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JOHN C. MANLY, Esq. (State Bar No. 149080)  
VINCE W. FINALDI, Esq. (State Bar No. 238279)  
ALEX CUNNY (State Bar No. 291567)  
**MANLY, STEWART & FINALDI**  
19100 Von Karman Ave., Suite 800  
Irvine, CA 92612  
Telephone: (949) 252-9990

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Fax: (949) 252-9991

Sherri R. Carter, Executive Officer/Clerk  
By: Moses Soto, Deputy

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Attorneys of Record for Plaintiff, JANE LM DOE

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9

**IN AND FOR THE COUNTY OF LOS ANGELES**

10

JANE LM DOE, an individual,

Case No.:

**BC 6 3 8 7 2 4**

11

Plaintiff,

Judge: \_\_\_\_\_

12

v.

Department: \_\_\_\_\_

13

**COMPLAINT FOR DAMAGES FOR:**

T & FINALDI  
Ave., Suite 800  
Irvine, CA 92612  
(949) 252-9990

DR. LARRY NASSAD, et al. vs. JANE LM DOE

**GENERAL ALLEGATIONS AS TO THE PARTIES**

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3 1. This action seeks to vindicate the rights of JANE LM DOE, a former elite  
4 gymnast, who was sexually abused, harassed, violated, and molested, as a minor, by the very  
5 individual who was hired, retained, and supervised by Defendant USA GYMNASTICS, the  
6 KAROLYI DEFENDANTS, and DOES 1 through 500, to provide healing, therapy and treatment  
7 for JANE LM DOE: The perpetrator, Defendant DR. LARRY NASSAR (hereinafter referred to  
8 as “NASSAR” or “The Perpetrator”, interchangeably). JANE LM DOE forfeited the better part  
9 of her formative years, in order to pursue her passion of gymnastics. The values set forth by  
10 Defendants USA GYMNASTICS, BELA KAROLYI, MARTHA KAROLYI, KAROLYI  
11 TRAINING CAMPS, LLC, KAROLYI WORLD GYMNASTICS INC., KAROLYI'S ELITE,  
12 AOGC ALL OLYMPIA GYMNASTIC CENTER INC., GALINA MARINOVA, ARTUR  
13 AKOPYAN, and DOES 1 through 500, who had a legal, moral and ethical duty to protect JANE  
14 LM DOE, were compromised and ignored, in allowing the Perpetrator (NASSAR) to access  
15 JANE LM DOE (as well as other gymnasts) physically, sexually, and without abatement.  
16 Believing that her experience with USA GYMNASTICS would allow for personal growth and  
17 lifelong memories, JANE LM DOE placed her trust and confidence in Defendants (used  
18 collectively to refer to the Perpetrator (NASSAR), USA GYMNASTICS, ROBERT  
19 COLAROSSO, STEPHEN “STEVE” PENNY, BELA KAROLYI, MARTHA KAROLYI,  
20 KAROLYI TRAINING CAMPS, LLC, KAROLYI WORLD GYMNASTICS INC.,  
21 KAROLYI'S ELITE, AOGC ALL OLYMPIA GYMNASTIC CENTER INC., GALINA  
22 MARINOVA, ARTUR AKOPYAN, and DOES 1 through 500 as “Defendants”), to provide for  
23 her well-being and care. JANE LM DOE’s trust was breached, and her aspirations for personal  
24 growth turned to fear, distress, and anxiety, for which she now seeks to recover in this action,  
25 and protect future gymnasts from undergoing the pain and suffering she has endured at the hands  
26 of the Perpetrator (NASSAR), through the programs offered by USA GYMNASTICS and the  
27 Defendants.

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2 2. Herein after, Defendants BELA KAROLYI, MARTHA KAROLYI, KAROLYI  
3 TRAINING CAMPS, LLC, KAROLYI WORLD GYMNASTICS INC., and KAROLYI'S  
4 ELITE shall be referred to collectively as the "KAROLYI DEFENDANTS."

5 3. Hereinafter, the Defendants ARTUR AKOPYAN, GALINA MARINOVA, and  
6 AOGC OF ALL OLYMPIA GYMNASTIC CENTER, INC., ("ALL OLYMPIA") shall be  
7 referred to collectively as the "ALL OLYMPIA DEFENDANTS."

8 **THE PLAINTIFF, JANE LM DOE**

9 4. Plaintiff JANE LM DOE (hereinafter "Plaintiff" used interchangeably with  
10 "JANE LM DOE") was born in 1992. After years of hard work and training, JANE LM DOE  
11 achieved elite status as a gymnast, and competed with Defendant USA GYMNASTICS on the  
12 United States Women's National Team from 2006 to 2011, and was first invited to the National  
13 Team camp in 2005. JANE LM DOE went on to become a 2010 World Team member,  
14 nationally-ranked NCAA Champion gymnast, and was and is among the best America had to  
15 offer in the sport. As youngster, the Plaintiff began her gymnastics career at a young age, and  
16 competed, trained, and conditioned as a gymnast many years prior to the start of her sexual abuse  
17 at the hands of NASSAR.

18 5. It is with her affiliation with USA GYMNASTICS, the KAROLYI  
19 DEFENDANTS and ALL OLYMPIA where JANE LM DOE came into contact with the  
20 Perpetrator (NASSAR), a team physician for USA GYMNASTICS who worked with USA  
21 GYMNASTICS gymnasts to, ostensibly, provide care, treatment, and athletic training. Under the  
22 auspices as team physician, the Perpetrator (NASSAR) used his position of trust and authority to  
23 gain access to minor, female gymnasts, including the Plaintiff. The Perpetrator (NASSAR)  
24 systematically sexually groomed the minor JANE LM DOE and proceeded to repeatedly  
25 sexually abuse, harass and molest JANE LM DOE over a period of several years. Plaintiff is  
26 informed and believes the childhood sexual abuse occurred at the USA Gymnastics National  
27 Team Training Center at Karolyi Ranch (hereinafter, "Karolyi Ranch") in Huntsville, Texas.

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During the entire time period of the sexual abuse alleged herein, Plaintiff was a resident of the State of California. Plaintiff currently resides in the County of Los Angeles.

6. The name used by JANE LM DOE is not the true and correct name of the Plaintiff, but is a fictitious name utilized to protect the privacy of the Plaintiff, a victim of childhood sexual harassment, abuse, and molestation. JANE LM DOE brings her claims pursuant to California *Code of Civil Procedure* § 340.1 and statutes listed herein.

**DEFENDANT, DR. LARRY NASSAR-THE PERPETRATOR**

7. Defendant NASSAR, at all times mentioned herein was and is an adult male individual, who Plaintiff is informed and believes lived in the State of Michigan during the period of time during which the sexual abuse, harassment, and molestation alleged herein took place and is currently a citizen of the State of Michigan. Plaintiff is informed and believes that the Perpet (s) -0.264 0 6.2 (ook 4 153.5700nn [ (M).2 (e)T-.2 ( (s) -0.264 0 6.2 (o1cm BT 0.0002 Tc 50

1 care, treatment, and athletic training to the USA GYMNASTICS and its participants, most of  
2 which were minors while in his care. It was through this position of trust and confidence, that the  
3 Perpetrator (NASSAR) exploited JANE LM DOE, in perpetrating his sexual abuse, molestation  
4 and harassment upon JANE LM DOE. All of the sexually abusive and harassing conduct alleged  
5 herein was done for the Perpetrator's (NASSAR) sexual gratification and was based upon the  
6 gender of JANE LM DOE.

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8 9. It is on information and reasonable belief that the Perpetrator (NASSAR), using  
9 his apparent authority and position within USA GYMNASTICS over the minor participants in  
10 his charge, that the Perpetrator (NASSAR) sexually abused, molested, and harassed multiple  
11 other members of the United States Women's Olympic Gymnastics Team, numerous gymnasts  
12 and athletes as an employee of Michigan State University, and National teams, over the nearly  
13 30 years in which the Perpetrator (NASSAR) has been affiliated with USA GYMNASTICS.

14 10. In the event the Perpetrator (NASSAR) be prosecuted and convicted of a felony  
15 for the conducted alleged herein, the Plaintiff requests leave to amend the instant Complaint,  
16 such that a request for attorneys' fees can be made against the Perpetrator (NASSAR) pursuant  
17 to *Code of Civil Procedure* § 1021.4.

#### 18 **DEFENDANT, USA GYMNASTICS**

19 11. Defendant USA GYMNASTICS at all times mentioned herein was and is a  
20 business entity of form unknown, having its principal place of business in the State of Indiana.  
21 Plaintiff is informed and believes USA GYMNASTICS was incorporated in the state of Texas  
22 and/or Arizona. Defendant USA GYMNASTICS is the national governing body for gymnastics  
23 in the United States, and selects and trains the United States gymnastics teams for the Olympics  
24 and World Championships, promotes and develops gymnastics locally and nationally, and serves  
25 as a resource center for members, clubs, fans and gymnasts throughout the United States.  
26 Defendant USA GYMNASTICS has more than 174,000 athletes and professional members,  
27 more than 148,000 athletes registered in competitive programs, as well as more than 25,000  
28 professional, instructor and club members. Approximately 4,000 competitions and events

1 throughout the United States are sanctioned annually by Defendant USA GYMNASTICS.  
2 Defendant USA GYMNASTICS was the primary entity owning, operating and controlling the  
3 activities and behavior of its employee agents, including, but not limited to the Perpetrator  
4 (NASSAR). USA GYMNASTICS is also the entity that selects gymnasts for the US National  
5 and Olympic Teams.  
6

7 12. Defendant USA GYMNASTICS purposely conducts substantial educational  
8 business activities in the State of California, with regional affiliates in Northern California,  
9 Central California, and Southern California. Defendant USA GYMNASTICS currently sponsors  
10 and has scheduled over 75 competitions, meets, and/or invitationals throughout the entire state of  
11 California. Defendant USA GYMNASTICS has numerous athletes and professional members,  
12 professional, instructor and club members conducting substantial activity and purposefully  
13 availing itself of the laws and protections of California. The sexual abuse, harassment, and  
14 molestation alleged herein took place multiple times, where Defendant USA GYMNASTICS  
15 was the primary entity owning, operating and controlling the activities and behavior of its  
16 employee agents, including, but not limited to the Perpetrator (NASSAR).

17 13. As stated on its website through its Code of Ethical Conduct, "...Members of  
18 [Defendant USA GYMNASTICS] are expected to promote a safe environment for participants,  
19 coaches, officials, volunteers and staff in all gymnastics disciplines, which includes an  
20 environment free from sexual misconduct. It is inconsistent with this obligation for any Member  
21 to: 1. Solicit or engage in sexual relations with any minor. 2. Engage in any behavior that utilizes  
22 the influence of a professional Member's position as coach, judge, official or administrator to  
23 encourage sexual relations with an athlete or participant. 3. Engage in sexual harassment by  
24 making unwelcome advances, requests for sexual favors or other verbal or physical conduct of a  
25 sexual nature where such conduct creates an intimidating, hostile or offensive environment."  
26 However, Defendant USA GYMNASTICS' policies and procedures then provide that,  
27 "Professional Members of [Defendant USA GYMNASTICS] must protect the integrity of the  
28 sport and the interests of the athletes they serve by avoiding sexual relationships with athletes

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2 **except where the capacity and quality of the athlete's consent to enter that relationship is**  
3 **beyond question.**” [Emphasis Added]. In enforcing this Code of Ethical Conduct, the published  
4 policies and procedures provide, “Compliance with this Code depends primarily upon  
5 understanding and voluntary compliance, secondarily upon reinforcement by peers, and, when  
6 necessary, upon enforcement through disciplinary action....Any Member (‘Complainant’) who  
7 believes that another Member of [Defendant USA GYMNASTICS] has failed to meet such  
8 Member’s obligations under this Code is, under all but the most egregious circumstances,  
9 encouraged to first address that concern directly to that Member.”

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

20 15. Under the applicable laws, Defendant USA GYMNASTICS is an organization  
21 whose employees, agents, and/or servants are legally “mandated reporters”, considering that  
22 Defendant USA GYMNASTICS is a youth recreational program and Defendant USA  
23 GYMNASTICS’ employees’ duties require direct contact and supervision of minor children.

24 16. Defendant USA GYMNASTICS receives millions of dollars in private donations  
25 and corporate financial support, on a yearly basis, according to its publicly available Form-990’s.  
26 It is on this basis, under information and therefore belief, that Defendant USA GYMNASTICS  
27 ignored and/or actively concealed the abuse that was being perpetrated by the Perpetrator  
28 (NASSAR), and other employees/agents of its organization, such that Defendant USA

1 GYMNASTICS would not be subjected to public scrutiny, administrative, civil and/or criminal  
2 investigation and could maintain a false façade of high moral repute, and could maintain and  
3 grow this financial support for its programs. This attempt to conceal and/or ignore the abuse  
4 being perpetrated under its control and supervision, and was done at the expense of minor  
5 athletes and participants, including the Plaintiff, JANE LM DOE.

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7 **DEFENDANT, ROBERT COLAROSSO**

8 17. Defendant ROBERT COLAROSSO (hereinafter "COLAROSSO") at all times  
9 mentioned herein was and is an adult male individual, who Plaintiff is informed and believes  
10 lived in the State of California during the period of time during which the sexual abuse,  
11 harassment, and molestation alleged herein took place and is currently a citizen of the State of  
12 California. Defendant COLAROSSO was the President of Defendant USA GYMNASTICS  
13 charged with the overall management and strategic planning for the organization. Plaintiff is  
14 informed and believes and on that basis alleges that Defendant COLAROSSO oversaw a wide-  
15 ranging, calculated concealment of numerous instances, complaints, and allegations of sexual  
16 abuse and misconduct among the participants and members of Defendant USA GYMNASTICS.  
17 Through this conduct, Defendant COLAROSSO's actions and inactions enabled and ratified the  
18 sexual abuse by the Perpetrator (NASSAR) against Plaintiff and other participants and members  
19 of Defendant USA GYMNASTICS and fueled the ongoing concealment of abuse at Defendant  
20 USA GYMNASTICS, making it more unlikely for victims (such as the Plaintiff) to obtain much  
21 needed medical and/or psychological treatment. Plaintiff is informed and believes that Defendant  
22 COLAROSSO served as President of Defendant USA GYMNASTICS from 1998 to 2005. At all  
23 times herein alleged, Defendant COLAROSSO was an employee, agent, and/or servant of  
24 Defendant USA GYMNASTICS, and/or was under their complete control and/or active  
25 supervision.

26 18. Plaintiff is informed and believes, and on that basis alleges, that Defendant  
27 COLAROSSO had wide-ranging knowledge of the abusive, and harassing environment that was  
28 cultivated and embraced by the gymnastics community at Karolyi Ranch (Hereinafter, "THE



1 RANCH”), within NASSAR, the KAROYLI DEFENDANTS, and USA GYMNASTICS, as  
2 well as knowledge of the Perpetrator (NASSAR)’s sexually abusive propensities and the abuse  
3 perpetrated by the Perpetrator (NASSAR) against minor children. Despite having this  
4 knowledge, Defendant COLAROSSO concealed, ignored, and willfully blinded himself to these  
5 facts, to the detriment of minor children in USA GYMNASTICS’ custody, control, and care,  
6 including the Plaintiff. As a common scheme and plan of agents within USA GYMNASTICS  
7 (including Defendant COLAROSSO), allegations of sexual misconduct by coaches, employees,  
8 and volunteers (including the Perpetrator (NASSAR)) were concealed and ignored, in order to  
9 maintain the false impression of USA GYMNASTICS as engendering propriety, safety, and  
10 care. It was under these circumstances, and acts and omissions of Defendant COLAROSSO, that  
11 the Plaintiff was placed into contact with the Perpetrator (NASSAR) and sexually abused.

12 **DEFENDANT, STEPHEN “STEVE” PENNY**

13 19. Defendant STEPHEN “STEVE” PENNY (hereinafter “PENNY”) at all times  
14 mentioned herein was and is an adult male individual, who Plaintiff is informed and believes  
15 lived in the State of Indiana during the period of time during which the sexual abuse, harassment,  
16 and molestation alleged herein took place and is currently a citizen of the State of Indiana.  
17 Defendant PENNY was the President of Defendant USA GYMNASTICS charged with the  
18 overall management and strategic planning for the organization. Plaintiff is informed and  
19 believes and on that basis alleges that Defendant PENNY oversaw a wide-ranging, calculated  
20 concealment of numerous instances, complaints, and allegations of sexual abuse and misconduct  
21 among the participants and members of Defendant USA GYMNASTICS. Through this conduct,  
22 Defendant PENNY’s actions and inactions enabled and ratified the sexual abuse by the  
23 Perpetrator (NASSAR) against Plaintiff and other participants and members of Defendant USA  
24 GYMNASTICS and fueled the ongoing concealment of abuse at Defendant USA  
25 GYMNASTICS, making it more unlikely for victims (such as the Plaintiff) to obtain much  
26 needed medical and/or psychological treatment. Plaintiff is informed and believes that Defendant  
27 PENNY served as President of Defendant USA GYMNASTICS from 2005 to present. At all  
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1 times herein alleged, Defendant PENNY was an employee, agent, and/or servant of Defendant  
2 USA GYMNASTICS, and/or was under their complete control and/or active supervision.  
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4 20. Plaintiff is informed and believes, and on that basis alleges, that Defendant  
5 PENNY had wide-ranging knowledge of the abusive, and harassing environment that was  
6 cultivated and embraced by the gymnastics community at THE RANCH, within the KAROLYI  
7 DEFENDANTS, and USA GYMNASTICS, as well as knowledge of the Perpetrator  
8 (NASSAR)'s sexually abusive propensities and the abuse perpetrated by the Perpetrator  
9 (NASSAR) against minor children. Despite having this knowledge, Defendant PENNY  
10 concealed, ignored, and willfully blinded himself to these facts, to the detriment of minor  
11 children in USA GYMNASTICS' custody, control, and care, including the Plaintiff. As a  
12 common scheme and plan of agents within USA GYMNASTICS (including Defendant  
13 PENNY), allegations of sexual misconduct by coaches, employees, and volunteers (including the  
14 Perpetrator (NASSAR)) were concealed and ignored, in order to maintain the false impression of  
15 USA GYMNASTICS as engendering propriety, safety, and care. It was under these  
16 circumstances, and acts and omissions of Defendant PENNY, that the Plaintiff was placed into  
17 contact with the Perpetrator (NASSAR) and sexually abused.

18 **KAROLYI DEFENDANTS**

19 **DEFENDANTS BELA KAROLYI AND MARTA KAROLYI**

20 21. Defendant BELA KAROLYI, at all times mentioned herein, was and is an adult  
21 male individual, who Plaintiff is informed and believes lived in the State of Texas during the  
22 period of time during which the sexual abuse, harassment, and molestation alleged herein took  
23 place and is currently a citizen of the State of Texas. BELA KAROLYI, a former Romanian  
24 gymnastics coach, defected to the United States in the early 1980's and established a gymnastics  
25 training facility in the early 1980's. In 1984, BELA KAROLYI attained prominence in the  
26 gymnastics world by coaching Mary Lou Retton at the 1984 Olympic Games in Los Angeles,  
27 California. Since that time, Plaintiff is informed and believes, and on that basis alleges, that

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1 BELA KAROLYI (and the KAROLYI DEFENDANTS) has been training elite level gymnasts  
2 to compete on the national, international, and Olympic stages.

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4 22. Defendant MARTA KAROLYI, at all times mentioned herein, was and is an adult  
5 female individual, who Plaintiff is informed and believes lived in the State of Texas during the  
6 period of time during which the sexual abuse, harassment, and molestation alleged herein took  
7 place and is currently a citizen of the State of Texas. Plaintiff is informed and believes and on  
8 that basis alleges that MARTA KAROLYI defected to the United States with in the early 1980's  
9 with her husband, BELA KAROLYI, and began assisting in the operation, management, control,  
10 and supervision of THE RANCH (as well as KAROLYI TRAINING CAMPS, LLC, KAROLYI  
11 WORLD GYMNASTICS INC., and KAROLYI'S ELITE.)

12 23. Defendants BELA KAROLYI and MARTA KAROLYI collected money and  
13 solicited financial assistance from gymnastics facilities, gymnastics patrons, and gymnastics  
14 competitors located in California, including money from the Plaintiff and her gym (ALL  
15 OLYMPIA, *infra*).

16 24. Plaintiff is informed and believes, and on that basis alleges, that in or around  
17 1999, BELA KAROLYI was recruited and hired by the USA GYMNASTICS to serve as the  
18 National Team Coordinator. As part of BELA KAROLYI's procedures implemented as National  
19 Team Coordinator, BELA KAROLYI required attendance at THE RANCH training facility,  
20 located in Huntsville, Texas. In or around 2000, after turmoil in the gymnastics community  
21 regarding BELA KAROLYI's methods, practices, and procedures as the National Team  
22 Coordinator, BELA KAROLYI was replaced with his wife, MARTA KAROLYI, who has acted  
23 as the National Team Coordinator of USA GYMNASTICS since that time. Despite not being the  
24 National Team Coordinator after 2000, BELA KAROLYI continued to operate THE RANCH,  
25 through the entity Defendants KAROLYI TRAINING CAMPS, LLC, KAROLYI WORLD  
26 GYMNASTICS INC., and KAROLYI'S ELITE. It was during these training camps, that minor  
27 children involved in the gymnastics programs of the KAROLYI DEFENDANTS, including the  
28 Plaintiff, came into contact with the Perpetrator (NASSAR).

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2 25. As part of the training, coaching, preparation and/or conditioning of elite level  
3 gymnasts at THE RANCH, the KAROLYI DEFENDANTS took custody, control, dominion,  
4 and/or sole supervision of the minor female gymnasts placed in their charge at THE RANCH.  
5 Under the applicable law, BELA KAROLYI and MARTA KAROLYI (as well as their agents,  
6 employees, and/or servants of KAROLYI TRAINING CAMPS, LLC, KAROLYI WORLD  
7 GYMNASTICS INC., and KAROLYI'S ELITE who were also in contact with minor children)  
8 were "mandated reporters" as their duties involved the direct contact with minor children. Such  
9 an obligation required BELA KAROLYI and MARTA KAROLYI to report any suspected child  
10 abuse upon belief that abuse was occurring.

11 26. Plaintiff is informed and believes, and on that basis alleges, that the KAROLYI  
12 DEFENDANTS allowed the Perpetrator (NASSAR) to be in contact with minor children,  
13 including the Plaintiff, in order to purportedly provide medical care and treatment to the minor  
14 children in the custody, care, and control of the KAROLYI DEFENDANTS. It was under this  
15 guise that KAROLYI DEFENDANTS permitted the Perpetrator (NASSAR), as a matter of  
16 custom and practice, to be alone with minor child gymnasts, including the Plaintiff, to sexually  
17 abuse, harass, and molest them.

18 27. Plaintiff is informed and believes, and on that basis alleges that the KAROLYI  
19 DEFENDANTS instituted a regime of intimidation and fear at THE RANCH for the minor  
20 children under their custody, care, and control. Plaintiff is informed and believes that BELA  
21 KAROLYI and MARTA KAROLYI engaged in tortious and unlawful behavior, and created a  
22 toxic environment where the Perpetrator (NASSAR) was given opportunity to perpetrate and  
23 continue his systematic sexual abuse of minor children, without abatement. Plaintiff is informed  
24 and believes and on that basis alleges that minor child gymnasts, including the Plaintiff, were  
25 subjected to physical, sexual, and emotional abuse while at THE RANCH.

26 28. Periodically, Defendants BELA KAROLYI and MARTA KAROLYI engaged in  
27 unlawful and tortious conduct directed at minor child gymnasts that included, but was not limited  
28 to: striking minor child gymnasts, scratching minor child gymnasts until they bled, encouraging

1 parents of the minor child gymnasts to hit their children, depriving minor child gymnasts of food,  
2 depriving minor child gymnasts of water, actively searching the minors' rooms to find and  
3 confiscate hidden food, screaming obscenities at these minor child gymnasts, cutting off  
4 communication of minor gymnasts with their parents, telling minor child gymnasts that they  
5 were fat, requiring gymnasts to train when they were ill, and requiring minor child gymnasts to  
6 have their physical appearance be judged in front of their peers.

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8 29. Plaintiff is informed and believes, and on that basis alleges, that Defendants  
9 BELA KAROLYI and MARTA KAROLYI turned a blind-eye to The Perpetrator NASSAR's  
10 sexual abuse of children at THE RANCH. Due to the unlawful and tortious acts engaged in by  
11 Defendants BELA KAROLYI and MARTA KAROLYI (described *supra*), Defendants BELA  
12 KAROLYI and MARTA KAROLYI were compromised as supervisors of The Perpetrator  
13 (NASSAR). This created a toxic environment, perfectly suited for The Perpetrator (NASSAR) to  
14 systematically sexually abuse the minor children, including the Plaintiff, who were captive at  
15 THE RANCH.

16 30. Plaintiff is informed and believes, and on that basis alleges that within this toxic  
17 environment, The Perpetrator (NASSAR) would not report the abusive acts of Defendants BELA  
18 KAROLYI and MARTA KAROLYI, as the Perpetrator (NASSAR) was required as to do by  
19 law. In turn, Defendants BELA KAROLYI and MARTA KAROLYI turned a blind-eye to the  
20 sexual abuse being perpetrated by The Perpetrator (NASSAR).

21 31. Plaintiff is informed and believes, and on that basis alleges that Defendants BELA  
22 KAROLYI and MARTA KAROLYI allowed NASSAR to have unfettered and secluded access  
23 to minor children, including the Plaintiff, in the children's living and sleeping quarters and in  
24 direct violation of USA GYMNASTICS policy. Plaintiff is informed and believes, and on that  
25 basis alleges, that NASSAR would pre-sexually groom these minor children into believing that  
26 he (NASSAR) was their friend and confidant; in comparison with the oppressive and abusive  
27 treatment by Defendants BELA KAROLYI and MARTA KAROLYI at THE RANCH. It is  
28 through this pre-sexual grooming process that the Perpetrator (NASSAR) gained unfettered

1 sexual access to the minor children, including the Plaintiff. The Perpetrator (NASSAR) would  
2 sneak these minor gymnasts food, candy and other “contraband” which was disallowed by the  
3 Defendants BELA KAROLYI and MARTA KAROLYI, in order to build trust and rapport with  
4 these minor children, including the Plaintiff. Though The Perpetrator (NASSAR) acted as though  
5 he was an advocate for these children, he built this relationship in order to sexually abuse these  
6 minors, including the Plaintiff.  
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8 32. Plaintiff is informed and believes, and on that basis alleges, that this toxic  
9 environment at THE RANCH facilitated the financial growth of USA GYMNASTICS, the  
10 KAROLYI DEFENDANTS (*see infra*), and the sport of gymnastics. This toxic environment was  
11 perpetuated to avoid public ridicule, censure, investigation, and scrutiny. Effectively, this  
12 dynamic made it so the KAROLYI DEFENDANTS provided no supervision of the Perpetrator  
13 (NASSAR), in exchange for his silence and willful blindness to their regime of fear,  
14 intimidation, and physical and emotional abuse of minor child gymnasts.

15 33. Plaintiff is informed, and believes, and on that basis alleges, that the KAROLYI  
16 DEFENDANTS operated as a conduit of USA GYMNASTICS, whereby USA GYMNASTICS  
17 had full knowledge of the abusive conditions imposed at THE RANCH by the KAROLYI  
18 DEFENDANTS, and knew or should have known of the sexually abusive and harassing conduct  
19 of the Perpetrator (NASSAR). Furthermore, Plaintiff is informed and believes, and on that basis  
20 alleges, that the KAROLYI DEFENDANTS operated their organizations in concert, connection,  
21 and/or coordination with USA GYMNASTICS, and did so with impunity, such that the abusive,  
22 coercive and demeaning environment at THE RANCH (owned, operated, controlled, and  
23 maintained by the KAROLYI DEFENDANTS) was known and concealed by USA  
24 GYMNASTICS, such that minor children, including the Plaintiff, were subjected to the  
25 Perpetrator (NASSAR).

26 34. Plaintiff is informed, and on that basis believes and alleges herein, that with full  
27 knowledge of above-stated arrangement, plan and scheme between Defendants BELA  
28 KAROLYI and MARTA KAROLYI, and the Perpetrator (NASSAR), COLAROSSO and

1 PENNY were aware of abusive environment which minor children, such as the Plaintiff, were  
2 subjected to when placed under the custody, control and care of the KAROLYI DEFENDANTS,  
3 USA GYMNASTICS, ALL OLYMPIA DEFENDANTS, and DOES 1 through 500.

4 **DEFENDANT KAROLYI TRAINING CAMPS, LLC**

5  
6 35. Defendant KAROLYI TRAINING CAMPS, LLC, at all times mentioned herein,  
7 was and is a business entity of form unknown, having its principal place of business in the State  
8 of Texas. Plaintiff is informed and believes KAROLYI TRAINING CAMPS, LLC was  
9 incorporated in the state of Texas. Plaintiff is informed and believes and on that basis alleges that  
10 KAROLYI TRAINING CAMPS, LLC was created in or around 2006, and was created as one of  
11 the entities which owned, operated, managed, and/or maintained THE RANCH. Furthermore,  
12 Plaintiff is informed and believes, and on that basis alleges that KAROLYI TRAINING  
13 CAMPS, LLC was an entity created, managed, and controlled by BELA KAROLYI and/or  
14 MARTA KAROLYI, in order to facilitate elite level gymnast training, coaching, mentoring,  
15 conditioning, and/or preparation for competing at the elite level, for minor children, including the  
16 Plaintiff.

17 **DEFENDANT KAROLYI WORLD GYMNASTICS INC.**

18 36. Defendant KAROLYI WORLD GYMNASTICS INC., at all times mentioned  
19 herein, was and is a business entity of form unknown, having its principal place of business in  
20 the State of Texas. Plaintiff is informed and believes KAROLYI WORLD GYMNASTICS INC.  
21 was incorporated in the state of Texas. Plaintiff is informed and believes and on that basis alleges  
22 that KAROLYI WORLD GYMNASTICS INC. was created in or around the early 1980's, and  
23 was created as one of the entities which owned, operated, managed, and/or maintained THE  
24 RANCH. Furthermore, Plaintiff is informed and believes, and on that basis alleges that  
25 KAROLYI TRAINING CAMPS, LLC was an entity created by BELA KAROLYI and/or  
26 MARTA KAROLYI, in order to facilitate elite level gymnast training, coaching, mentoring,  
27 conditioning, and/or preparation for competing at the elite level, for minor children, including the  
28 Plaintiff.

**DEFENDANT KAROLYI'S ELITE**

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2  
3 37. Defendant KAROLYI'S ELITE, at all times mentioned herein, was and is a  
4 business entity of form unknown, having its principal place of business in the State of Texas.  
5 Plaintiff is informed and believes KAROLYI'S ELITE was incorporated in the state of Texas.  
6 Plaintiff is informed and believes and on that basis alleges that KAROLYI'S ELITE was created  
7 in or around 2006, and was created as one of the entities which owned, operated, managed,  
8 and/or maintained THE RANCH. Furthermore, Plaintiff is informed and believes, and on that  
9 basis alleges that KAROLYI'S ELITE was an entity created by BELA KAROLYI and/or  
10 MARTA KAROLYI, in order to facilitate elite level gymnast training, coaching, mentoring,  
11 conditioning, and/or preparation for competing at the elite level, for minor children, including the  
12 Plaintiff.

13 38. At all times relevant herein, Plaintiff is informed and believes and on that basis  
14 alleges that Defendants BELA KAROLYI and MARTA KAROLYI operated, managed,  
15 maintained, and controlled Defendants KAROLYI TRAINING CAMPS, LLC, KAROLYI  
16 WORLD GYMNASTICS INC., and KAROLYI'S ELITE. Plaintiff is informed and believes, and  
17 on that basis alleges, that the KAROLYI DEFENDANTS conducted substantial and continuous  
18 business operations in the State of California, whereby, the KAROLYI DEFENDANTS would  
19 actively advertise, recruit, entice, and encourage elite level gymnasts (who were minor children),  
20 from California, including the Plaintiff, to pay for and attend the KAROLYI DEFENDANTS'  
21 training programs in Texas where they would be placed into contact with the Perpetrator  
22 (NASSAR). Furthermore, the KAROLYI DEFENDANTS would actively maintain contact with  
23 gymnastics organizations in California, including AOGC ALL OLYMPIA GYMNASTIC  
24 CENTER INC. (*see infra*), whereby KAROLYI DEFENDANTS would actively advertise,  
25 recruit, entice, and encourage elite level gymnasts (who were minor children), including the  
26 Plaintiff, from California to attend KAROLYI DEFENDANTS' training camps and programs in  
27 Texas.

28 ///



MANLY, STEWART & FINALDI  
19100 Von Karman Ave, Suite 800  
Irvine, California 92612  
Telephone: (949) 252-9990

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39. Plaintiff is informed and believes, and on that basis alleges, that Defendants KAROLYI TRAINING CAMPS, LLC, KAROLYI WORLD GYMNASTICS INC., and KAROLYI'S ELITE

1  
2 believed to be owned, operated, and managed by Defendants ARTUR AKOPYAN and GALINA  
3 MARINOVA. ALL OLYMPIA hosts periodic gymnastics meets whereby minor child gymnasts  
4 from around the country compete, and where employees, agents, and/or servants of USA  
5 GYMNASTICS and the KAROLYI DEFENDANTS are present. As a USA GYMNASTICS  
6 member organization, ALL OLYMPIA contributed to USA GYMNASTICS and the KAROLYI  
7 DEFENDANTS financially through dues. The dues paid to USA GYMNASTICS and the  
8 KAROLYI DEFENDANTS were paid by the minor gymnasts of ALL OLYMPIA, including the  
9 Plaintiff.

10 41. Despite the representations and advertisements made about Defendant ALL  
11 OLYMPIA as to its focus on athlete safety and care, Plaintiff is informed and believes, and on  
12 that basis alleges, that Defendant ALL OLYMPIA was operated as a facility solely motivated to  
13 cull talent for the United States National Gymnastics Team and Defendant USA GYMNASTICS  
14 and the KAROLYI DEFENDANTS, at all costs and irrespective of the emotional toll taken on  
15 minors in its custody, care, and under its control. Defendant ALL OLYMPIA and its agents,  
16 employees, officers, and directors fueled an abusive, harassing, and degrading environment,  
17 intentioned at hardening and desensitizing the most elite gymnasts, in order to compete at a  
18 National Level at Defendant USA GYMNASTICS, under the reign of the KAROLYI  
19 DEFENDANTS. This environment created by Defendant ALL OLYMPIA was done so, in order  
20 to create elite gymnasts who would gain National and International notoriety in the sports world,  
21 such that Defendant ALL OLYMPIA's reputation as a gym creating National and Olympic level  
22 gymnasts would be elevated, and ultimately, ALL OLYMPIA would benefit financially from this  
23 reputation. It was this environment that allowed, concealed, and promoted the abusive behavior  
24 of Defendants ALL OLYMPIA, USA GYMNASTICS, KAROLYI DEFENDANTS, NASSAR,  
25 and their employees, agents, servants, officers, and/or directors, which was directed at minor  
26 gymnasts, including the Plaintiff.

27 42. Plaintiff believes, and on that basis alleges, that Defendant ALL OLYMPIA was  
28 an affiliate of USA GYMNASTICS and KAROLYI DEFENDANTS, having funneled, recruited,

1 lured, and enticed various minor gymnasts to USA GYMNASTICS and KAROLYI  
2 DEFENDANTS over a period of more than a decade. Defendant ALL OLYMPIA was the entity  
3 responsible, at least in part, for the placement of the Plaintiff on the United States National Team  
4 and with Defendant USA GYMNASTICS, KAROLYI DEFENDANTS, and did so by adopting  
5 the Defendant USA GYMNASTICS' "win at all costs" mentality, implemented through fear and  
6 intimidation. Through this relationship with Defendant USA GYMNASTICS and the KAROLYI  
7 DEFENDANTS, Defendant ALL OLYMPIA further concealed, facilitated, and/or enabled the  
8 abuse of the Plaintiff JANE LM DOE by placing her in a knowingly abusive environment at  
9 Defendant USA GYMNASTICS and KAROLYI DEFENDANTS, with NASSAR.

10  
11 43. Under the applicable laws, Defendant ALL OLYMPIA is an organization whose  
12 employees, agents, and/or servants are legally "mandated reporters", considering that Defendant  
13 ALL OLYMPIA is a youth recreational program and Defendant ALL OLYMPIA's employees  
14 duties require direct contact and supervision of children.

15 **DEFENDANT GALINA MARINOVA**

16 44. Defendant GALINA MARINOVA, at all times mentioned herein, was and is an  
17 adult female individual, who Plaintiff is informed and believes lived in the State of California  
18 during the period of time during which the sexual abuse, harassment, and molestation alleged  
19 herein took place and is currently a citizen of the State of California. At all times relevant herein,  
20 Defendant GALINA MARINOVA was believed to be the owner, operator, manager, and/or  
21 managing agent of Defendants ALL OLYMPIA. Plaintiff is informed and believes, and on that  
22 basis alleges, that Defendant GALINA MARINOVA was a former Olympian gymnast, who  
23 founded, owned, operated, managed, and controlled ALL OLYMPIA from in or around 2000 to  
24 present.

25 45. At all relevant times herein, Defendant GALINA MARINOVA fueled an abusive,  
26 harassing, and degrading environment at Defendants ALL OLYMPIA, intentioned at hardening  
27 and desensitizing the most elite gymnasts, in order to compete at a National Level at Defendant  
28 USA GYMNASTICS, under the reign of the KAROLYI DEFENDANTS and in contact with the

1 Perpetrator (NASSAR). It was in this environment that Defendants GALINA MARINOVA and  
2 ARTUR AKOYPAN directed degrading, abusive, and harassing comments and actions towards  
3 the Plaintiff. Plaintiff is informed and believes and on that basis alleges that Defendant GALINA  
4 MARINOVA knew or should have known that by facilitating the Plaintiff's relationship with  
5 USA GYMNASTICS, KAROLYI DEFENDANTS, and the Perpetrator (NASSAR), was placing  
6 her in a knowingly abusive environment at Defendant USA GYMNASTICS and KAROLYI  
7 DEFENDANTS, with the Perpetrator (NASSAR).  
8

9 **DEFENDANT ARTUR AKOPYAN**

10 46. Defendant ARTUR AKOPYAN, at all times mentioned herein, was and is an  
11 adult male individual, who Plaintiff is informed and believes lived in the State of California  
12 during the period of time during which the sexual abuse, harassment, and molestation alleged  
13 herein took place and is currently a citizen of the State of California. At all times relevant herein,  
14 Defendant ARTUR AKOPYAN was believed to be the owner, operator, manager, and/or  
15 managing agent of Defendants ALL OLYMPIA. Plaintiff is informed and believes, and on that  
16 basis alleges, that Defendant GALINA MARINOVA was a former Olympian gymnast, who  
17 (with ARTUR AKOPYAN) owned, operated, managed, and controlled ALL OLYMPIA from in  
18 or around 2004 to present. Plaintiff is informed and believes, and on that basis alleges, that  
19 Defendant ARTUR AKOPYAN was a former Olympian gymnast, who (with GALINA  
20 MARINOVA) owned, operated, managed, and controlled ALL OLYMPIA from in or around  
21 2004 to present.

22 47. At all relevant times herein, Defendant ARTUR AKOPYAN fueled an abusive,  
23 harassing, and degrading environment at Defendant ALL OLYMPIA, intentioned at hardening  
24 and desensitizing the most elite gymnasts, in order to compete at a National Level at Defendant  
25 USA GYMNASTICS, under the reign of the KAROLYI DEFENDANTS and in contact with the  
26 Perpetrator (NASSAR). It was in this environment that Defendants GALINA MARINOVA and  
27 ARTUR AKOYPAN directed degrading, abusive, and harassing comments and actions towards  
28 the Plaintiff. Plaintiff is informed and believes and on that basis alleges that Defendant ARTUR

1 AKOPYAN knew or should have known that by facilitating the Plaintiff's relationship with USA  
2 GYMNASTICS, KAROLYI DEFENDANTS, and the Perpetrator (NASSAR), he was placing  
3 the Plaintiff in an abusive environment at Defendant USA GYMNASTICS and KAROLYI  
4 DEFENDANTS, with the Perpetrator (NASSAR), and subjecting the Plaintiff to sexual abuse,  
5 harassment and/or molestation by the Perpetrator (NASSAR).  
6

7 **DOE DEFENDANTS 1 THROUGH 500**

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

14 49. The Perpetrator (NASSAR), Defendant USA GYMNASTICS, COLAROSSO,  
15 PENNY, BELA KAROLYI, MARTHA KAROLYI, KAROLYI TRAINING CAMPS, LLC,  
16 KAROLYI WORLD GYMNASTICS INC., KAROLYI'S ELITE, AOGC ALL OLYMPIA  
17 GYMNASTIC CENTER INC., GALINA MARINOVA, ARTUR AKOPYAN and DOES 1  
18 through 500, inclusive, are sometimes collectively referred to herein as "Defendants" and/or as  
19 "All Defendants"; such collective reference refers to all specifically named Defendants as well as  
20 those fictitiously named herein.

21 50. Plaintiff is informed and believes, and on that basis alleges that at all times  
22 mentioned herein, each Defendant was responsible in some manner or capacity for the  
23 occurrences herein alleged, and that Plaintiff's damages, as herein alleged, were proximately  
24 caused by all said Defendants.

25 51. At all times mentioned herein, each and every Defendant was an employee, agent,  
26 and/or servant of the Perpetrator (NASSAR), Defendants USA GYMNASTICS, COLAROSSO,  
27 PENNY, BELA KAROLYI, MARTHA KAROLYI, KAROLYI TRAINING CAMPS, LLC,  
28 KAROLYI WORLD GYMNASTICS INC., KAROLYI'S ELITE, AOGC ALL OLYMPIA

1 GYMNASTIC CENTER INC., GALINA MARINOVA, ARTUR AKOPYAN and DOES 1  
2 through 500, inclusive, and/or was under their complete control and/or active supervision.  
3 Defendants and each of them are individuals, corporations, partnerships and/or other entities that  
4 engaged in, joined in, and conspired with other Defendants and wrongdoers in carrying out the  
5 tortuous and unlawful activities described in this Complaint.  
6

7 52. Plaintiff is informed and believes, and on that basis alleges that at all times  
8 mentioned herein, there existed a unity of interest and ownership among Defendants and each of  
9 them such that any individuality and separateness between Defendants, and each of them, ceased  
10 to exist. Defendants and each of them were the successors-in-interest and/or alter egos of the  
11 other Defendants, and each of them, in that they purchased, controlled, dominated and operated  
12 each other without any separate identity, observation of formalities, or other manner of division.  
13 To continue maintaining the facade of a separate and individual existence between and among  
14 Defendants, and each of them, would serve to perpetrate a fraud and injustice.

15 53. Plaintiff is informed and believes, and on that basis alleges that at all times  
16 mentioned herein, the Perpetrator (NASSAR), Defendant USA GYMNASTICS, COLAROSSO,  
17 PENNY, BELA KAROLYI, MARTHA KAROLYI, KAROLYI TRAINING CAMPS, LLC,  
18 KAROLYI WORLD GYMNASTICS INC., KAROLYI'S ELITE, AOGC ALL OLYMPIA  
19 GYMNASTIC CENTER INC., GALINA MARINOVA, ARTUR AKOPYAN and DOES 1  
20 through 500 were the agents, representatives and/or employees of each and every other  
21 Defendant. In doing the things hereinafter alleged, Defendants and each of them were acting  
22 within the course and scope of said alternative personality, capacity, identity, agency,  
23 representation and/or employment and were within the scope of their authority, whether actual or  
24 apparent.

25 54. Plaintiff is informed and believes, and on that basis alleges that at all times  
26 mentioned herein, the Perpetrator (NASSAR), Defendants USA GYMNASTICS, COLAROSSO,  
27 PENNY, BELA KAROLYI, MARTHA KAROLYI, KAROLYI TRAINING CAMPS, LLC,  
28 KAROLYI WORLD GYMNASTICS INC., KAROLYI'S ELITE, AOGC ALL OLYMPIA

1 GYMNASTIC CENTER INC., GALINA MARINOVA, ARTUR AKOPYAN and DOES 1  
2 through 500 were the trustees, partners, servants, joint venturers, shareholders, contractors,  
3 and/or employees of each and every other Defendant, and the acts and omissions herein alleged  
4 were done by them, acting individually, through such capacity and within the scope of their  
5 authority, and with the permission and consent of each and every other Defendant and that said  
6 conduct was thereafter ratified by each and every other Defendant, and that each of them is  
7 jointly and severally liable to Plaintiff.  
8

9 **FACTUAL ALLEGATIONS APPLICABLE TO ALL CLAIMS BY JANE LM DOE**

10 55. At all times material hereto, Plaintiff was a minor participant and member of  
11 Defendants USA GYMNASTICS, KAROLYI DEFENDANTS, and ALL OLYMPIA and was  
12 under their complete control, dominion, and supervision. The Perpetrator (NASSAR) worked  
13 for, was employed by, and/or an agent/servant of the Defendants USA GYMNASTICS, ALL  
14 OLYMPIA DEFENDANTS, KAROLYI DEFENDANTS and/or DOES 1 through 500, when the  
15 Perpetrator (NASSAR) came into contact with the Plaintiff.

16 56. At all times material hereto, the Perpetrator (NASSAR) was under the direct  
17 supervision, management, agency and control of Defendants USA GYMNASTICS,  
18 COLAROSSO, PENNY, KAROLYI DEFENDANTS, and DOES 1 through 500, inclusive. The  
19 Perpetrator (NASSAR) was the team physician of Defendant USA GYMNASTICS, KAROLYI  
20 DEFENDANTS, and DOES 1 through 500. While a team physician at Defendant USA  
21 GYMNASTICS, KAROLYI DEFENDANTS and DOES 1 through 500, the Perpetrator's  
22 (NASSAR) employment duties included coordinating the care for Defendant USA  
23 GYMNASTICS, KAROLYI DEFENDANTS and DOES 1 through 500, at every national and  
24 international competition, providing individual care and providing for the physical needs and  
25 well-being of participants and members of Defendant USA GYMNASTICS, ALL OLYMPIA,  
26 KAROLYI DEFENDANTS and DOES 1 through 500, and care including but not limited to  
27 osteopathic adjustments and kinesiology treatment to participants and members of Defendants  
28 USA GYMNASTICS, ALL OLYMPIA, KAROLYI DEFENDANTS and DOES 1 through 500,

1 which included Plaintiff. Plaintiff was a participant and member of Defendant USA  
2 GYMNASTICS, ALL OLYMPIA, KAROLYI DEFENDANTS and DOES 1 through 500 and it  
3 is under these circumstances that Plaintiff came to be under the direction and control of the  
4 Perpetrator (NASSAR), who used his position of authority and trust to molest and sexually abuse  
5 Plaintiff.

6  
7 57. As a member and participant of Defendants USA GYMNASTICS, ALL  
8 OLYMPIA, KAROLYI DEFENDANTS, and DOES 1 through 500 while the Perpetrator  
9 (NASSAR) was a team physician, the minor Plaintiff was under the Perpetrator's (NASSAR)  
10 direct supervision, control and care, which created a special, confidential, and fiduciary  
11 relationship between Plaintiff and the Perpetrator (NASSAR). Because of such relationship, the  
12 Perpetrator (NASSAR) owed Plaintiff a duty of care. Additionally, as the employers and  
13 supervisors of the Perpetrator (NASSAR), with knowledge that he was in contact with and  
14 providing care to children, Defendants USA GYMNASTICS, ALL OLYMPIA, KAROLYI  
15 DEFENDANTS and DOES 1 through 500 were also in a special, confidential, and fiduciary  
16 relationship with Plaintiff, owing the Plaintiff JANE LM DOE a duty of care.

17 58. By assigning the Perpetrator (NASSAR) as team physician of Defendant USA  
18 GYMNASTICS, KAROLYI DEFENDANTS and DOES 1 through 500, Defendants USA  
19 GYMNASTICS, KAROLYI DEFENDANTS and DOES 1 through 500 represented to the  
20 community and participants and members of Defendant USA GYMNASTICS, KAROLYI  
21 DEFENDANTS and DOES 1 through 500 that the Perpetrator (NASSAR) was safe, trustworthy,  
22 and of high moral and ethical repute, such that parents of participants and members need not  
23 worry about having the Perpetrator (NASSAR) interact with, and provide care to their minor  
24 children. Defendants did so in order to preserve their own public image and reputation, so they  
25 could retain past participants and members and recruit new participants and members, thus  
26 allowing donations and other financial support to continue flowing into their coffers for financial  
27 gain.

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59. Plaintiff is informed and believes, and on that basis alleges, that Defendants knew or should have known that the Perpetrator (NASSAR) had engaged in unlawful sexually-related conduct in the past, and/or was continuing to engage in such conduct. Defendants had a duty to disclose these facts to Plaintiff, her parents and others, but negligently and/or intentionally suppressed, concealed or failed to disclose this information. The duty to disclose this information arose by the special, trusting, confidential, fiduciary relationship between Defendants and Plaintiff.

60. Plaintiff is informed and believes, and on that basis alleges, that while Plaintiff was a participant and member of Defendant USA GYMNASTICS, ALL OLYMPIA, KAROLYI DEFENDANTS, and DOES 1 through 500, Defendants engaged in a pattern and practice of employing other staff, coaches, and volunteers and retaining members known to be a danger to participants and members in their care, including the Perpetrator (NASSAR). Defendants employed multiple other professionals, staff, and agents who were known to be abusive and/or were continuing to be abusive. Defendant USA GYMNASTICS' own website catalogues a list of over twenty (20) individuals, nationwide, who are "Permanently Ineligible Members" at Defendant USA GYMNASTICS for violation of Bylaw 9.2(a)(iii). That Bylaw section, promulgated by Defendant USA GYMNASTICS, provides for "Special Categories of Misconduct"; specifically, the category of misconduct under 9.2(a)(iii) states:

"Has been convicted of or has entered a plea of guilty or no contest to a criminal charge or indictment issued by an applicable City, County, State or Federal jurisdiction, and such charge or indictment directly or indirectly involved or related to sexual misconduct, child abuse or conduct that is a violation of any law or regulation that is specifically designed to protect minors."

61. It is upon information, and therefore belief, that the prevalence of sexually abusive members of Defendant USA GYMNASTICS evidences the knowledge of Defendants of the risk that minor gymnastics participants were placed at, while participating in Defendants USA GYMNASTICS, KAROLYI DEFENDANTS and ALL OLYMPIA DEFENDANTS'

1 programs. Furthermore, it is upon information, and therefore belief, that this evidences a  
2 widespread and systemic problem at Defendants USA GYMNASTICS, KAROLYI  
3 DEFENDANTS and ALL OLYMPIA DEFENDANTS of allowing sexually abusive members to  
4 participate in and with Defendants USA GYMNASTICS, KAROLYI DEFENDANTS and ALL  
5 OLYMPIA DEFENDANTS.

6  
7 62. Plaintiff is informed and believes and on that basis alleges Defendants knew of, or  
8 should have known, the Perpetrator's (NASSAR) propensity and disposition to engage in sexual  
9 misconduct with minors before he sexually abused and molested Plaintiff, and knew of the  
10 probability that he would molest minors with whom he came into contact, such as Plaintiff.

11 63. Defendants failed to implement reasonable safeguards to avoid acts of unlawful  
12 sexual conduct by the Perpetrator (NASSAR) in the future, including avoiding placement of the  
13 Perpetrator (NASSAR) in a position where contact and interaction with children is an inherent  
14 function. Defendants ignored and suppressed the past sexual misconduct the Perpetrator  
15 (NASSAR) had engaged in.

16 64. Plaintiff is informed and believes and on that basis alleges, that Defendants were  
17 apprised, knew or should have known and/or were put on notice of the Perpetrator's (NASSAR)  
18 past sexual abuse of children, past claims and/or investigations, and his propensity and  
19 disposition to engage in such unlawful activity and unlawful sexual activity with minor  
20 participants and members such that Defendants knew or should have known that the Perpetrator  
21 (NASSAR) would commit wrongful sexual acts with participants and members, including  
22 Plaintiff. Plaintiff is informed and believes, and on that basis alleges that personnel and/or  
23 employment records and other records of Defendants' reflect numerous incidents of  
24 inappropriate sexual contact and conduct with minor participants and members by the Perpetrator  
25 (NASSAR) and other professionals, employees, assistants, agents, supervisors and others,  
26 including incidents occurring both on and off the physical premises of such Defendants and at  
27 national and international meets. Based on these records, Defendants knew and/or should have  
28 known of the Perpetrator's (NASSAR)

1 investigations, and his propensity and disposition to engage in unlawful activity and unlawful  
2 sexual activity with participants and members such that Defendants knew or should have known  
3 that the Perpetrator (NASSAR) would commit wrongful sexual acts with those minor  
4 participants and members, including Plaintiff.  
5

6 65. Because of the relationship between Plaintiff and Defendants, Defendants had an  
7 obligation and duty under the law not to hide material facts and information about the  
8 Perpetrator's (NASSAR) past, and his deviant sexual behavior and propensities. Additionally,  
9 Defendants had an affirmative duty to inform, warn, and institute appropriate protective  
10 measures to safeguard minors who were reasonably likely to come in contact with the Perpetrator  
11 (NASSAR). Defendants willfully refused to notify, give adequate warning and implement  
12 appropriate safeguards, thereby creating the peril that ultimately damaged Plaintiff.

13 66. Plaintiff is informed and believes and on that basis alleges that prior to Plaintiff's  
14 sexual abuse by the Perpetrator (NASSAR), Defendants engaged in a pattern and practice of  
15 employing sexual abusers at the Perpetrator (NASSAR). Defendants concealed these facts from  
16 participants and members, their parents, the Los Angeles community, the Texas community, the  
17 gymnastics community, the public at large, the United States government, various local  
18 governments, and law enforcement agencies.

19 67. Furthermore, Defendants USA GYMNASTICS and KAROLYI DEFENDANTS  
20 violated their own policies in allowing the Perpetrator (NASSAR) to come into contact with the  
21 Plaintiff. Defendant USA GYMNASTICS' policies, entitled "Standards of Behavior" provide  
22 that, "Avoid Being Alone with a Minor. Gymnastics is a sport that lends itself to one-on-one  
23 situations between a coach and a gymnast. Avoid being alone with a child or any group of  
24 children in a private setting (e.g., locker room, bathroom, office, vehicle or residence), and avoid  
25 being alone with a child or any group of children in any place that is inappropriate to the coach-  
26 athlete relationship. When a one-on-one situation is necessary, such as private coaching lessons  
27 or conversations, conduct the activity within the view of another adult." Some of the abuse  
28 perpetrated by the Perpetrator (NASSAR) against the Plaintiff, was perpetrated in the living

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quarters of JANE LM DOE, outside of the view of any adults and in direct violation of Defendant USA GYMNASTICS and KAROLYI DEFENDANTS' policies implemented for the safety of participants.

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

- a. Permitting the Perpetrator (NASSAR) to remain in a position of authority and trust after Defendants knew or should have known that he was a molester of children;
- b. Placing the Perpetrator (NASSAR) in a separate and secluded environment, at Defendant USA GYMNASTICS, KAROLYI DEFENDANTS and DOES 1 through 500, including assigning him unfettered access and control over minor participants and members that included individual and private examinations, private osteopathic adjustments without a chaperone, and allowing the Perpetrator (NASSAR) to physically and sexually interact with the children, including Plaintiff;
- c. Failing to disclose the Perpetrator's (NASSAR) prior record of misconduct, sexual abuse, harassment and molestation and his propensity to commit such acts towards participants and members in Defendants Defendant USA GYMNASTICS, KAROLYI DEFENDANTS and DOES 1 through 500's program, the public at large, and law enforcement;
- d. Allowing the Perpetrator (NASSAR) unsupervised and un-controlled access to minors, including the Plaintiff JANE LM DOE;
- e. Holding out the Perpetrator (NASSAR) to Plaintiff, her parents, other participants and members of Defendants USA GYMNASTICS, KAROLYI DEFENDANTS and DOES 1 through 500, 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 Defendants USA GYMNASTICS, KAROLYI DEFENDANTS and DOES 1 through 500;
- f. Failing to investigate or otherwise confirm or deny such facts about the Perpetrator (NASSAR), including prior arrests, charges, claims and investigations for sexual abuse;
- g. Failing to inform, or concealing from Plaintiff's parents and law enforcement officials the fact that Plaintiff and others were or may have been sexually abused, harassed and molested, after Defendants knew or should have known that the Perpetrator (NASSAR) may have sexually abused Plaintiff or others, thereby

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**MANLY, STEWART & FINALDI**  
19100 Von Karman Ave., Suite 800

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1 e. The Perpetrator's (NASSAR) sexual abuse and harassment of Plaintiff was done  
2 for the Perpetrator's (NASSAR) personal sexual gratification, and it annoyed,  
3 disturbed, irritated, and offended Plaintiff as it would have a reasonable person.  
4 Plaintiff did not consent to the sexual abuse and harassment by the Perpetrator  
5 (NASSAR) and further, was incapable of consenting to such because she was a  
6 minor at the time of the sexual abuse.

7 72. As set forth more fully herein above, the Perpetrator (NASSAR) did sexually  
8 abuse, harass and molest Plaintiff, who was a minor child at the time of the acts at-issue. Plaintiff  
9 is informed and believes, and on that basis alleges, that such conduct by the Perpetrator  
10 (NASSAR) was based upon Plaintiff's gender, and was done for NASSAR's sexual gratification.  
11 These actions upon Plaintiff were performed by the Perpetrator (NASSAR) without the free  
12 consent of Plaintiff, who was a young child, and could therefore not give valid legal consent.

13 73. During the period Plaintiff was being sexually abused and harassed by the  
14 Perpetrator (NASSAR), Defendants had the authority and ability to prevent such abuse by  
15 removing the Perpetrator (NASSAR) from his position as team physician at Defendants USA  
16 GYMNASTICS, KAROLYI DEFENDANTS, DOES 1 through 500. They failed to do so,  
17 allowing the abuse to occur and to continue unabated. Plaintiff is informed and believes and on  
18 that basis alleges that this failure was a part of Defendants' conspiratorial plan and arrangement  
19 to conceal the Perpetrator's (NASSAR) wrongful acts, to avoid and inhibit detection, to block  
20 public disclosure, to avoid scandal, to avoid the disclosure of their tolerance of child sexual  
21 molestation and abuse, to preserve a false appearance of propriety, and to avoid investigation and  
22 action by public authority including law enforcement. Such actions were motivated by a desire to  
23 protect the reputation of Defendants and protect the monetary support of Defendants, while  
24 fostering an environment where such abuse could continue to occur.

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

1 nervousness and fear. As a direct result of the sexual abuse and molestation by the Perpetrator  
2 (NASSAR), Plaintiff suffered immensely, including, but not limited to, encountering issues with  
3 a lack of trust, various negative psychological and emotional sequelae, depressive symptoms,  
4 anxiety attacks (or panic attacks), eating disorders, anxiety, and nervousness.  
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6 75. As a direct and proximate result of Defendants' tortuous acts, omissions, wrongful  
7 conduct and breaches of their duties, Plaintiff's employment and professional development has  
8 been adversely affected. Plaintiff has lost wages and will continue to lose wages in an amount to  
9 be determined at trial. Plaintiff has suffered substantial economic injury, all to Plaintiff's general,  
10 special and consequential damage in an amount to be proven at trial, but in no event less than the  
11 minimum jurisdictional amount of this Court.

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

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

- 21 • Duty to use reasonable care to protect participants and members from known or  
foreseeable dangers
- 22 • Duty to enact policies and procedures that are not in contravention of the Federal  
23 Civil Rights Act, section 1983 and the 14th amendment of the United States  
Constitution;
- 24 • Duty to protect participants and members and staff, and provide adequate supervision;
- 25 • Duty to ensure that any direction given to participants and members is lawful, and  
26 that adults act fairly, responsibly and respectfully towards participants and members;
- 27 • Duty to properly train staff so that they are aware of their individual responsibility for  
creating and maintaining a safe environment;
- 28 • Duty to review the criminal history of applicants and current employees;



- Duty to provide diligent supervision over minors;
- Duty to act promptly and diligently and not ignore or minimize problems.
- Duty to report suspected incidents of child abuse and more specifically childhood sexual abuse;

78. Defendants and each of them had and have a duty to protect participants and members, including Plaintiff. Defendants were required to, and failed, to provide adequate supervision, and failed to be properly vigilant in seeing that supervision was sufficient at Defendants USA GYMNASTICS, KAROLYI DEFENDANTS, ALL OLYMPIA, and DOES to ensure the safety of Plaintiff and others.

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

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

81. In subjecting Plaintiff to the wrongful treatment herein described, Defendants the Perpetrator (NASSAR), USA GYMNASTICS, COLAROSSO, PENNY, BELA KAROLYI, MARTHA KAROLYI, KAROLYI TRAINING CAMPS, LLC, KAROLYI WORLD GYMNASTICS INC., KAROLYI'S ELITE, AOGC ALL OLYMPIA GYMNASTIC CENTER INC., GALINA MARINOVA, ARTUR AKOPYAN, and DOES 1 through 500 acted willfully and maliciously with the intent to harm Plaintiff, and in conscious disregard of Plaintiff's rights, so as to constitute malice and/or oppression under California *Civil Code* section 3294. Plaintiff is informed, and on that basis alleges, that specifically, the Defendants acted in concert, and under their authority as child care providers, with reckless disregard for the concern of the minor participants in its charge, in order to further financially benefit its business's growth. The

1 Defendants acted intentionally in creating an environment that harbored molesters, put the  
2 vulnerable minor participants at-risk of harm, ignored clear warning signs and their duties to  
3 report sexual abusers and molesters in their ranks, to maintain a façade of normalcy, in order to  
4 maintain its funding and provide further financial growth of Defendants USA GYMNASTICS,  
5 KAROLYI DEFENDANTS, ALL OLYMPIA and DOES 1 through 500, on the international  
6 level. The safety of the minor participants that were entrusted to Defendants USA  
7 GYMNASTICS, KAROLYI DEFENDANTS, ALL OLYMPIA and DOES 1 through 500 and  
8 was compromised due to Defendants desire to maintain the status quo of the Defendants USA  
9 GYMNASTICS, KAROLYI DEFENDANTS, ALL OLYMPIA and DOES 1 through 500  
10 organizations, and avoid any public scrutiny for their misconduct. Plaintiff is informed, and on  
11 that basis alleges, that these willful, malicious, and/or oppressive acts, as alleged herein above,  
12 were ratified by the officers, directors, and/or managing agents of the Defendants. Plaintiff is  
13 therefore entitled to recover punitive damages, in an amount to be determined by the court,  
14 against Perpetrator (NASSAR), USA GYMNASTICS, COLAROSSO, PENNY, BELA  
15 KAROLYI, MARTHA KAROLYI, KAROLYI TRAINING CAMPS, LLC, KAROLYI  
16 WORLD GYMNASTICS INC., KAROLYI'S ELITE, AOGC ALL OLYMPIA GYMNASTIC  
17 CENTER INC., GALINA MARINOVA, ARTUR AKOPYAN, and DOES 1 through 500.

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19 **FIRST CAUSE OF ACTION**  
20 **SEXUAL ASSAULT**  
21 **(Against Defendant, the Perpetrator (NASSAR))**

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

24 83. The Perpetrator (NASSAR), in doing the things herein alleged, including  
25 intending to subject Plaintiff to numerous instances of sexual abuse and molestation by the  
26 Perpetrator (NASSAR), during Plaintiff's time with Defendants USA GYMNASTICS,  
27 KAROLYI DEFENDANTS, ALL OLYMPIA and DOES 1 through 500, beginning on or around  
28 2004, and lasting for the duration of Plaintiff's tenure with these Defendants, in or around 2010,  
including but not limited to instances of the Perpetrator (NASSAR) groping and fondling the

1 Plaintiff's vagina, all while the Perpetrator (NASSAR) acted in the course and scope of his  
2 agency/employment with Defendants, and each of them and were intended to cause harmful or  
3 offensive contact with Plaintiff's person, or intended to put Plaintiff in imminent apprehension of  
4 such contact.

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6 84. In doing the things herein alleged, Plaintiff was put in imminent apprehension of a  
7 harmful or offensive contact by the Perpetrator (NASSAR), and actually believed the Perpetrator  
8 (NASSAR) had the ability to make harmful or offensive contact with Plaintiff's person.

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10 85. Plaintiff did not consent to the Perpetrator's (NASSAR) intended harmful or  
11 offensive contact with Plaintiff's person, or intent to put Plaintiff in imminent apprehension of  
12 such contact. Additionally, because Plaintiff was a minor during the time herein alleged, she  
13 lacked the ability to consent to sexual contact with any person, especially with a team physician  
14 at Defendants USA GYMNASTICS, KAROLYI DEFENDANTS, and DOES 1 through 500.

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16 86. In doing the things herein alleged, the Perpetrator (NASSAR) violated Plaintiff's  
17 right, pursuant to *Civil Code* section 43, of protection from bodily restraint or harm, and from  
18 personal insult. In doing the things herein alleged, the Perpetrator (NASSAR) violated his duty,  
19 pursuant to *Civil Code* section 1708, to abstain from injuring the person of Plaintiff or infringing  
20 upon his rights.

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

88. Plaintiff is informed and based thereon alleges that the conduct of Defendants was  
oppressive, malicious and despicable in that it was intentional and done in conscious disregard  
for the rights and safety of others, and were carried out with a conscious disregard of her right to

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93. As a direct, legal and proximate result of the acts of the Perpetrator (NASSAR), Plaintiff sustained serious and permanent injuries to her person, all of his damage in an amount to be shown according to proof and within the jurisdiction of the Court.

94. As a direct result of the sexual abuse by the Perpetrator (NASSAR), Plaintiff has difficulty in reasonably or meaningfully interacting with others, including those in positions of authority over Plaintiff including teachers, and supervisors, and in intimate, confidential and familial relationships, due to the trauma of childhood sexual abuse inflicted upon her by Defendants. This inability to interact creates conflict with Plaintiff's values of trust and confidence in others, and has caused Plaintiff substantial emotional distress, anxiety, nervousness and fear. As a direct result of the sexual abuse and molestation by the Perpetrator (NASSAR), Plaintiff suffered immensely, including, but not limited to, encountering issues with a lack of trust, various psychological sequelae, depressive symptoms, anxiety, nervousness, and self-medicating behavior.

95. Plaintiff is informed and based thereon alleges that the conduct of the Perpetrator (

1 acts would constitute a criminal offense under state law that has as an element the use, attempted  
2 use, or threatened use of physical force against the person of another, committed at least in part  
3 based on the gender of the victim, whether or not those acts have resulted in criminal complaints,  
4 charges, prosecution, or conviction.

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6 98. The Perpetrator's (NASSAR) acts committed against Plaintiff, as alleged herein,  
7 including the sexual harassment, molestation and abuse of the Plaintiff constitutes gender  
8 violence and a form of sex discrimination in that the Perpetrator's (NASSAR) conduct caused a  
9 physical intrusion or physical invasion of a sexual nature upon Plaintiff under coercive  
10 conditions, whether or not those acts have resulted in criminal complaints, charges, prosecution,  
11 or conviction.

12 99. As a proximate result of the Perpetrator's (NASSAR) acts, Plaintiff is entitled to  
13 actual damages, compensatory damages, punitive damages, injunctive relief, any combination of  
14 those, or any other appropriate relief. Plaintiff is also entitled to an award of attorney's fees and  
15 costs pursuant to *Civil Code* § 52.4, against the Perpetrator (NASSAR).

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

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

19 101. During Plaintiff's time as a team member and participant at Defendants USA  
20 GYMNASTICS, KAROLYI DEFENDANTS, ALL OLYMPIA DEFENDANTS, and DOES 1  
21 through 500, the Perpetrator (NASSAR) intentionally, recklessly and wantonly made sexual  
22 advances, solicitations, requests, demands for sexual compliance of a hostile nature based on  
23 Plaintiff's gender that were unwelcome, pervasive and severe, including but not limited to the  
24 Perpetrator (NASSAR) groping and fondling the Plaintiff's vagina, all under the supervision of  
25 Defendants, who were acting in the course and scope of their agency with Defendants and each  
26 of them.

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102. The incidents of abuse outlined herein above took place while Plaintiff was under the control of Perpetrator (NASSAR) and Defendants USA GYMNASTICS, KAROLYI DEFENDANTS, ALL OLYMPIA DEFENDANTS, and DOES 1 through 500, as well as the staff of Defendants USA GYMNASTICS, KAROLYI DEFENDANTS, ALL OLYMPIA DEFENDANTS, and DOES 1 through 500, in their capacity and position as team physicians, athletic trainers, and staff at Defendants USA GYMNASTICS, KAROLYI DEFENDANTS, ALL OLYMPIA DEFENDANTS, and DOES 1 through 500, and while acting specifically on behalf of Defendants.

103. During Plaintiff's time as a team member and participant at Defendants USA GYMNASTICS, KAROLYI DEFENDANTS, ALL OLYMPIA DEFENDANTS, and DOES 1 through 500, the Perpetrator (NASSAR) intentionally, recklessl.2(A) 2 0.25T □ 0.(s) -0.2-0.2 (e) 0.2

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

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

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

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

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

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

24 112. Plaintiff is informed and believes and on that basis alleges that the Perpetrator  
25 (NASSAR) and Defendants USA GYMNASTICS, KAROLYI DEFENDANTS, ALL  
26 OLYMPIA DEFENDANTS, and DOES 1 through 500 have engaged in unlawful, unfair and  
27 deceptive business practices including allowing NASSAR to engage in repeated harassment of  
28 participants and members, including Plaintiff, and failing to take all reasonable steps to prevent



1 harassment and abuse from occurring. The unlawful, unfair and deceptive business practices also  
2 included failing to adequately investigate, vet, and evaluate individuals for employment with  
3 Defendants USA GYMNASTICS, KAROLYI DEFENDANTS, ALL OLYMPIA  
4 DEFENDANTS, and DOES 1 through 500, refusing to design, implement, and oversee policies  
5 regarding sexual harassment and abuse of children in a reasonable manner that is customary in  
6 similar educational environments. Plaintiff is informed and believes and on that basis alleges that  
7 the Perpetrator (NASSAR) and Defendants USA GYMNASTICS, KAROLYI DEFENDANTS,  
8 ALL OLYMPIA DEFENDANTS, and DOES 1 through 500, have engaged in unlawful, unfair  
9 and deceptive business practices including concealing sexual harassment, abuse and/or  
10 molestation claims by participants and members, such as Plaintiff, so as to retain other  
11 participants and members within Defendants USA GYMNASTICS, KAROLYI DEFENDANTS,  
12 ALL OLYMPIA DEFENDANTS, and DOES 1 through 500 who were not apprised of such  
13 illicit sexual misconduct by the Perpetrator (NASSAR).  
14

15 113. Plaintiff is informed and believes that Defendants engaged in a common scheme,  
16 arrangement or plan to actively conceal allegations against sexual abusers who were employees,  
17 agents, members, and/or participants at Defendants USA GYMNASTICS, KAROLYI  
18 DEFENDANTS, ALL OLYMPIA DEFENDANTS, and DOES 1 through 500, including  
19 NASSAR, such that Defendants USA GYMNASTICS, KAROLYI DEFENDANTS, ALL  
20 OLYMPIA DEFENDANTS, and DOES 1 through 500 could maintain their public image, and  
21 avoid detection of such abuse and abusers. Plaintiff is informed and believes and thereon alleges  
22 that Defendants actively concealed these allegations, such that Defendants would be insulated  
23 from public scrutiny, governmental oversight, and/or investigation from various law enforcement  
24 agencies, all done in order to maintain the false sense of safety for participants and their families  
25 and to perpetuate the program financially.

26 114. By engaging in unlawful, unfair and deceptive business practices, the Perpetrator  
27 (NASSAR) and Defendants USA GYMNASTICS, KAROLYI DEFENDANTS, ALL

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1 OLYMPIA DEFENDANTS, and DOES 1 through 500 benefitted financially to the detriment of  
2 its competitors, who had to comply with the law.

3 115. Unless restrained, Defendants USA GYMNASTICS, KAROLYI  
4 DEFENDANTS, ALL OLYMPIA DEFENDANTS, and DOES 1 through 500 will continue to  
5 engage in the unfair acts and business practices described above, resulting in great and  
6 irreparable harm to Plaintiff and/or other similarly situated participants and members.  
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8 116. Plaintiff seeks restitution for all amounts improperly obtained by the Perpetrator  
9 (NASSAR) and Defendants USA GYMNASTICS, KAROLYI DEFENDANTS, ALL  
10 OLYMPIA DEFENDANTS, and DOES 1 through 500 through the use of the above-mentioned  
11 unlawful business practices, as well as the disgorgement of all ill-gotten gains and restitution on  
12 behalf of Plaintiff and all other similarly situated participants and members who were also  
13 subjected to the Perpetrator (NASSAR) and Defendants USA GYMNASTICS, KAROLYI  
14 DEFENDANTS, ALL OLYMPIA DEFENDANTS, and DOES 1 through 500 illegal and unfair  
15 business practices.

16 117. Pursuant to section 17203 of the California *Business and Professions Code* and  
17 available equitable powers, Plaintiff is entitled to a preliminary and permanent injunction,  
18 enjoining the Perpetrator (NASSAR) and Defendants USA GYMNASTICS, KAROLYI  
19 DEFENDANTS, ALL OLYMPIA DEFENDANTS, and DOES 1 through 500 from continuing  
20 the unlawful and unfair business practices described above. Further, Plaintiff seeks the  
21 appointment of a court monitor to enforce its orders regarding client safety. In addition, Plaintiff  
22 is entitled to recover reasonable attorneys' fees pursuant to the California *Business and*  
23 *Professions Code* and section 1021.5 of the *California Code of Civil Procedure*.

24 **SIXTH CAUSE OF ACTION**  
25 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**  
26 **(Against All Defendants)**

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

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2 119. The Perpetrator (NASSAR) and Defendants USA GYMNASTICS, COLAROSSO,  
3 PENNY, BELA KAROLYI, MARTA KAROLYI, KAROLYI TRAINING CAMPS, LLC,  
4 KAROLYI WORLD GYMNASTICS INC., and KAROLYI'S ELITE, ALL OLYMPIA,  
5 GALINA MARINOVA, ARTUR AKOPYAN and DOES 1 through 500's conduct toward  
6 Plaintiff, as described herein, was outrageous and extreme.

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

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

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

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

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

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

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7 125. In subjecting Plaintiff to the wrongful treatment herein described, the Perpetrator  
8 (NASSAR), Defendants USA GYMNASTICS, COLAROSSO, PENNY, BELA KAROLYI,  
9 MARTA KAROLYI, KAROLYI TRAINING CAMPS, LLC, KAROLYI WORLD  
10 GYMNASTICS INC., and KAROLYI'S ELITE, ALL OLYMPIA, GALINA MARINOVA,  
11 ARTUR AKOPYAN and DOES 1 through 500 acted willfully and maliciously with the intent to  
12 harm Plaintiff, and in conscious disregard of Plaintiff's rights, so as to constitute malice and/or  
13 oppression under California *Civil Code* section 3294. Plaintiff is informed, and on that basis  
14 alleges, that these willful, malicious, and/or oppressive acts, as alleged herein above, were  
15 ratified by the officers, directors, and/or managing agents of the Defendants. Plaintiff is therefore  
16 entitled to recover punitive damages, in an amount to be determined by the court, against the  
17 Perpetrator (NASSAR), Defendants USA GYMNASTICS, COLAROSSO, PENNY, BELA  
18 KAROLYI, MARTA KAROLYI, KAROLYI TRAINING CAMPS, LLC, KAROLYI WORLD  
19 GYMNASTICS INC., and KAROLYI'S ELITE, ALL OLYMPIA, GALINA MARINOVA,  
20 ARTUR AKOPYAN and DOES 1 through 500.

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

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

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

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

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

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

- a. Investigate or otherwise confirm or deny such claims of sexual abuse;
- b. Reveal such facts to Plaintiff, Plaintiff's family and caretakers, the gymnastics community, the community at large, the US Olympic Committee, and law enforcement agencies;
- c. Refuse to place the Perpetrator (NASSAR) and other molesters in positions of trust and authority within Defendants' institutions;
- d. Refuse to hold out the Perpetrator (NASSAR) and other molesters to the public, the community, minors, parents and law enforcement agencies as being in good standing and, trustworthy in keeping with him and his position as a team physician and authority figure;
- e. Refuse to assign the Perpetrator (NASSAR) and other molesters to positions of power within Defendants USA GYMNASTICS, KAROLYI DEFENDANTS, and ALL OLYMPIA DEFENDANTS, and over minors; and
- f. Disclose to Plaintiff, her family, the public, the school community, minors, and law enforcement agencies the wrongful, tortious, and sexually exploitive acts that the Perpetrator (NASSAR) had engaged in with children.

131. Defendants' breach of their respective duties included:

- a. Not making reasonable investigations of the Perpetrator (NASSAR);
- b. Issuing no warnings about the Perpetrator (NASSAR);
- c. Permitting the Perpetrator (NASSAR) to routinely be alone with and in control of minors, unsupervised;

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- d. Not adopting a policy to prevent the Perpetrator (NASSAR) from routinely having minors and participants and members in his unsupervised control;
- e. Making no reports of any allegations of the Perpetrator's (NASSAR) abuse of participants and members, or of minors prior to or during his employment and/or agency at Defendants USA GYMNASTICS, KAROLYI DEFENDANTS, ALL OLYMPIA DEFENDANTS and DOES 1 through 500; and
- f. Assigning and continuing to assign the Perpetrator (NASSAR) to duties which placed him in positions of authority and trust over minors, positions in which the Perpetrator (NASSAR) could easily isolate and sexually abuse minors.

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

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

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

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

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

137. Defendants suppressed and concealed the true facts regarding the Perpetrator (NASSAR) with the purpose of: preventing Plaintiff, Plaintiff's parents & family, and others, from learning that the Perpetrator (NASSAR) and others had been and were continuing to sexually harass, molest and abuse minors and others under the Perpetrator's (NASSAR) and Defendants' control, direction, and guidance, with complete impunity; inducing people, including

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

9 138. At all times mentioned herein, Defendants, and in particular the Perpetrator  
10 (NASSAR) and Defendants USA GYMNASTICS, KAROLYI DEFENDANTS, ALL  
11 OLYMPIA DEFENDANTS and DOES 1 through 500, with knowledge of the tortious nature of  
12 their own and the Perpetrator's (NASSAR) conduct, knowingly conspired and gave each other  
13 substantial assistance to perpetrate the misrepresentations, fraud and deceit alleged herein—  
14 covering up the past allegations of sexual misconduct lodged against NASSAR, and allowing  
15 NASSAR to remain in his position as a team physician so they could maintain their reputations  
16 and continue with their positions within the organization.

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

1 true facts; and they would have sought psychological counseling for Plaintiff, and for other  
2 children molested and abused by the Perpetrator (NASSAR).

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4 140. By giving the Perpetrator (NASSAR) the position of team physician, Defendants  
5 impliedly represented that the Perpetrator (NASSAR) was safe and morally fit to give children  
6 care and provide osteopathic adjustments.

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8 141. When Defendants made these affirmative or implied representations and non-  
9 disclosures of material facts, Defendants knew or should have known that the facts were  
10 otherwise. Defendants knowingly and intentionally suppressed the material facts that the  
11 Perpetrator (NASSAR) had on numerous, prior occasions sexually, physically, and mentally  
12 abused minors and participants and members of Defendants, including Plaintiff, and knew of or  
13 learned of conduct, or should have known of conduct by the Perpetrator (NASSAR) which  
14 placed Defendants on notice that the Perpetrator (NASSAR) had previously been suspected of  
15 felonies, including unlawful sexual conduct with minors, and was likely abusing children.

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17 142. Because of Plaintiff's young age, and because of the status of the Perpetrator  
18 (NASSAR) as a trusted, authority figure to Plaintiff, Plaintiff was vulnerable to the Perpetrator  
19 (NASSAR). The Perpetrator (NASSAR) sought Plaintiff out, and was empowered by and  
20 accepted Plaintiff's vulnerability. Plaintiff's vulnerability also prevented Plaintiff from effectively  
21 protecting herself from the sexual advances of the Perpetrator (NASSAR).

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23 143. Defendants had the duty to obtain and disclose information relating to sexual  
24 misconduct of the Perpetrator (NASSAR).

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26 144. Defendants misrepresented, concealed or failed to disclose information relating to  
27 sexual misconduct of the Perpetrator (NASSAR).

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29 145. Defendants knew that they had misrepresented, concealed or failed to disclose  
30 information related to sexual misconduct of the Perpetrator (NASSAR).

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32 146. Plaintiff justifiably relied upon Defendants for information relating to sexual  
33 misconduct of the Perpetrator NASSAR.

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2 147. The Perpetrator (NASSAR) and Defendants USA GYMNASTICS, COLAROSSO,  
3 PENNY, KAROLYI DEFENDANTS, ALL OLYMPIA DEFENDANTS, and DOES 1 through  
4 500, in concert with each other and with the intent to conceal and defraud, conspired and came to  
5 a meeting of the minds whereby they would misrepresent, conceal or fail to disclose information  
6 relating to the sexual misconduct of the Perpetrator (NASSAR), the inability of Defendants to  
7 supervise or stop the Perpetrator (NASSAR) from sexually harassing, molesting and abusing  
8 Plaintiff, and/or their own failure to properly investigate, supervise and monitor his conduct with  
9 minor participants and members.

10 148. By so concealing, Defendants committed at least one act in furtherance of the  
11 conspiracy.

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

19 150. In addition, when Plaintiff finally discovered the fraud of Defendants, and  
20 continuing thereafter, Plaintiff experienced recurrences of the above-described injuries. Plaintiff  
21 experienced extreme and severe mental anguish and emotional distress that Plaintiff had been the  
22 victim of Defendants' fraud; that Plaintiff had not been able to help other minors being molested  
23 because of the fraud, and that Plaintiff had not been able because of the fraud to receive timely  
24 medical treatment needed to deal with the problems Plaintiff had suffered and continues to suffer  
25 as a result of the sexual harassment, molestation and abuse.

26 151. In subjecting Plaintiff to the wrongful treatment herein described, Defendants the  
27 Perpetrator (NASSAR), USA GYMNASTICS, COLAROSSO, PENNY, KAROLYI  
28 DEFENDANTS, ALL OLYMPIA DEFENDANTS, and DOES 1 through 500 acted willfully

1 and maliciously with the intent to harm Plaintiff, and in conscious disregard of Plaintiff's rights,  
2 so as to constitute malice and/or oppression under California *Civil Code* section 3294. Plaintiff is  
3 informed, and on that basis alleges, that these willful, malicious, and/or oppressive acts, as  
4 alleged herein above, were ratified by the officers, directors, and/or managing agents of the  
5 Defendants. Plaintiff is therefore entitled to recover punitive damages, in an amount to be  
6 determined by the court, against Defendants the Perpetrator (NASSAR), USA GYMNASTICS,  
7 COLAROSSO, PENNY, KAROLYI DEFENDANTS, ALL OLYMPIA DEFENDANTS, and  
8 DOES 1 through 500.

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10 **EIGHTH CAUSE OF ACTION**  
**NEGLIGENCE**

11 **(Against Defendants USA GYMNASTICS, COLAROSSO, PENNY, BELA KAROLYI,**  
**MARTA KAROLYI, KAROLYI TRAINING CAMPS, LLC, KAROLYI WORLD**  
**GYMNASTICS INC., KAROLYI'S ELITE, ALL OLYMPIA, GALINA MARINOVA,**  
**ARTUR AKOPYAN and DOES 1 through 500)**

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13 152. 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.

15 153. Prior to and after the first incident of the Perpetrator's (NASSAR) sexual  
16 harassment, molestation and abuse of Plaintiff, through the present, Defendants, knew and/or  
17 should have known that the Perpetrator (NASSAR) had and was capable of sexually, physically,  
18 and mentally abusing and harassing Plaintiff or other victims.

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

26 155. Defendants breached their duties of care to the minor Plaintiff by allowing the  
27 Perpetrator (NASSAR) to come into contact with the minor Plaintiff and other participants and  
28 members, without supervision; by failing to adequately hire, supervise and retain the Perpetrator

1 (NASSAR) whom they permitted and enabled to have access to Plaintiff; by concealing from  
2 Plaintiff, her family, and law enforcement that the Perpetrator (NASSAR) was sexually  
3 harassing, molesting and abusing minors; and by holding the Perpetrator (NASSAR) out to  
4 Plaintiff and her family as being of high moral and ethical repute, in good standing and  
5 trustworthy.

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

12 157. Defendants breached their duty to Plaintiff by failing to adequately monitor and  
13 supervise the Perpetrator (NASSAR) and failing to prevent the Perpetrator (NASSAR) from  
14 committing wrongful sexual acts with minors including Plaintiff. Defendants' voluminous past  
15 records of sexual misconduct by the Perpetrator (NASSAR) caused Defendants to know, or gave  
16 them information where they should have known, of the Perpetrator's (NASSAR) incapacity to  
17 serve as a team physician, providing for the physical care of minor females.

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

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2 **NINTH CAUSE OF ACTION**  
3 **NEGLIGENT SUPERVISION**  
4 **(Against Defendants USA GYMNASTICS, COLAROSSO, PENNY, BELA KAROLYI,**  
5 **MARTA KAROLYI, KAROLYI TRAINING CAMPS, LLC, KAROLYI WORLD**  
6 **GYMNASTICS INC., KAROLYI'S ELITE, ALL OLYMPIA, GALINA MARINOVA,**  
7 **ARTUR AKOPYAN and DOES 1 through 500)**

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

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13 160. By virtue of Plaintiff's special relationship with Defendants, and Defendants'  
14 relation to the Perpetrator (NASSAR), Defendants owed Plaintiff a duty to provide reasonable  
15 supervision of the Perpetrator (NASSAR), to use reasonable care in investigating the  
16 Perpetrator's (NASSAR) background, and to provide adequate warning to Plaintiff, Plaintiff's  
17 family, and minor participants and members of the Perpetrator's (NASSAR) dangerous  
18 propensities and unfitness. As organizations and individuals responsible for, and entrusted with,  
19 the welfare of minor children, Defendants USA GYMNASTICS, COLAROSSO, PENNY, BELA  
20 KAROLYI, MARTA KAROLYI, KAROLYI TRAINING CAMPS, LLC, KAROLYI WORLD  
21 GYMNASTICS INC., KAROLYI'S ELITE, ALL OLYMPIA, GALINA MARINOVA, ARTUR  
22 AKOPYAN and DOES 1 through 500 had a duty to protect, supervise, and monitor both the  
23 Plaintiff from being preyed upon by sexual predators, and to supervise and monitor the  
24 Perpetrator (NASSAR) such that he would not be placed in seclusion with minor children,  
25 including the Plaintiff.

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27 161. As representatives of Defendants USA GYMNASTICS, COLAROSSO, PENNY,  
28 BELA KAROLYI, MARTA KAROLYI, KAROLYI TRAINING CAMPS, LLC, KAROLYI  
WORLD GYMNASTICS INC., KAROLYI'S ELITE, ALL OLYMPIA, GALINA MARINOVA,  
ARTUR AKOPYAN and DOES 1 through 500, where many of the participants and members  
thereof are vulnerable minors entrusted to these Defendants, these Defendants' agents expressly  
and implicitly represented that team physicians and staff, including the Perpetrator (NASSAR),  
were not a sexual threat to children and others who would fall under the Perpetrator's  
(NASSAR) influence, control, direction, and care.

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162. Defendants, by and through their respective agents, servants and employees, knew or should have known of the Perpetrator's (NASSAR) dangerous and exploitive propensities and that the Perpetrator (NASSAR) was an unfit agent. Despite such knowledge, Defendants negligently failed to supervise the Perpetrator (NASSAR) in his position of trust and authority as a team physician and authority figure over children, where he was able to commit wrongful acts of sexual misconduct against Plaintiff. Defendants failed to provide reasonable supervision of the Perpetrator (NASSAR), failed to use reasonable care in investigating the Perpetrator (NASSAR), and failed to provide adequate warning to Plaintiff and Plaintiff's family of the Perpetrator's (NASSAR) dangerous propensities and unfitness. Defendants further failed to take reasonable steps to ensure the safety of minors, including Plaintiff, from sexual harassment, molestation, and abuse.

163. At no time during the periods of time alleged did Defendants have in place a reasonable system or procedure to investigate, supervise and monitor the team physician or staff, including the Perpetrator (NASSAR), to prevent pre-sexual grooming and sexual harassment, molestation and abuse of children, nor did they implement a system or procedure to oversee or monitor conduct toward minors and others in Defendants' care.

164. Defendants were aware or should have been aware of how vulnerable children were to sexual harassment, molestation and abuse by teachers and other persons of authority within Defendants' entities.

165. Defendants were put on notice, knew and/or should have known that the Perpetrator (NASSAR) had previously engaged and was continuing to engage in unlawful sexual conduct with minors, and had committed other felonies, for his own personal sexual gratification, and that it was foreseeable that he was engaging, or would engage in illicit sexual activities with Plaintiff, and others, under the cloak of the authority, confidence, and trust, bestowed upon him through Defendants.

166. Defendants were placed on actual or constructive notice that the Perpetrator (NASSAR) had molested other minors and participants and members during his employment

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with Defendants. Defendants were informed of molestations of minors committed by the Perpetrator (NASSAR) prior to Plaintiff's sexual abuse, and of conduct by the Perpetrator (NASSAR) that would put a reasonable person on notice of such propensity to molest and abuse children.

167. Even though Defendants knew or should have known of these illicit sexual activities by the Perpetrator (NASSAR), Defendants did not reasonably investigate, supervise or monitor the Perpetrator (NASSAR) to ensure the safety of the minor participants and members.

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

169. Defendants, and each of them, breached their duty to Plaintiff by, *inter alia*, by failing to adequately monitor and supervise the Perpetrator (NASSAR) and stop the Perpetrator (NASSAR) from committing wrongful sexual acts with minors including Plaintiff.

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

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173. Defendants knew, or should have known, in the exercise of reasonable diligence, that an undue risk to minors, including Plaintiff, existed because Defendants did not comply with California's mandatory reporting requirements.

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174. By failing to report the continuing molestations and abuse by the Perpetrator (NASSAR), which Defendants knew or should have known about, and by ignoring the fulfillment of the mandated compliance with the reporting requirements, Defendants created the risk and danger contemplated by the applicable mandated reporting laws, and as a result, unreasonably and wrongfully exposed Plaintiff and other minors to sexual molestation and abuse.

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

176. Had Defendants adequately reported the molestation of Plaintiff and other minors as required by applicable mandated reporting laws, further harm to Plaintiff and other minors would have been avoided.

177. As a proximate result of Defendants' failure to follow the mandatory reporting requirements, Defendants wrongfully denied Plaintiff and other minors the intervention of child protection services. Such public agencies would have changed the then-existing arrangements and conditions that provided the access and opportunities for the molestation of Plaintiff by the Perpetrator (NASSAR).

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

179. As a result, Defendants' failure to comply with the mandatory reporting requirements constituted a per se breach of Defendants' duties to Plaintiff.

180. Defendants, and each of them, breached their duty to Plaintiff by, inter alia, by failing to adequately monitor and supervise the Perpetrator (NASSAR) and stop the Perpetrator (NASSAR) from committing wrongful sexual acts with minors including Plaintiff.

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

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10 **TENTH CAUSE OF ACTION**  
11 **NEGLIGENT HIRING/RETENTION**  
12 **(Against Defendants USA GYMNASTICS, COLAROSSO, PENNY, BELA KAROLYI,**  
13 **MARTA KAROLYI, KAROLYI TRAINING CAMPS, LLC, KAROLYI WORLD**  
14 **GYMNASTICS INC., KAROLYI'S ELITE, and DOES 1 through 500)**

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

17 183. By virtue of Plaintiff's special relationship with Defendants, and Defendants'  
18 relation to the Perpetrator (NASSAR), Defendants owed Plaintiff a duty to not hire or retain the  
19 Perpetrator (NASSAR), given his dangerous and exploitive propensities, which Defendants knew  
20 or should have known about had they engaged in a reasonable, meaningful and adequate  
21 investigation of her background prior to her hiring or retaining her in subsequent positions of  
22 employment.

23 184. Defendants expressly and implicitly represented that the team staff, trainers, and  
24 team physicians, including the Perpetrator (NASSAR), were not a sexual threat to children and  
25 others who would fall under the Perpetrator's (NASSAR) influence, control, direction, and  
26 guidance.

27 185. At no time during the periods of time alleged did Defendants have in place a  
28 reasonable system or procedure to investigate, supervise and monitor team staff, trainers, and  
team physicians, including the Perpetrator (NASSAR), to prevent pre-sexual grooming or sexual  
harassment, molestation and abuse of children, nor did they implement a system or procedure to

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2 oversee or monitor conduct toward minors, participants and members and others in Defendants'  
3 care.

4 186. Defendants were aware or should have been aware and understand how  
5 vulnerable children were to sexual harassment, molestation and abuse by teachers and other  
6 persons of authority within the control of Defendants prior to Plaintiff's sexual abuse by the  
7 Perpetrator (NASSAR).

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

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

20 189. Even though Defendants knew or should have known of these sexually illicit  
21 activities by the Perpetrator (NASSAR), Defendants failed to use reasonable care in investigating  
22 the Perpetrator (NASSAR) and did nothing to reasonably investigate, supervise or monitor the  
23 Perpetrator (NASSAR) to ensure the safety of the minor participants and members.

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

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

1 be prevented from performing daily activities and obtaining the full enjoyment of life; will  
2 sustain loss of earnings and earning capacity, and/or has incurred and will continue to incur  
3 expenses for medical and psychological treatment, therapy, and counseling.  
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5 **ELEVENTH CAUSE OF ACTION**  
6 **NEGLIGENT FAILURE TO WARN, TRAIN, or EDUCATE**  
7 **(Against Defendants USA GYMNASTICS, COLAROSSO, PENNY, BELA KAROLYI,**  
8 **MARTA KAROLYI, KAROLYI TRAINING CAMPS, LLC, KAROLYI WORLD**  
9 **GYMNASTICS INC., KAROLYI'S ELITE, ALL OLYMPIA, GALINA MARINOVA,**  
10 **ARTUR AKOPYAN and DOES 1 through 500)**

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

13 193. Defendants owed Plaintiff a duty to take reasonable protective measures to protect  
14 Plaintiff and other minor participants and members from the risk of childhood sexual harassment,  
15 molestation and abuse by the Perpetrator (NASSAR) by properly warning, training or educating  
16 Plaintiff and other about how to avoid such a risk.

17 194. Defendants breached their duty to take reasonable protective measures to protect  
18 Plaintiff and other minor participants and members from the risk of childhood sexual harassment,  
19 molestation and abuse by the Perpetrator (NASSAR), such as the failure to properly warn, train  
20 or educate Plaintiff and other minor participants and members about how to avoid such a  
21 particular risk that the Perpetrator (NASSAR) posed—of sexual misconduct.

22 195. Defendants breached their duty to take reasonable protective measures to protect  
23 Plaintiff and other minor participants and members from the risk of childhood sexual harassment,  
24 molestation and abuse by the Perpetrator (NASSAR), by failing to supervise and stop employees  
25 of Defendants, including the Perpetrator (NASSAR), from committing wrongful sexual acts with  
26 minors, including Plaintiff.

27 196. As a result of the above-described conduct, Plaintiff has suffered and continues to  
28 suffer great pain of mind and body, shock, emotional distress, physical manifestations of  
emotional distress including embarrassment, loss of self-esteem, disgrace, humiliations, and loss  
of enjoyment of life; has suffered and continues to suffer and was prevented and will continue to  
be prevented from performing daily activities and obtaining the full enjoyment of life; will

1 sustain loss of earnings and earning capacity, and/or has incurred and will continue to incur  
2 expenses for medical and psychological treatment, therapy, and counseling.

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

6 **FOR ALL CAUSES OF ACTION**

7 1. For past, present and future non-economic damages in an amount to be  
8 determined at trial;

9 2. For past, present and future special damages, including but not limited to past,  
10 present and future lost earnings, economic damages and others, in an amount to be determined at  
11 trial;

12 3. Any appropriate statutory damages;

13 4. For costs of suit;

14 6. Punitive damages, according to proof, though not as to the Negligence Causes of  
15 Action (Causes of Action 8 through 11);

16 7. For interest based on damages, as well as pre-judgment and post-judgment  
17 interest as allowed by law;

18 8. For attorney's fees pursuant to California *Code of Civil Procedure* sections  
19 1021.5, *et seq.*, 52, *et seq.*, 51, *et seq.*, or as otherwise allowable by law;

20 9. For declaratory and injunctive relief

25 *John C. Manly*  
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**DEMAND FOR JURY TRIAL**

Plaintiff JANE LM DOE hereby demands a trial by jury.

Dated: October 26, 2016

**MANLY, STEWART & FINALDI**

By: *John C. Manly*  
JOHN C. MANLY, Esq.  
Attorneys for Plaintiff, JANE LM DOE

MANLY, STEWART & FINALDI  
19100 Von Karman Ave, Suite 800  
Irvine, California 92612  
Telephone: (949) 252-9990

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