harmful or offensive contact with an intimate part of
20 Plaintiff's person that would offend a reasonable sense of personal dignity.

21 98. Because of Doe 1's position of authority over Plaintiff, and Plaintiff's mental and
22 emotional state, and Plaintiff's status as a minor, Plaintiff was unable to, and did not, give legal
23 consent to such acts.

24 99. As a direct, legal and proximate result of the acts of Doe 1, Plaintiff sustained
25 serious and permanent injuries to her person, all of her damage in an amount to be shown
26 according to proof and within the jurisdiction of the Court.

27 100. As a direct result of the sexual abuse by Doe 1, Plaintiff has difficulty in reasonably
28 or meaningfully interacting with others, including those in positions of authority over Plaintiff
including supervisors, and in intimate, confidential and familial relationships, due to the trauma of

1 childhood sexual abuse inflicted upon her by Defendants. This inability to interact creates conflict
2 with Plaintiff's values of trust and confidence in others, and has caused Plaintiff substantial
3 emotional distress, anxiety, nervousness and fear. As a direct result of the sexual abuse and
4 molestation by Doe 1, Plaintiff suffered immensely, including, but not limited to, encountering
5 issues with a lack of trust, various psychological sequelae, depressive symptoms, anxiety, and
6 nervousness.

7 101. Doe 1's sexual battery was a substantial factor in bringing about the harm to Ms.
8 Cobbs.

9 102. Plaintiff is informed and based thereon alleges that the conduct of Doe 1 was
10 oppressive, malicious and despicable in that it was intentional and done in conscious disregard for
11 the rights and safety of others, and were carried out with a conscious disregard of her right to be
12 free from such tortious behavior, such as to constitute oppression, fraud or malice pursuant to
13 California *Civil Code* section 3294, entitling Plaintiff to punitive damages against Doe 1 in an
14 amount appropriate to punish and set an example of Doe 1.

15 **THIRD CAUSE OF ACTION**
16 **GENDER VIOLENCE**
17 **(Against Doe 1)**

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

20 104. Ms. Cobbs was subjected to one or more acts of Doe 1 that constituted a crime
21 under California law involving the use, attempted use, or threatened use of physical force against
22 Ms. Cobbs. Specifically, Doe 1 committed the crime of sexual battery and sexual assault against
23 Ms. Cobbs, and those crimes involve the use, attempted use, or threatened use of physical force
24 against the person of another.

25 105. Doe 1 committed the crime at least in part based on Ms. Cobbs's gender. Doe 1 had
26 a propensity to sexually abuse young girls, and Ms. Cobbs was a young girl.

27 106. Ms. Cobbs was subjected to Doe 1's physical intrusion or physical invasion of a
28 sexual nature under coercive conditions. Doe 1 made a physical intrusion of invasion of a sexual
nature by fondling her vagina under the guise of medical treatment, and the conditions were

1 coercive because Ms. Cobbs was a minor under the care and custody of Doe 1, was referred to
2 Doe 1 by Doe 2, was manipulated to have trust and confidence in Doe 1's care and custody, and
3 had no choice but to receive medical treatment from Doe 1.

4 107. As a proximate result of Doe 1's acts, Plaintiff is entitled to actual damages,
5 compensatory damages, punitive damages, injunctive relief, any combination of those, or any
6 other appropriate relief. Plaintiff is also entitled to an award of attorney's fees and costs pursuant
7 to *Civil Code* § 52.4, against Doe 1.

8 **FOURTH CAUSE OF ACTION**
9 **SEXUAL HARASSMENT (CIVIL CODE § 51.9)**
10 **(Against All Defendants)**

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

13 109. During Plaintiff's time as a team member and participant at Doe 2, Doe 1
14 intentionally, recklessly and wantonly made sexual advances, solicitations, requests, demands for
15 sexual compliance of a hostile nature based on Plaintiff's gender that were unwelcome, pervasive
16 and severe, including but not limited to Doe 1 groping and fondling Plaintiff's vagina, all under
17 the supervision of Defendants, who were acting in the course and scope of their agency with
18 Defendants and each of them.

19 110. The incidents of abuse outlined herein above took place while Plaintiff was under
20 the control of Doe 1 and the other Defendants, as well as the staff of the other Defendants, in their
21 capacity and position as team physicians, athletic trainers, and staff at Doe 2 and while acting
22 specifically on behalf of Defendants.

23 111. During Plaintiff's time as a team member and participant at Doe 2, Doe 1
24 intentionally, recklessly and wantonly did acts which resulted in harmful and offensive contact
25 with intimate parts of Plaintiff's person, including but not limited to, using his position of authority
26 and age to force Plaintiff to give into Doe 1's sexual suggestions.

27 112. Because of Plaintiff's relationship with Doe 1 and the other Defendants, and
28 Plaintiff's young age as a minor team member and participant, Plaintiff was unable to easily
terminate the relationship she had with the Defendants.

1 113. Because of Doe 1's age and position of authority, physical seclusion of the
2 Plaintiff, Plaintiff's mental and emotional state, and Plaintiff's status as a minor, Plaintiff was
3 unable to, and did not and could not, give legal consent to such acts.

4 114. Even though the Defendants knew or had reason to know of these activities by Doe
5 1, Defendants did nothing to investigate, supervise or monitor Doe 1 to ensure the safety of the
6 minor participants and members.

7 115. Because of Plaintiff's relationship with Defendants, as a team member and
8 participant of Defendants, and Plaintiff's young age as a minor team member and participant,
9 Plaintiff was unable to easily terminate the doctor-patient relationship she had with Defendants.

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

16 117. Defendants' conduct (and the conduct of their agents) was a breach of their duties
17 to Plaintiff.

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

25 119. Doe 5 is the alter ego of Doe 2 and is therefore liable to the extent Doe 2 is liable.

26 **FIFTH CAUSE OF ACTION**
27 **UNFAIR BUSINESS PRACTICES (*BUSINESS & PROFESSIONS CODE §17200*)**
28 **(Against All Defendants)**

29 120. Plaintiff re-alleges and incorporates by reference herein each and every allegation

1 contained herein above as though fully set forth and brought in this cause of action.

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

14 122. Plaintiff is informed and believes that Defendants engaged in a common scheme,
15 arrangement or plan to actively conceal allegations against sexual abusers who were employees,
16 agents, members, and/or participants at Doe 2, including Doe 1, such that Doe 2 could maintain its
17 public image, and avoid detection of such abuse and abusers. Plaintiff is informed and believes
18 and thereon alleges that Defendants actively concealed these allegations, such that Defendants
19 would be insulated from public scrutiny, governmental oversight, and/or investigation from
20 various law enforcement agencies, all done in order to maintain the false sense of safety for
21 participants and their families and to perpetuate the program financially.

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

24 124. Unless restrained, Defendants will continue to engage in the unfair acts and
25 business practices described above, resulting in great and irreparable harm to Plaintiff and/or other
26 similarly situated participants and members.

27 125. Plaintiff seeks restitution for all amounts improperly obtained by Defendants
28 through the use of the above-mentioned unlawful business practices, as well as the disgorgement

1 of all ill-gotten gains and restitution on behalf of Plaintiff and all other similarly situated
2 participants and members who were also subjected to Defendants’ illegal and unfair business
3 practices.

4 126. Pursuant to section 17203 of the California *Business and Professions Code* and
5 available equitable powers, Plaintiff is entitled to a preliminary and permanent injunction,
6 enjoining Defendants from continuing the unlawful and unfair business practices described above.
7 Further, Plaintiff seeks the appointment of a court monitor to enforce its orders regarding client
8 safety. In addition, Plaintiff is entitled to recover reasonable attorneys' fees pursuant to the
9 California *Business and Professions Code* and section 1021.5 of the *California Code of Civil*
10 *Procedure*.

11 127. Doe 5 is the alter ego of Doe 2 and is therefore liable to the extent Doe 2 is liable.

12 **SIXTH CAUSE OF ACTION**

13 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**
14 **(Against All Defendants)**

15 128. 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.

17 129. The conduct of Doe 1 and each Doe 2 DEFENDANT toward Plaintiff, as
18 described herein, was outrageous and extreme.

19 130. A reasonable person would not expect or tolerate the sexual harassment,
20 molestation and abuse of Plaintiff by Doe 1, and Defendants’ knowledge and callous indifference
21 thereof. Plaintiff had great trust, faith and confidence in in Defendants, which, by virtue of Doe 1’s
22 and Defendants' wrongful conduct, turned to fear.

23 131. Defendants’ conduct toward Plaintiff, as described herein, was outrageous and
24 extreme.

25 132. A reasonable person would not expect or tolerate Defendants putting Doe 1, who
26 was known to Defendants to have physically and sexually abused other participants and members,
27 in a position of care of Plaintiff and other minor participants and members, which enabled Doe 1
28 to have access to minor participants and members so that he could commit wrongful sexual acts,
including the conduct described herein, with minors, including Plaintiff. Plaintiff had great trust,

1 faith and confidence in Defendants, which, by virtue of Defendants' wrongful conduct, turned to
2 fear.

3 133. A reasonable person would not expect or tolerate the Defendants and their agents to
4 be incapable of supervising and/or stopping participants and members of Defendants, including
5 Doe 1, from committing wrongful sexual acts with minors, including Plaintiff, or to supervise Doe
6 1. Plaintiff had great trust, faith and confidence in Defendants, which, by virtue of Defendants'
7 wrongful conduct, turned to fear.

8 134. Defendants' conduct described herein was intentional and malicious and done for
9 the purpose of causing or with the substantial certainty that Plaintiff would suffer humiliation,
10 mental anguish, and emotional and physical distress.

11 135. 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, humiliation, and loss of
14 enjoyment of life; has suffered and continues to suffer and was prevented and will continue to be
15 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.

18 136. In subjecting Plaintiff to the wrongful treatment herein described, Doe 1, and the
19 Doe 2 Defendants willfully and maliciously with the intent to harm Plaintiff, and in conscious
20 disregard of Plaintiff's rights, so as to constitute malice and/or oppression under California *Civil*
21 *Code* section 3294. Plaintiff is informed, and on that basis alleges, that these willful, malicious,
22 and/or oppressive acts, as alleged herein above, were ratified by the officers, directors, and/or
23 managing agents of the Defendants. Plaintiff is therefore entitled to recover punitive damages, in
24 an amount to be determined by the court, against Doe 1 and the Doe 2 Defendants.

25 137. Doe 5 is the alter ego of Doe 2 and is therefore liable to the extent Doe 2 is liable.

26 **SEVENTH CAUSE OF ACTION**
27 **CONSTRUCTIVE FRAUD**
28 **(Against All Defendants)**

138. Plaintiff re-alleges and incorporates by reference herein each and every allegation

1 contained herein above as though fully set forth and brought in this cause of action.

2 139. By holding Doe 1 out as an agent of Defendants, and by allowing him to undertake
3 the physical care and athletic training of minor children such as Plaintiff, Defendants entered into
4 a confidential, fiduciary, and special relationship with Plaintiff.

5 140. By holding themselves out as the national program for woman's gymnastics,
6 undertaking to select and train national gymnastics teams, and facilitating competition both
7 nationally and internationally of Plaintiff and other minor team participants and members,
8 Defendants entered into a confidential, fiduciary and special relationship with Plaintiff.

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

15 142. By virtue of their confidential, fiduciary and special relationship with Plaintiff,
16 Defendants owed Plaintiff a duty to:

- 17 a. Investigate or otherwise confirm or deny such claims of sexual abuse;
- 18
- 19 b. Reveal such facts to Plaintiff, Plaintiff's family and caretakers, the gymnastics
20 community, the community at large, the US Olympic Committee, and law
21 enforcement agencies;
- 22 c. Refuse to place Doe 1 and other molesters in positions of trust and authority
23 within Defendants' institutions;
- 24 d. Refuse to hold out Doe 1 and other molesters to the public, the community,
25 minors, parents and law enforcement agencies as being in good standing and,
26 trustworthy in keeping with him and his position as a team physician and
27 authority figure;
- 28 e. Refuse to assign Doe 1 and other molesters to positions of power within Doe 2
and over minors; and
- f. Disclose to Plaintiff, her family, the public, the school community, minors, and
law enforcement agencies the wrongful, tortious, and sexually exploitive acts
that Doe 1 had engaged in with children.

143. Defendants' breach of their respective duties included:

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- a. Not making reasonable investigations of Doe 1;
- b. Issuing no warnings about Doe 1;
- c. Permitting Doe 1 to routinely be alone with and in control of minors, unsupervised;
- d. Not adopting a policy to prevent Doe 1 from routinely having minors and participants and members in his unsupervised control;
- e. Making no reports of any allegations of Doe 1's abuse of participants and members, or of minors prior to or during his employment at Doe 2; and
- f. Assigning and continuing to assign Doe 1 to duties which placed him in positions of authority and trust over minors, positions in which Doe 1 could easily isolate and sexually abuse minors.

144. 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.

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

146. 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 Doe 1, or that there were no other charges of unlawful or sexual misconduct against Doe 1 or others and that there was no need for them to take further action or precaution.

147. 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 Doe 1 was a molester and was known to commit wrongful sexual acts with minors, including Plaintiff.

148. 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.

149. Defendants suppressed and concealed the true facts regarding Doe 1 with the purpose of: preventing Plaintiff, Plaintiff's parents and family, and others, from learning that Doe 1 and others had been and were continuing to sexually harass, molest and abuse minors and others under Doe 1's and Defendants' control, direction, and guidance, with complete impunity; inducing

1 people, including Plaintiff and other benefactors and donors to participate and financially support
2 Defendants' program and other enterprises of Defendants; preventing further reports and outside
3 investigations into Doe 1's and Defendants' conduct; preventing discovery of Defendants' own
4 conduct; avoiding damage to the reputations of Defendants; protecting Defendants' power and
5 status in the community and the gymnastics community; avoiding damage to the reputation of
6 Defendants, or Defendants' institutions; and avoiding the civil and criminal liability of Defendants,
7 of Doe 1, and of others.

8 150. At all times mentioned herein, Defendants, and in particular Doe 1 and the Doe 2
9 Defendants, with knowledge of the tortious nature of their own and Doe 1's conduct, knowingly
10 conspired and gave each other substantial assistance to perpetrate the misrepresentations, fraud
11 and deceit alleged herein—covering up the past allegations of sexual misconduct lodged against
12 Doe 1, and allowing Doe 1 to remain in his position as a team physician so they could maintain
13 their reputations and continue with their positions within the organization.

14 151. Plaintiff and others were misled by Defendants' suppressions and concealment of
15 facts, and in reliance thereon, were induced to act or induced not to act, exactly as intended by
16 Defendants. Specifically, Plaintiff and Plaintiff's family were induced to believe that there were no
17 allegations of criminal or sexual abuse against Doe 1 and that he was safe to be around children.
18 Had Plaintiff and her family, and others, known the true facts about Doe 1, they would have not
19 participated further in activities of Doe 1, or continued to financially support Defendants'
20 activities. They would have reported the matters to the proper authorities, to other minor
21 participants and members and their parents so as to prevent future recurrences; they would not
22 have allowed children, including Plaintiff, to be alone with, or have any relationship with Doe 1;
23 they would not have allowed children, including Plaintiff, to attend or be under the control of
24 Defendants; they would have undertaken their own investigations which would have led to
25 discovery of the true facts; and they would have sought psychological counseling for Plaintiff, and
26 for other children molested and abused by Doe 1.

27 152. By giving Doe 1 the position of team physician, Defendants impliedly represented
28 that Doe 1 was safe and morally fit to give children care and provide osteopathic adjustments.

1 153. When Defendants made these affirmative or implied representations and non-
2 disclosures of material facts, Defendants knew or had reason to know that the facts were
3 otherwise. Defendants knowingly and intentionally suppressed the material facts that Doe 1 had
4 on numerous, prior occasions sexually, physically, and mentally abused minors and participants
5 and members of Defendants, including Plaintiff, and knew of or learned of conduct, or had reason
6 to know of conduct by Doe 1 which placed Defendants on notice that Doe 1 had previously been
7 suspected of felonies, including unlawful sexual conduct with minors, and was likely abusing
8 children.

9 154. Because of Plaintiff's young age, and because of the status of Doe 1 as a trusted,
10 authority figure to Plaintiff, Plaintiff was vulnerable to Doe 1. Doe 1 sought Plaintiff out and was
11 empowered by and accepted Plaintiff's vulnerability. Plaintiff's vulnerability also prevented
12 Plaintiff from effectively protecting herself from the sexual advances of Doe 1.

13 155. Defendants had the duty to obtain and disclose information relating to sexual
14 misconduct of Doe 1.

15 156. Defendants misrepresented, concealed or failed to disclose information relating to
16 sexual misconduct of Doe 1.

17 157. Defendants knew that they had misrepresented, concealed or failed to disclose
18 information related to sexual misconduct of Doe 1.

19 158. Plaintiff justifiably relied upon Defendants for information relating to sexual
20 misconduct of Doe 1.

21 159. Doe 1 and the Doe 2 Defendants, in concert with each other and with the intent to
22 conceal and defraud, conspired and came to a meeting of the minds whereby they would
23 misrepresent, conceal or fail to disclose information relating to the sexual misconduct of Doe 1,
24 the inability of Defendants to supervise or stop Doe 1 from sexually harassing, molesting and
25 abusing Plaintiff, and their own failure to properly investigate, supervise and monitor his conduct
26 with minor participants and members.

27 160. By so concealing, Defendants committed at least one act in furtherance of the
28 conspiracy.

1 abuse of Plaintiff, through the present, Defendants, knew and/or had reason to know that Doe 1
2 had and was capable of sexually, physically, and mentally abusing and harassing Plaintiff or other
3 victims.

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

11 168. Defendants breached their duties of care to the minor Plaintiff by allowing Doe 1 to
12 come into contact with the minor Plaintiff and other participants and members, without
13 supervision; by failing to adequately hire, supervise and retain Doe 1 whom they permitted and
14 enabled to have access to Plaintiff; by concealing from Plaintiff, her family, and law enforcement
15 that Doe 1 was sexually harassing, molesting and abusing minors; and by holding Doe 1 out to
16 Plaintiff and her family as being of high moral and ethical repute, in good standing and
17 trustworthy.

18 169. Defendants breached their duties to Plaintiff by failing to investigate or otherwise
19 confirm or deny such facts of sexual abuse by Doe 1, failing to reveal such facts to Plaintiff, her
20 parents, the community and law enforcement agencies, and by placing Doe 1 into a position of
21 trust and authority, holding him out to Plaintiff, her parents, and the public as being in good
22 standing and trustworthy.

23 170. Defendants breached their duty to Plaintiff by failing to adequately monitor and
24 supervise Doe 1 and failing to prevent Doe 1 from committing wrongful sexual acts with minors
25 including Plaintiff. Defendants' voluminous past records of sexual misconduct by Doe 1 caused
26 Defendants to know, or gave them reason to know, of Doe 1's incapacity to serve as a team
27 physician, providing for the physical care of minor females.

28 171. As a result of the above-described conduct, Plaintiff has suffered and continues to

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

7 172. Doe 5 is the alter ego of Doe 2 and is therefore liable to the extent Doe 2 is liable.

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9 **NINTH CAUSE OF ACTION**
NEGLIGENT SUPERVISION
10 **(Against Doe 2 Defendants and Doe 5)**

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

13 174. By virtue of Plaintiff's special relationship with Defendants, and Defendants'
14 relation to Doe 1, Defendants owed Plaintiff a duty to provide reasonable supervision of Doe 1, to
15 use reasonable care in investigating Doe 1's background, and to provide adequate warning to
16 Plaintiff, Plaintiff's family, and minor participants and members of Doe 1's dangerous propensities
17 and unfitness. As an organization responsible for, and entrusted with, the welfare of minor
18 children, Doe 2, the Doe 2 Presidents and Does 6 through 500 had a duty to protect, supervise, and
19 monitor both the Plaintiff from being preyed upon by sexual predators, and to supervise and
20 monitor Doe 1 such that he would not be placed in seclusion with minor children, including the
21 Plaintiff.

22 175. As representatives of Doe 2, where many of the participants and members thereof
23 are vulnerable minors entrusted to Doe 2, Defendants' agents expressly and implicitly represented
24 that team physicians and staff, including Doe 1, were not a sexual threat to children and others
25 who would fall under Doe 1's influence, control, direction, and care.

26 176. Defendants, by and through their respective agents, servants and employees, knew
27 or had reason to know of Doe 1's dangerous and exploitive propensities and that Doe 1 was an
28 unfit agent. Despite such knowledge, Defendants negligently failed to supervise Doe 1 in his

1 position of trust and authority as a team physician and authority figure over children, where he
2 was able to commit wrongful acts of sexual misconduct against Plaintiff. Defendants failed to
3 provide reasonable supervision of Doe 1, failed to use reasonable care in investigating Doe 1, and
4 failed to provide adequate warning to Plaintiff and Plaintiff's family of Doe 1's dangerous
5 propensities and unfitness. Defendants further failed to take reasonable steps to ensure the safety
6 of minors, including Plaintiff, from sexual harassment, molestation, and abuse.

7 177. At no time during the periods of time alleged did Defendants have in place a
8 reasonable system or procedure to investigate, supervise and monitor the team physician or staff,
9 including Doe 1, to prevent pre-sexual grooming and sexual harassment, molestation and abuse of
10 children, nor did they implement a system or procedure to oversee or monitor conduct toward
11 minors and others in Defendants' care.

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

15 179. Defendants were put on notice, knew and had reason to know that Doe 1 had
16 previously engaged and was continuing to engage in unlawful sexual conduct with minors, and
17 had committed other felonies, for his own personal sexual gratification, and that it was foreseeable
18 that he was engaging, or would engage in illicit sexual activities with Plaintiff, and others, under
19 the cloak of the authority, confidence, and trust, bestowed upon him through Defendants.

20 180. Defendants were placed on actual or constructive notice that Doe 1 had molested
21 other minors and participants and members during his employment with Defendants. Defendants
22 were informed of molestations of minors committed by Doe 1 prior to Plaintiff's sexual abuse, and
23 of conduct by Doe 1 that would put a reasonable person on notice of such propensity to molest and
24 abuse children.

25 181. Even though Defendants knew or had reason to know of these illicit sexual
26 activities by Doe 1, Defendants did not reasonably investigate, supervise or monitor Doe 1 to
27 ensure the safety of the minor participants and members.

28 182. Defendants' conduct was a breach of their duties to Plaintiff.

1 183. Defendants, and each of them, breached their duty to Plaintiff by, inter alia, by
2 failing to adequately monitor and supervise Doe 1 and stop Doe 1 from committing wrongful
3 sexual acts with minors including Plaintiff.

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

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

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

17 186. Defendants knew or had reason to know that their team physician, Doe 1, and other
18 staff of Defendants, had sexually molested, abused or caused touching, battery, harm, and/or other
19 injuries to minors, including Plaintiff, giving rise to a duty to report such conduct under California
20 *Penal Code* section 11166.

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

24 188. By failing to report the continuing molestations and abuse by Doe 1, which
25 Defendants knew or had reason to know about, and by ignoring the fulfillment of the mandated
26 compliance with the reporting requirements provided under California *Penal Code* section 11166,
27 Defendants created the risk and danger contemplated by the Child Abuse and Neglect Reporting
28 Act, and as a result, unreasonably and wrongfully exposed Plaintiff and other minors to sexual

1 molestation and abuse.

2 189. Plaintiff was a member of the class of persons for whose protection California
3 *Penal Code* section 11166 was specifically adopted to protect.

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

7 191. As a proximate result of Defendants' failure to follow the mandatory reporting
8 requirements of California *Penal Code* section 11166, Defendants wrongfully denied Plaintiff and
9 other minors the intervention of child protection services. Such public agencies would have
10 changed the then-existing arrangements and conditions that provided the access and opportunities
11 for the molestation of Plaintiff by Doe 1.

12 192. The physical, mental, and emotional damages and injuries resulting from the sexual
13 molestation of Plaintiff by Doe 1, were the type of occurrence and injuries that the Child Abuse
14 and Neglect Reporting Act was designed to prevent.

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

18 194. Defendants, and each of them, breached their duty to Plaintiff by, inter alia, by
19 failing to adequately monitor and supervise Doe 1 and stop Doe 1 from committing wrongful
20 sexual acts with minors including Plaintiff.

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

28 196. Doe 5 is the alter ego of Doe 2 and is therefore liable to the extent Doe 2 is liable.

TENTH CAUSE OF ACTION
NEGLIGENT HIRING/RETENTION
(Against Doe 2 Defendants and Doe 5)

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

5 198. By virtue of Plaintiff's special relationship with Defendants, and Defendants'
6 relation to Doe 1, Defendants owed Plaintiff a duty to not hire or retain Doe 1, given his
7 dangerous and exploitive propensities, which Defendants knew or had reason to know about had
8 they engaged in a reasonable, meaningful and adequate investigation of her background prior to
9 her hiring or retaining her in subsequent positions of employment.

10 199. Defendants, expressly and implicitly represented that the team staff, trainers, and
11 team physicians, including Doe 1, were not a sexual threat to children and others who would fall
12 under Doe 1's influence, control, direction, and guidance.

13 200. At no time during the periods of time alleged did Defendants have in place a
14 reasonable system or procedure to investigate, supervise and monitor team staff, trainers, and team
15 physicians, including Doe 1, to prevent pre-sexual grooming or sexual harassment, molestation
16 and abuse of children, nor did they implement a system or procedure to oversee or monitor
17 conduct toward minors, participants and members and others in Defendants' care.

18 201. Defendants were aware or had reason to be aware and understand how vulnerable
19 children were to sexual harassment, molestation and abuse by teachers and other persons of
20 authority within the control of Defendants prior to Plaintiff's sexual abuse by Doe 1.

21 202. Defendants were put on notice, and had reason to know, that Doe 1 had previously
22 engaged and continued to engage in unlawful sexual conduct with minors and was committing
23 other felonies, for his own personal gratification, and that it was, or had reason to know it would
24 have been foreseeable that he was engaging, or would engage in illicit sexual activities with
25 Plaintiff, and others, under the cloak of his authority, confidence, and trust, bestowed upon her
26 through Defendants.

27 203. Defendants were placed on actual or constructive notice that Doe 1 had molested or
28 was molesting minors and participants and members, both before his employment within

1 Defendants, and during that employment. Defendants had knowledge of inappropriate conduct and
2 molestations committed by Doe 1 before and during his employment yet chose to allow him to
3 remain unsupervised where she sexually abused Plaintiff.

4 204. Even though Defendants knew or had reason to know of these sexually illicit
5 activities by Doe 1, Defendants failed to use reasonable care in investigating Doe 1 and did
6 nothing to reasonably investigate, supervise or monitor Doe 1 to ensure the safety of the minor
7 participants and members.

8 205. Defendants' conduct was a breach of their duties to Plaintiff.

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

16 207. Doe 5 is the alter ego of Doe 2 and is therefore liable to the extent Doe 2 is liable.

17 **ELEVENTH CAUSE OF ACTION**
18 **NEGLIGENT FAILURE TO WARN, TRAIN, or EDUCATE**
19 **(Against Doe 2 Defendants and Doe 5)**

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

22 209. Defendants owed Plaintiff a duty to take reasonable protective measures to protect
23 Plaintiff and other minor participants and members from the risk of childhood sexual harassment,
24 molestation and abuse by Doe 1 by properly warning, training or educating Plaintiff and other
25 about how to avoid such a risk.

26 210. Defendants breached their duty to take reasonable protective measures to protect
27 Plaintiff and other minor participants and members from the risk of childhood sexual harassment,
28 molestation and abuse by Doe 1, such as the failure to properly warn, train or educate Plaintiff and
other minor participants and members about how to avoid such a particular risk that Doe 1

1 posed—of sexual misconduct.

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

6 212. 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, humiliations, and loss
9 of enjoyment of life; has suffered and continues to suffer and was prevented and will continue to
10 be 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.

13 213. Doe 5 is the alter ego of Doe 2 and is therefore liable to the extent Doe 2 is liable.

14 **TWELFTH CAUSE OF ACTION**
15 **MASHA'S LAW (18 U.S.C. §§ 2255, 2423(b), 2423(c))**
16 **(Against Defendants Doe 2, Doe 3, Doe 4, Doe 5, and Does 6 through 500)**

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

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

22 216. Ms. Cobbs is a victim of the federal crime established by 18 U.S.C. § 2423. Doe 1
23 is a person who traveled in interstate commerce for the purpose of engaging in illicit sexual
24 conduct with Ms. Cobs. Doe 2, Doe 3, Doe 4, Doe 5, and Does 6 through 500 aided and abetted
25 Doe 1's violation, and they are vicariously and strictly liable for Doe 1's offenses while across
26 State lines.

27 217. Doe 1 is a United States citizen. He travelled with Ms. Cobbs in interstate
28 commerce for the purpose of engaging in illicit sexual conduct with her.

218. As a result of the above-described conduct, Plaintiff has suffered and continues to

1 Cobbs has a property interest in her image and likeness. Defendants exploited Ms. Cobbs's image
2 and likeness by selling or otherwise profiting from it in exchange for sponsorships, broadcasting
3 revenue, and other financial supports. Defendants engaged in a pattern of racketeering, and a
4 racketeering conspiracy, including the concealment and cover up of the sex abuse it knew or
5 should have known, in order to continue to exploit Ms. Cobbs's image and likeness.

6 225. As a result of such conduct, Ms. Cobbs suffered injury to her property rights in her
7 image and likeness inasmuch as Defendants obtained exclusive rights to exploit them as a result of
8 the pattern of racketeering activity.

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

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

14 **FOR ALL CAUSES OF ACTION**

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

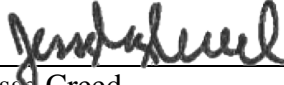
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Doe 2; and

10. For such other and further relief as the Court may deem proper.

DATED: October 29, 2018

PANISH SHEA & BOYLE LLP

By: 
Jessa Creed
Attorneys for Plaintiff

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