

Two Gymnasts Sue Sports Groups Over Nassar Sex Abuse

By **Mike Curley**

Law360 (October 29, 2018, 7:46 PM EDT) -- Sisters Tasha Schwikert-Warren and Jordan Cobbs sued the U.S. Olympic Committee and USA Gymnastics on Monday, alleging that the organizations maintained a "culture of abuse" that made them and hundreds of other girls and young women easy targets for Larry Nassar, a sexual abuser and former sports doctor.

According to the complaints filed with the Superior Court of California, the organizations knew, or should have known, about Nassar's history of abuse and worked to make it easier for Nassar and abusers like him to get away with their crimes, giving him "unfettered access" to hundreds of gymnasts and conditioning them not to question their abuse or report on their abusers.

Schwikert-Warren was a bronze medalist in the 2000 Olympics and was an alternate on the 2004 team. Cobbs was on the USA Gymnastics national team and competed in NCAA Division 1 gymnastics for UCLA.

"[USAG] elected to put its head in the sand, ignoring and actively concealing the sexual abuse being perpetrated by its personnel, including [Nassar]," the former gymnasts wrote. "The conditions maintained by [USAG] were perfect for [Nassar] to implement his scheme of childhood sex abuse and created a mass tort for [USAG] and a nationwide reckoning for the sport of gymnastics."

According to a release from the sisters, these are the first complaints relating to Nassar seeking damages under the Racketeer Influenced and Corrupt Organizations Act, accusing the organizations and Nassar of engaging in sexual exploitation, abuse and trafficking of minors.

Kevin R. Boyle of Panish Shea & Boyle LLP, representing the sisters, said the RICO claim was being pursued because the organizations knew about and covered up Nassar's sexual abuse in order to keep profit from the sisters and other athletes like them.

"As a former elite gymnast and now coach, gymnastics continues to be a huge part of my life," Cobbs said in a statement. "I want to see change within the sport I love and believe that the culture of gymnastics should focus on the physical and emotional well-being of gymnasts, instill positive body image, and create an environment where athletes feel they can speak up and be heard."

Her sister added that she hopes that the lawsuits can "get to the truth" and hold the organizations accountable for their "failure to care" about athletes like herself.

"It is time for them to implement real institutional change that will destroy the culture of abuse that allowed this to happen to so many gymnasts," Schwikert-Warren said in a statement. "Even at the pinnacle of my career, during the Olympic games in Sidney, USAG and USOC failed to protect me as a young child and permitted Larry to implement his scheme of childhood sex abuse."

The complaints also accuse the USOC of threatening to de-certify USAG as gymnastics' national governing body for denying due process to convicted child sex abusers the USAG had banned.

"[USA Gymnastics] could have fired [Nassar] before the sexual abuse of Ms. Cobbs occurred, and [US Olympic Committee] could have caused [USAG] to fire [Nassar]," according to the complaints.

"Instead, [USAG] kept a secret file of sexual abuse allegations and enabled a culture of psychological and physical abuse that kept young girls like Ms. Cobbs silent ... [USOC] coerced [USAG] to be more lenient to child abusers, despite knowing of a systemic problem throughout [USAG]'s organization."

Cobbs and Schwikert-Warren wrote that they had been sexually assaulted by Nassar, with Schwikert-Warren saying she was abused from the age of 15 to 19 and Cobbs from 14 to 16, at the "pinnacle of [Cobbs'] career."

"Ms. Schwikert-Warren and her parents had no reason to suspect [Nassar] was anyone other than a competent and ethical physician who truly cared for the well-being of his [patients]," according to the complaints. "[USAG] and [USOC] endorsed the reputation and integrity of [Nassar]."

Nassar pled guilty last year to 10 criminal sexual abuse charges in two Michigan state courts. He is serving a **60-year federal sentence** for possession of child pornography and obstruction of justice.

Michigan State University in March agreed to **pay \$425 million** to settle claims against it from Nassar's victims and set aside \$75 million for others who may still come forward. **At least 100 others** have since filed claims seeking part of the settlement.

USA Gymnastics said in a statement that it was "deeply sorry that Tasha and Jordan Schwikert, or any athlete, were abused by Larry Nassar during their gymnastics careers. The organization has undergone significant reforms in the wake of his horrific acts that have impacted our athletes and community forever. The new board of directors and staff are working every day to make meaningful changes to ensure that athlete safety and well-being remains at the forefront of our work. We are focused on fostering an environment that is safe, positive and encouraging for athletes and all members." The organization does not comment on pending litigation.

Representatives of the US Olympic Committee could not immediately be reached for comment on Monday.

The sisters are represented by Muhammad S. Aziz of Abraham Watkins Nichols Sorrels Agosto & Aziz, Michelle Simpson Tuegel of Michelle Simpson Tuegel Attorney At Law, and Kevin R. Boyle and Jesse Creed of Panish Shea & Boyle LLP.

Counsel information for the defendants was not available.

The cases are Cobbs v. Doe et al. and Schwikert-Warren v. Doe 1 et al., both in the Superior Court of the State of California, County of Los Angeles. Case numbers have not yet been assigned.

--Additional reporting by Zachary Zaggar. Editing by Peter Rozovsky.