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10 an individual

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA

12 IN AND FOR THE COUNTY OF LOS ANGELES

13 BY FAX

14 JORDYN MARIE WIEBER, an individual.

15 Plaintiff,

16 v.

17 UNITED STATES OLYMPIC COMMITTEE,  
18 a Business Entity of form unknown; USA  
19 GYMNASTICS, an Indiana Business Entity of  
20 Form Unknown; MICHIGAN STATE  
21 UNIVERSITY, a Business Entity of Form  
22 Unknown; LARRY NASSAR, an individual;  
23 STEVE PENNY, an individual, PAUL  
24 PARRILLA, an individual, and DOES 1  
25 through 500.

26 Defendants.

Case No.: BC 7 0 2 1 6 7  
Judge: \_\_\_\_\_  
Department: \_\_\_\_\_

COMPLAINT FOR DAMAGES FOR:

- 1) SEXUAL HARASSMENT (C.C. § 51.9);
- 2) MASHA'S LAW (18 U.S.C. §§2255, 2423(b), 2423(c));
- 3) INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS;
- 4) UNFAIR BUSINESS PRACTICES (CAL. BUS. & PROF. CODE §17200);
- 5) BREACH OF FIDUCIARY DUTY;
- 6) CONSTRUCTIVE FRAUD;
- 7) NEGLIGENCE;
- 8) NEGLIGENT SUPERVISION
- 9) NEGLIGENT RETENTION/ HIRING;
- 10) NEGLIGENT FAILURE TO WARN;
- 11) SEXUAL BATTERY;
- 12) GENDER VIOLENCE (C.C. §52.4).

[Filed pursuant to C.C.P. §340.1]

DEMAND FOR JURY TRIAL

27 COMES NOW, Plaintiff JORDYN MARIE WIEBER (hereinafter referred to as  
28 "Plaintiff" or "WIEBER" or "JORDYN WIEBER") who complains and alleges as follows:

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1 **GENERAL ALLEGATIONS AS TO THE PARTIES**

2 1. The instant case arises from team physician and former Women’s Gymnastics  
3 Olympic Team Doctor Defendant Lawrence “Larry” Gerard Nassar (“NASSAR”), taking  
4 advantage of his position of trust and confidence, to serially molest, sexually harass and abuse the  
5 Plaintiff JORDYN WIEBER, along with many of her Olympic teammates and hundreds of other  
6 minors and young adults. The Plaintiff, having faith that as an elite, Olympic-level gymnast, she  
7 would be provided world-class care, supervision and treatment, instead, was allowed to be  
8 molested and sexually abused, all the while other medical personnel were either present or nearby.  
9 Being raised in Michigan, WIEBER dreamt to be one of the most elite gymnasts in the world, and  
10 in turn, invested her entire childhood in pursuing that dream. Though attaining her goal in 2012,  
11 by achieving the pinnacle of success in the sport (a Gold Medal at the London Olympic Games)  
12 the Plaintiff paid an emotional and physical toll for that dream; a dream that necessarily ran through  
13 the hands of NASSAR, as the USA Gymnastics. This sexual abuse by NASSAR spanned from in  
14 or around 2006 through in or around 2012 and occurred on the MICHIGAN STATE  
15 UNIVERSITY (“MSU”) campus, as well as at USA GYMNASTICS (“USAG”) events across the  
16 Nation and the World, including but not limited to events in California and other states. As a result  
17 of this sexual abuse, harassment, and molestation, the Plaintiff, still a young woman, has only just  
18 begun to deal with the mental and psychological trauma she suffered from this abuse, and has only  
19 begun to realize the profound damage that NASSAR’s molestation has caused her.

20 2. The organizations that were responsible for caring for the Plaintiff, and the  
21 individuals within those organizations who the Plaintiff trusted to keep her safe, knew or should  
22 have known that NASSAR was molesting athletes but turned a blind eye to these warnings in order  
23 to maintain the status quo and in utter dereliction of their legal, moral, and ethical duties to protect  
24 the Plaintiff; a minor at the time who could not appreciate the risk she was subjected to. Despite  
25 her trust placed in coaches, those in positions of authority over NASSAR, and those mandated to  
26 report suspected sexual abuse to law enforcement, the Plaintiff and her family were deceived by  
27 the Defendants and was subjected to known risks of abuse by NASSAR.

28 ///



1 minor gymnast who was sexually abused by NASSAR believing this was medical treatment, while  
2 she attended medical appointments at the MSU medical facilities, when she received medical  
3 treatment at Twistars, as well as when she was competing in National and International  
4 Competitions, including but not limited to competitions in California, as well as throughout the  
5 Nation and at Internationally. These meets where the Plaintiff was sexually abused by NASSAR  
6 were hosted, sanctioned, supervised, and/or endorsed by, under the supervision of, chartered,  
7 and/or under the mandate of Defendants USAG, USOC, and DOES 1 through 500, as well as  
8 through their officers and agents, including STEVE PENNY and PAUL PARRILLA. During many  
9 of these events, the Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500,  
10 took care, custody and control of Plaintiff JORDYN WIEBER and stood *in loco parentis* with her  
11 and her parents, through virtue of their trusting and confidential relationship with her. Defendants  
12 USOC, USAG, MSU, NASSAR, PENNY, PARRILLA, and DOES 1 through 500 had a duty to  
13 protect JORDYN WIEBER from known or foreseeable dangers, such as Defendant NASSAR, and  
14 to promptly investigate, censure, discipline, and/or remove Defendant NASSAR; and/or take  
15 remedial actions; actions they never took until long after the cessation of JORDYN WIEBER's  
16 abuse.

17 6. The Plaintiff was an elite level gymnast and member of Team USA who competed  
18 and trained in National and International competitions on behalf of the United States. These  
19 National and International competitions and trainings occurred in places including, but not limited  
20 to: California, the "Karolyi Ranch" located in Huntsville, Texas and other locations across the  
21 United States and internationally. During many of these competitions, the Plaintiff was subjected  
22 to sexual harassment, sexual assault, sexual abuse and molestation by Defendant NASSAR,  
23 including but not limited to competitions and trainings that occurred in California, and other  
24 locations nationally and internationally. The Plaintiff was also sexually abused, molested and  
25 harassed by NASSAR on numerous occasions at the MSU medical facilities, where the Plaintiff  
26 attended for medical appointments. The sexual abuse of the Plaintiff occurred from in or around  
27 2006 through in or around 2012. This sexual abuse of the Plaintiff occurred at events and locations  
28 where Defendants USOC USAG, MSU, NASSAR, PENNY, PARRILLA, and DOES 1 through

1 500 were responsible to supervise the Plaintiff, responsible to supervise NASSAR, ensure proper  
2 medical procedures and protocols were followed, warn the Plaintiff of known dangers, and to  
3 provide for her safety.

4 7. This action is brought pursuant to *Code of Civil Procedure* §340.1, which governs  
5 the statutes of limitations arising from childhood sexual abuse. As a victim of childhood sexual  
6 abuse, who is currently under the age of 26 years old, thus, JORDYN WIEBER’s action is timely.

7 **DEFENDANTS**

8 **DEFENDANT, UNITED STATES OLYMPIC COMMITTEE (“USOC”)**

9 8. Defendant USOC, at all times mentioned herein, was and is a business entity of  
10 form unknown, having its principal place of business in the State of Colorado and is headquartered  
11 in Colorado Springs, Colorado. The USOC is a federally chartered nonprofit corporation, which  
12 was reorganized by the Ted Stevens Amateur Sports Act, originally enacted in 1978. As advertised  
13 on its website, “[t]he USOC has two primary responsibilities in its oversight of Olympic and  
14 Paralympic sport in the United States. The first is to generate resources in support of its mission,  
15 which is to help American athletes achieve sustained competitive excellence. The second is to  
16 ensure organizational resources are wisely and effectively used to that end.” Furthermore,  
17 Defendant “...**USOC is committed to creating a safe and positive environment for athletes’**  
18 **physical, emotional and social development and to ensuring that it promotes an environment**  
19 **free of misconduct.**” Under the Ted Stevens Amateur Sports Act, 36 *U.S.C.* §§220501, *et seq.*  
20 (hereinafter, “Ted Stevens Act”) Defendant USOC had a mandatory obligation to ensure that  
21 before granting NGBs, including USAG, a sanction to host National or International events, that  
22 they provide “**proper medical supervision will be provided for athletes who will participate**  
23 **in the competition.**” 36 *U.S.C.* §§220525(b)(4)(E).

24 9. During the Plaintiff’s sexual abuse by Defendant NASSAR, the “Karolyi Ranch”  
25 was designated as being the United States’ Olympic Training Center, thus, was required to follow  
26 all protocols, mandates, policies, bylaws, rules, and/or practices of Defendant USOC (as well as  
27 Defendant USAG).

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1           10.     During all relevant times during JORDYN WIEBER’s abuse, Defendant USOC  
2 was responsible for ensuring that the Karolyi Ranch, provided adequate supervision for the minors  
3 competing thereat, reasonable safety protocols ensuring the safety of those minors, and reasonable  
4 supervision, training, and oversight procedures for all medical care provided to gymnasts at the  
5 Karolyi Ranch, including training of staff on identification of sexual abuse, proper procedures, use  
6 of proper medical care, and staffing of ample medical personnel to ensure proper care of all minor  
7 gymnasts, including the Plaintiff JORDYN WIEBER. Despite these duties under the law,  
8 Defendant USOC implemented virtually no safety protocols or procedures at the Karolyi Ranch,  
9 and failed to provide any supervision for minor gymnasts training at the Karolyi Ranch.

10           11.     At all times relevant to the Plaintiff’s sexual abuse at the hands of NASSAR,  
11 Defendant USOC was responsible for the Plaintiff’s supervision while competing at the Olympics,  
12 the Olympic Trials, and the World Artistic Gymnastics Championships and trainings for such.  
13 Despite being the body responsible for the Plaintiff’s safety during these events, including, being  
14 responsible for her supervision, medical care, and well-being, Defendant USOC provided entirely  
15 inadequate or effective measures to ensure her protection from the risk of sexual abuse, either at  
16 the events or in her living quarters, where sexual abuse by NASSAR occurred. Despite competing  
17 Internationally, the Plaintiff JORDYN WIEBER was either provided no supervision while medical  
18 treatment was performed in her living quarters by NASSAR or USAG employee Debbie Van Horn  
19 was present for such treatment. Based on information, and therefore belief, despite Ms. Van Horn  
20 being represented as a qualified medical professional, she was not properly trained to supervise  
21 NASSAR, not given mandate to do so, and was otherwise present for sexually abusive treatments  
22 that NASSAR would perform, without reporting such to law enforcement or the proper authorities.  
23 This is how and why NASSAR was allowed solitary access to these minors, including the Plaintiff  
24 JORDYN WIEBER, or alternatively, was allowed to abuse minors (such as the Plaintiff) in the  
25 presence of USAG staff (Ms. Van Horn).

26           12.     In 2010, during the Plaintiff JORDYN WIEBER’s sexual abuse at the hands of  
27 NASSAR, Defendant USOC convened what it termed the “Working Group for Safe Training  
28 Environments” in order to address, among many things, physical and sexual abuse of amateur

1 athletes in National Governing Bodies (“NGB”). It was not until 2011, after this commission met,  
2 that Defendant USOC hired an individual to head its “SafeSport” program and not until 2012 that  
3 a “SafeSport” Handbook was adopted and promulgated safeguards and safety protections for  
4 minor athletes, from the ravages of sexual abuse. Despite only instituting these SafeSport policies  
5 in 2012, Defendant USOC was acutely aware of the ravages of sexual abuse posed to minors in  
6 amateur sports, **for at least a decade prior to this SafeSport program being created**, as they  
7 were informed by former Defendant USAG President, Robert “Bob” Colarossi. *See infra*.

8 13. As a requirement for NGBs, such as Defendant USAG, to remain in “good  
9 standing” with Defendant USOC, Defendant USOC policies require that USAG “...l) comply with  
10 the safe sport policies of the corporation and with the policies and procedures of the independent  
11 safe sport organization designated by the corporation to enhance safe sport practices and to  
12 investigate and resolve safe sport violations (no exceptions to this requirement shall be allowed  
13 unless granted by the CEO, or his or her designee, after allowing the [NGB] or PSO to present the  
14 reasons for such exception)...” The Plaintiff is informed and believes, and on that basis alleges,  
15 that the Safe Sport program was introduced in or around 2011, and that such policies have become  
16 more stringent over the years. Nevertheless, the Defendant USOC continued to fail to adequately  
17 enforce these policies against Defendant NASSAR, and has continually failed to uphold said  
18 policies through proper reporting, supervision, mandates on NGBs (including Defendant USAG),  
19 and other preventative procedures. Even as the SafeSport policies state today herein, Defendant  
20 USOC still failed to uphold these policies and procedures, had they been in-place at the  
21 commencement of JORDYN WIEBER’s sexual abuse. Defendant USOC has and had a culture  
22 and atmosphere that conceals known and suspected sexual abusers, which transcends all policies  
23 and procedures that are set in-place. For this reason, Defendant USOC has a practice and culture  
24 of ignoring its own internal rules and mandates for NGBs, in order to protect its reputation and  
25 blind itself to known abusers within the ranks of NGBs for which it is responsible.

26 14. Moreover, the Defendant USOC currently promulgates the SafeSport policies that  
27 prevent “...USOC employees, coaches, contracted staff, volunteers, board members, committee  
28 and task force members, and other individuals working with athletes or other sport participants

1 while at an OTC, whether or not they are employees of the USOC” and “[a]thletes training  
2 and/or residing at a USOC Olympic Training Center” from engaging in sexually abusive  
3 misconduct, including “child sexual abuse” and “sexual misconduct.” *See* USOC Safe Sport  
4 Policies, Section II(c). SafeSport policy also has policies for identifying “grooming” behaviors,  
5 which it defines as, “...the most common strategy used by offenders to seduce their victims.”

6 15. Subsequent to sometime in 2012, Plaintiff is informed and believes, and on that  
7 basis alleges, that these policies (or prior versions that were similar or less restrictive) were in  
8 effect at Defendant USOC and applied to Defendant USAG. Despite the existence of these policies  
9 after 2012, Defendant USOC allowed Defendant NASSAR to continue to participate with minor  
10 children at Defendant USAG, the NGB for Women’s Gymnastics, and failed to adequately enforce  
11 these policies, or mandate that Defendant USAG enforce these policies. Due to its systemic and  
12 knowing failure to enforce these policies, the Plaintiff was sexually harassed, abused, and molested  
13 by Defendant NASSAR; an individual who was subject to these policies. Plaintiff is informed, and  
14 on that basis, believes that Defendant USAG was at all times in “good standing” with Defendant  
15 USOC, despite failing to adhere to, and enforce, the SafeSport policies, which it violated by  
16 allowing Defendant NASSAR access to minor gymnasts, including the Plaintiff JORDYN  
17 WIEBER. Furthermore, in failing to report suspected child abuse of Defendant NASSAR and/or  
18 failing to enforce policies and procedures to prevent said sexual abuse of minors, the Defendant  
19 USOC prevented the Plaintiff and her parents from avoiding the sexual abuse of the Plaintiff and/or  
20 ceasing it sooner.

21 16. Further, Defendant USOC was required to ensure that NGBs, including Defendant  
22 USAG, ensure that “**proper safety precautions have been taken to protect the personal welfare**  
23 **of the athletics and spectators at the competition.**” 36 *U.S.C.* §§220525(b)(4)(F). Moreover, as  
24 part of an NGB’s mandate from the Defendant USOC, it was to, “**encourage and support**  
25 **research, development, and dissemination of information in the areas of sports medicine and**  
26 **sports safety.**” 36 *U.S.C.* §220524(9). Had Defendant USOC performed its mandate reasonably,  
27 diligently, and in accord with its duty to protect minor children under both Federal and California  
28 Law, Defendant NASSAR would have been investigated, sanctioned, and/or removed from



1 Defendants USAG, USOC, and others, and never have been placed in solitary contact or contact  
2 without qualified supervision, with the Plaintiff. Defendant USOC never adequately or reasonably  
3 enforced these policies, thus, the sexual abuse perpetrated by Defendant NASSAR on the Plaintiff,  
4 as well as hundreds of other minor girls, was a natural, probable and foreseeable outgrowth of  
5 Defendant USOC's dereliction of its duties. Defendant USOC willfully blinded itself and its  
6 officers, agents, employees, and servants, to ravages of sexual abuse that were rampant in amateur  
7 sports and in organizations for which it was responsible to supervise, including Defendant USAG.

8 17. In March of 2017, under the United States Senate Judiciary Committee's inquiry  
9 into the failure of the Defendants USAG and USOC in protecting gymnasts from sexual assault,  
10 specifically centered around Defendant NASSAR, the Defendant USOC's president publicly  
11 admitted, "[t]he Olympic community failed the people it was supposed to protect."

12 18. Plaintiff is informed, and believes, and on that basis alleges that Defendant USOC  
13 was aware, at the highest levels of its organization, that Defendant NASSAR had molested  
14 Olympian and National Team level gymnasts who participated with Defendant USAG, an NGB  
15 under Defendant USOC's charter, while Defendant NASSAR was permitted to return to his  
16 medical practice at Michigan State University ("MSU") without MSU being warned, advised or  
17 otherwise contacted by Defendants USOC or USAG regarding Defendant USOC's knowledge of  
18 NASSAR's sexual abuse of elite, minor gymnasts. Plaintiff is informed and believes, and on that  
19 basis alleges that despite having actual knowledge of Defendant NASSAR's molestation of minor  
20 gymnasts as early as 2015, Defendant USOC concealed their involvement with Defendant USAG,  
21 concealed its knowledge of Defendant NASSAR's sexual misconduct with minor children, and  
22 ultimately, misdirected the United States Senate into believing that Defendant USOC had only  
23 failed to protect minor gymnasts through lack of oversight. Plaintiff is informed and believes, and  
24 on that basis alleges, that Defendant USOC knew that NASSAR had been removed from  
25 Defendant USAG for allegations of child molestation as early as 2015 (as it was Defendant  
26 USOC's custom and practice to necessarily learn of reports of child molestation by an NGB  
27 employee, like those made to Defendant USAG in 2015) given that Defendant USOC was  
28 responsible for the supervision of Defendant USAG. Nonetheless, Defendant USOC had

1 representatives present at the March 2017 Senate Judiciary Committee Hearing and concealed their  
2 prior knowledge of Defendant NASSAR being a pedophile and sexual abuser; leaving the  
3 Senators, those present, and the public with the false impression that Defendant USOC simply  
4 failed to implement proper procedures to prevent abuse. During this hearing, and as early as 2015,  
5 Defendants USOC, USAG, PENNY, PARRILLA and DOES 1 through 500, had knowledge that  
6 Defendant NASSAR had abused young girls, and that he continued to sexually abuse young girls  
7 for over another year at MSU, without notifying, informing, or otherwise communicating this  
8 knowledge to MSU.

9 19. Under California *Penal Code* § 11165.7, Defendant USOC is an organization  
10 whose employees, agents, and/or servants are legally “mandated reporters”, considering that  
11 Defendant USOC is a youth recreational program and Defendant USOC’s employees’ duties  
12 require direct contact and supervision of children.

13 **DEFENDANT, USA GYMNASTICS (“USAG”)**

14 20. USAG, at all times mentioned herein, was and is a business entity of form unknown,  
15 having its principal place of business in the State of Indiana. Plaintiff is informed and believes,  
16 and on that basis alleges that USAG was incorporated in the state of Texas and/or Arizona.  
17 Defendant USAG is the NGB for gymnastics in the United States, as designated and permitted by  
18 Defendant USOC under the Ted Stevens Amateur Sports Act, and selects and trains the United  
19 States gymnastics teams for the Olympics and World Championships, promotes and develops  
20 gymnastics locally and nationally, and serves as a resource center for members, clubs, fans and  
21 gymnasts throughout the United States. USAG has more than 174,000 athletes and professional  
22 members, more than 148,000 athletes registered in competitive programs, as well as more than  
23 25,000 professional, instructor and club members. Approximately 4,000 competitions and events  
24 throughout the United States are sanctioned annually by USAG. USAG was the primary entity  
25 owning, operating and controlling the activities and behavior of its employee agents, including,  
26 but not limited to NASSAR. USAG is also the entity that selects gymnasts for the US National  
27 and Olympic Teams.

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1           21.     The bylaws of Defendant USAG, or similar bylaws previously enacted, were made  
2 in conformity and under the mandate of Defendant USOC, and were intentioned at protecting  
3 minor gymnasts, including JORDYN WIEBER from the ravages of sexual abuse, molestation and  
4 harassment; a known, foreseeable and palpable risk posed to minor athletes in amateur sports.  
5 Nevertheless, despite these bylaws, rules, policies and procedures purportedly being in effect at  
6 Defendant USAG, Defendant USOC never ensured, audited or checked to confirm that these  
7 policies were effective and being implemented properly, adequately and in conformance with the  
8 standard of care. Had Defendant USOC upheld its duties under Federal Law (specifically, the Ted  
9 Stevens Act) in ensuring National Team members, including the Plaintiff JORDYN WIEBER,  
10 were provided proper medical care and supervision, and that they were properly supervised at  
11 competitions and the National Training Center (the Karolyi Ranch in Huntsville, Texas), then the  
12 molestations suffered by JORDYN WIEBER and numerous other gymnasts could have been  
13 avoided.

14           22.     Defendant USAG was the NGB responsible for the supervision of the Plaintiff  
15 while at both National and International events she attended as a minor competitive gymnast;  
16 competitions in which she molested at, by NASSAR. For this reason, USAG had a duty to provide  
17 reasonable and adequate supervision of the Plaintiff while she attended these events, while she was  
18 travelling to and from these events, and during the times that the Plaintiff was being treated for  
19 medical ailments. Despite having this duty, as the Plaintiff was a minor at the time, entrusted to  
20 their custody, care and control, Defendant USAG failed to adequately perform these duties, which  
21 ultimately led to the molestation of the Plaintiff.

22           23.     Under California *Penal Code* § 11165.7, USAG is an organization whose  
23 employees, agents, and/or servants are legally “mandated reporters”, considering that Defendant  
24 USAG is a youth recreational program and USAG’s employees’ duties require direct contact and  
25 supervision of children.

26                   **DEFENDANT MICHIGAN STATE UNIVERSITY (“MSU”)**

27           24.     Defendant Michigan State University (“MSU”), at all times mentioned herein, was  
28 and is a business entity of form unknown, having its principal place of business in the State of

1 Michigan. Plaintiff is informed and believes MSU is a public land grant university, established in  
2 1855, in East Lansing, Michigan. Defendant MSU is a research university that proclaims itself to:  
3 “...work every day to advance the common good in uncommon ways. Together we tackle some of  
4 the world’s toughest problems to find solutions that make life better.” In advertising, Defendant  
5 MSU claims “[o]ur three core, interwoven values are quality, inclusiveness, and connectivity.”  
6 Furthermore, Defendant MSU proclaims itself to be one of the Top 100 universities in the world,  
7 and that it in 2014-2015, it received \$584 million in external funding for research and that it  
8 annually receives \$50 million in international funding. In 2015-2016, MSU had a general fund  
9 budget of over \$1 billion.

10 25. Defendant MSU further claims that it has amongst the best athletics programs in  
11 the nation. As Defendant MSU’s own website declares, its “dedication and excellence was  
12 recognized by CBSSports.com in its annual Best in College Sports Award, which rated [MSU]’s  
13 athletics program No. 2 in the nation across the board, noting it ‘has become a model of  
14 consistency, and its teams have proven capable of winning big and graduating players.’”

15 26. Through his ubiquity and perceived admiration in the National and International  
16 gymnastics community, NASSAR’s history and reputation for providing care to Olympians and  
17 elite level gymnasts derived continuous and substantial economic benefit to MSU, its Sports  
18 Medicine Department and its athletics programs. NASSAR’s reputation as the Olympic  
19 gymnastics doctor created confidence, trust, and pedigree in the Defendant MSU’s Sports  
20 Medicine program which furthered MSU’s financial and athletics interests. Plaintiff is informed  
21 and believes, and on that basis alleges, that by having MSU, the Olympic doctor, employed at the  
22 MSU facilities, MSU benefitted financially by attracting better athletic recruits, and providing  
23 treatment to non-collegiate athletes seeking perceived elite medical care. Furthermore, despite  
24 having knowledge that there were reports of sexual abuse made against Nassar in the late-1990’s,  
25 Defendant MSU nonetheless, never informed USAG of these allegations, never reported to law  
26 enforcement, and never censured, disciplined or fired NASSAR until after the Plaintiff’s abuse  
27 ended.

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1           27. From in or around 1996 until September 2016, NASSAR was a full-time employee  
2 of MSU, and a physician in its Sports Medicine Department. During this period, his job duties  
3 involved a vast allocation of his time (approximately 50%) being spent conducting what is  
4 described by MSU as “outreach”. The organizations that he routinely provided outreach for, and  
5 that MSU knew NASSAR would routinely provide “outreach” for, was USAG and local gyms,  
6 such as Twistars, which can be found in NASSAR’s employment documents. Thus, the work  
7 performed by NASSAR for USAG, and USOC, was performed within the course and scope of  
8 Nasar’s employment with MSU, and MSU was responsible with USAG, for supervising NASSAR,  
9 protecting the Plaintiff from NASSAR and warning the Plaintiff’s parents of the risk posed by  
10 NASSAR to the Plaintiff and other minor girls in USAG’s, MSU’s care. As part of NASSAR’s  
11 employment, MSU explicitly allowed and encouraged NASSAR to travel across the country with  
12 USA Gymnastics. MSU, at all times relevant to the Plaintiff’s abuse, knew that NASSAR was  
13 performing purported medical treatments on minor children, knew that NASSAR had complaints  
14 pertaining to these purported medical treatments (which were sexually abusive acts), but  
15 nonetheless allowed Defendant NASSAR to continue working for USAG, without any prior  
16 warning, protection, or remedial steps taken to limit his access to minor children. Moreover, MSU  
17 permitted NASSAR to conduct clinical examinations and appointments with minors, despite the

18           28. Defendant MSU purposely conducts substantial business activities in the State of  
19 California. Defendant MSU actively seeks and recruits minor athletes from California, specifically  
20 the Los Angeles and Southern California area, to attend schooling at MSU. The Defendant MSU  
21 further conducts business in the State of California by sending representatives to college fairs and  
22 recruitment events to lure potential students to attend Defendant MSU. Furthermore, MSU  
23 employed NASSAR and compensated NASSAR to provide medical treatment throughout the  
24 United States with USAG, and even throughout the world. MSU knowingly permitted NASSAR  
25 to travel the world performing his abusive procedures on minor gymnasts with USAG, including  
26 the Plaintiff Despite having numerous warning signs that NASSAR was sexually abusive towards  
27 minors and young women, MSU continued to employ NASSAR and continued to allow NASSAR  
28 to be associated with USA Gymnastics. MSU knew that NASSAR travelled throughout the United

1 States and employed him to do so. It was under these circumstances that NASSAR was given  
2 solitary and secluded access to minors, including the Plaintiff, where NASSAR sexually violated  
3 the Plaintiff.

4 29. Under the applicable laws, Defendant MSU and its Sports Medicine Department  
5 and athletics departments, are organizations whose employees, agents, and/or servants are legally  
6 “mandated reporters”, considering that Defendant MSU operates a medical facility, and its  
7 employees’ duties require providing direct medical care. Furthermore, Defendant MSU is  
8 governed by Title IX of the Education Amendments of 1972 (“Title IX”), 20 U.S.C. §1681 *et seq.*,  
9 and is required to investigate allegations of sexual assault, sexual abuse and sexual harassment.  
10 Defendant MSU systematically failed to uphold the duties and requirements under Title IX through  
11 a pattern, history and culture of willful disregard for allegations of sexual abuse.

12 30. Because MSU is a public university organized and existing under the laws of the  
13 State of Michigan, and Michigan statutory law requires parties to file a Notice of Intention to File  
14 Claim in order to maintain any action against the state, in satisfaction of M.C.L. §600.6431  
15 Plaintiff filed a Notice of Intent to File Claim with the Michigan Court of Claims that was received  
16 on April 12, 2018, through the use of local counsel in Michigan. Nevertheless, the California  
17 Government Tort Claims Act does not operate to limit or immunize MSU from liability, as MSU  
18 is not a “local public entity”, nor “public entity” as is qualified under the California *Government*  
19 *Code*.

20 **DEFENDANT, LARRY NASSAR**

21 31. Defendant NASSAR, the Perpetrator, at all times mentioned herein was and is an  
22 adult male individual, who lived in the State of Michigan during the period of time during which  
23 the sexual abuse, harassment, and molestation of the Plaintiff alleged herein took place and is  
24 currently a citizen of the State of Michigan. Plaintiff is informed and believes that the NASSAR  
25 was accepted onto the staff of USAG as a trainer in 1986 and then as the National Medical Director  
26 and the National Team Physician for the women’s gymnastics team in 1996. NASSAR was also  
27 responsible for coordinating the care for USAG and for participants and members at every national  
28 and international competition and would routinely travel to National and International

1 competitions. NASSAR continued to function in this capacity at USAG until in or around the  
2 middle of 2015. Moreover, it is upon information and belief, that as the National Team Doctor for  
3 USAG, which was chartered via Defendant USOC, NASSAR was the individual responsible for  
4 maintaining USAG's compliance with the medical requirements, policies and procedures set forth  
5 by Defendant USOC. Nevertheless, Defendant USOC failed to provide supervision, oversight, and  
6 any meaningful inhibition to limit NASSAR's access to minor children. Defendant NASSAR was  
7 retained by Defendants USAG, USOC, PENNY, PARILLA, and DOES 1 through 500 as an  
8 Osteopathic Physician and certified athletic trainer to provide care, treatment, and athletic training  
9 to the Defendants USAG and USOC, and its participants, many of which were minors while in his  
10 care. It was through this position of trust and confidence, that Defendant NASSAR exploited  
11 JORDYN WIEBER, in perpetrating his sexual abuse and harassment upon her. All of the sexually  
12 abusive and harassing conduct alleged herein was done for Defendant NASSAR's sexual  
13 gratification and was based upon the gender of JORDYN WIEBER.

14 32. It is on information and reasonable belief that NASSAR, using his apparent  
15 authority and position within Defendant USAG, MSU and USOC over the minor participants in  
16 his charge, that NASSAR sexually abused and harassed multiple other members of the United  
17 States Women's Olympic Gymnastics Team and National teams, minors in the Michigan  
18 community,, and over the nearly 30 years in which Defendant NASSAR has been affiliated with  
19 Defendants USAG, USOC and DOES 1 through 500.

20 33. At all times herein alleged, NASSAR was an employee, agent, and/or servant of  
21 USAG, USOC, MSU, and DOES 1 through 500, and/or was under their complete control and/or  
22 active supervision.

23 34. In the event NASSAR is prosecuted and convicted of a felony for the conducted  
24 alleged herein, the Plaintiff requests leave to amend the instant Complaint, such that a request for  
25 attorneys' fees can be made against DOE 1 pursuant to *Code of Civil Procedure* § 1021.4.

26 **DEFENDANT, STEPHEN "STEVE" PENNY**

27 35. Defendant STEVE PENNY (hereinafter "PENNY") at all times mentioned herein  
28 was and is an adult male individual, who Plaintiff is informed and believes lived in the State of

1 Indiana during the period of time during which the sexual abuse and harassment alleged herein  
2 took place and is currently a citizen of the State of Indiana. Defendant PENNY was the President  
3 of Defendant USAG charged with the overall management and strategic planning for the  
4 organization. Plaintiff is informed and believes and, on that basis, alleges that Defendant PENNY  
5 oversaw a wide-ranging, calculated concealment of numerous instances, complaints, and  
6 allegations of sexual abuse and misconduct among the participants and members of Defendant  
7 USAG. Through this conduct, Defendant PENNY's actions and inactions enabled and ratified the  
8 sexual abuse by NASSAR against Plaintiff and other participants and members of USAG and  
9 fueled the ongoing concealment of abuse at USAG, making it more unlikely for victims (such as  
10 the Plaintiff) to obtain much needed medical and/or psychological treatment. Plaintiff is informed  
11 and believes that Defendant PENNY served as President of USAG from in or around 2005 to 2017.  
12 At all times herein alleged, PENNY was an employee, agent, and/or servant of Defendant USAG,  
13 and/or was under their complete control and/or active supervision.

14 **DEFENDANT, PAUL PARILLA**

15 36. Defendant PAUL PARILLA (hereinafter "PARILLA") at all times mentioned  
16 herein was and is an adult male individual, who Plaintiff is informed and believes lived in the State  
17 of California, County of Orange, during the period of time during which the sexual abuse and  
18 harassment of JORDYN WIEBER by NASSAR alleged herein took place and is currently a citizen  
19 of the State of California. Defendant PARILLA was a board member of USAG from in or around  
20 1999 to 2018, and was Chairman of the USAG board from approximately 2015 to in or around  
21 January of 2018. Plaintiff is informed and believes and, on that basis, alleges that Defendant  
22 PARILLA oversaw a wide-ranging, calculated concealment of numerous instances, complaints,  
23 and allegations of sexual abuse and misconduct among the participants and members of Defendant  
24 USAG. Through this conduct, PARILLA's actions and inactions enabled and ratified the sexual  
25 abuse by Defendant NASSAR against Plaintiff and other participants and members of USAG and  
26 fueled the ongoing concealment of abuse at Defendant USAG, making it more unlikely for victims  
27 (such as the Plaintiff) to obtain much needed medical and/or psychological treatment. Plaintiff is  
28 informed and believes that PARILLA served as Chairman of the Board from 2015 to present. At



1 all times herein alleged, PARILLA was an employee, agent, and/or servant of USAG, and/or was  
2 under their complete control and/or active supervision.

3 **DEFENDANTS, DOE 1 THROUGH 500**

4 37. Defendants DOES 1 through 500, inclusive, and each of them, are sued herein  
5 under said fictitious names. Plaintiff is ignorant as to the true names and capacities of DOES 1  
6 through 500, whether individual, corporate, associate, or otherwise, and therefore sue said  
7 Defendants by such fictitious names. When their true names and capacities are ascertained,  
8 Plaintiff will request leave of Court to amend this Complaint to state their true names and capacities  
9 herein.

10 38. Defendants USOC, USAG, MSU, NASSAR, PENNY, PARILLA, and DOES 1  
11 through 500, inclusive, are sometimes collectively referred to herein as "Defendants" and/or as  
12 "All Defendants"; such collective reference refers to all specifically named Defendants as well as  
13 those fictitiously named herein.

14 39. Plaintiff is informed and believe, and on that basis, allege that at all times  
15 mentioned herein, each Defendant was responsible in some manner or capacity for the occurrences  
16 herein alleged, and that Plaintiff's damages, as herein alleged, were proximately caused by all said  
17 Defendants.

18 40. At all times mentioned herein, each and every Defendant was an employee, agent,  
19 and/or servant of Defendants USOC, USAG, MSU, and DOES 1 through 500, inclusive, and/or  
20 was under their complete control and/or active supervision. Defendants and each of them are  
21 individuals, corporations, partnerships and/or other entities that engaged in, joined in, and  
22 conspired with other Defendants and wrongdoers in carrying out the tortuous and unlawful  
23 activities described in this Complaint.

24 41. Plaintiff is informed and believe, and on that basis, allege that at all times  
25 mentioned herein, there existed a unity of interest and ownership among Defendants and each of  
26 them such that any individuality and separateness between Defendants, and each of them, ceased  
27 to exist. Defendants and each of them were the successors-in-interest and/or alter egos of the other  
28 Defendants, and each of them, in that they purchased, controlled, dominated and operated each

1 other without any separate identity, observation of formalities, or other manner of division. To  
2 continue maintaining the facade of a separate and individual existence between and among  
3 Defendants, and each of them, would serve to perpetrate a fraud and injustice.

4 42. Plaintiff is informed and believes, and on that basis, alleges that at all times  
5 mentioned herein, Defendants USOC, USAG, MSU, NASSAR, PENNY, PARILLA, and DOES  
6 1 through 500 were the agents, representatives and/or employees of each and other. In doing the  
7 things hereinafter alleged, Defendants and each of them were acting within the course and scope  
8 of said alternative personality, capacity, identity, agency, representation and/or employment and  
9 were within the scope of their authority, whether actual or apparent.

10 43. Plaintiff is informed and believes, and on that basis alleges that at all times  
11 mentioned herein, Defendants USOC, USAG, MSU, NASSAR, PENNY, PARILLA, and DOES  
12 1 through 500 were the trustees, partners, servants, joint venturers, shareholders, contractors,  
13 and/or employees of each other, and the acts and omissions herein alleged were done by them,  
14 acting individually, through such capacity and within the scope of their authority, and with the  
15 permission and consent of each and every other Defendant and that said conduct was thereafter  
16 ratified by each and every other Defendant, and that each of them is jointly and severally liable to  
17 Plaintiff.

18 **SEXUAL ABUSE OF JORDYN WIEBER AND RESULTING LIFELONG DAMAGES**

19 44. By his position within the Defendants' institutions, Defendants demanded and  
20 required that Plaintiff respect NASSAR, in his position as a physician for USAG, USOC, MSU,  
21 and DOES 1 through 500.

22 45. NASSAR did sexually abuse, harass and molest the JORDYN WIEBER, who was  
23 a minor child at the time of the acts at-issue.

24 46. The sexual harassment and abuse of Plaintiff by the Perpetrator (NASSAR),  
25 outlined below, took place while NASSAR was a physician for Defendants USAG, MSU and  
26 under the control of Defendants PENNY, PARILLA, and DOES 1 through 500 and MSU, USAG,  
27 and USOC's agents, employees, servants, officers, and managers. Plaintiff was a

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1 participant, member, and/or patient of Defendants USAG, USOC, MSU, and DOES 1 through 500,  
2 while NASSAR was serving as an agent and employee of Defendants in his capacity as a physician:

3 47. In his capacity as a physician with Defendants USOC, USAG, MSU, and DOES 1  
4 through 500, NASSAR was given custody and supervision of minors, including Plaintiff.  
5 NASSAR used this position to coerce children to concede to his sexual suggestions, using his  
6 authority and position of trust to exploit them physically, sexually, and emotionally.

7 48. Plaintiff became a member and participant of USAG, and a part of the Junior  
8 National Team for USAG in 2006. Plaintiff soon formed a relationship with NASSAR, through  
9 his work at MSU, and through USAG. At this time, in or around 2006 (and sooner), NASSAR  
10 commenced the process of "grooming" Plaintiff for later physical, sexual and emotional abuse.  
11 Plaintiff is informed and believes NASSAR would use the guise of care, athletic training,  
12 osteopathy, and kinesiology to normalize intimate, inappropriate, and sexually abusive contact  
13 with Plaintiff. Plaintiff is informed and believes NASSAR would pretend to be providing  
14 legitimate treatment to the Plaintiff; placing Plaintiff under the impression this inappropriate  
15 contact was part of treatment. During this period, Plaintiff was a patient under NASSAR's direct  
16 supervision and control.

17 49. Plaintiff is informed and believes NASSAR's physical and sexual abuse of Plaintiff  
18 commenced after the grooming of Plaintiff began and occurred approximately 10 times, from in  
19 or around 2006 through in or around 2012. Specifically, the Plaintiff was sexually abused by  
20 NASSAR in California, at the MSU medical clinic, and at numerous locations around the country,  
21 as well as internationally. During this period, Plaintiff was a participant, member, and patient under  
22 NASSAR's and Defendants' direct supervision and control. Using his position as team physician,  
23 NASSAR would interact with Plaintiff under the guise of providing her care and treatments  
24 necessary for her to compete as a world-class, Olympic medal-winning gymnast. Under these  
25 circumstances, NASSAR placed his bare hand into, on, and near the Plaintiff's unclothed vagina,  
26 on multiple occasions, without any supervision or a chaperone. Plaintiff is informed and believes  
27 that NASSAR's sexual abuse, molestation, and harassment of Plaintiff occurred on the premises

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1 of Defendants USAG, MSU, USOC, and various other locations including, but not limited to in  
2 training facilities, and in gyms.

3 50. Plaintiff is informed and believes, and on that basis alleges, that such conduct by  
4 Defendant NASSAR was based upon Plaintiff's gender and was done for Defendant NASSAR's  
5 sexual gratification. These actions upon JORDYN WIEBER were performed by Defendant  
6 NASSAR without the free consent of Plaintiff, as JORDYN WIEBER was a young child, and  
7 could therefore not give valid legal consent.

8 **FACTUAL ALLEGATIONS APPLICABLE TO ALL CLAIMS BY PLAINTIFF**

9 51. At all times material hereto, Plaintiff was a minor participant and member of  
10 Defendant USAG, USOC, MSU, and DOES 1 through 500, and was under their complete control,  
11 dominion, and supervision. Defendant NASSAR worked for, was employed by, and an  
12 agent/servant of Defendants USAG, USOC, MSU, and DOES 1 through 500 when NASSAR came  
13 into contact with JORDYN WIEBER.

14 52. At all times material hereto, NASSAR was under the direct supervision,  
15 management, agency and control of Defendants USOC, USAG, MSU, PENNY, PARILLA, and  
16 DOES 1 through 500, inclusive. NASSAR was the team physician of USAG and for Team USA,  
17 a physician for MSU, and was under the dominion of Defendants USAG, MSU, USOC, and DOES  
18 1 through 500. While a physician at USAG, MSU, and USOC, NASSAR's employment duties  
19 included coordinating the care for Defendant USAG at every national and international  
20 competition, providing individual care and providing for the physical needs and well-being of  
21 participants and members of Defendant USAG (and in accord with Defendant USOC policies,  
22 procedures, and mandates), providing clinical therapy and treatment at MSU, and USAG, and care  
23 including but not limited to osteopathic adjustments and kinesiology treatment to participants and  
24 members of Defendant USAG and patients at MSU, which included JORDYN WIEBER.  
25 JORDYN WIEBER was a participant and member of USAG, and a minor patient at the MSU  
26 clinical facilities, and it is under these circumstances that JORDYN WIEBER came to be under  
27 the direction and control of NASSAR, who used his position of authority and trust to molest and  
28 sexually abuse JORDYN WIEBER.

1           53.     As a member and participant of Defendant USAG and USOC and a minor patient  
2 with MSU clinical facilities, while NASSAR was a physician, JORDYN WIEBER was under  
3 NASSAR's direct supervision, control and care, which created a special, confidential, and  
4 fiduciary relationship between JORDYN WIEBER, her parents, and Defendant NASSAR.  
5 Because of such relationship, NASSAR owed Plaintiff a special duty of care. Additionally, as the  
6 employers and supervisors of NASSAR, with knowledge that he was in contact with and providing  
7 care to children, Defendants USAG, USOC, MSU, PENNY, PARILLA, and DOES 1 through 500  
8 were also in a special, confidential, and fiduciary relationship with Plaintiff, owing her a duty of  
9 care.

10           54.     By assigning NASSAR as a physician of USAG under the mandated and control of  
11 Defendants USOC, MSU, and DOES 1 through 500, Defendant USOC represented to the  
12 community and participants and members of USAG, and MSU that NASSAR was safe,  
13 trustworthy, and of high moral and ethical repute, such that parents of participants and members  
14 need not worry about having NASSAR interact with, and provide care to their minor children.  
15 Defendants did so in order to preserve their own public image and reputation, so they could retain  
16 past participants and members and recruit new participants and members, thus allowing donations  
17 and other financial support to continue flowing into their coffers for financial gain.

18           55.     Plaintiff is informed and believes, and on that basis, alleges that Defendants USAG,  
19 USOC, PARRILLA, PENNY and DOES 1 through 500 knew or should have known that NASSAR  
20 had engaged in unlawful sexually-related conduct in the past, and/or was continuing to engage in  
21 such conduct. Defendants had a duty to disclose these facts to JORDYN WIEBER and her parents,  
22 but negligently and/or intentionally suppressed, concealed or failed to disclose this information.  
23 The duty to disclose this information arose by the special, trusting, confidential, fiduciary  
24 relationship between Defendants and Plaintiff.

25           56.     Plaintiff is informed and believes, and on that basis, alleges that Defendants knew  
26 or should have known that sexually abusive staff, such as NASSAR, were violating Defendants  
27 USOC, MSU, and USAG policies, without enforcement or abatement, and were continually  
28 allowed to be in contact with minor children, such as JORDYN WIEBER. As early as 1999,

1 Defendant USOC was placed on notice by former USAG president Bob Colarossi, who wrote a  
2 letter to the USOC, explaining that the safety procedures and policies that USOC required USAG  
3 to follow, were part of a “...fundamentally flawed process...” and that at USOC there was an  
4 “...**apparent indifference to the welfare of young children manifest in the Committee’s**  
5 **actions.**” See Exhibit A as the Letter from Robert Colarossi to USOC. It was not until 11 years  
6 later, that USOC created the SafeSport program and issued a handbook detailing specific  
7 procedures for preventing sexual abuse of minors, and access to minors by sexual abusers. Despite  
8 instituting this handbook and program, USOC maintained its course and culture of ignoring abuse,  
9 ignoring its internal policies and procedures, and placing minors in the way of danger.

10 57. Plaintiff is informed and believes and, on that basis, alleges Defendants knew of,  
11 or should have known of, NASSAR’s propensity and disposition to engage in sexual misconduct  
12 with minors before he sexually abused and molested JORDYN WIEBER, and knew of the  
13 probability that NASSAR would molest minors with whom he came into contact, such as  
14 JORDYN WIEBER.

15 58. Defendant failed to implement reasonable safeguards to avoid acts of unlawful  
16 sexual conduct by NASSAR in the future, including avoiding placement of NASSAR in a position  
17 where contact and interaction with children is an inherent function. Defendants ignored and  
18 suppressed the past sexual misconduct NASSAR had engaged in, and concealed that information  
19 from JORDYN WIEBER and her family.

20 59. Plaintiff is informed and believes, and on that basis alleges, that Defendants were  
21 apprised, knew or should have known of and/or were put on notice of NASSAR’s past sexual  
22 abuse of children, past claims and/or investigations, and his propensity and disposition to engage  
23 in such unlawful activity and unlawful sexual activity with minor participants and members such  
24 that Defendants knew or should have known that NASSAR would commit wrongful sexual acts  
25 with participants and members, including JORDYN WIEBER. Plaintiff is informed and believes,  
26 and on that basis alleges that personnel and/or employment records and other records of  
27 Defendants’ reflect numerous incidents of inappropriate sexual contact and conduct with minor  
28 participants and members by NASSAR and other professionals, employees, assistants, agents,

1 supervisors and others, including incidents occurring both on and off the physical premises of such  
2 Defendants and at national and international meets. Based on these records and/or accounts of  
3 employees, Defendants knew and/or should have known of NASSAR's history of sexual abuse,  
4 past claims and/or past investigations, and his propensity and disposition to engage in unlawful  
5 activity and unlawful sexual activity with participants and members such that Defendants knew or  
6 should have known that NASSAR would commit wrongful sexual acts with those minor  
7 participants and members, including JORDYN WIEBER.

8 60. Plaintiff is informed and believes, and on that basis alleges, that Defendant  
9 NASSAR was repeatedly informally censured, disciplined and/or reprimanded by Defendants  
10 USAGPENNY, PARILLA, and DOES 1 through 500, for taking an inordinate number of  
11 photographs of young girls, who were gymnasts. This conduct by NASSAR was in direct  
12 contravention of his duties set forth by the Defendants USAG, USOC, PENNY, PARILLA, and  
13 DOES 1 through 500, and was not communicated to the Plaintiff or her family. This conduct was  
14 not further investigated, was not reported to law enforcement or child welfare authorities, and was  
15 never communicated to the Plaintiff, her parents or other gymnasts, in direct violation of Defendant  
16 USAG's mandate under the Defendant USOC's policies, procedures and rules. Subsequent to  
17 NASSAR's initial arrest in 2016, thousands of images of child pornography were located by  
18 Federal law enforcement on his electronic devices, and NASSAR pleaded guilty to such possession  
19 of child pornography in July of 2017. Had Defendants USOC, USAG, PENNY, PARILLA, and  
20 DOES 1 through 500 effectively implemented their safety policies and procedures, damage to the  
21 Plaintiff could have been minimized and NASSAR's conduct could have been stopped earlier, but  
22 it was not.

23 61. Because of the relationship between Plaintiff and Defendants, Defendants had an  
24 obligation and duty under the law not to hide material facts and information about NASSAR's  
25 past, and his deviant sexual behavior and propensities. Additionally, Defendants had an affirmative  
26 duty to inform, warn, and institute appropriate protective measures to safeguard minors who were  
27 reasonably likely to come in contact with Defendant NASSAR, including JORDYN WIEBER at

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1 the time. Defendants willfully refused to notify, give adequate warning and implement appropriate  
2 safeguards, thereby creating the peril that ultimately damaged JORDYN WIEBER.

3 62. Plaintiff is informed and believes, and on that basis alleges, that prior to JORDYN  
4 WIEBER's sexual abuse by Defendant NASSAR, Defendants engaged in a pattern and practice of  
5 employing sexual abusers. Defendants concealed these facts from participants and members, their  
6 parents, the Plaintiff's community, the gymnastics community, the public at large, other NGB's,  
7 the United States government, various local governments, and law enforcement agencies.

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

- 11 • Duty to use reasonable care to protect participants and members from known or  
12 foreseeable dangers
- 13 • Duty to inform the Plaintiff JORDYN WIEBER and her parents of the known risks to  
14 the health and well-being of their daughter while in Defendant's USAG, MSU, and/or  
15 USOC sponsored, authorized, and supervised programs, events and/or trainings;
- 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 • Duty to provide adequate and safe medical care pursuant to 36 U.S.C.  
§§220525(b)(4)(E).

64. Defendants and each of them had and have a duty to protect participants, patients,  
and members, including JORDYN WIEBER. Defendants were required to, and failed, to provide  
adequate supervision, and failed to be properly vigilant in seeing that supervision was sufficient at



1 Defendants USAG, MSU, USOC and DOES 1 through 500 to ensure the safety of JORDYN  
2 WIEBER and others.

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

7 66. Defendants failed to enforce their own rules and regulations designed to protect the  
8 health and safety of the participants and members. Further, they failed to adopt and implement  
9 safety measures, policies and procedures designed to protect minor children such as Plaintiff's  
10 child from the sexually exploitive and abusive acts of their agents and employees such as  
11 NASSAR.

12 67. Plaintiff is informed and believes and, on that basis, alleges that as part of  
13 Defendants' conspiratorial and fraudulent attempt to hide NASSAR's propensity to sexually abuse  
14 children, and prior sexual misconduct with children, from public scrutiny and criminal  
15 investigation, Defendants implemented various measures designed to make NASSAR's conduct  
16 harder to detect and ensure minors with whom he came into contact, such as JORDYN WIEBER,  
17 would be sexually abused, including:

- 18 a. Permitting NASSAR to remain in a position of authority and trust after Defendants  
19 knew or should have known that he was a molester of children;
- 20 b. Placing NASSAR in a separate and secluded environment, at USAG, MSU, and  
21 USOC authorized camps and events, including assigning him unfettered access and  
22 control over minor participants and members that included individual and private  
23 examinations, private osteopathic adjustments without a chaperone, and allowing  
24 NASSAR to physically and sexually interact with the children, including JORDYN  
25 WIEBER;
- 26 c. Failing to disclose NASSAR's prior record of misconduct, sexual abuse,  
27 harassment and molestation and his propensity to commit such acts towards  
28 participants, patients, and members in USAG's, MSU's and USOC's program, the  
public at large, and law enforcement;
- d. Allowing NASSAR's unsupervised and un-controlled access to minors, including  
JORDYN WIEBER;
- e. Holding out NASSAR to JORDYN WIEBER, other participants and members of  
USAG and USOC, 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 USAG;

- 1 f. Failing to investigate or otherwise confirm or deny such facts about NASSAR  
2 including prior arrests, charges, claims and investigations for sexual abuse;
- 3 g. Failing to inform, or concealing from Plaintiff and law enforcement officials the  
4 fact that JORDYN WIEBER and others were or may have been sexually abused,  
5 harassed and molested, after Defendants knew or should have known that NASSAR  
6 may have sexually abused JORDYN WIEBER or others, thereby enabling  
7 JORDYN WIEBER to continue to be endangered and sexually abused, harassed,  
8 molested, and/or creating the circumstance where JORDYN WIEBER and others  
9 were less likely to receive proper medical treatment, thus exacerbating the harm to  
10 JORDYN WIEBER;
- 11 h. Holding out NASSAR to Plaintiff and to the community as being in good standing  
12 and trustworthy;
- 13 i. Cloaking NASSAR's prior sexual misconduct with children within the facade of  
14 normalcy, thereby disguising the nature of his sexual abuse and contact with  
15 minors;
- 16 j. Failing to take reasonable steps and to implement reasonable safeguards to avoid  
17 acts of unlawful sexual conduct by NASSAR such as avoiding placement of  
18 NASSAR in functions or environments in which his solitary contact with children  
19 was inherent;
- 20 k. Failing to put in place a system or procedure to supervise or monitor physicians,  
21 athletic trainers, and agents to insure they do not molest or abuse minors in  
22 Defendants' care.
- 23 l. Failing to investigate Nassar's background adequately.
- 24 m. Allowing NASSAR to practice medicine without a Texas medical license at the  
25 National Training Center.
- 26 n. Failing to implement any reasonable, meaningful, or adequate supervision policies,  
27 practices or procedures at the National Training Center, which would have  
28 prevented NASSAR solitary access to minors, including the Plaintiff.

68. By his position within the Defendants' institutions, NASSAR attained a position of influence over JORDYN WIEBER, her parents, and others. Defendants' conduct created a situation of peril that was not, and could not be appreciated by JORDYN WIEBER. By virtue of Defendants' conspiratorial and fraudulent conduct, and in keeping with their intent to fail to disclose and hide NASSAR's past and present conduct from the community, the public at large and law enforcement, Defendants allowed NASSAR to remain in a position of influence where his unsupervised or negligently supervised conduct with minor participants and members made the molestation and abuse of minor participants and members possible.

69. During the period JORDYN WIEBER was being sexually abused and harassed by NASSAR, Defendants had the authority and ability to prevent such abuse by removing Defendant

1 NASSAR from his position as a physician at Team USA, USAG, MSU, and in his status with the  
2 USOC. They failed to do so, allowing the abuse to occur and to continue unabated. Plaintiff is  
3 informed and believes and, on that basis, alleges that this failure was a part of Defendants'  
4 conspiratorial plan and arrangement to conceal NASSAR's wrongful acts, to avoid and inhibit  
5 detection, to block public disclosure, to avoid scandal, to avoid the disclosure of their tolerance of  
6 child sexual molestation and abuse, to preserve a false appearance of propriety, and to avoid  
7 investigation and action by public authority including law enforcement. Such actions were  
8 motivated by a desire to protect the reputation of Defendants and protect the monetary support of  
9 Defendants, while fostering an environment where such abuse could continue to occur.

10 70. As a direct result of the sexual harassment and abuse that JORDYN WIEBER  
11 suffered from Defendant NASSAR, Defendants USOC, USAG, MSU, PENNY, PARILLA, and  
12 DOES 1 through 500 failing to inform the JORDYN WIEBER (or her parents) of the danger posed  
13 to her by NASSAR, Plaintiff has had difficulty in meaningfully interacting with others, including  
14 those in positions of authority over Plaintiff including physicians, athletic supervisors, athletic  
15 trainers, as well as their servants and agents. Plaintiff has been limited in her ability to  
16 meaningfully interact with others due to the trauma of childhood sexual abuse, and the upset of  
17 having known that they could have prevented such, had Defendants conveyed the appropriate  
18 information. This inability to interact creates conflict with Plaintiff's values of trust and confidence  
19 in others, and has caused Plaintiff substantial emotional distress, anxiety, nervousness and fear. As  
20 a direct result of this conduct, Plaintiff suffered immensely, including, but not limited to,  
21 encountering issues with a lack of trust, various negative psychological and emotional sequelae,  
22 depressive symptoms, anxiety, and nervousness. Having been one of the most famous gymnasts  
23 in the United States, JORDYN WIEBER lost millions of dollars in economic damages, as a result  
24 of her sexual abuse at the hands of NASSAR and continues to suffer from such loss.

25 71. As a direct and proximate result of Defendants' tortious acts, omissions, wrongful  
26 conduct and breaches of their duties, Plaintiff's employment and professional development has  
27 been adversely affected. Plaintiff has lost wages, endorsements, and many financial opportunities  
28 and will continue to lose wages in an amount to be determined at trial. Plaintiff has suffered

1 substantial economic injury, all to Plaintiff's general, special and consequential damage in an  
2 amount to be proven at trial, but in no event less than the minimum jurisdictional amount of this  
3 Court.

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

10 73. In subjecting Plaintiff to the wrongful treatment herein described, Defendants  
11 USOC, USAG, MSU, PENNY, PARILLA, NASSAR and DOES 1 through 500 acted willfully  
12 and maliciously with the intent to harm Plaintiff, and in conscious disregard of Plaintiff's rights,  
13 so as to constitute malice and/or oppression under California *Civil Code* section 3294. Plaintiff is  
14 informed and believes, and on that basis alleges, that specifically, the Defendants acted in concert,  
15 and under their authority as child care providers, with reckless disregard for the concern of the  
16 minor participants in its charge, in order to further financially benefit their respective business'  
17 growth. The Defendants acted intentionally in creating an environment that harbored molesters,  
18 put the vulnerable minor participants at-risk of harm, ignored clear warning signs and their duties  
19 to report sexual abusers and molesters in their ranks, to maintain a façade of normalcy, in order to  
20 maintain its funding and provide further financial growth of Defendants USAG, USOC, MSU,  
21 PENNY, PARILLA and DOES 1 through 500, individually, on the international level. The safety  
22 of the minor participants that were entrusted to Defendants USAG, USOC, MSU, and DOES 1  
23 through 500, was compromised due to Defendants desire to maintain the status quo of the  
24 Defendants' organizations, and avoid any public scrutiny for such misconduct in normalizing and  
25 concealing NASSAR's conduct. Plaintiff is informed, and on that basis alleges, that these willful,  
26 malicious, and/or oppressive acts, as alleged herein above, were ratified by the officers, directors,  
27 and/or managing agents of the Defendants. Plaintiff is therefore entitled to recover punitive

28 ///

1 damages, in an amount to be determined by the court, against Defendants USOC, USAG, MSU,  
2 PENNY, PARILLA, NASSAR and DOES 1 through 500.

3 **DESTRUCTION OF EVIDENCE BY DEFENDANT USAG**

4 74. It is upon information, and therefore belief, that the Plaintiff alleges that sometime  
5 after NASSAR was exposed, again, as a child molester in the Summer of 2015 and Defendants  
6 USAG, PENNY, PARRILLA, USOC, and DOES 1 through 500 could no longer contain the  
7 allegations of rampant abuse perpetrated by NASSAR from reaching law enforcement, Defendant  
8 USAG, by and through its agents, employees, servants, officers, and/or directors, including but not  
9 limited to PENNY and PARRILLA, made a corporate decision to purge or otherwise destroy all  
10 medical records of victims of NASSAR, including those medical records of JORDYN WIEBER,  
11 in order to further conceal the sexual abuse of NASSAR, his use of the guised, ungloved,  
12 intravaginal adjustment procedure. It is further upon information, and therefore belief, that this  
13 destruction was directed by managing agents of USAG, such that evidence germane to criminal,  
14 civil, administrative, and/or legislative inquiry and investigation would forever be shielded from  
15 discovery by potential litigants and their counsel (such as the Plaintiff), as well as the public, law  
16 enforcement, and inquiring legislators. Upon requesting her medical records from Defendant  
17 USAG prior to the commencement of the instant action, the Plaintiff was provided less than 20  
18 pages of purported "records" which consisted of non-traditional and purported "medical records"  
19 including but not limited to insurance forms, casual e-mails containing the medical information of  
20 other athletes, and intake forms for her parents.

21 75. Despite treating with NASSAR for approximately five (5) years, (in or around 2006  
22 through in or around 2012) and having received dozens of purported treatments by NASSAR  
23 (including the approximately 10 abusive intravaginal adjustments), no traditional medical records  
24 are known to exist, and the Plaintiff alleges, based on information and belief, that such records  
25 were intentionally destroyed by Defendant USAG. This destruction was done in direct violation  
26 of Texas, Michigan, and California Law, in violation of the medical record retention standards of  
27 the states, in violation of Federal Law, specifically, the Health Insurance Portability and  
28 Accountability Act ("HIPAA"), was done intentionally to conceal the known wrongdoing of

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1 NASSAR, and done without the consent, knowledge or approval of the Plaintiff, or numerous other  
2 USAG Olympian and National Team Gymnasts who were treated and abused by NASSAR. It is  
3 upon information and therefore belief, that Defendants PENNY and PARRILLA had full  
4 knowledge of such mass medical record destruction, and approved, ratified, and/or otherwise  
5 condoned such destruction.

6 **FIRST CAUSE OF ACTION**  
7 **SEXUAL HARASSMENT: CIVIL CODE § 51.9**  
8 **(Plaintiff JORDYN WIEBER Against Defendants USAG, MSU, USOC, NASSAR and**  
9 **DOES 1 through 500)**

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

12 77. During the Plaintiff JORDYN WIEBER's time as a minor gymnast under the care,  
13 control and/or mandate of Defendants USOC, USAG, MSU, and DOES 1 through 500, NASSAR  
14 recklessly and wantonly made sexual advances, solicitations, requests, demands for sexual  
15 compliance of a hostile nature based on the Plaintiff JORDYN WIEBER's gender that were  
16 unwelcome, pervasive and severe. NASSAR intentionally, recklessly and wantonly did acts which  
17 resulted in harmful and offensive contact with intimate parts of the Plaintiff JORDYN WIEBER's  
18 person, including but not limited to NASSAR using the authority and trust inherent in his position  
19 as a doctor to exploit her physically, psychologically and emotionally. These acts were done for  
20 NASSAR's sexual gratification; all while NASSAR was acting in the course and scope of his  
21 agency/employment with Defendants USAG, USOC, MSU, and DOES 1 through 500.

22 78. The incidents of abuse outlined herein above took place while the Plaintiff  
23 JORDYN WIEBER was under the care of NASSAR, in his capacity and position as a physician,  
24 while acting specifically on behalf of Defendants USOC, USAG, MSU, and DOES 1 through 500,  
25 as well as PENNY, and PARRILLA.

26 79. Because of the Plaintiff JORDYN WIEBER's young age, nature of her competitive  
27 sport, and relationship with NASSAR as a gymnast and patient (under the control and authority of  
28 Defendants USOC, USAG, MSU, and DOES 1 through 500), the Plaintiff JORDYN WIEBER was  
unable to easily terminate her doctor-patient relationship with NASSAR.

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1           80.     Because of NASSAR’s position of authority over Plaintiff JORDYN WIEBER, and  
2 the Plaintiff JORDYN WIEBER’s mental and emotional state, and her young age under the age of  
3 consent, Plaintiff JORDYN WIEBER was unable to, and did not give meaningful consent to such  
4 acts.

5           81.     Even though Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES  
6 1 through 500 knew or should have known of these activities by NASSAR, Defendants USOC,  
7 USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500 did nothing to investigate,  
8 supervise or monitor NASSAR to ensure the safety of Plaintiff JORDYN WIEBER. Defendants  
9 USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500 ratified the sexual  
10 misconduct of NASSAR by retaining him in employment after discovering, or ignoring the facts  
11 that would have led them to discover, his misconduct.

12           82.     Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through  
13 500's conduct was a breach of their duties to JORDYN WIEBER.

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

21           84.     In subjecting Plaintiff to the wrongful treatment herein described, Defendants  
22 USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500, acted willfully and  
23 maliciously with the intent to harm Plaintiff, and in conscious disregard of Plaintiff's rights, so as  
24 to constitute malice and/or oppression under California *Civil Code* section 3294. Plaintiff is  
25 informed, and on that basis alleges, that these willful, malicious, and/or oppressive acts, as alleged  
26 herein above, were ratified by the officers, directors, and/or managing agents of the Defendants  
27 USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500. Plaintiff is therefore

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1 entitled, to the recovery of punitive damages, in an amount to be determined by the court, against  
2 Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500.

3 **SECOND CAUSE OF ACTION**  
4 **MASHA'S LAW (18 U.S.C. §§2255, 2423(b), 2423(c))**  
5 **(Plaintiff JORDYN WIEBER Against Defendants USAG, USOC, MSU, NASSAR and**  
6 **DOES 1 through 500)**

7 85. 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 86. Under 18 U.S.C. §§2255, the Plaintiff JORDYN WIEBER has a private right of  
10 action against NASSAR, and any defendants who are vicariously and/or strictly responsible for  
11 NASSAR while abroad perpetrating his sexual assaults against JORDYN WIEBER, including  
12 Defendants USOC, USAG, MSU, and DOES 1 through 500, and DOES 1 through 500. *See Doe*  
13 *v. Celebrity Cruises, Inc.* (11th Cir. 2004) 394 F.3d 891, 894.

14 87. Plaintiff JORDYN WIEBER is a victim of the federal crime codified as 18 U.S.C.  
15 §2423(b), which was perpetrated by NASSAR and provides, “[a] person who travels in interstate  
16 commerce or travels into the United States, **or a United States citizen ... who travels in foreign**  
17 **commerce, for the purpose of engaging in any illicit sexual conduct with another person shall**  
18 **be fined under this title or imprisoned not more than 30 years, or both.”**

19 88. Furthermore, Plaintiff JORDYN WIEBER is a victim of the federal crime codified  
20 as 18 U.S.C. §2423(c), which was perpetrated by NASSAR and provides, “[a]ny **United States**  
21 **citizen ... who travels in foreign commerce** or resides, either temporarily or permanently, in a  
22 foreign country, **and engages in any illicit sexual conduct with another person shall be fined**  
23 **under this title or imprisoned not more than 30 years, or both.”**

24 89. As alleged herein, Defendant NASSAR travelled with JORDYN WIEBER  
25 internationally and across state lines (including but not limited to the State of California from out-  
26 of-state), wherein he sexually harassed, abused, and molested her, when she was under the age of  
27 18 years old and as previously stated herein. Defendant NASSAR travelled with JORDYN  
28 WIEBER for the sole purpose of engaging in this illicit sexual conduct with her.

89. As a result of the above-described conduct, the Plaintiff JORDYN WIEBER  
suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical



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

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

15 **THIRD CAUSE OF ACTION**  
16 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**  
17 **(Plaintiff JORDYN WIEBER Against Defendants USOC, USAG, MSU, NASSAR, PENNY,**  
18 **PARILLA, and DOES 1 through 500)**

19 92. 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 93. Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through  
22 500's conduct toward Plaintiff, as described herein, was extreme and outrageous.

23 94. A reasonable person would not expect or tolerate Defendants USOC, USAG, MSU,  
24 PENNY, PARRILLA, and DOES 1 through 500 putting NASSAR in positions of authority at  
25 Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500, which enabled  
26 NASSAR to have access to minors including Plaintiff JORDYN WIEBER, so that he could  
27 commit wrongful sexual acts with her, including the conduct described herein above. Plaintiff had  
28 great trust, faith and confidence in in Defendants USOC, USAG, MSU, PENNY, PARRILLA, and  
DOES 1 through 500, which, by virtue of NASSAR and Defendants USOC, USAG, MSU,  
PENNY, PARRILLA, and DOES 1 through 500's wrongful conduct, turned to fear.

1           95.     Moreover, by failing to report NASSAR or honor any of their legal reporting  
2 obligations and by failing to promptly notify the parents of Plaintiff JORDYN WIEBER,  
3 Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500 knew that  
4 Plaintiff would be directly harmed. Under the holding in *Phyllis P.* case, a special relationship and  
5 a duty to notify the parents of Plaintiff was stated. Such duty being independent of any duty  
6 Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500 owed to  
7 Plaintiff JORDYN WIEBER and is a direct duty owed to the Plaintiff's parents and was thereby  
8 created with Plaintiff's parents, whereby Plaintiff's parents are intended or direct victims of  
9 Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500 failures and  
10 can recover for any emotional distress proximately caused thereby. Specifically, Defendants  
11 USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500 had knowledge of  
12 NASSAR's dangerous propensities to sexually abuse children, yet concealed and failed to disclose  
13 to Plaintiff JORDYN WIEBER this information.

14           96.     A reasonable person would not expect or tolerate Defendants USOC, USAG, MSU,  
15 PENNY, PARRILLA, and DOES 1 through 500 to be incapable of supervising and preventing  
16 employees of Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500,  
17 including NASSAR, from committing wrongful sexual acts with minor gymnasts including  
18 Plaintiff JORDYN WIEBER, or to properly supervise NASSAR to prevent such abuse from  
19 occurring, or to promptly notify parents or authorities.

20           97.     Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through  
21 500's conduct described herein was intentional and malicious and done for the purpose of causing,  
22 or with the substantial certainty that it would cause Plaintiff JORDYN WIEBER and her parents,  
23 to suffer humiliation, mental anguish and emotional and physical distress.

24           98.     As a result of the above-described conduct, Plaintiff suffered and continues to suffer  
25 great pain of mind and body, shock, emotional distress, physical manifestations of emotional  
26 distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life;  
27 have suffered and continues to suffer and was prevented and will continue to be prevented from  
28 performing daily activities and obtaining the full enjoyment of life; will sustain loss of earnings

1 and earning capacity, and has incurred and will continue to incur expenses for medical and  
2 psychological treatment, therapy, and counseling.

3 99. In subjecting Plaintiff to the wrongful treatment herein described, Defendants  
4 USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500 acted willfully and  
5 maliciously with the intent to harm Plaintiff JORDYN WIEBER, and in conscious disregard of  
6 Plaintiff's rights, so as to constitute malice and oppression under California *Civil Code* section  
7 3294. Plaintiff is therefore entitled to the recovery of punitive damages, in an amount to be  
8 determined by the court, against Defendants USOC, USAG, MSU, PENNY, PARRILLA, and  
9 DOES 1 through 500, in a sum to be shown according to proof.

10 **FOURTH CAUSE OF ACTION**  
11 **UNFAIR BUSINESS PRACTICES (*BUSINESS & PROFESSIONS CODE* §17200)**  
12 **(Plaintiff JORDYN WIEBER Against Defendants USOC, USAG, MSU, PENNY,**  
13 **PARILLA, and DOES 1 through 500)**

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

16 101. Plaintiff is informed and believes and, on that basis, alleges that Defendants USOC,  
17 USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500 have engaged in unlawful, unfair  
18 and/or deceptive business practices including allowing NASSAR to engage in repeated harassment  
19 of participants and members, including Plaintiff JORDYN WIEBER, and failing to take all  
20 reasonable steps to prevent harassment and abuse from occurring. The unlawful, unfair and  
21 deceptive business practices also included failing to adequately investigate, vet, and evaluate  
22 individuals for employment with Defendants USOC, USAG, MSU, PENNY, PARRILLA, and  
23 DOES 1 through 500, refusing to design, implement, and oversee policies regarding sexual  
24 harassment and abuse of children in a reasonable manner that is customary in similar educational  
25 environments. Plaintiff is informed and believes and, on that basis, alleges that Defendants USOC,  
26 USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500 have engaged in unlawful, unfair  
27 and deceptive business practices including concealing sexual harassment, abuse and/or  
28 molestation claims by participants and members, such as Plaintiff JORDYN WIEBER, so as to  
retain other participants and members within Defendants' organizations, who were not apprised of  
such illicit sexual misconduct by NASSAR.

1           102. Plaintiff is informed and believes, and on that basis alleges that Defendants USOC,  
2 USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500 engaged in a common scheme,  
3 arrangement or plan to actively conceal allegations against sexual abusers who were employees,  
4 agents, members, and/or participants at Defendants USAG, USOC, and DOES 1 through 500, such  
5 that Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500 could  
6 maintain their public image, and avoid detection of such abuse and abusers. Plaintiff is informed  
7 and believes and thereon alleges that Defendants USOC, USAG, MSU, PENNY, PARRILLA, and  
8 DOES 1 through 500 actively concealed these allegations, such that Defendants USOC, USAG,  
9 MSU, PENNY, PARRILLA, and DOES 1 through 500 would be insulated from public scrutiny,  
10 governmental oversight, and/or investigation from various law enforcement agencies, all done in  
11 order to maintain the false sense of safety for participants and their families and to perpetuate the  
12 program financially.

13           103. By engaging in unlawful, unfair and deceptive business practices, Defendants  
14 USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500 benefitted financially to  
15 the detriment of its competitors, who had to comply with the law.

16           104. Unless restrained, Defendants USOC, USAG, MSU, PENNY, PARRILLA, and  
17 DOES 1 through 500 will continue to engage in the unfair acts and business practices described  
18 above, resulting in great and irreparable harm to Plaintiff and/or other similarly situated  
19 participants and members.

20           105. Plaintiff seeks restitution for all amounts improperly obtained by Defendants  
21 USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500 through the use of the  
22 above-mentioned unlawful business practices, as well as the disgorgement of all ill-gotten gains  
23 and restitution on behalf of Plaintiff and all other similarly situated participants and members who  
24 were also subjected to Defendant's illegal and unfair business practices.

25           106. Pursuant to section 17203 of the California *Business and Professions Code* and  
26 available equitable powers, Plaintiff is entitled to a preliminary and permanent injunction,  
27 enjoining Defendants USOC, USAG, MSU, PARRILLA, and DOES 1 through 500 from  
28 continuing the unlawful and unfair business practices described above. Further, Plaintiff seeks the

1 appointment of a court monitor to enforce its orders regarding client safety. In addition, Plaintiff  
2 is entitled to recover reasonable attorneys' fees pursuant to the California *Business and Professions*  
3 *Code* and section 1021.5 of the *California Code of Civil Procedure*.

4 **FIFTH CAUSE OF ACTION**  
5 **BREACH OF FIDUCIARY DUTY**  
6 **(Plaintiff JORDYN WIEBER Against Defendants USOC, USAG, MSU, PENNY,**  
7 **PARILLA, and DOES 1 through 500)**

8 107. 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.

10 108. Defendants USOC, USAG, MSU, and DOES 1 through 500, as childcare custodians  
11 representing that they would keep Plaintiff JORDYN WIEBER safe, were in a fiduciary  
12 relationship with Plaintiff JORDYN WIEBER, owing her a special duty of due care. Defendants  
13 USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500 are mandated reporters, or  
14 organizations required to comply with Mandated Reporting laws, with respect to claims of child  
15 abuse and child safety.

16 109. Moreover, Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1  
17 through 500 owed Plaintiff JORDYN WIEBER a statutory, common law and constitutional duty  
18 to protect her and guarantee her safety while in their custody, care, and control.

19 110. The Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through  
20 500 also owed a special duty to JORDYN WIEBER's parents. As direct victims for failure to notify  
21 of abuse of their minor child (*See Phyllis P. v. Claremont Unified School District*, 183 Cal. App.  
22 3d at 1193) which held that a school district had a special relationship with a parent because the  
23 parent was the "real and foreseeable" victim of the defendants' negligent conduct. Direct victims  
24 may bring claims where there was a negligent breach of a duty arising out of a preexisting  
25 relationship. Any breach committed by the Defendants USOC, USAG, MSU, PENNY,  
26 PARRILLA, and DOES 1 through 500 violates this special relationship and duty owed to Plaintiff  
27 JORDYN WIEBER's parents.

28 111. Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500  
breached their fiduciary duty by failing to properly supervise NASSAR and take appropriate steps  
to prevent the lewd and lascivious conduct perpetrated by NASSAR against JORDYN WIEBER.

1 Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500 also failed to  
2 report NASSAR pursuant to USOC, MSU, and USAG policy. Defendants USOC, USAG, MSU,  
3 PENNY, PARRILLA, and DOES 1 through 500 also failed to implement or follow appropriate  
4 policies and procedures to protect minors, including JORDYN WIEBER. In addition, Defendants  
5 USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500 failed to report NASSAR's  
6 abuse or promptly notify JORDYN WIEBER's parents.

7 112. The employees, servants, agents, volunteers or other representatives of Defendants  
8 USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500, respectively, willfully and  
9 intentionally ignored behavior in NASSAR and complaints against NASSAR that they should have  
10 reported due to their responsibility as mandated reporters.

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

18 114. In subjecting Plaintiff to the wrongful treatment herein described, Defendants  
19 USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500 acted willfully and  
20 maliciously with the intent to harm Plaintiff, and in conscious disregard of Plaintiff's rights, so as  
21 to constitute malice and oppression under California *Civil Code* section 3294. Plaintiff is therefore  
22 entitled to the recovery of punitive damages, in an amount to be determined by the court, against  
23 Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500, in a sum to be  
24 shown according to proof.

25 **SIXTH CAUSE OF ACTION**  
26 **CONSTRUCTIVE FRAUD**  
27 **(Plaintiff JORDYN WIEBER Against Defendants USOC, USAG, MSU, PENNY,**  
28 **PARILLA, and DOES 1 through 500)**

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

1           116. By holding NASSAR out as an agent of Defendants USOC, USAG, MSU, PENNY,  
2 PARRILLA, and DOES 1 through 500, and by allowing him to undertake the physical care,  
3 medical treatment, and athletic training of minor children such as JORDYN WIEBER, Defendants  
4 USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500 entered into a confidential,  
5 fiduciary, and special relationship with Plaintiff.

6           117. By holding themselves out as professional organizations for woman's gymnastics,  
7 undertaking to select and train national gymnastics teams, enforcing policies, rules, and procedures  
8 for gymnasts' safety and facilitating competition both nationally and internationally of JORDYN  
9 WIEBER and other minor team participants and members, Defendants USOC, USAG, MSU,  
10 PENNY, PARRILLA, and DOES 1 through 500 entered into a confidential, fiduciary and special  
11 relationship with Plaintiff and other minor gymnasts (as well as their families).

12           118. Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500  
13 breached their confidential, fiduciary duty and special duties to Plaintiff by the wrongful and  
14 negligent conduct described above and incorporated into this cause of action, and in so doing,  
15 gained an advantage over Plaintiff in matters relating to Plaintiff's safety, security and health. In  
16 particular, in breaching such duties as alleged, Defendants USOC, USAG, MSU, PENNY,  
17 PARRILLA, and DOES 1 through 500 were able to sustain their status as institutions (or  
18 individuals) of high moral repute, and preserve their reputation, all at the expense of Plaintiff's  
19 further injury and in violation of Defendants USOC, USAG, MSU, PENNY, PARRILLA, and  
20 DOES 1 through 500's mandatory duties.

21           119. By virtue of their confidential, fiduciary and special relationship with Plaintiff,  
22 Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500 owed Plaintiff  
23 a duty to:

- 24           a. Investigate or otherwise confirm or deny such claims of sexual abuse;
- 25           b. Reveal such facts to Plaintiff, the gymnastics community, the community at large,  
26           and law enforcement agencies;
- 27           c. Refuse to place NASSAR and other molesters in positions of trust and authority  
28           within Defendants USOC, USAG, MSU, and DOES 1 through 500's institutions;
- d. Refuse to hold out NASSAR and other molesters to the public, the community,  
            minors, parents and law enforcement agencies as being in good standing and,

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trustworthy in keeping with him and his position as a team physician and authority figure;

- e. Refuse to assign NASSAR and other molesters to positions of power within Defendants USOC, USAG, MSU, and DOES 1 through 500 and over minors; and
- f. Disclose to Plaintiff, the public, the school community, minors, and law enforcement agencies the wrongful, tortious, and sexually exploitive acts that NASSAR had engaged in with children.

120. Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500's breach of their respective duties included:

- a. Not making reasonable investigations of NASSAR;
- b. Issuing no warnings about NASSAR;
- c. Permitting NASSAR to routinely be alone with and in control of minors, unsupervised;
- d. Not adopting a policy to prevent NASSAR from routinely having minors and participants and members in his unsupervised control;
- e. Making no reports of any allegations of NASSAR's abuse of participants and members, or of minors prior to or during his employment and/or agency at Defendants USOC, USAG, MSU, and DOES 1 through 500; and
- f. Assigning and continuing to assign NASSAR to duties which placed him in positions of authority and trust over minors, positions in which NASSAR could easily isolate and sexually abuse minors.

121. At the time that Defendants USOC, USAG, PENNY, PARILLA, MSU, and DOES 1 through 500 engaged in such suppression and concealment of acts, such acts were done for the purpose of causing Plaintiff to forbear on her rights.

122. Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500's misconduct did reasonably cause Plaintiff to forbear on her rights.

123. The misrepresentations, suppressions and concealment of facts by Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500 were intended to and were likely to mislead Plaintiff and others to believe that Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500 had no knowledge of any charges, claims or investigations against NASSAR, or that there were no other charges, claims or investigations of unlawful or sexual misconduct against NASSAR or others and that there was no need for them to take further action or precaution.

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1           124. The misrepresentations, suppressions and concealment of facts by Defendants  
2 USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500 were likely to mislead  
3 Plaintiff and others to believe that Defendants had no knowledge of the fact that NASSAR was a  
4 molester and was known to commit wrongful sexual acts with minors, including with JORDYN  
5 WIEBER.

6           125. Defendants knew or should have known at the time they suppressed and concealed  
7 the true facts regarding others' sexual molestations, that the resulting impressions were misleading.

8           126. Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500  
9 suppressed and concealed the true facts regarding NASSAR with the purpose of: preventing  
10 Plaintiff, and others, from learning that NASSAR and others had been and were continuing to  
11 sexually harass, molest and abuse minors and others under NASSAR's and Defendants USOC,  
12 USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500's control, direction, and guidance,  
13 with complete impunity; inducing people, including JORDYN WIEBER and other benefactors  
14 and donors to participate and financially support Defendants USOC, USAG, MSU, and DOES 1  
15 through 500; Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500's  
16 program and other enterprises of Defendants; preventing further reports and outside investigations  
17 into NASSAR and Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through  
18 500's conduct; preventing discovery of Defendants USOC, USAG, MSU, PENNY, PARRILLA,  
19 and DOES 1 through 500's own conduct; avoiding damage to the reputations of Defendants USOC,  
20 USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500; protecting Defendants USOC,  
21 USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500's power and status in the  
22 community and the gymnastics community; avoiding damage to the reputation of Defendants  
23 USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500, or Defendants USOC,  
24 USAG, MSU, and DOES 1 through 500's institutions; and avoiding the civil and criminal liability  
25 of Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500, of  
26 NASSAR, and of others.

27           127. At all times mentioned herein, Defendants USOC, USAG, MSU, PENNY,  
28 PARRILLA, and DOES 1 through 500, with knowledge of the tortious nature of their own and

1 NASSAR's conduct, knowingly conspired and gave each other substantial assistance to perpetrate  
2 the misrepresentations, fraud and deceit alleged herein—covering up the past allegations of sexual  
3 misconduct lodged against NASSAR, and allowing NASSAR to remain in his position as a team  
4 physician so they could maintain their reputations and continue with their positions within the  
5 organization.

6 128. The Plaintiff and others were misled by Defendants USOC, USAG, MSU, PENNY,  
7 PARRILLA, and DOES 1 through 500's suppressions and concealment of facts, and in reliance  
8 thereon, were induced to act or induced not to act, exactly as intended by Defendants USOC,  
9 USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500. Specifically, Plaintiff were  
10 induced to believe that there were no allegations of criminal or sexual abuse against NASSAR and  
11 that he was safe to be around children. Had Plaintiff known the true facts about NASSAR, they  
12 would have not participated further in activities of NASSAR, or continued to financially support  
13 Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500's activities.  
14 They would have reported the matters to the proper authorities, to other minor participants and  
15 members and their parents so as to prevent future recurrences; they would not have allowed  
16 children, including the Plaintiff, to be alone with, or have any relationship with NASSAR; they  
17 would not have allowed children, including the Plaintiff, to attend or be under the control of  
18 Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500; they would  
19 have undertaken their own investigations which would have led to discovery of the true facts; and  
20 they would have sought psychological counseling for the Plaintiff, and for other children molested  
21 and abused by NASSAR.

22 129. By giving NASSAR the position of team physician, Defendants USOC, USAG,  
23 MSU, PENNY, PARRILLA, and DOES 1 through 500 impliedly represented that NASSAR was  
24 safe and morally fit to give children care and provide osteopathic adjustments.

25 130. When Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1  
26 through 500 made these affirmative or implied representations and non-disclosures of material  
27 facts, Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500 knew or  
28 should have known that the facts were otherwise. Defendants USOC, USAG, MSU, PENNY,

1 PARRILLA, and DOES 1 through 500 knowingly and intentionally suppressed the material facts  
2 that NASSAR had on numerous, prior occasions sexually, physically, and mentally abused minors  
3 and participants and members of Defendants USOC, USAG, MSU, and DOES 1 through 500,  
4 including the Plaintiff, and knew of or learned of conduct, or should have known of conduct by  
5 NASSAR which placed Defendants USOC, USAG, MSU, and DOES 1 through 500 on notice that  
6 NASSAR had previously been suspected of felonies, including unlawful sexual conduct with  
7 minors, and was likely abusing children.

8 131. Because of Plaintiff's position on the outside of these organizations, and because  
9 of the status of NASSAR as a trusted, authority figure to Plaintiff and her family, JORDYN  
10 WIEBER was vulnerable to NASSAR and the representations of Defendants USOC, USAG, MSU,  
11 PENNY, PARRILLA, and DOES 1 through 500, both express and implied. NASSAR sought the  
12 Plaintiff out and was empowered by and accepted JORDYN WIEBER's vulnerability. Plaintiff's  
13 vulnerability also prevented her from effectively protecting herself from the sexual advances of  
14 NASSAR.

15 132. Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500  
16 had the duty to obtain and disclose information relating to sexual misconduct of NASSAR.

17 133. Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500  
18 misrepresented, concealed or failed to disclose information relating to sexual misconduct of  
19 NASSAR.

20 134. Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500  
21 knew that they had misrepresented, concealed or failed to disclose information related to sexual  
22 misconduct of NASSAR.

23 135. Plaintiff justifiably relied upon Defendants USOC, USAG, MSU, PENNY,  
24 PARRILLA, and DOES 1 through 500 for information relating to sexual misconduct of NASSAR.

25 136. Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500,  
26 in concert with each other and with the intent to conceal and defraud, conspired and came to a  
27 meeting of the minds whereby they would misrepresent, conceal or fail to disclose information  
28 relating to the sexual misconduct of NASSAR, the inability of Defendants USOC, USAG, MSU,

1 PENNY, PARRILLA, and DOES 1 through 500 to supervise or stop NASSAR from sexually  
2 harassing, molesting and abusing JORDYN WIEBER, and their own failure to properly  
3 investigate, supervise and monitor his conduct with minor participants and members.

4 137. By so concealing, Defendants USOC, USAG, MSU, PENNY, PARRILLA, and  
5 DOES 1 through 500 committed at least one act in furtherance of the conspiracy.

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

13 139. In addition, when Plaintiff finally discovered the fraud of Defendants USOC,  
14 USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500, and continuing thereafter, Plaintiff  
15 experienced recurrences of the above-described injuries. Plaintiff experienced extreme and severe  
16 mental anguish and emotional distress that Plaintiff had been the victim of Defendants USOC,  
17 USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500's fraud; that Plaintiff had not been  
18 able to help other minors being molested because of the fraud, and that Plaintiff had not been able,  
19 because of the fraud, to receive timely medical treatment needed to deal with the problems Plaintiff  
20 has suffered and continues to suffer as a result of the sexual harassment, molestation and abuse of  
21 JORDYN WIEBER.

22 140. In subjecting JORDYN WIEBER to the wrongful treatment herein described,  
23 Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500 acted willfully  
24 and maliciously with the intent to harm Plaintiff, and in conscious disregard of Plaintiff's rights,  
25 so as to constitute malice and/or oppression under California *Civil Code* section 3294. Plaintiff is  
26 informed, and on that basis, allege that these willful, malicious, and/or oppressive acts, as alleged  
27 herein above, were ratified by the officers, directors, and/or managing agents of these Defendants.

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1 Plaintiff is therefore entitled to recover punitive damages, in an amount to be determined by the  
2 court, against Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500.

3 **SEVENTH CAUSE OF ACTION**  
4 **NEGLIGENCE**

4 **(Plaintiff JORDYN WIEBER Against Defendants USOC, USAG, MSU, PENNY,**  
5 **PARILLA, and DOES 1 through 500)**

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

7 142. Prior to and after the first incident of NASSAR's sexual harassment, molestation  
8 and abuse of Plaintiff, through the present, Defendants USOC, USAG, MSU, PENNY,  
9 PARRILLA, and DOES 1 through 500, knew and/or should have known that NASSAR had and  
10 was capable of sexually, physically, and mentally abusing and harassing Plaintiff or other victims.

11 143. Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500  
12 and each of them had special duties to protect the minor Plaintiff and the other participants and  
13 members, when such minors were entrusted to Defendants USOC, USAG, MSU, PENNY,  
14 PARRILLA, and DOES 1 through 500's care by their parents. Plaintiff's care, welfare and physical  
15 custody was entrusted to Defendants USOC and DOES 1 through 500. Defendants USOC, USAG,  
16 MSU, PENNY, PARRILLA, and DOES 1 through 500 voluntarily accepted the entrusted care of  
17 Plaintiff. As such, Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through  
18 500 owed Plaintiff, a minor child, a special duty of care that adults dealing with children owe to  
19 protect them from harm. The duty to protect and warn arose from the special, trusting, confidential,  
20 and fiduciary relationship between Defendants USOC, USAG, MSU, PENNY, PARRILLA, and  
21 DOES 1 through 500 and Plaintiff.

22 144. Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500  
23 breached their duties of care to the minor Plaintiff by allowing NASSAR to come into contact with  
24 the minor Plaintiff and other participants and members, without supervision; by failing to  
25 adequately hire, supervise and retain NASSAR whom they permitted and enabled to have access  
26 to Plaintiff; by concealing from Plaintiff, her family, and law enforcement that NASSAR was  
27 sexually harassing, molesting and abusing minors; and by holding NASSAR out to Plaintiff and  
28 her family as being of high moral and ethical repute, in good standing and trustworthy.

1 145. Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500  
2 breached their duties to Plaintiff by failing to investigate or otherwise confirm or deny such facts  
3 of sexual abuse by NASSAR, failing to reveal such facts to Plaintiff, her parents, the community  
4 and law enforcement agencies, and by placing NASSAR into a position of trust and authority,  
5 holding him out to Plaintiff, her parents, and the public as being in good standing and trustworthy.

6 146. Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500  
7 breached their duty to Plaintiff by failing to adequately monitor and supervise NASSAR and  
8 failing to prevent NASSAR from committing wrongful sexual acts with minors including Plaintiff.  
9 Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500's voluminous  
10 past records of sexual misconduct by NASSAR caused Defendants USOC, USAG, MSU, PENNY,  
11 PARRILLA, and DOES 1 through 500 to know, or gave them information where they should have  
12 known, of NASSAR's incapacity to serve as a team physician, providing for the physical care of  
13 minor females.

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

21 **EIGHTH CAUSE OF ACTION**  
22 **NEGLIGENT SUPERVISION**  
23 **(Plaintiff JORDYN WIEBER Against Defendants USOC, USAG, MSU, PENNY,**  
24 **PARILLA, and DOES 1 through 500)**

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

27 149. By virtue of Plaintiff's special relationship with Defendants USOC, USAG, MSU,  
28 PENNY, PARRILLA, and DOES 1 through 500, and Defendants USOC, USAG, MSU, PENNY,  
PARRILLA, and DOES 1 through 500's relation to NASSAR, Defendants USOC, USAG, MSU,  
PENNY, PARRILLA, and DOES 1 through 500 owed Plaintiff a duty to provide reasonable

1 supervision of NASSAR, to use reasonable care in investigating NASSAR's background, and to  
2 provide adequate warning to Plaintiff, Plaintiff's family, and minor participants and members of  
3 NASSAR, dangerous propensities and unfitness. As organizations and individuals responsible for,  
4 and entrusted with, the welfare of minor children, Defendants USOC, USAG, MSU, PENNY,  
5 PARRILLA, and DOES 1 through 500 had a duty to protect, supervise, and monitor both the  
6 Plaintiff from being preyed upon by sexual predators, and to supervise and monitor NASSAR such  
7 that he would not be placed in seclusion with minor children, including the Plaintiff.

8 150. As representatives of Defendants USOC, USAG, MSU, PENNY, PARRILLA, and  
9 DOES 1 through 500, where many of the participants and members thereof are vulnerable minors  
10 entrusted to these Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through  
11 500, these Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500's  
12 agents expressly and implicitly represented that team physicians and staff, including NASSAR,  
13 were not a sexual threat to children and others who would fall under NASSAR's influence, control,  
14 direction, and care.

15 151. Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500,  
16 by and through their respective agents, servants and employees, knew or should have known of  
17 NASSAR's dangerous and exploitive propensities and that NASSAR was an unfit agent. Despite  
18 such knowledge, Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through  
19 500 negligently failed to supervise NASSAR in his position of trust and authority as a team  
20 physician and authority figure over children, where he was able to commit wrongful acts of sexual  
21 misconduct against Plaintiff. Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES  
22 1 through 500 failed to provide reasonable supervision of NASSAR, failed to use reasonable care  
23 in investigating NASSAR, and failed to provide adequate warning to Plaintiff and Plaintiff's family  
24 of NASSAR dangerous propensities and unfitness. Defendants USOC, USAG, MSU, PENNY,  
25 PARRILLA, and DOES 1 through 500 further failed to take reasonable steps to ensure the safety  
26 of minors, including Plaintiff, from sexual harassment, molestation, and abuse.

27 152. At no time during the periods of time alleged did Defendants USOC, USAG, MSU,  
28 PENNY, PARRILLA, and DOES 1 through 500 have in place a reasonable system or procedure

1 to investigate, supervise and monitor the team physician or staff, including NASSAR, to prevent  
2 pre-sexual grooming and sexual harassment, molestation and abuse of children, nor did they  
3 implement a system or procedure to oversee or monitor conduct toward minors and others in  
4 Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500's care.

5 153. Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500  
6 were aware or should have been aware of how vulnerable children were to sexual harassment,  
7 molestation and abuse by coaches, medical professionals, and other persons of authority within  
8 Defendants USOC, USAG, MSU, and DOES 1 through 500's entities.

9 154. Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500  
10 were put on notice, knew and/or should have known that NASSAR had previously engaged and  
11 was continuing to engage in unlawful sexual conduct with minors, and had committed other  
12 felonies, for his own personal sexual gratification, and that it was foreseeable that he was engaging,  
13 or would engage in illicit sexual activities with Plaintiff, and others, under the cloak of the  
14 authority, confidence, and trust, bestowed upon him through Defendants USOC, USAG, MSU,  
15 PENNY, PARRILLA, and DOES 1 through 500.

16 155. Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500  
17 were placed on actual or constructive notice that NASSAR had molested other minors and  
18 participants and members during his employment with Defendants USOC, USAG, MSU, and  
19 DOES 1 through 500. Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1  
20 through 500 were informed of molestations of minors committed by NASSAR prior to Plaintiff's  
21 sexual abuse and/or upon reasonable investigation/inspection should have been aware of such, and  
22 of conduct by NASSAR that would put a reasonable person on notice of such propensity to molest  
23 and abuse children.

24 156. Even though Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES  
25 1 through 500 knew or should have known of these illicit sexual activities by NASSAR,  
26 Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500 did not  
27 reasonably investigate, supervise or monitor the Perpetrator (NASSAR) to ensure the safety of the  
28 minor participants and members.



1 157. Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through  
2 500's conduct was a breach of their duties to Plaintiff.

3 158. Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500,  
4 and each of them, breached their duty to Plaintiff by, *inter alia*, by failing to adequately monitor  
5 and supervise NASSAR and stop NASSAR from committing wrongful sexual acts with minors  
6 including Plaintiff.

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

14 **NEGLIGENCE PER SE-CONDUCT IN VIOLATION OF MANDATED REPORTING**  
15 **LAWS**

16 160. Under applicable law, Defendants USOC, USAG, MSU, PENNY, PARRILLA,  
17 and DOES 1 through 500, by and through their employees and agents, were child care custodians  
18 and were under a duty to report known or suspected incidents of sexual molestation or abuse of  
19 minors to a child protective agency, and not to impede the filing of any such report.

20 161. Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500  
21 knew or should have known that their team physician, NASSAR, and other staff of Defendants  
22 USOC, USAG, MSU, and DOES 1 through 500, had sexually molested, abused or caused  
23 touching, battery, harm, and/or other injuries to minors, including Plaintiff, giving rise to a duty to  
24 report such conduct.

25 162. Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500  
26 knew, or should have known, in the exercise of reasonable diligence, that an undue risk to minors,  
27 including Plaintiff, existed because Defendants USOC, USAG, MSU, PENNY, PARRILLA, and  
28 DOES 1 through 500 did not comply with California's mandatory reporting requirements, nor any  
other State's mandated reporting requirements.

1           163. By failing to report the continuing molestations and abuse by NASSAR, which  
2 Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500 knew or should  
3 have known about, and by ignoring the fulfillment of the mandated compliance with the reporting  
4 requirements, Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500  
5 created the risk and danger contemplated by the applicable mandated reporting laws, and as a  
6 result, unreasonably and wrongfully exposed Plaintiff and other minors to sexual molestation and  
7 abuse.

8           164. Plaintiff was a member of the class of persons for whose protection applicable  
9 mandated reporting laws were specifically adopted to protect.

10           165. Had Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through  
11 500 adequately reported the molestation of Plaintiff and other minors as required by applicable  
12 mandated reporting laws, further harm to Plaintiff and other minors would have been avoided.

13           166. As a proximate result of Defendants USOC, USAG, MSU, PENNY, PARRILLA,  
14 and DOES 1 through 500's failure to follow the mandatory reporting requirements, Defendants  
15 USOC, USAG, PENNY, PARILLA, and DOES 1 through 50 Defendants USOC, USAG, MSU,  
16 PENNY, PARRILLA, and DOES 1 through 500 wrongfully denied Plaintiff and other minors the  
17 intervention of child protection services. Such public agencies would have changed the then-  
18 existing arrangements and conditions that provided the access and opportunities for the  
19 molestation of Plaintiff by NASSAR.

20           167. The physical, mental, and emotional damages and injuries resulting from the sexual  
21 molestation of Plaintiff by the Perpetrator (NASSAR), were the type of occurrence and injuries  
22 that the applicable mandated reporting laws were designed to prevent.

23           168. As a result, Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1  
24 through 500's failure to comply with the mandatory reporting requirements constituted a per se  
25 breach of Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500's  
26 duties to Plaintiff.

27           169. Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500,  
28 and each of them, breached their duty to Plaintiff by, inter alia, by failing to adequately monitor

1 and supervise NASSAR and stop NASSAR from committing wrongful sexual acts with minors  
2 including Plaintiff.

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

10 **NINTH CAUSE OF ACTION**  
11 **NEGLIGENT HIRING/RETENTION**  
12 **(Plaintiff JORDYN WIEBER Against Defendants USOC, USAG,MSU, PENNY,**  
13 **PARILLA, and DOES 1 through 500)**

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

16 172. By virtue of Plaintiff's special relationship with Defendants USOC, USAG, MSU,  
17 PENNY, PARRILLA, and DOES 1 through 500, and Defendants USOC, USAG, MSU, PENNY,  
18 PARRILLA, and DOES 1 through 500's relation to NASSAR, Defendants USOC, USAG, MSU,  
19 PENNY, PARRILLA, and DOES 1 through 500 owed Plaintiff a duty to not hire or retain  
20 NASSAR, given his dangerous and exploitive propensities, which Defendants USOC, USAG,  
21 MSU, PENNY, PARRILLA, and DOES 1 through 500 knew or should have known about had  
22 they engaged in a reasonable, meaningful and adequate investigation of her background prior to  
23 her hiring or retaining her in subsequent positions of employment.

24 173. Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500  
25 expressly and implicitly represented that the team staff, trainers, and team physicians, including  
26 NASSAR, were not a sexual threat to children and others who would fall under NASSAR's  
27 influence, control, direction, and guidance.

28 174. At no time during the periods of time alleged did Defendants USOC, USAG, MSU,  
PENNY, PARRILLA, and DOES 1 through 500 have in place a reasonable system or procedure  
to investigate, supervise and monitor team staff, trainers, and team physicians, including

1 NASSAR, to prevent pre-sexual grooming or sexual harassment, molestation and abuse of  
2 children, nor did they implement a system or procedure to oversee or monitor conduct toward  
3 minors, participants and members and others in Defendants USOC, USAG, MSU, PENNY,  
4 PARRILLA, and DOES 1 through 500's care.

5 175. Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500  
6 were aware or should have been aware and understand how vulnerable children were to sexual  
7 harassment, molestation and abuse by teachers and other persons of authority within the control of  
8 Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500 prior to  
9 Plaintiff's sexual abuse by NASSAR.

10 176. Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500  
11 were put on notice, and should have known that NASSAR previously engaged and continued to  
12 engage in unlawful sexual conduct with minors and was committing other felonies, for his own  
13 personal gratification, and that it was, or should have known it would have been foreseeable that  
14 he was engaging, or would engage in illicit sexual activities with Plaintiff, and others, under the  
15 cloak of his authority, confidence, and trust, bestowed upon her through Defendants USOC,  
16 USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500.

17 177. Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500  
18 were placed on actual or constructive notice that NASSAR had molested or was molesting minors  
19 and participants and members, both before his employment within Defendants USOC, USAG,  
20 MSU, PENNY, PARRILLA, and DOES 1 through 500, and during that employment Defendants  
21 USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500 had knowledge of  
22 inappropriate conduct and molestations committed by NASSAR before and during his  
23 employment, yet chose to allow him to remain unsupervised where she sexually abused Plaintiff.

24 178. Even though Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES  
25 1 through 500 knew or should have known of these sexually illicit activities by NASSAR,  
26 Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500 failed to use  
27 reasonable care in investigating NASSAR and did nothing to reasonably investigate, supervise or  
28 monitor NASSAR to ensure the safety of the minor participants and members.

1 179. Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through  
2 500's conduct was a breach of their duties to Plaintiff.

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

10 **TENTH CAUSE OF ACTION**  
11 **NEGLIGENT FAILURE TO WARN, TRAIN, or EDUCATE**  
12 **(Plaintiff JORDYN WIEBER Against Defendants USOC, USAG, MSU, PENNY,**  
13 **PARILLA, and DOES 1 through 500)**

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

16 182. Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500  
17 owed Plaintiff a duty to take reasonable protective measures to protect Plaintiff and other minor  
18 participants and members from the risk of childhood sexual harassment, molestation and abuse by  
19 NASSAR by properly warning, training or educating Plaintiff and other about how to avoid such  
20 a risk.

21 183. Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500  
22 breached their duty to take reasonable protective measures to protect Plaintiff and other minor  
23 participants and members from the risk of childhood sexual harassment, molestation and abuse by  
24 NASSAR, such as the failure to properly warn, train or educate Plaintiff and other minor  
25 participants and members about how to avoid such a particular risk that NASSAR posed—of  
26 sexual misconduct.

27 184. Defendants USOC, USAG, MSU, PENNY, PARRILLA, and DOES 1 through 500  
28 breached their duty to take reasonable protective measures to protect Plaintiff and other minor  
participants and members from the risk of childhood sexual harassment, molestation and abuse by  
NASSAR, by failing to supervise and stop employees of Defendants USOC, USAG, PENNY,

1 PARILLA, and DOES 1 through 500, including NASSAR, from committing wrongful sexual acts  
2 with minors, including Plaintiff.

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

10 **ELEVENTH CAUSE OF ACTION**  
11 **SEXUAL BATTERY: *Civil Code* § 1708.5**  
12 **(Plaintiff JORDYN WIEBER Against DEFENDANT NASSAR)**

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

15 187. NASSAR, in doing the things herein alleged, including intending to subject  
16 Plaintiff to numerous instances of sexual abuse and harassment by NASSAR, during Plaintiff's  
17 time with USAG and USOC, beginning in or around 2006 to in or around 2012, including but not  
18 limited to instances of NASSAR groping and fondling the Plaintiff's vagina all while NASSAR  
19 acted in the course and scope of his agency/employment with Defendants, and each of them and  
20 were intended to cause harmful or offensive contact with Plaintiff's person, and did cause such  
21 harmful or offensive contact.

22 188. NASSAR did the aforementioned acts with the intent to cause a harmful or  
23 offensive contact with an intimate part of Plaintiff's person and would offend a reasonable sense  
24 of personal dignity. Further, said acts did cause a harmful or offensive contact with an intimate  
25 part of Plaintiff's person that would offend a reasonable sense of personal dignity.

26 189. Because of NASSAR's position of authority over Plaintiff, and Plaintiff's mental  
27 and emotional state, and Plaintiff's young age under the age of consent, Plaintiff was unable to,  
28 and did not, give meaningful consent to such acts.

///



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Irvine, California 92612  
Telephone: (949) 252-9990

1           195. NASSAR’s acts committed against Plaintiff, as alleged herein, including the sexual  
2 harassment and abuse of the Plaintiff constitutes gender violence and a form of sex discrimination  
3 in that NASSAR’s conduct caused a physical intrusion or physical invasion of a sexual nature upon  
4 Plaintiff under coercive conditions, whether or not those acts have resulted in criminal complaints,  
5 charges, prosecution, or conviction.

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

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**DEMAND FOR JURY TRIAL**

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Plaintiff JORDYN WIEBER hereby demands a trial by jury.

Dated: April 17, 2018

**MANLY, STEWART & FINALDI**

By: John C. Manly  
JOHN C. MANLY, Esq.  
Attorneys for Plaintiff JORDYN WIEBER

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# EXHIBIT "A"



(P)

October 11, 1999



Mr. William J. Hybl, President  
 Mr. Dick Schultz, Executive Director  
 Mr. Scott Blackmun, Deputy Executive Director  
 and General Counsel  
 United States Olympic Committee  
 One Olympic Plaza  
 Colorado Springs, CO 80909

Dear Bill, Dick and Scott:

I am reluctant, given the extraordinary demands being placed on each of you these days, to bring a matter directly to your attention. Unfortunately, I have concluded that I must. The recent experiences of USA Gymnastics with the USOC's Membership and Credentials Committee has been so troubling for our organization, and for me personally, that I feel compelled to share it with you.

On September 7, our Chair, Sandy Knapp, received a letter signed by Membership and Credentials Chairman, Steve Sobel, informing us that "USAG is not in compliance with National Governing Body and membership requirements." This communication is, in our view, the inevitable result of a fundamentally flawed process. Let me be direct; the professional and volunteer leadership of USA Gymnastics believes that the USOC's Membership and Credentials' audit process is badly broken and, perhaps more importantly, are deeply concerned by the apparent indifference to the welfare of young children manifest in the Committee's actions.

There is much about the accomplishments of USA Gymnastics during the past two decades in which we take great pride. Perhaps nothing gives us a greater sense of satisfaction, however, than our national leadership among sports organizations in attempting to protect young athletes from coming in contact with individuals who are unfit to have the honor of being called "coach". While other organizations have chosen to ignore the problem of child abuse in youth sports (see enclosed copy of recent cover story from the September 13 edition of *Sports Illustrated*), USA Gymnastics has investigated every charge and processed each complaint in an effort to protect the children who put their faith in us. To date we have devoted hundreds of thousands of dollars to this effort.

EXHIBIT

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PERGAD 900-601-8889

Believing this to be an area in which there is no margin for error, USA Gymnastics established its rules and procedures with a single clear priority in mind – serving the best interests of the young people in our sport. In order to do that, we established procedures that allowed the president of USA Gymnastics to suspend immediately (pending a prompt resolution of the underlying allegation) any individual charged with a felony involving a statute designed to protect children (e.g. child molestation, statutory rape, battery or assault against a minor), and further allowed the president to deny or rescind the membership of any individual who was convicted or pleaded guilty to a felony. We believed when we created those rules (and continue to believe today) that our approach was the proper one. The Membership and Credentials Committee disagreed with us.

After extensive discussions and correspondence with representatives of the Committee by me and Sandy Knapp, the matter was referred to Jack Swarbrick and Scott. Following his discussions with Scott, Jack recommended to us that USAG agree to forego our ability to suspend individuals who had been charged with a crime, but retain our ability to deny the privilege of membership where the judicial process had resulted in a felony conviction. This was not a compromise we were thrilled with (it meant that an individual who is arrested for child molestation and freed on bond can go back to the gym and coach the next day), but one we were prepared to live with in the interest of getting the matter behind us. Remarkably, despite the good faith efforts of two people – Scott and Jack – infinitely more qualified to evaluate the situation than any member of the Membership and Credentials Committee, that Committee rejected this approach. What is particularly stunning about the Committee's decision is the nature of its rejection. We did not receive a measured response aimed, for example, at trying to distinguish cases involving a felony conviction where the nexus between the conviction and potential risk to children was tenuous, but rather were told merely that "a hearing must be provided for in all situations and... USAG could not except from the hearing process, and impose an immediate suspension on those individuals who has been subjected to a prior non-USAG judicial or administrative hearing" (emphasis added).

In hindsight, I suppose we should not have been surprised by the position taken by the Committee. During the now nearly two years these discussions have dragged on, USA Gymnastics has repeatedly been urged by members of the Committee to resolve the problem by conducting bare-bones telephonic hearings immediately upon receipt of a complaint. This exultation of form over substance is all too typical of the predisposition of this Committee. More importantly, it also ignores the various reasons why such an approach is untenable and poses significant risk to our organization. As the USOC learned in 1994, the intersection between the criminal justice system and the Amateur Sports Act can be an especially treacherous location.

I suspect that if USAG Gymnastics invested additional time and money, we could cobble together some sufficiently muddled amendment to our Bylaws that would satisfy the Membership and Credentials Committee. That is, however, a use of Federation resources I am no longer prepared to allow. Simply stated, we have no intention of dealing further on this matter with representatives of the Membership and Credentials Committee.



We welcome the opportunity to address this matter in other forums acceptable to the three of you, but in inviting that resolution want you to know that we are more resolute than ever in our determination to do whatever it takes to protect the children we serve.

In anticipation of future discussions, let us be absolutely clear about our position. USA Gymnastics has no reluctance to provide hearings to any athlete or professional member in circumstances where hearings are appropriate. In fact, we believe our grievance and member discipline procedures are more refined, and the number of hearings we have conducted in the past ten years is greater, than those of almost any other national governing body. All we want to be certain of here is that: 1) we do not have a circumstance where a panel of three volunteers is asked to reconsider and independently evaluate the factual circumstances that give rise to a felony conviction in a court of law of competent jurisdiction in this country; and 2) we do not allow the occasion of a delay in the timing of a hearing (regardless of the legitimate factors which may contribute to that delay) to put any USA Gymnastics' member gymnast in a position where we believe their personal safety to be at risk. From our perspective, any risk is an unacceptable risk when it comes to protecting young athletes from abuse.

While the circumstances of this particular issue have undeniably inflamed the passions of those of us responsible for leading USA Gymnastics, these unhappy circumstances are all too indicative of our experiences with this Committee in recent years. In brief, I believe that this Committee has fundamentally lost its way and ought to be reconstituted or its purpose redefined. What ought to be a positive experience of helping national governing bodies conduct a self-audit designed to make them better organizations has turned into a hyper-technical review of governance documents by individuals whose qualifications to conduct such a review are tenuous at best.

Properly conducted, we believe the Membership and Credentials Committee review could be a positive and productive experience. As the Committee which reviews the core activities of each national governing body, the Membership and Credentials Committee is in a position to serve as a valuable information source for what is and isn't working in our industry. Unfortunately, they do not view that as their mission. So we come to the circumstance we have here. The Membership and Credentials Committee reviews national governing bodies who, regrettably, appear to have chosen to ignore the issue of coaching misconduct (but have acceptable hearing procedures in place) and decrees these governing bodies to be in compliance. Yet the national governing body who has taken the lead in this country in moving to protect its athletes against physical, sexual and emotional abuse, and who has provided its procedures for doing so in great detail, is found to be out of compliance because we refuse to conduct a hearing to determine whether an individual who has been convicted of child molestation ought to be allowed to be a professional member of our association. That is a process and a result that no longer deserves the support of the Olympic family.

Again, my apologies for having to add to your already crowded agendas, but, as I hope you can now appreciate, this is a matter about which we feel passionately. It is a matter that goes to the core of the relationship between the national governing body and its

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athletes, and so is a matter that ought to be of central importance to the USOC. As USA-Gymnastics' experience demonstrates, this is not an issue that can be wished away. The USOC can either position itself as a leader in the protection of young athletes or it can wait until it is forced to deal with the problem under much more difficult circumstances. It is my sincere hope that the USOC will seize the opportunity presented by this dispute to follow the former course of action.

Thank you in advance for your attention to this matter.

Sincerely,



Robert Colarossi

Enclosure

CC: Sandy Knapp  
Jack Swarbrick  
Michelle Dussere-Farrell  
Gary Johansen  
Steve Sobel