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

13 TASHA SCHWIKERT-WARREN, an
14 individual,

15 Plaintiff,

16 v.

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

20 Defendants.

Case No.

COMPLAINT FOR DAMAGES FOR:

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

DEMAND FOR JURY TRIAL.

[Filed concurrently with Certificates of Merit, pursuant to Code of Civil Procedure §340.11]

1 Plaintiff Tasha Schwikert-Warren, by and through her attorneys, files this action against
2 Doe 1, Doe 2, Doe 3, Doe 4, Doe 5, and Does 6 through 500 (collectively referred to as
3 "Defendants").¹ All allegations are made on information and belief, except those of which Ms.
4 Schwikert-Warren would have personal knowledge because they related expressly to her.

5 **INTRODUCTION**

6 1. Ms. Schwikert-Warren is a world-renowned Olympic gymnast and National Team
7 member of Doe 2. She had a gymnastics career that few athletes could ever achieve.

8 2. This action arises out of the disturbing pattern of grotesque sexual abuse of Ms.
9 Schwikert-Warren by Doe 1, her osteopathic physician for nearly a decade. Doe 1 is a convicted
10 childhood sex abuser who was sentenced to federal prison for 120 years. As one of his victims
11 cried out in grief at his sentencing hearing, Doe 1 is a monster. He is a sexual predator of
12 hundreds of girls. His manipulative and ritualistic sexual impulses have ruined the lives of girls
13 like Ms. Schwikert-Warren who ambitiously pursued a career in elite gymnastics at all costs.
14 Their dreams were to wear USA on their backs. His job was to heal their ailments and injuries.
15 Instead, he scarred them for the rest of their lives.

16 3. Doe 1 first began treating Ms. Schwikert-Warren in 1998 for sports injuries from
17 her participation in competitive gymnastics. Gymnastics is a dangerous sport, and sports injuries
18 are a frequent occurrence. Doe 1 was the doctor employed by Doe 2, the official body of United
19 States gymnastics, and Doe 5, the national Olympics committee for the United States, to care for
20 its athletes, including Ms. Schwikert-Warren. From the beginning, Doe 1 groomed Ms.
21 Schwikert-Warren by developing a personal relationship with her built on trust and confidence.
22 He slowly began to normalize inappropriate touching and massage under the guise of so-called
23 medical treatment. Two years after this grooming period, Doe 1 started to satisfy his sexual needs
24 through touching the private parts of Ms. Schwikert-Warren, who was then a 15-year old
25 remarkable gymnast with her sights set on qualifying for the Olympics. Doe 1 continued to

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

1 sexually abuse her over a hundred times over the next five years.

2 4. Doe 1 sexually abused Ms. Schwikert-Warren by touching her vagina without the
3 use of gloves, without lubricants, without her consent, and without any chaperone present. Ms.
4 Schwikert-Warren sought medical treatment from Doe 1 for injuries to her musculoskeletal
5 system; her vagina and reproductive systems had nothing whatsoever to do with these injuries
6 from a medical perspective. Despite this, Doe 1 performed vulgar massages of her private parts
7 under the guise of "medical treatment." For example, Doe 1 would finger her vagina (again,
8 without gloves, without lubrication, without her consent, and without a chaperone present) when
9 she sought treatment for an injury to her Achilles tendon. Doe 1 would sweat, breath heavily, and
10 make creepy groaning sounds while touching Ms. Schwikert-Warren in a sexual manner. To
11 rationalize this inexplicable treatment, Doe 1 told Ms. Schwikert-Warren that everything in her leg
12 was connected from the Achilles tendon to the vagina bone. Doe 1 never obtained Ms. Schwikert-
13 Warren's consent to touch her vagina or other body parts in a sexual manner.

14 5. During Ms. Schwikert-Warren's gymnastics career, Doe 2, the national governing
15 body of gymnastics, and Doe 5, the national Olympic committee for the United States, had hired
16 Doe 1 as their team physician. They each gave him unfettered access to young girls, including
17 Ms. Schwikert-Warren. Both of them referred Ms. Schwikert-Warren to Doe 1 for medical
18 treatment, even though it knew or should have known of Doe 1's sexual abuse and could have
19 prevented it by taking sexual abuse allegations seriously and maintaining a culture of
20 accountability and transparency. Doe 2 and Doe 5 could have fired Doe 1 before the sexual abuse
21 of Ms. Schwikert-Warren occurred. Instead, Doe 2 kept a secret file of sexual abuse allegations
22 and enabled a culture of psychological and physical abuse that kept young girls like Ms.
23 Schwikert-Warren silent. And Doe 5 threatened to de-certify Doe 2 as the sport's national
24 governing body for denying "due process" to *convicted* child sex abusers whom Doe 2 placed on a
25 ban list. Doe 5 coerced Doe 2 to be *more lenient* to child sex abusers, despite knowing of a
26 pervasive problem throughout Doe 2's organization.

27 6. Ms. Schwikert-Warren had an exemplary gymnastics career that few athletes ever
28 achieve. Starting at seven years old, Ms. Schwikert-Warren pursued her dream of becoming an

1 Olympic gymnast by becoming a member of Doe 2 and participating in Doe 2's gymnastic
2 competitions. Ms. Schwikert-Warren achieved remarkable success as a world-renowned gymnast.
3 By 1999, at fourteen years old, Ms. Schwikert-Warren became a member of the Senior National
4 Team. She earned gymnastic accolades that few gymnasts do, including an Olympic medal, a
5 World Gymnastics Championship gold medal, a two-time U.S. National Champion, and a two-
6 time NCAA All-Around National Champion. She won a bronze medal at the Olympics in 2000
7 where she had the honor of representing Team USA. Even at the pinnacle of Ms. Schwikert-
8 Warren's career, she suffered sexual abuse at the hands of Doe 1 when she sought treatment from
9 him as the physician for the Doe 5 gymnastics team.

10 7. This action seeks justice for Ms. Schwikert-Warren against Doe 1 and those who
11 permitted Doe 1 to sexually abuse her as a child.

12 8. An elite national governing body for gymnastics in the United States, Doe 2 selects
13 and trains the United States gymnastics teams for the Olympics and World Championships. Doe 2
14 has a legal responsibility to exercise reasonable care to protect the young girls in its custody and
15 care from sexual abuse by its personnel. Doe 2 hired Doe 1 as its National Medical Director and
16 Doe 1 was an employee or agent of Doe 2 from 1986 to 2015 in various capacities. Instead of
17 tackling a culture of sexual abuse head on, Doe 2 elected to put its head in the sand, ignoring and
18 actively concealing the sexual abuse being perpetrated by its personnel, including Doe 1. Doe 2
19 also maintained a culture of abuse that intimidated impressionable young girls who participated in
20 its programs and kept them silent about illegal sexual activity within Doe 2's programs. As
21 Presidents of Doe 2, Doe 3 and Doe 4 enabled and ratified the sexual abuse by Doe 1 against
22 Plaintiffs and other participants and members of Doe 2 and furthered the ongoing concealment of
23 abuse at Doe 2.

24 9. The official national committee for the U.S. Olympics, Doe 5 coordinates all
25 Olympic-related activity in the United States. It certifies national governing bodies under the Ted
26 Stevens Olympic and Amateur Sports Act (the "Ted Stevens Act") for each sport, including Doe 2,
27 to select and train Olympic athletes. With exclusive jurisdiction over all matters pertaining to U.S.
28 participation in the Olympics, Doe 5 makes all arrangements for U.S. participation in the

1 Olympics, including employment decisions, credentialing, and qualifications of the staff it hires,
2 including Doe 1.

3 10. For over 20 years, Doe 1 had unfettered access to young girl athletes through his
4 involvement with Doe 2 and Doe 5, which referred athletes to his care. Doe 2 had a reputation of
5 institutional failure that not only attracted child sex abusers like Doe 1, but also condoned their
6 conduct by failing to hold accused sexual abusers (including coaches and physicians) with the care
7 and custody of young girls to account. The conditions maintained by Doe 2 were perfect for Doe
8 1 to implement his scheme of childhood sex abuse and created a mass tort for Doe 2 and a
9 nationwide reckoning for the sport of gymnastics.

10 11. Ms. Schwikert-Warren was a patient of Doe 1 that sought medical treatment for
11 pain or injuries arising out of her participation in gymnastics programs of Doe 2 and Doe 5. Ms.
12 Schwikert-Warren had no meaningful choice but to receive treatment from Doe 1. He was the
13 doctor for Doe 2's and Doe 5's programs. Doe 2 and Doe 5 effectively required participants like
14 Ms. Schwikert-Warren to obtain medical treatment in connection with Doe 2's and Doe 5's
15 programs from Doe 1. Doe 2 and Doe 5 endorsed the integrity, competency, and professionalism
16 of Doe 1.

17 12. Ms. Schwikert-Warren sought treatment from Doe 1 for athletic injuries.
18 Specifically, she sought treatment for injuries to her groin and Achilles tendon. During these
19 treatments, Doe 1 sexually assaulted, abused, and molested her from when she was 15 years old
20 (2000) to when she was 19 years old (2004).

21 13. Ms. Schwikert-Warren and her parents had no reason to suspect Doe 1 was anyone
22 other than a competent and ethical physician who truly cared for the well-being of his patients.
23 Doe 1 led Ms. Schwikert-Warren and her parents to believe this by grooming her over several
24 years and developing a relationship of trust and confidence. In fact, Doe 1 was the physician from
25 whom virtually all gymnasts in Doe 2's and Doe 5's gymnastic programs received treatment and to
26 whom Doe 2 and Doe 5 referred its National Team and Olympic participants. Doe 2 and Doe 5
27 endorsed the reputation and integrity of Doe 1. Doe 1 would routinely give the athletes gifts such
28 as t-shirts, pins, flags, leotards, food, and other items, some with Doe 2 logos and others without.

THE PARTIES

1
2 14. Ms. Schwikert-Warren is a resident of Las Vegas, Nevada. She has been a member
3 of Doe 2 as an athlete from 1991 to 2004 and is currently a member as a former athlete. Ms.
4 Schwikert-Warren is 33 years old. Ms. Schwikert-Warren brings her claims pursuant to California
5 Code of Civil Procedure § 340.1.

6 15. Doe 1 was a resident and citizen of Michigan during the relevant period of time of
7 the sexual abuse of Ms. Schwikert-Warren, until he was taken under custody by the U.S.
8 government in 2017. Doe 1 is currently in federal prison, housed in a facility in the State of
9 Florida. He has been convicted of sexual abuse and child pornography and will serve the rest of
10 his life in prison.

11 16. Doe 2 is an organization incorporated in Indiana. It has its principal place of
12 business in Indiana. Doe 2 is authorized to conduct business and does conduct business
13 throughout the United States, including but not limited to California. Doe 2 has repeatedly
14 conducted gymnastics competitions in California. Ms. Schwikert-Warren suffered sexual abuse at
15 the hands of Doe 1 at one or more competitions and other events of Doe 2 that were conducted in
16 California. At each of these competitions, Doe 2 was responsible for the operations and
17 programming of the events, as well as the activities and behavior of its employees and agents,
18 including but not limited to Doe 1.

19 17. Defendant Doe 3 is a resident and citizen of the State of Washington. Doe 3 was
20 the President of Doe 2 from 1994 to 1998. During this period, Doe 3 was responsible for the
21 overall management and strategic planning for the organization.

22 18. Defendant Doe 4 is a resident and citizen of the State of California. Doe 4 was the
23 President of Doe 2 from 1998 to 2005. During this period, Doe 4 was responsible for the overall
24 management and strategic planning for the organization.

25 19. Defendant Doe 5 is a federally chartered nonprofit corporation under the Ted
26 Stevens Act. It has its principal place of business in Colorado. Doe 5 is authorized to conduct
27 business and does conduct business throughout the United States, including but not limited to
28 California. Ms. Schwikert-Warren suffered sexual abuse at the hands of Doe 1 at one or more

1 competitions and other events of Doe 5. Doe 5 had arranged for the U.S. gymnastics Olympic
2 team (including Ms. Schwikert-Warren and Doe 1) to be processed in Southern California before
3 traveling to the Sydney Olympics in 2000. Doe 1 assaulted Ms. Schwikert-Warren during this
4 processing period in California while Ms. Schwikert-Warren was in the custody and care of Doe 5.

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

9 21. Doe 2, Doe 3, Doe 4, and Does 6 through 250 are referred to herein as the "Doe 2
10 Defendants."

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

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

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

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

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

4 25. While headquartered in Indiana, Doe 2 has a widespread, sustained, and profitable
5 presence in the State of California, with regional affiliates in Northern California, Central
6 California, and Southern California. Doe 2 currently sponsors and has scheduled over 75
7 competitions, meets, and other events in California.

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

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

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

28 29. Doe 2 has a written Code of Ethical Conduct that meant nothing in practice. The

1 Code of Ethical Conduct states:

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

12 30. Doe 2's policies allow sexual relationships among its members to occur:

13 "Professional Members of [Doe 2] must protect the integrity of the sport and the interests of the
14 athletes they serve by avoiding sexual relationships with athletes except where the capacity and
15 quality of the athlete's consent to enter that relationship is beyond question." A girl under the age
16 of 18 does not have the capacity to consent, or her consent lacks the sufficient quality to be
17 beyond question.

18 31. According to its policies, Doe 2 enforces this Code of Ethical Conduct "primarily
19 upon understanding and voluntary compliance, secondarily upon reinforcement by peers, and,
20 when necessary, upon enforcement through disciplinary action....Any Member ('Complainant')
21 who believes that another Member of [Doe 2] has failed to meet such Member's obligations under
22 this Code is, under all but the most egregious circumstances, encouraged to first address that
23 concern directly to that Member."

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

33. At all relevant times, Doe 2 (at the direction and under the supervision of Doe 3

1 and Doe 4) engaged in a pattern and practice of employing other staff, coaches, and volunteers and
2 retaining members known to be a sexual danger to participants and members in their care,
3 including Doe 1. Defendants employed other professionals, staff, and agents who were known to
4 be sexually abusive and continued to be a risk to its young girl participants.

5 34. USAG's own systems to protect the girls from child sex abusers was a sham. Doe 2
6 touted a list of banned coaches because they were child sex abusers. Doe 2's own website
7 catalogues a list of over twenty (20) individuals, nationwide, who are "Permanently Ineligible
8 Members" at Doe 2 for violation of Bylaw § 9.2(a)(iii). Among other "Special Categories of
9 Misconduct," this section of Doe 2's Bylaws specifically bars members who have "been convicted
10 of or ha[ve] entered a plea of guilty or no contest to a criminal charge or indictment issued by an
11 applicable City, County, State or Federal jurisdiction, and such charge or indictment directly or
12 indirectly involved or related to sexual misconduct, child abuse or conduct that is a violation of
13 any law or regulation that is specifically designed to protect minors." But this 9.2(a)(iii) list
14 omitted a number of coaches who should have been on it. Some were suspected of sexual abuse,
15 while others were flat out convicted child molesters.

16 35. The prevalence of sexually abusive members of Doe 2 is evidence that Doe 2 knew
17 that the girls in its custody and care were subject to a grave risk of permanent and irreversible
18 danger while participating in Doe 2's programs. Despite knowing of this grave risk, Doe 2, Doe 3,
19 and Doe 4 maintained a widespread and systematic culture at Doe 2 that allowed sexually abusive
20 members with custody and care of young girls to participate in Doe 2's programs and stay in
21 positions of authority over these children.

22 36. Doe 2 is a mandated reporter under California law. Doe 2 is a youth recreational
23 program within the meaning of California Penal Code § 11165.7 and its employees' duties require
24 direct contact and supervision of children, rendering the mandated reporter laws thereunder
25 applicable to it.

26 37. Doe 2's policies for reporting abuse provide: "[Doe 2] will follow applicable law in
27 reporting abusive situations to the proper authorities. If, in [Doe 2]'[s] reasonable and good faith
28 judgment, reporting to the proper authorities is necessary to protect a person from the possibility

1 of further abuse, it may make such report even if not compelled by law to do so.” Further, the
2 policies and procedures for “Reporting Suspected Abuse” at Doe 2 provide that “[a]ny person who
3 reasonably and in good faith believes a member of [Doe 2] has abused another person, whether
4 physical or sexual, such person may notify the [Doe 2] National Office pursuant to Articles 9
5 and/or 10 of the [Doe 2] Bylaws.”

6 38. Doe 2 put its own self-interest and well-being ahead of the interest and well-being
7 of the thousands of innocent young girls like Ms. Schwikert-Warren who participated in Doe 2’s
8 programs. Doe 2 receives millions of dollars in private donations and corporate financial support,
9 including athletic sponsorships. Doe 2 knew that acting on the complaints of Doe 1 and other
10 sexual predators who were members would subject it to public scrutiny, government investigations
11 and the risk of civil liability and criminal convictions. Exposure of its pervasive accusations of
12 sex abuse would also break the façade of its undeserved reputation as a safe and fun recreational
13 program for girls. Doe 2 concealed the culture of abuse and sex abuse to put its profits ahead of
14 its participants, shattering the innocence of hundreds of young girls across the country. This
15 culture of concealment and secrecy effectively attracted child sex abusers and gave them a captive
16 audience on whom to commit their fetishes for sexual gratification, including Ms. Schwikert-
17 Warren.

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

28

DOE 2 IS RESPONSIBLE FOR THE CONDUCT OF DOE 1

1
2 40. Doe 1 began his work for Doe 2 in 1986 when he was a Certified Athletic Trainer.
3 Doe 1 was an employee or agent of Doe 2 from approximately 1986 to 2015, serving in various
4 positions including but not limited to a Certified Athletic Trainer, Osteopathic Physician, National
5 Medical Director, National Team Physician (Doe 2), and National Team Physician, doe 2
6 Women's Artistic Gymnastics National Team.

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

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

18 43. As the Doe 2 team doctor, Doe 1 held a position of trust and confidence from team
19 members like Ms. Schwikert-Warren. Through this position of trust and confidence, Doe 1 was
20 able to perpetrate his sexual abuse, molestation, and harassment upon Ms. Schwikert-Warren.
21 Doe 1 abused Ms. Schwikert-Warren for his personal sexual gratification and pleasure. Doe 1 had
22 a predilection for young girls.

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

26 45. By his position within Doe 2's programs, Doe 1 attained a position of influence
27 over Ms. Schwikert-Warren and other young girls like herself. Doe 2 Defendants' actions and
28 omissions created a situation of peril that was not, and could not be appreciated, by Plaintiff. Doe

1 2 and Doe 1 demanded and required that Plaintiff respect Doe 1, in his position as team physician
2 for Doe 2.

3 46. By assigning Doe 1 as team physician of Doe 2, Doe 2 represented to the
4 gymnastics community that Doe 1 was safe, trustworthy, ethical and professionally competent.
5 This led many parents to believe their children were safe in the care and custody of Doe 2 and
6 under treatment of Doe 1, when in fact these children were in grave danger. Doe 2 portrayed this
7 public image of Doe 1 to preserve its own public image and reputation, so Doe 2 could retain
8 participants and recruit new participants, thus allowing donations and other financial support to
9 continue flowing into their coffers for financial gain.

10 **DOE 1 EARNS THE TRUST AND CONFIDENCE OF MS. SCHWIKERT-WARREN**

11 47. Ms. Schwikert-Warren has had a remarkable gymnastics career. She is an
12 Olympian gymnast who had the honor of representing the United States on the 2000 U.S. Olympic
13 Gymnastics team in Sydney, Australia and was an alternate on the 2004 U.S. Olympic Gymnastics
14 team in Athens, Greece. She has been a member of Doe 2 since 1991.

15 48. Ms. Schwikert-Warren became a member of Doe 2 when she was seven years old.
16 Because she had the ambition of going to the Olympics, she was driven and ambitious, dedicating
17 virtually her entire childhood to the sport of gymnastics and succeeding within the programs of
18 Doe 2.

19 49. Ms. Schwikert-Warren became a member of the TOPs Program of Doe 2 in 1994
20 when she was 10 years old. She qualified for the TOPS National Team. After competing
21 successfully, she became part of the Elite Program of Doe 2, qualifying for the Junior National
22 Team from 1997 to 1998, the Junior International Team from 1998 to 1999, and the Senior
23 National Team from 1999-2004.

24 50. Ms. Schwikert-Warren had the honor of representing the United States in the
25 Olympics in Sydney, Australia in 2000.

26 51. Ms. Schwikert-Warren participated in Doe 2 National Championships from 1997 to
27 2004. During this same period, she participated in the Doe 2 National Team Training Center at
28 Karolyi Ranch in Huntsville, Texas. Karolyi Ranch was a training facility sponsored and operated

1 by Doe 2.

2 52. As a member and participant of Doe 2, Ms. Schwikert-Warren was referred to Doe
3 1 for medical treatment. Ms. Schwikert-Warren had frequent "appointments" with Doe 1 for
4 treatment of her injuries. She saw Doe 1 for treatment at Doe 2 National Championships, the 2000
5 Olympic games, and other Doe 2 competition, events, and invitationals.

6 53. Beginning in 1998, Ms. Schwikert-Warren formed a personal relationship of trust
7 and confidence with Doe 1 as Doe 2's team physician. From the start of their relationship, Doe 1
8 began "grooming" Ms. Schwikert-Warren for later sexual abuse. Doe 1 would use the guise of
9 medical treatment to normalize intimacy and contact with Ms. Schwikert-Warren's private parts.
10 Doe 1 would fondle and grope Ms. Schwikert-Warren's body parts to form the impression that this
11 contact, which was inappropriate, was normal for medical treatment at the hands of Doe 1.

12 54. Doe 1 would interact with Ms. Schwikert-Warren under the guise of medical
13 treatments.

14 55. During these visits, Ms. Schwikert-Warren was a young girl who was a patient
15 under the direct supervision, control and care of Doe 1, creating a special and fiduciary
16 relationship. Doe 1 owed a heightened duty of care to Ms. Schwikert-Warren. Moreover, because
17 Doe 2 had custody and control of Ms. Schwikert-Warren during the competitions and referred Ms.
18 Schwikert-Warren during that time to Doe 1 as Doe 2's official team physician, Doe 2 owed a
19 special, confidential, and fiduciary to Ms. Schwikert-Warren. Doe 2 (as well as its Presidents
20 during the relevant time, Doe 3 and Doe 4), stood *in loco parentis* with the Plaintiff, requiring a
21 heightened duty of care.

22 56. Despite these heightened duties based on the special and fiduciary relationship,
23 Doe 1 breached these duties by exploiting his position of authority to coerce young girls like Ms.
24 Schwikert-Warren to concede to his sexual abuse and touching.

25 57. The Doe 2 Defendants had a duty to disclose to the parents of Ms. Schwikert-
26 Warren its knowledge and notice of complaints that Doe 1 was a child sex abuser. Doe 2 breached
27 this duty to disclose these facts to Ms. Schwikert-Warren and her parents by negligently or
28 intentionally suppressing, concealing, and failing to disclose these prejudicial facts. The duty to

1 disclose arose from the special relationship between these Doe Defendants, and Ms. Schwikert-
2 Warren.

3 **DOE 1 SEXUALLY ABUSED MS. SCHWIKERT-WARREN**

4 58. After a roughly two-year grooming period involving Ms. Schwikert-Warren, Doe 1
5 sexually abused Ms. Schwikert-Warren beginning in 2000. The grooming period and the later
6 sexual abuse all occurred while Ms. Schwikert-Warren was a participant and member of Doe 2
7 and consequently a patient of Doe 1, having been referred to Doe 1 by Doe 2.

8 59. In 2000, she suffered a groin injury at the 2000 Olympic Games Training Camps at
9 Karolyi Ranch. The groin injury had a substantial effect on her abilities, resulting in a bad right
10 leg that limited her from doing a right split movement. Based on the limitations caused by her
11 groin injury, Ms. Schwikert-Warren was referred to Doe 1 for treatment. During this treatment,
12 Doe 1 massaged her vagina and her vaginal walls – without gloves, without lubrication, without
13 Ms. Schwikert-Warren's consent, and without any chaperone present. Doe 1 got on top of the
14 massage table where Ms. Schwikert-Warren was lying and did light stretching and "massage" in
15 her private parts. Ms. Schwikert-Warren's groin injury never fully healed for the remainder of her
16 gymnastics career. She repeatedly required massage "treatment" from the time of the injury until
17 the 2004 Olympics. During all these massages, Doe 1 would sweat, breath heavy, and make
18 creepy sounds.

19 60. In 2001, Ms. Schwikert-Warren suffered an injury to her Achilles tendon. She
20 received treatment from Doe 1 for this injury on multiple occasions. He would lay her on her
21 stomach, place a towel over her pelvic region, and massage her from her Achilles tendon to her
22 vagina. Doe 1 made statements to Ms. Schwikert-Warren to justify his treatment based on his
23 apparent medical competence. He would explain that everything in her leg was connected,
24 necessitating a massage from her tendon on her foot to her vagina. Doe 1 manipulated Ms.
25 Schwikert-Warren into believing in his medical quackery. For example, he would do pressure
26 point massages on the bottom of her foot to support his statement that everything in her leg was
27 connected. During treatment and massages for this injury, Doe 1 would sweat, breath heavy, and
28 make creepy sounds.

1 61. Ms. Schwikert-Warren received treatment from Doe 1 on over one hundred
 2 occasions and believes she was assaulted by Doe 1 on over one hundred occasions. These assaults
 3 occurred all over the world, including Sydney, Australia, Karolyi Ranch in Texas, at the home of
 4 Doe 1 in Michigan, and at various Doe 3 national competitions (including in Pomona and
 5 Anaheim California). These sexual assaults occurred when Ms. Schwikert-Warren was under the
 6 supervision of Doe 2 and on the premises of Doe 2, in sleeping quarters, in training facilities, in
 7 gyms, and at competition sites.

8 62. In 2002, Doe 1 invited Ms. Schwikert-Warren to receive medical treatment at his
 9 home in Michigan and at the MSU Sports Medicine Clinic, where Doe 1 worked as well. Doe 1
 10 convinced the mother of Ms. Schwikert-Warren to let Ms. Schwikert-Warren conduct this trip
 11 without her mother's presence. Her mother acceded to the request. Ms. Schwikert-Warren stayed
 12 with Doe 1 alone in his home, with the family of Doe 1. On this trip to Michigan and while
 13 staying in the home of Doe 1, Ms. Schwikert-Warren received medical treatment in the home of
 14 Doe 1 and at the MSU Sports Medicine Clinic. Doe 1 sexually abused Ms. Schwikert-Warren
 15 during this trip, in a substantially similar manner to the instances of sexual abuse described above.

16 63. Doe 1's sexual abuse of Ms. Schwikert-Warren followed a pattern and practice that
 17 came to light following the investigative report by *IndyStar*. Doe 1 would do anal and vaginal
 18 examinations of Plaintiff and other gymnasts in the care of Doe 2 — also *without gloves, without*
 19 *consent, without lubricant, and without a chaperone*. These anal and vaginal examinations were
 20 well outside any recognized and/or accepted technique and were done for Doe 1's own sexual
 21 gratification.

22 64. Doe 1's sexual abuse and harassment of Ms. Schwikert-Warren was done for Doe
 23 1's personal sexual gratification, and it annoyed, disturbed, irritated, anguished, embarrassed,
 24 humiliated, permanently injured and offended Ms. Schwikert-Warren as it would have a
 25 reasonable person. Plaintiff did not consent to the sexual abuse and harassment by Doe 1 and
 26 further, was incapable of consenting to such because she was a minor at the time of the sexual
 27 abuse.

28 65. Ms. Schwikert-Warren did not discover her psychological injuries until 2018 when

1 other victims of Doe 1 publicly came forward with their own experiences of sexual abuse at the
2 hands of Doe 1. Until this time, Ms. Schwikert-Warren never made a mental connection between
3 the sexual abuse by Doe 1 and her permanent and irreversible psychological, physical, mental, and
4 emotional injuries. At the time of the public revelations of other victims, Ms. Schwikert-Warren
5 realized for the first time that Doe 1 was a serial molester, Ms. Schwikert-Warren was one of his
6 victims, and the so-called "procedures" he had performed were actually occurrences of sexual
7 abuse. This deferred realization is common for victims of sexual abuse, particularly childhood
8 sexual abuse and particularly sexual abuse arising out of relationships of trust and confidence
9 similar to that of Doe 1 and Ms. Schwikert-Warren. The commonplace nature of deferred
10 realization of childhood sexual abuse is one of the reasons why the California legislature has
11 enacted a special statute of limitations for childhood sexual abuse. *See* Cal. Code of Civ. Proc. §
12 340.1.

13 **THE DOE 2 DEFENDANTS ARE COMPLICIT IN DOE 1'S SEXUAL ABUSE OF MS.**
14 **SCHWIKERT-WARREN**

15 66. From 1994 to 1998, Doe 3 was the President of Doe 2. In this position, she was
16 responsible for the overall management and strategic planning of the organization. Given the
17 pervasive policy and practice of concealing allegations of sexual abuse at Doe 2, Doe 3 oversaw
18 this policy and practice during her tenure. She affirmatively contributed to the policy and practice
19 by failing to stop the abuse and failing to nurture a supportive culture to encourage young girls and
20 their parents to speak out. Doe 3 had the power to stop the rampant sexual abuse within Doe 2 and
21 fix the culture of silence, secrecy, and self-interest at Doe 2. She could have prevented the future
22 sexual abuse of Ms. Schwikert-Warren. Accordingly, she actively concealed the rampant
23 allegations of sexual violence and abuse at Doe 2 and knowingly failed to prevent foreseeable
24 future instances of abuse, including Ms. Schwikert-Warren's. She breached her duty of reasonable
25 care to protect the young girls in the custody and supervision of Doe 2, including Ms. Schwikert-
26 Warren. Doe 3 was an employee, agent, or servant of Doe 2 at all relevant times alleged herein.

27 67. So too with Doe 4. From 1998 to 2005, Doe 4 was the President of Doe 2. In this
28 position, he was responsible for the overall management and strategic planning of the

1 organization. Given the pervasive policy and practice of concealing allegations of sexual abuse at
2 Doe 2, Doe 4 oversaw this policy and practice during her tenure. He affirmatively contributed to
3 the policy and practice by failing to stop the abuse and failing to nurture a supportive culture to
4 encourage young girls and their parents to speak out. Doe 4 had the power to stop the rampant
5 sexual abuse within Doe 2 and fix the culture of silence, secrecy, and self-interest at Doe 2. He
6 could have prevented the future sexual abuse of Ms. Schwikert-Warren. Accordingly, he actively
7 concealed the rampant allegations of sexual violence and abuse at Doe 2 and knowingly failed to
8 prevent foreseeable future instances of abuse, including Ms. Schwikert-Warren's. He breached her
9 duty of reasonable care to protect the young girls in the custody and supervision of Doe 2,
10 including Ms. Schwikert-Warren. Doe 3 was an employee, agent, or servant of Doe 2 at all
11 relevant times alleged herein.

12 68. The Doe 2 Defendants had notice of, knew of, or should have known of Doe 1's
13 past sexual abuse of children, past claims and investigations, and his propensity and disposition to
14 engage in unlawful sexual activity with young girls like Ms. Schwikert-Warren. Accordingly,
15 Defendants knew or should have known that Doe 1 would commit wrongful sexual acts in the
16 future with young girl participants and members, including Ms. Schwikert-Warren. Defendants'
17 records reflect numerous incidents of inappropriate sexual touching and sexual misconduct by Doe
18 1 with young girls like Ms. Schwikert-Warren, as well as other professionals, employees,
19 assistants, agents, supervisors and others, including incidents occurring both on and off the
20 physical premises of such Defendants and at national and international meets.

21 69. Because of the relationship between Ms. Schwikert-Warren and Defendants,
22 Defendants had an obligation and duty under the law not to hide material facts and information
23 about Doe 1's past, and his deviant sexual behavior and propensities. Additionally, all Defendants
24 had an affirmative duty to inform, warn, and institute appropriate protective measures to safeguard
25 minors who were reasonably likely to come in contact with Doe 1. Defendants willfully refused to
26 notify, give adequate warning and implement appropriate safeguards, thereby creating the peril
27 that ultimately damaged Plaintiff.

28 70. Prior to Plaintiff's sexual abuse by Doe 1, Defendants engaged in a pattern and

1 practice of employing sexual abusers at Doe 1. Defendants concealed these facts from participants
2 and members, their parents, the gymnastics community, the public at large, the United States
3 government, various local governments, and law enforcement agencies.

4 71. As part of Doe 1's scheme to sexually abuse young girls, Doe 1 had one-on-one
5 access with participants of Doe 2. This violated Doe 2's own policies. Doe 2 has a set of policies
6 entitled "Standards of Behavior" that provide: "Avoid Being Alone with a Minor. Gymnastics is a
7 sport that lends itself to one-on-one situations between a coach and a gymnast. Avoid being alone
8 with a child or any group of children in a private setting (e.g., locker room, bathroom, office,
9 vehicle or residence), and avoid being alone with a child or any group of children in any place that
10 is inappropriate to the coach-athlete relationship. When a one-on-one situation is necessary, such
11 as private coaching lessons or conversations, conduct the activity within the view of another
12 adult."

13 72. In or around 2002, Ms. Schwikert-Warren went to the home of Doe 1 in Michigan
14 at Doe 1's request. Doe 1 requested that Ms. Schwikert-Warren go to Michigan in order to receive
15 medical treatment at MSU Sports Medicine Clinic, where Doe 1 also worked. During this visit,
16 Ms. Schwikert-Warren stayed with Doe 1 in his home without her parents present. She was alone
17 with Doe 1. Doe 1 performed so-called "medical treatment" on her during this visit and under the
18 guise of treatment sexually abused her by touching her vagina, without gloves and without
19 lubrication. Ms. Schwikert-Warren's parents were not present during any of these examinations by
20 Doe 1, nor was there any other adult on site, as would have been required by Doe 2's Standards of
21 Behavior.

22 73. As part of Defendants' pattern and practice of concealing Doe 1's illegal sexual
23 propensities toward young girls, Defendants implemented measures designed to make Doe 1's
24 conduct harder to detect, pressure his victims to remain silent, and thereby perpetuate Doe 1's
25 pattern of sexual abuse, including:

- 26
- 27 a. Permitting Doe 1 to remain in a position of authority and trust after Defendants
knew or had reason to know that he was a molester of children;
 - 28 b. Placing Doe 1 in a separate and secluded environment, at Doe 2, including

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assigning him unfettered access and control over young girls, giving him individual and private examinations (including private osteopathic adjustments without a chaperone), and allowing Doe 1 to physically and sexually interact with the children, including Ms. Schwikert-Warren;

- c. Failing to disclose Doe 1's prior record of misconduct, sexual abuse, harassment and molestation and his propensity to commit such acts towards participants and members in Doe 2's program, the public at large, and law enforcement;
- d. Allowing Doe 1 unsupervised and un-controlled access to minors, including the Plaintiff Ms. Schwikert-Warren;
- e. Holding out Doe 1 to Plaintiff, her parents, other participants and members of Doe 2, and the public at large as a trustworthy and honest person of high ethical and moral repute who was capable and worthy of being granted unsupervised access to the children of Doe 2;
- f. Failing to investigate or otherwise confirm or deny such facts about Doe 1, 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;
- i. Cloaking Doe 1's prior sexual misconduct with children within the facade of normalcy and under the guise of "medical treatment," thereby disguising the nature of his sexual abuse and contact with minors;
- j. Failing to take reasonable steps and to implement reasonable safeguards to avoid acts of unlawful sexual conduct by Doe 1 such as avoiding placement of Doe 1 in functions or environments in which his solitary contact with children was inherent;
- k. Failing to put in place a system or procedure to supervise or monitor physicians, athletic trainers, and agents to insure they do not molest or abuse minors in Defendants' care.

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

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

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

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

28 77. 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

1 and Doe 5 to ensure the safety of Plaintiff and others.

2 78. Despite having a duty to do so, Defendants failed to adequately train and supervise
3 all staff to create a positive and safe environment, specifically including training to perceive,
4 report and stop inappropriate sexual conduct by other members of the staff, specifically including
5 Doe 1, with children.

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

10 **DOE 5 IS COMPLICIT IN THE SEXUAL ABUSE OF MS. SCHWIKERT-WARREN AND**
11 **IS THE ALTER EGO OF DOE 2**

12 80. Doe 5 is a federally-chartered nonprofit corporation under the Ted Stevens Act.
13 Doe 5 publicly proclaims it is "committed to a safe and positive environment for athletes' physical,
14 emotional, and social development and to ensuring that it promotes an environment free of
15 misconduct." Doe 5 is legally obligated under federal law to ensure as a condition to certification
16 of Doe 2 as a national governing body that Doe 2 provide "proper medical supervision . . . for
17 athletes who will participate in the competition." 36 U.S.C. § 220525(b)(4)(E).

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

26 82. Doe 5 had the ability to protect Ms. Schwikert-Warren from sexual abuse at the
27 hands of one of its employees or agents, Doe 1. Instead, Doe 5 threatened to de-certify Doe 2 as
28 the national governing body for gymnastics because Doe 2 failed to adequately protect the due

1 process rights of child sex abusers who were placed on Doe 2's sham "ban list." Doe 5's pressure,
2 and its overall control and supervision of national governing bodies like Doe 2, and the steps Doe
3 5 took to frustrate any effort by Doe 2 to protect the minors in its care from sex abuse, together
4 make it responsible by law, as alter ego or otherwise, for the actions of Doe 2.

5 83. Further, Doe 5 is the alter ego of Doe 2. Doe 5 had pervasive and unprecedented
6 control over the business and affairs of Doe 2. Indeed, as the national governing body for
7 gymnastics, Doe 2 had to meet stringent requirements under the Ted Stevens Act, including
8 requirements pertaining to the supervision, care, and medical treatment of participants. Doe 5 had
9 the power and authority to enforce those requirements. Doe 5 could enforce them by de-certifying
10 Doe 2; Doe 5 thus had legal and coercive control over Doe 2. Indeed, Doe 5 has threatened to de-
11 certify Doe 2 in the past and by doing so, altered Doe 2's course of conduct, demonstrating actual
12 control. For example, in the wake of the revelations of the sex abuse scandal at Doe 2, Doe 5
13 threatened to de-certify Doe 2 as the national governing body of gymnastics unless Doe 2's entire
14 board of directors were replaced. As anticipated, Doe 2 bowed to Doe 5's threats, proving that
15 Doe 5 had complete control over the highest levels of management at Doe 2. In another instance,
16 Doe 5 actually promoted and exacerbated the pervasive culture of sex abuse at Doe 2 by
17 threatening to de-certify Doe 2 if Doe 2 continued to deny "due process" rights to convicted child
18 sex abusers whom Doe 2 placed on a "ban list." Further, Doe 2 and Doe 5 channeled funds
19 between them, used funds and employees interchangeably, and payed each other's bills.
20 Moreover, Doe 2 was the exclusive body to select and train the athletes that Doe 5 supported at
21 Olympic games.

22 **DEFENDANTS INJURED MS. SCHWIKERT-WARREN**

23 84. As a direct result of the sexual harassment and abuse of Plaintiff by Doe 1, Plaintiff
24 has had difficulty in meaningfully interacting with others, including those in positions of authority
25 over Plaintiff including physicians, athletic supervisors, and agents. Plaintiff has been limited in
26 her ability to meaningfully interact with others due to the trauma of childhood sexual abuse. This
27 inability to interact creates conflict with Plaintiff's values of trust and confidence in others, and has
28 caused Plaintiff substantial emotional distress, anxiety, nervousness and fear. As a direct result of

1 the sexual abuse and molestation by Doe 1, Plaintiff suffered immensely, including, but not
2 limited to, encountering issues with a lack of trust, various negative psychological and emotional
3 sequelae, depressive symptoms, anxiety, and nervousness.

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

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

16 87. In subjecting Ms. Schwikert-Warren to the wrongful treatment herein described,
17 Defendants Doe 1, Doe 2, Doe 3, Doe 4, Doe 5 and Does 6 through 500 acted willfully and
18 maliciously with the intent to harm Plaintiff, and in conscious disregard of Plaintiff's rights, so as
19 to constitute malice and/or oppression under California Civil Code § 3294. Plaintiff is informed,
20 and on that basis alleges, that specifically, the Defendants acted in concert, and under their
21 authority as child care providers, with reckless disregard for the concern of the minor participants
22 in its charge, in order to further financially benefit their respective businesses' growth. The
23 Defendants acted intentionally in creating an environment that harbored molesters, put vulnerable
24 minor participants at-risk of harm, ignored clear warning signs and their duties to report sexual
25 abusers and molesters in their ranks, to maintain a façade of normalcy, in order to maintain its
26 funding and provide further financial growth of the Defendants, on the international level. The
27 safety of the minor participants that were entrusted to Doe 2 was compromised due to Defendants
28 desire to maintain the status quo of the Defendants, and avoid any public scrutiny for its

1 misconduct. Plaintiff is informed, and on that basis alleges, that these willful, malicious, and/or
2 oppressive acts, as alleged herein above, were ratified by the officers, directors, and/or managing
3 agents of the Defendants. Plaintiff is therefore entitled to recover punitive damages, in an amount
4 to be determined by the court, against Defendants Doe 1, Doe 2, Doe 3, Doe 4, Doe 5 and Does 6
5 through 500.

6
7 **FIRST CAUSE OF ACTION**
8 **SEXUAL ASSAULT**
9 **(Against Defendant Doe 1)**

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

12 89. Doe 1 committed an overt act of sexual abuse and molestation against Ms.
13 Schwikert-Warren. The first overt act occurred in 2000 and there were a substantial number of
14 overt acts in the hundreds of "consultations" Ms. Schwikert-Warren had with Doe 1, up to and
15 including 2004, all while Ms. Schwikert-Warren was a member and participant of Doe 2,
16 including on Doe 2's National Team. The overt acts consisted of groping and fondling the
17 Plaintiff's vagina. Doe 1 acted in the course and scope of his agency/employment with Doe 2
18 during this period, putting Ms. Schwikert-Warren in imminent apprehension of such contact.

19 90. In Doe 1's doing this overt act, Doe 1 intended to inflict a harmful or offensive
20 contact against Ms. Schwikert-Warren and intended to cause Ms. Schwikert-Warren to fear such
21 contact. Doe 1 knew that the consequence of an offensive contact was certain to result, as Doe 1's
22 sexual abuse was intentionally inflicted.

23 91. Doe 1's actions placed Ms. Schwikert-Warren in apprehension of an immediate
24 harmful or offensive contact, and Ms. Schwikert-Warren actually believed Doe 1 had the ability to
25 make harmful or offensive contact with Plaintiff's person.

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

1 lasting for the duration of Plaintiff's tenure with Doe 2, in or around 2004, including but not
2 limited to instances of Doe 1 groping and fondling the Plaintiff's vagina all while Doe 1 acted in
3 the course and scope of his agency/employment with Defendants.

4 99. Doe 1's sexual battery involved actual physical contact.

5 100. Doe 1 did the aforementioned acts with the intent to cause a harmful or offensive
6 contact with an intimate part of Plaintiff's person and would offend a reasonable sense of personal
7 dignity. Further, said acts did cause a harmful or offensive contact with an intimate part of
8 Plaintiff's person that would offend a reasonable sense of personal dignity.

9 101. Because of Doe 1's position of authority over Plaintiff, and Plaintiff's mental and
10 emotional state, and Plaintiff's status as a minor, Plaintiff was unable to, and did not, give legal
11 consent to such acts.

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

15 103. As a direct result of the sexual abuse by Doe 1, Plaintiff has difficulty in reasonably
16 or meaningfully interacting with others, including those in positions of authority over Plaintiff
17 including supervisors, and in intimate, confidential and familial relationships, due to the trauma of
18 childhood sexual abuse inflicted upon her by Defendants. This inability to interact creates conflict
19 with Plaintiff's values of trust and confidence in others, and has caused Plaintiff substantial
20 emotional distress, anxiety, nervousness and fear. As a direct result of the sexual abuse and
21 molestation by Doe 1, Plaintiff suffered immensely, including, but not limited to, encountering
22 issues with a lack of trust, various psychological sequelae, depressive symptoms, anxiety, and
23 nervousness.

24 104. Doe 1's sexual battery was a substantial factor in bringing about the harm to Ms.
25 Schwikert-Warren.

26 105. Plaintiff is informed and based thereon alleges that the conduct of Doe 1 was
27 oppressive, malicious and despicable in that it was intentional and done in conscious disregard for
28 the rights and safety of others, and were carried out with a conscious disregard of her right to be

1 free from such tortious behavior, such as to constitute oppression, fraud or malice pursuant to
2 California *Civil Code* section 3294, entitling Plaintiff to punitive damages against Doe 1 in an
3 amount appropriate to punish and set an example of Doe 1.

4 **THIRD CAUSE OF ACTION**
5 **GENDER VIOLENCE**
6 **(Against Doe 1)**

7 106. 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.

9 107. Ms. Schwikert-Warren was subjected to one or more acts of Doe 1 that constituted
10 a crime under California law involving the use, attempted use, or threatened use of physical force
11 against Ms. Schwikert-Warren. Specifically, Doe 1 committed the crime of sexual battery and
12 sexual assault against Ms. Schwikert-Warren, and those crimes involve the use, attempted use, or
13 threatened use of physical force against the person of another.

14 108. Doe 1 committed the crime at least in part based on Ms. Schwikert-Warren's
15 gender. Doe 1 had a propensity to sexually abuse young girls, and Ms. Schwikert-Warren was a
16 young girl.

17 109. Ms. Schwikert-Warren was subjected to Doe 1's physical intrusion or physical
18 invasion of a sexual nature under coercive conditions. Doe 1 made a physical intrusion of
19 invasion of a sexual nature by fondling her vagina under the guise of medical treatment, and the
20 conditions were coercive because Ms. Schwikert-Warren was a minor under the care and custody
21 of Doe 1, was referred to Doe 1 by Doe 2, was manipulated to have trust and confidence in Doe
22 1's care and custody, and had no choice but to receive medical treatment from Doe 1.

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

27 **FOURTH CAUSE OF ACTION**
28 **SEXUAL HARASSMENT (CIVIL CODE § 51.9)**
(Against All Defendants)

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

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

9 113. The incidents of abuse outlined herein above took place while Plaintiff was under
10 the control of Doe 1 and the other Defendants, as well as the staff of the other Defendants, in their
11 capacity and position as team physicians, athletic trainers, and staff at Doe 2 and Doe 5 and while
12 acting specifically on behalf of Defendants.

13 114. During Plaintiff's time as a participant in Doe 2's and Doe 5's programs, Doe 1
14 intentionally, recklessly and wantonly did acts which resulted in harmful and offensive contact
15 with intimate parts of Plaintiff's person, including but not limited to, using his position of authority
16 and age to force Plaintiff to give into Doe 1's sexual suggestions.

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

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

23 117. Even though the Defendants knew or had reason to know of these activities by Doe
24 1, Defendants did nothing to investigate, supervise or monitor Doe 1 to ensure the safety of the
25 minor participants and members.

26 118. Because of Plaintiff's relationship with Defendants, as a team member and
27 participant of Defendants, and Plaintiff's young age as a minor team member and participant,
28 Plaintiff was unable to easily terminate the doctor-patient relationship she had with Defendants.

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

7 120. Defendants' conduct (and the conduct of their agents) was a breach of their duties
8 to Plaintiff.

9 121. 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 **FIFTH CAUSE OF ACTION**
17 **UNFAIR BUSINESS PRACTICES (*BUSINESS & PROFESSIONS CODE §17200*)**
18 **(Against All Defendants)**

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

21 123. Plaintiff is informed and believes and, on that basis, alleges that Defendants have
22 engaged in unlawful, unfair and deceptive business practices including allowing Doe 1 to engage
23 in repeated harassment and sexual abuse of participants and members, including Plaintiff, and
24 failing to take all reasonable steps to prevent harassment and abuse from occurring. The unlawful,
25 unfair and deceptive business practices also included failing to adequately investigate, vet, and
26 evaluate individuals for employment with Defendants, refusing to design, implement, and oversee
27 policies regarding sexual harassment and abuse of children in a reasonable manner that is
28 customary in similar educational environments. Plaintiff is informed and believes and, on that
basis, alleges that Defendants have engaged in unlawful, unfair and deceptive business practices

1 including concealing sexual harassment, abuse and/or molestation claims by participants and
2 members, such as Plaintiff, so as to retain other participants and members within Defendants who
3 were not apprised of such illicit sexual misconduct by Doe 1.

4 124. Plaintiff is informed and believes that Defendants engaged in a common scheme,
5 arrangement or plan to actively conceal allegations against sexual abusers who were employees,
6 agents, members, and/or participants at Doe 2, including Doe 1, such that Doe 2 and Doe 5 could
7 maintain their public image, and avoid detection of such abuse and abusers. Plaintiff is informed
8 and believes and thereon alleges that Defendants actively concealed these allegations, such that
9 Defendants would be insulated from public scrutiny, governmental oversight, and/or investigation
10 from various law enforcement agencies, all done in order to maintain the false sense of safety for
11 participants and their families and to perpetuate the program financially.

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

14 126. Unless restrained, Defendants will continue to engage in the unfair acts and
15 business practices described above, resulting in great and irreparable harm to Plaintiff and/or other
16 similarly situated participants and members.

17 127. Plaintiff seeks restitution for all amounts improperly obtained by Defendants
18 through the use of the above-mentioned unlawful business practices, as well as the disgorgement
19 of all ill-gotten gains and restitution on behalf of Plaintiff and all other similarly situated
20 participants and members who were also subjected to Defendants' illegal and unfair business
21 practices.

22 128. Pursuant to Section 17203 of the California Business and Professions Code and
23 available equitable powers, Plaintiff is entitled to a preliminary and permanent injunction,
24 enjoining Defendants from continuing the unlawful and unfair business practices described above.
25 Further, Plaintiff seeks the appointment of a court monitor to enforce its orders regarding client
26 safety. In addition, Plaintiff is entitled to recover reasonable attorneys' fees pursuant to the
27 *California Business and Professions Code* and section 1021.5 of the *California Code of Civil*
28 *Procedure*.

1 **SIXTH CAUSE OF ACTION**

2 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**
3 **(Against All Defendants)**

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

6 130. Defendants' conduct toward Plaintiff, as described herein, was outrageous and
7 extreme.

8 131. A reasonable person would not expect or tolerate the sexual harassment,
9 molestation and abuse of Plaintiff by Doe 1, and Defendants' knowledge and callous indifference
10 thereof. Plaintiff had great trust, faith and confidence in in Defendants, which, by virtue of Doe 1's
11 and Defendants' wrongful conduct, turned to fear.

12 132. Defendants' conduct toward Plaintiff, as described herein, was outrageous and
13 extreme.

14 133. A reasonable person would not expect or tolerate Defendants putting Doe 1, who
15 was known to Defendants to have physically and sexually abused other participants and members,
16 in a position of care of Plaintiff and other minor participants and members, which enabled Doe 1
17 to have access to minor participants and members so that he could commit wrongful sexual acts,
18 including the conduct described herein, with minors, including Plaintiff. Plaintiff had great trust,
19 faith and confidence in Defendants, which, by virtue of Defendants' wrongful conduct, turned to
20 fear.

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

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

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

7 137. In subjecting Plaintiff to the wrongful treatment herein described, Doe 1, Doe 2,
8 Doe 3, Doe 4 and Does 6 through 500 acted willfully and maliciously with the intent to harm
9 Plaintiff, and in conscious disregard of Plaintiff's rights, so as to constitute malice and/or
10 oppression under California *Civil Code* section 3294. Plaintiff is informed, and on that basis
11 alleges, that these willful, malicious, and/or oppressive acts, as alleged herein above, were ratified
12 by the officers, directors, and/or managing agents of the Defendants. Plaintiff is therefore entitled
13 to recover punitive damages, in an amount to be determined by the court, against Doe 1, Doe 2,
14 Doe 3, Doe 4 and Does 6 through 500.

15 **SEVENTH CAUSE OF ACTION**
16 **CONSTRUCTIVE FRAUD**
17 **(Against All Defendants)**

18 138. 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.

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

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

27 141. Defendants breached their confidential, fiduciary duty and special duties to Plaintiff
28 by the wrongful and negligent conduct described above and incorporated into this cause of action,
and in so doing, gained an advantage over Plaintiff in matters relating to Plaintiff's safety, security

1 and health. In particular, in breaching such duties as alleged, Defendants were able to sustain their
2 status as an institution of high moral repute, and preserve their reputation, all at the expense of
3 Plaintiff's further injury and in violation of Defendants' mandatory duties.

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

- 6 a. Investigate or otherwise confirm or deny such claims of sexual abuse;
- 7
- 8 b. Reveal such facts to Plaintiff, Plaintiff's family and caretakers, the gymnastics
community, the community at large, and law enforcement agencies;
- 9 c. Refuse to place Doe 1 and other molesters in positions of trust and authority
10 within Defendants' institutions;
- 11 d. Refuse to hold out Doe 1 and other molesters to the public, the community,
minors, parents and law enforcement agencies as being in good standing and,
12 trustworthy in keeping with him and his position as a team physician and
authority figure;
- 13 e. Refuse to assign Doe 1 and other molesters to positions of power within Doe 2
and over minors; and
- 14 f. Disclose to Plaintiff, her family, the public, the school community, minors, and
15 law enforcement agencies the wrongful, tortious, and sexually exploitive acts
that Doe 1 had engaged in with children.

16 143. Defendants' breach of their respective duties included:

- 17
- 18 a. Not making reasonable investigations of Doe 1;
- 19 b. Issuing no warnings about Doe 1;
- 20 c. Permitting Doe 1 to routinely be alone with and in control of minors,
unsupervised;
- 21 d. Not adopting a policy to prevent Doe 1 from routinely having minors and
22 participants and members in his unsupervised control;
- 23 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
- 24 f. Assigning and continuing to assign Doe 1 to duties which placed him in
25 positions of authority and trust over minors, positions in which Doe 1 could
easily isolate and sexually abuse minors.

26 144. At the time that Defendants engaged in such suppression and concealment of acts,
27 such acts were done for the purpose of causing Plaintiff to forbear on Plaintiff's rights.
28

1 145. Defendants' misconduct did reasonably cause Plaintiff to forbear on Plaintiff's
2 rights.
3 146. The misrepresentations, suppressions and concealment of facts by Defendants were
4 intended to and were likely to mislead Plaintiff and others to believe that Defendants had no
5 knowledge of any charges against Doe 1, or that there were no other charges of unlawful or sexual
6 misconduct against Doe 1 or others and that there was no need for them to take further action or
7 precaution.
8 147. The misrepresentations, suppressions and concealment of facts by Defendants was
9 likely to mislead Plaintiff and others to believe that Defendants had no knowledge of the fact that
10 Doe 1 was a molester and was known to commit wrongful sexual acts with minors, including
11 Plaintiff.
12 148. Defendants knew or had reason to know at the time they suppressed and concealed
13 the true facts regarding others' sexual molestations, that the resulting impressions were misleading.
14 149. Defendants suppressed and concealed the true facts regarding Doe 1 with the
15 purpose of: preventing Plaintiff, Plaintiff's parents and family, and others, from learning that Doe
16 1 and others had been and were continuing to sexually harass, molest and abuse minors and others
17 under Doe 1's and Defendants' control, direction, and guidance, with complete impunity; inducing
18 people, including Plaintiff and other benefactors and donors to participate and financially support
19 Defendants' program and other enterprises of Defendants; preventing further reports and outside
20 investigations into Doe 1's and Defendants' conduct; preventing discovery of Defendants' own
21 conduct; avoiding damage to the reputations of Defendants; protecting Defendants' power and
22 status in the community and the gymnastics community; avoiding damage to the reputation of
23 Defendants, or Defendants' institutions; and avoiding the civil and criminal liability of Defendants,
24 of Doe 1, and of others.
25 150. At all times mentioned herein, Defendants, and in particular Doe 1, Doe 2, Doe 3,
26 Doe 4, Doe 5 and Does 6 through 500, with knowledge of the tortious nature of their own and Doe
27 1's conduct, knowingly conspired and gave each other substantial assistance to perpetrate the
28 misrepresentations, fraud and deceit alleged herein—covering up the past allegations of sexual

1 misconduct lodged against Doe 1, and allowing Doe 1 to remain in his position as a team
2 physician so they could maintain their reputations and continue with their positions within the
3 organization.

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

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

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

27 154. Because of Plaintiff's young age, and because of the status of Doe 1 as a trusted,
28 authority figure to Plaintiff, Plaintiff was vulnerable to Doe 1. Doe 1 sought Plaintiff out and was

1 empowered by and accepted Plaintiff's vulnerability. Plaintiff's vulnerability also prevented
2 Plaintiff from effectively protecting herself from the sexual advances of Doe 1.

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

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

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

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

11 159. Doe 1, Doe 2, Doe 3, Doe 4 and Does 6 through 500, in concert with each other
12 and with the intent to conceal and defraud, conspired and came to a meeting of the minds whereby
13 they would misrepresent, conceal or fail to disclose information relating to the sexual misconduct
14 of Doe 1, the inability of Defendants to supervise or stop Doe 1 from sexually harassing,
15 molesting and abusing Plaintiff, and their own failure to properly investigate, supervise and
16 monitor his conduct with minor participants and members.

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

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

26 162. In addition, when Plaintiff finally discovered the fraud of Defendants, and
27 continuing thereafter, Plaintiff experienced recurrences of the above-described injuries. Plaintiff
28 experienced extreme and severe mental anguish and emotional distress that Plaintiff had been the

1 victim of Defendants' fraud; that Plaintiff had not been able to help other minors being molested
2 because of the fraud, and that Plaintiff had not been able because of the fraud to receive timely
3 medical treatment needed to deal with the problems Plaintiff had suffered and continues to suffer
4 as a result of the sexual harassment, molestation and abuse.

5 163. In subjecting Plaintiff to the wrongful treatment herein described, Doe 1, Doe 2,
6 Doe 3, Doe 4, Doe 5, and Does 6 through 500 acted willfully and maliciously with the intent to
7 harm Plaintiff, and in conscious disregard of Plaintiff's rights, so as to constitute malice and/or
8 oppression under California *Civil Code* section 3294. Plaintiff is informed, and on that basis
9 alleges, that these willful, malicious, and/or oppressive acts, as alleged herein above, were ratified
10 by the officers, directors, and/or managing agents of the Defendants. Plaintiff is therefore entitled
11 to recover punitive damages, in an amount to be determined by the court, against Defendants Doe
12 1, Doe 2, Doe 3, Doe 4, Doe 5, and Does 6 through 500.

13 **EIGHTH CAUSE OF ACTION**
14 **NEGLIGENCE**

15 **(Against Defendants Doe 2, Doe 3, Doe 4, Doe 5, and Does 6 through 500)**

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

18 165. Prior to and after the first incident of Doe 1's sexual harassment, molestation and
19 abuse of Plaintiff, through the present, Defendants, knew and/or had reason to know that Doe 1
20 had and was capable of sexually, physically, and mentally abusing and harassing Plaintiff or other
21 victims.

22 166. Defendants and each of them had special duties to protect the minor Plaintiff and
23 the other participants and members, when such minors were entrusted to Defendants' care by their
24 parents. Plaintiff's care, welfare and physical custody was entrusted to Defendants. Defendants
25 voluntarily accepted the entrusted care of Plaintiff. As such, Defendants owed Plaintiff, a minor
26 child, a special duty of care that adults dealing with children owe to protect them from harm. The
27 duty to protect and warn arose from the special, trusting, confidential, and fiduciary relationship
28 between Defendants and Plaintiff.

167. Defendants breached their duties of care to the minor Plaintiff by allowing Doe 1 to

1 come into contact with the minor Plaintiff and other participants and members, without
2 supervision; by failing to adequately hire, supervise and retain Doe 1 whom they permitted and
3 enabled to have access to Plaintiff; by concealing from Plaintiff, her family, and law enforcement
4 that Doe 1 was sexually harassing, molesting and abusing minors; and by holding Doe 1 out to
5 Plaintiff and her family as being of high moral and ethical repute, in good standing and
6 trustworthy.

7 168. Defendants breached their duties to Plaintiff by failing to investigate or otherwise
8 confirm or deny such facts of sexual abuse by Doe 1, failing to reveal such facts to Plaintiff, her
9 parents, the community and law enforcement agencies, and by placing Doe 1 into a position of
10 trust and authority, holding him out to Plaintiff, her parents, and the public as being in good
11 standing and trustworthy.

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

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

24
25 **NINTH CAUSE OF ACTION**
NEGLIGENT SUPERVISION

26 **(Against Defendants Doe 2, Doe 3, Doe 4, Doe 5, and Does 6 through 500)**

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

1 172. By virtue of Plaintiff's special relationship with Defendants, and Defendants'
2 relation to Doe 1, Defendants owed Plaintiff a duty to provide reasonable supervision of Doe 1, to
3 use reasonable care in investigating Doe 1's background, and to provide adequate warning to
4 Plaintiff, Plaintiff's family, and minor participants and members of Doe 1's dangerous propensities
5 and unfitness. As an organization responsible for, and entrusted with, the welfare of minor
6 children, Doe 2, Doe 3, Doe 4, Doe 5 and Does 6 through 500 had a duty to protect, supervise, and
7 monitor both the Plaintiff from being preyed upon by sexual predators, and to supervise and
8 monitor Doe 1 such that he would not be placed in seclusion with minor children, including the
9 Plaintiff.

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

14 174. Defendants, by and through their respective agents, servants and employees, knew
15 or had reason to know of Doe 1's dangerous and exploitive propensities and that Doe 1 was an
16 unfit agent. Despite such knowledge, Defendants negligently failed to supervise Doe 1 in his
17 position of trust and authority as a team physician and authority figure over children, where he
18 was able to commit wrongful acts of sexual misconduct against Plaintiff. Defendants failed to
19 provide reasonable supervision of Doe 1, failed to use reasonable care in investigating Doe 1, and
20 failed to provide adequate warning to Plaintiff and Plaintiff's family of Doe 1's dangerous
21 propensities and unfitness. Defendants further failed to take reasonable steps to ensure the safety
22 of minors, including Plaintiff, from sexual harassment, molestation, and abuse.

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

28 176. Defendants were aware or had reason to be aware of how vulnerable children were

1 to sexual harassment, molestation and abuse by teachers and other persons of authority within
2 Defendants' entities.

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

8 178. Defendants were placed on actual or constructive notice that Doe 1 had molested
9 other minors and participants and members during his employment with Defendants. Defendants
10 were informed of molestations of minors committed by Doe 1 prior to Plaintiff's sexual abuse, and
11 of conduct by Doe 1 that would put a reasonable person on notice of such propensity to molest and
12 abuse children.

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

16 180. Defendants' conduct was a breach of their duties to Plaintiff.

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

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

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

28 183. Under the Child Abuse and Neglect Reporting Act, Defendants, by and through

1 their employees and agents, were child care custodians and were under a statutory duty to report
2 known or suspected incidents of sexual molestation or abuse of minors to a child protective
3 agency, pursuant to California *Penal Code* section 11166, and not to impede the filing of any such
4 report.

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

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

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

18 187. Plaintiff was a member of the class of persons for whose protection California
19 *Penal Code* section 11166 was specifically adopted to protect.

20 188. Had Defendants adequately reported the molestation of Plaintiff and other minors
21 as required by California *Penal Code* section 11166, further harm to Plaintiff and other minors
22 would have been avoided.

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

28 190. The physical, mental, and emotional damages and injuries resulting from the sexual

1 molestation of Plaintiff by Doe 1, were the type of occurrence and injuries that the Child Abuse
2 and Neglect Reporting Act was designed to prevent.

3 191. As a result, Defendants' failure to comply with the mandatory reporting
4 requirements of California *Penal Code* section 11166 also constituted a per se breach of
5 Defendants' duties to Plaintiff.

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

9 193. 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
17 **TENTH CAUSE OF ACTION**
NEGLIGENT HIRING/RETENTION
18 **(Against Defendants Doe 2, Doe 3, Doe 4, Doe 5 and Does 6 through 500)**

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

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

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

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

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

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

15 200. Defendants were placed on actual or constructive notice that Doe 1 had molested or
16 was molesting minors and participants and members, both before his employment within
17 Defendants, and during that employment. Defendants had knowledge of inappropriate conduct and
18 molestations committed by Doe 1 before and during his employment yet chose to allow him to
19 remain unsupervised where she sexually abused Plaintiff.

20 201. Even though Defendants knew or had reason to know of these sexually illicit
21 activities by Doe 1, Defendants failed to use reasonable care in investigating Doe 1 and did
22 nothing to reasonably investigate, supervise or monitor Doe 1 to ensure the safety of the minor
23 participants and members.

24 202. Defendants' conduct was a breach of their duties to Plaintiff.

25 203. As a result of the above-described conduct, Plaintiff has suffered and continues to
26 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
27 emotional distress including embarrassment, loss of self-esteem, disgrace, humiliations, and loss
28 of enjoyment of life; has suffered and continues to suffer and was prevented and will continue to

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

4 **ELEVENTH CAUSE OF ACTION**
5 **NEGLIGENT FAILURE TO WARN, TRAIN, or EDUCATE**
6 **(Against Defendants Doe 2, Doe 3, Doe 4, Doe 5, and Does 6 through 500)**

7 204. 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.

9 205. Defendants owed Plaintiff a duty to take reasonable protective measures to protect
10 Plaintiff and other minor participants and members from the risk of childhood sexual harassment,
11 molestation and abuse by Doe 1 by properly warning, training or educating Plaintiff and other
12 about how to avoid such a risk.

13 206. Defendants breached their duty to take reasonable protective measures to protect
14 Plaintiff and other minor participants and members from the risk of childhood sexual harassment,
15 molestation and abuse by Doe 1, such as the failure to properly warn, train or educate Plaintiff and
16 other minor participants and members about how to avoid such a particular risk that Doe 1
17 posed—of sexual misconduct.

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

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

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

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

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

9 211. Ms. Schwikert-Warren is a victim of the federal crime established by 18 U.S.C. §
10 2423. Doe 1 is a person who traveled in interstate commerce and is a United States citizen who
11 traveled in foreign commerce for the purpose of engaging in illicit sexual conduct with Ms.
12 Schwikert-Warren. Doe 2, Doe 3, Doe 4, Doe 5, and Does 6 through 500 aided and abetted Doe
13 1's violation, and they are vicariously and strictly liable for Doe 1's offenses while abroad.

14 212. Doe 1 is a United States citizen. He travelled with Ms. Schwikert-Warren in
15 interstate commerce and abroad for the purpose of engaging in illicit sexual conduct with her.
16 Further, he solicited her to travel from her home in Nevada to Michigan for the purpose of
17 engaging in illicit sexual conduct.

18 213. 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.

25 214. In subjecting Plaintiffs to the wrongful treatment herein described, Defendants
26 acted willfully and maliciously with the intent to harm Plaintiff, and in conscious disregard of
27 Plaintiff's rights, so as to constitute malice, oppression, or fraud under California Civil Code §
28 3294. Plaintiff is informed, and on that basis alleges, that these willful, malicious, oppressive, or
fraudulent acts were ratified by the officers, directors or managing agents of Doe 2 and Doe 5.

1 Plaintiff is therefore entitled to the recovery of punitive damages in an amount to be determined by
2 the court.

3
4 **THIRTEENTH CAUSE OF ACTION**
5 **RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT (18 U.S.C. §§**
6 **1962, 1964)**
7 **(Against Defendants Doe 1, Doe 2, Doe 3, Doe 4, Doe 5, and Does 6 through 500)**

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

10 216. Federal law bars conduct of an enterprise through a pattern of racketeering activity
11 causing injury to a person's business or property.

12 217. Defendants are each an enterprise within the meaning of 18 U.S.C. § 1961(4). Doe
13 2 and Doe 5 are each a corporation. Doe 1, Doe 3, Doe 4, and Does 6 through 500 are each an
14 individual or other enterprise.

15 218. Each of these Defendants engaged in a pattern of racketeering. Racketeering
16 activity includes the sexual exploitation, abuse, and trafficking of minors and conspiracy to
17 commit such acts, and Defendants engaged in multiple acts of such racketeering activity and
18 conspiracy with respect to Ms. Schwikert-Warren such that those acts constituted a pattern.

19 219. Such acts caused injury to Ms. Schwikert-Warren's business or property.
20 Specifically, Ms. Schwikert-Warren has a property interest in her image and likeness. Defendants
21 exploited Ms. Schwikert-Warren's image and likeness by selling or otherwise profiting from it in
22 exchange for sponsorships, broadcasting revenue, and other financial supports. Defendants
23 engaged in a pattern of racketeering, and a racketeering conspiracy, including the concealment and
24 cover up of the sex abuse it knew or should have known, in order to continue to exploit Ms.
25 Schwikert-Warren's image and likeness.

26 220. As a result of such conduct, Ms. Schwikert-Warren suffered injury to her property
27 rights in her image and likeness inasmuch as Defendants obtained exclusive rights to exploit them
28 as a result of the pattern of racketeering activity.

29 221. As a result, Plaintiff is entitled to all damages associated with the injury to her
30 business or property, treble damages, attorney's fees, disgorgement of profits, and other equitable

