

E-FILED  
2/28/2018 3:09 PM  
Clerk of Court  
Superior Court of CA,  
County of Santa Clara  
18CV323989  
Reviewed By: G. Reyes

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6 RAISMAN, an individual

7  
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **IN AND FOR THE COUNTY OF SANTA CLARA**

10  
11 ALEXANDRA ROSE RAISMAN, an  
12 individual.

13 Plaintiff,

14 v.

15 UNITED STATES OLYMPIC COMMITTEE,  
a Business Entity of form unknown; USA  
16 GYMNASTICS, an Indiana Business Entity of  
Form Unknown; LARRY NASSAR, an  
17 individual, STEVE PENNY, an individual,  
PAUL PARRILLA, an individual, and DOES  
18 1 through 500.

19 Defendants.

Case No.: 18CV323989  
Judge: \_\_\_\_\_  
Department: \_\_\_\_\_

**COMPLAINT FOR DAMAGES FOR:**

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

[Filed pursuant to C.C.P. §340.1]

**DEMAND FOR JURY TRIAL.**

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27 **COMES NOW**, Plaintiff ALEXANDRA ROSE RAISMAN (hereinafter referred to as  
28 “Plaintiff” or “ALY RAISMAN”) who complains and alleges as follows:

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1 other elite minor athletes who competed with ALY RAISMAN. After Defendant NASSAR was  
2 only finally removed from his position at USAG, he continued to sexually abuse minors in his role  
3 as a physician for over a year.

4 3. To this day, ALY RAISMAN continues to suffer depression, anxiety and fear  
5 stemming from her abuse by Defendant NASSAR, which affects her daily life, including but not  
6 limited to the Plaintiff not trusting medical professionals, not trusting adult males, and constantly  
7 suffering from feelings of fear, anxiety, and depression. In addition to this psychological and  
8 physical trauma suffered by ALY RAISMAN, the Plaintiff continued to train for years in pain,  
9 believing that Defendant NASSAR was properly treating her physical ailments associated with her  
10 sport. When she was young, ALY RAISMAN always felt guilty for thinking NASSAR was weird,  
11 and questioned why she did not like the purported best gymnastics doctor in the world, though she  
12 did not understand the purported medical treatment she was receiving, at that time, was sexual  
13 abuse. Upon learning that this was not legitimate treatment, the Plaintiff suffered further  
14 humiliation, guilt, shame, and disgust.

15 **THE PLAINTIFF**

16 **ALY RAISMAN**

17 4. The Plaintiff ALY RAISMAN is now a young adult female who currently resides  
18 in the State of Massachusetts, who was born on May 25, 1994. The Plaintiff ALY RAISMAN was  
19 formerly an elite minor gymnast who was sexually abused by NASSAR believing this was medical  
20 treatment, while competing in National and International Competitions, including but not limited  
21 to competitions in California, Japan, the Karolyi Ranch in Huntsville, Texas (and other locations  
22 across the United States and internationally, including in Europe, Asia and Australia) that were  
23 hosted, sanctioned, supervised, and/or endorsed by, under the supervision of, chartered, and/or  
24 under the mandate of Defendants USAG, USOC, and DOES 1 through 500. During many of these  
25 events, the Defendants USOC, USAG, PENNY, and DOES 1 through 500, took care, custody and  
26 control of Plaintiff ALY RAISMAN and stood *in loco parentis* with her and her parents.  
27 Defendants USOC, PENNY and USAG had a duty to protect ALY RAISMAN from known or  
28 foreseeable dangers, such as Defendant NASSAR, and to promptly investigate, censure, discipline,

1 and/or remove Defendant NASSAR; and/or take remedial actions; actions they never took until  
2 after the cessation of ALY RAISMAN's abuse.

3 5. The Plaintiff was an elite level gymnast and member of Team USA who competed  
4 and trained in National and International competitions on behalf of the United States. These  
5 National and International competitions and trainings occurred in places including, but not limited  
6 to: Santa Clara County in California, the "Karolyi Ranch" located in Huntsville, Texas and other  
7 locations across the United States and internationally, including the most elite competitions  
8 occurred in Asia, Australia, and Europe. During many of these competitions, the Plaintiff was  
9 subjected to sexual harassment, sexual assault, sexual abuse and molestation by Defendant  
10 NASSAR, including but not limited to competitions and trainings that occurred in Santa Clara  
11 County in California, at the Karolyi Ranch in Huntsville, Texas, in Japan, and other locations  
12 across the United States and internationally, including Europe and Australia. The Plaintiff was  
13 sexually abused on numerous occasions and at numerous locations in or around 2010 through in  
14 or around 2012, and in 2015. This sexual abuse of the Plaintiff occurred at events where  
15 Defendants USAG, USOC, PENNY and DOES 1 through 500 were responsible to supervise the  
16 Plaintiff, ensure proper medical procedures and protocols were followed, warn the Plaintiff of  
17 known dangers, and to provide for her safety.

18 6. This action is brought pursuant to *Code of Civil Procedure* §340.1, which governs  
19 the statutes of limitations arising from childhood sexual abuse. As a victim of childhood sexual  
20 abuse, and a young adult under the age of 26 years old, thus, ALY RAISMAN's action is timely.

### 21 DEFENDANTS

#### 22 **DEFENDANT, UNITED STATES OLYMPIC COMMITTEE ("USOC")**

23 7. Defendant USOC, at all times mentioned herein, was and is a business entity of  
24 form unknown, having its principal place of business in the State of Colorado and is headquartered  
25 in Colorado Springs, Colorado. The USOC is a federally chartered nonprofit corporation, which  
26 was reorganized by the Ted Stevens Amateur Sports Act, originally enacted in 1978. As advertised  
27 on its website, "[t]he USOC has two primary responsibilities in its oversight of Olympic and  
28 Paralympic sport in the United States. The first is to generate resources in support of its mission,

1 which is to help American athletes achieve sustained competitive excellence. The second is to  
2 ensure organizational resources are wisely and effectively used to that end.” Furthermore,  
3 Defendant “...USOC is committed to creating a safe and positive environment for athletes’  
4 **physical, emotional and social development and to ensuring that it promotes an environment**  
5 **free of misconduct.**” Under the Ted Stevens Amateur Sports Act, 36 *U.S.C.* §§220501, *et seq.*  
6 (hereinafter, “Ted Stevens Act”) Defendant USOC had a mandatory obligation to ensure that  
7 before granting NGBs, including USAG, a sanction to host National or International events, that  
8 they provide “**proper medical supervision will be provided for athletes who will participate**  
9 **in the competition.**” 36 *U.S.C.* §§220525(b)(4)(E).

10 8. For in or around 2011 through the cessation of the Plaintiff’s sexual abuse by  
11 Defendant NASSAR, the “Karolyi Ranch” was designated as being the United States’ Olympic  
12 Training Center, thus, was required to follow all protocols, mandates, policies, bylaws, rules,  
13 and/or practices of Defendant USOC (as well as Defendant USAG).

14 9. During all relevant times during ALY RAISMAN’s abuse, Defendant USOC was  
15 responsible for ensuring that the Karolyi Ranch, provided adequate supervision for the minors  
16 competing thereat, reasonable safety protocols ensuring the safety of those minors, and reasonable  
17 supervision, training, and oversight procedures for all medical care provided to gymnasts at the  
18 Karolyi Ranch, including training of staff on identification of sexual abuse, proper procedures, use  
19 of proper medical care, and staffing of ample medical personnel to ensure proper care of all minor  
20 gymnasts, including the Plaintiff ALY RAISMAN. Despite these duties under the law, Defendant  
21 USOC implemented virtually no safety protocols or procedures at the Karolyi Ranch, and failed  
22 to provide any supervision for minor gymnasts training at the Karolyi Ranch.

23 10. At all times relevant to the Plaintiff’s sexual abuse at the hands of NASSAR,  
24 Defendant USOC was responsible for the Plaintiff’s supervision while competing at the Olympics,  
25 the Olympic Trials, and the World Artistic Gymnastics Championships and trainings for such.  
26 Despite being the body responsible for the Plaintiff’s safety during these events, including, being  
27 responsible for her supervision, medical care, and well-being, Defendant USOC provided entirely  
28 inadequate or effective measures to ensure her protection from the risk of sexual abuse, either at

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1 the events or in her living quarters, where sexual abuse by NASSAR occurred. Despite competing  
2 in Australia, Japan, the United Kingdom and the Netherlands (among other international sites), the  
3 Plaintiff ALY RAISMAN was either provided no supervision while medical treatment was  
4 performed in her living quarters by NASSAR or USAG employee Debbie Van Horn was present  
5 for such treatment. Based on information, and therefore belief, despite Ms. Van Horn being  
6 represented as a qualified medical professional, she was not properly trained to supervise  
7 NASSAR, not given mandate to do so, and was otherwise present for sexually abusive treatments  
8 that NASSAR would perform, without reporting such to law enforcement or the proper authorities.  
9 This is how and why NASSAR was allowed solitary access to these minors, including the Plaintiff  
10 ALY RAISMAN, or alternatively, was allowed to abuse minors (such as the Plaintiff) in the  
11 presence of USAG staff (Ms. Van Horn).

12 11. In 2010, during the Plaintiff ALY RAISMAN's sexual abuse at the hands of  
13 NASSAR, Defendant USOC convened what it termed the "Working Group for Safe Training  
14 Environments" in order to address, among many things, physical and sexual abuse of amateur  
15 athletes in National Governing Bodies ("NGB"). It was not until 2011, after this commission met,  
16 that Defendant USOC hired an individual to head its "SafeSport" program and not until 2012 that  
17 a "SafeSport" Handbook was adopted and promulgated safeguards and safety protections for  
18 minor athletes, from the ravages of sexual abuse. Despite only instituting these SafeSport policies  
19 in 2012, Defendant USOC was acutely aware of the ravages of sexual abuse posed to minors in  
20 amateur sports, **for at least a decade prior to this SafeSport program being created**, as they  
21 were informed by former Defendant USAG President, Robert "Bob" Colarossi. *See infra*.

22 12. As a requirement for NGBs, such as Defendant USAG, to remain in "good  
23 standing" with Defendant USOC, Defendant USOC policies require that USAG "...l) comply with  
24 the safe sport policies of the corporation and with the policies and procedures of the independent  
25 safe sport organization designated by the corporation to enhance safe sport practices and to  
26 investigate and resolve safe sport violations (no exceptions to this requirement shall be allowed  
27 unless granted by the CEO, or his or her designee, after allowing the [NGB] or PSO to present the  
28 reasons for such exception)...". The Plaintiff is informed and believes, and on that basis alleges,

1 that the Safe Sport program was introduced in or around 2011, and that such policies have become  
2 more stringent over the years. Nevertheless, the Defendant USOC continued to fail to adequately  
3 enforce these policies against Defendant NASSAR, and has continually failed to uphold said  
4 policies through proper reporting, supervision, mandates on NGBs (including Defendant USAG),  
5 and other preventative procedures. Even as the SafeSport policies state today herein, Defendant  
6 USOC still failed to uphold these policies and procedures, had they been in-place at the  
7 commencement of ALY RAISMAN's sexual abuse. Defendant USOC has and had a culture and  
8 atmosphere that conceals known and suspected sexual abusers, which transcends all policies and  
9 procedures that are set in-place. For this reason, Defendant USOC has a practice and culture of  
10 ignoring its own internal rules and mandates for NGBs, in order to protect its reputation and blind  
11 itself to known abusers within the ranks of NGBs for which it is responsible.

12 13. Moreover, the Defendant USOC currently promulgates the SafeSport policies that  
13 prevent "...USOC employees, coaches, contracted staff, volunteers, board members, committee  
14 and task force members, and other individuals working with athletes or other sport participants  
15 while at an OTC, whether or not they are employees of the USOC" and "...[a]thletes training  
16 and/or residing at a USOC Olympic Training Center" from engaging in sexually abusive  
17 misconduct, including "child sexual abuse" and "sexual misconduct." See USOC Safe Sport  
18 Policies, Section II(c). SafeSport policy also has policies for identifying "grooming" behaviors,  
19 which it defines as, "...the most common strategy used by offenders to seduce their victims."

20 14. Subsequent to sometime in 2012, Plaintiff is informed and believes and on that  
21 basis alleges that these policies (or prior versions that were similar or less restrictive) were in effect  
22 at Defendant USOC, and applied to Defendant USAG. Despite the existence of these policies after  
23 2012, Defendant USOC allowed Defendant NASSAR to continue to participate with minor  
24 children at Defendant USAG, the NGB for Women's Gymnastics, and failed to adequately enforce  
25 these policies, or mandate that Defendant USAG enforce these policies. Due to its systemic and  
26 knowing failure to enforce these policies, the Plaintiff was sexually harassed, abused, and molested  
27 by Defendant NASSAR; an individual who was subject to these policies. Plaintiff is informed, and  
28 on that basis, believes that Defendant USAG was at all times in "good standing" with Defendant

1 USOC, despite failing to adhere to, and enforce the SafeSport policies, which it violated by  
2 allowing Defendant NASSAR access to minor gymnasts, including the Plaintiff ALY RAISMAN.  
3 Furthermore, in failing to report suspected child abuse of Defendant NASSAR and/or failing to  
4 enforce policies and procedures to prevent said sexual abuse of minors, the Defendant USOC  
5 prevented the Plaintiff and her parents from avoiding the sexual abuse of the Plaintiff and/or  
6 ceasing it sooner.

7 15. Further, Defendant USOC was required to ensure that NGBs, including Defendant  
8 USAG, ensure that **“proper safety precautions have been taken to protect the personal welfare  
9 of the athletics and spectators at the competition.”** 36 *U.S.C.* §§220525(b)(4)(F). Moreover, as  
10 part of an NGB’s mandate from the Defendant USOC, it was to, **“encourage and support  
11 research, development, and dissemination of information in the areas of sports medicine and  
12 sports safety.”** 36 *U.S.C.* §220524(9). Had Defendant USOC performed its mandate reasonably,  
13 diligently, and in accord with its duty to protect minor children under both Federal and California  
14 Law, Defendant NASSAR would have been investigated, sanctioned, and/or removed from  
15 Defendants USAG, USOC, and others, and never have been placed in solitary contact with the  
16 Plaintiff. Defendant USOC never adequately or reasonably enforced these policies, thus, the sexual  
17 abuse perpetrated by Defendant NASSAR on the Plaintiff, as well as hundreds of other minor girls,  
18 was a natural, probable and foreseeable outgrowth of Defendant USOC’s dereliction of its duties.  
19 Defendant USOC willfully blinded itself and its officers, agents, employees, and servants, to  
20 ravages of sexual abuse that were rampant in amateur sports and in organizations for which it was  
21 responsible to supervise, including Defendant USAG.

22 16. In March of 2017, under the United States Senate Judiciary Committee’s inquiry  
23 into the failure of the Defendants USAG and USOC in protecting gymnasts from sexual assault,  
24 specifically centered around Defendant NASSAR, the Defendant USOC’s president publicly  
25 admitted, “[t]he Olympic community failed the people it was supposed to protect.”

26 17. Plaintiff is informed, and believes, and on that basis alleges that Defendant USOC  
27 was aware, at the highest levels of its organization, that Defendant NASSAR had molested  
28 Olympian and National Team level gymnasts who participated with Defendant USAG, an NGB

1 under Defendant USOC's charter, while Defendant NASSAR was permitted to return to his  
2 medical practice at Michigan State University ("MSU") without MSU being warned, advised or  
3 otherwise contacted by Defendants USOC or USAG regarding Defendant USOC's knowledge of  
4 NASSAR's sexual abuse of elite, minor gymnasts. Plaintiff is informed and believes, and on that  
5 basis alleges that despite having actual knowledge of Defendant NASSAR's molestation of minor  
6 gymnasts as early as 2015, Defendant USOC concealed their involvement with Defendant USAG,  
7 concealed its knowledge of Defendant NASSAR's sexual misconduct with minor children, and  
8 ultimately, misdirected the United States Senate into believing that Defendant USOC had only  
9 failed to protect minor gymnasts through lack of oversight. Plaintiff is informed and believes, and  
10 on that basis alleges, that Defendant USOC knew that NASSAR had been removed from  
11 Defendant USAG for allegations of child molestation as early as 2015 (as it was Defendant  
12 USOC's custom and practice to necessarily learn of reports of child molestation by a NGB  
13 employee, like those made to Defendant USAG in 2015) given that Defendant USOC was  
14 responsible for the supervision of Defendant USAG. Nonetheless, Defendant USOC had  
15 representatives present at the March 2017 Senate Judiciary Committee Hearing and concealed their  
16 prior knowledge of Defendant NASSAR being a pedophile and sexual abuser; leaving the  
17 Senators, those present, and the public with the false impression that Defendant USOC simply  
18 failed to implement proper procedures to prevent abuse. During this hearing, and as early as 2015,  
19 Defendants USOC, USAG and PENNY had knowledge that Defendant NASSAR had abused  
20 young girls, and that he continued to sexually abuse young girls for over another year at MSU,  
21 without notifying, informing, or otherwise communicating this knowledge to MSU.

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

26 **DEFENDANT, USA GYMNASTICS ("USAG")**

27 19. USAG, at all times mentioned herein, was and is a business entity of form unknown,  
28 having its principal place of business in the State of Indiana. Plaintiff is informed and believes,

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1 and on that basis alleges that USAG was incorporated in the state of Texas and/or Arizona.  
2 Defendant USAG is the NGB for gymnastics in the United States, as designated and permitted by  
3 Defendant USOC under the Ted Stevens Amateur Sports Act, and selects and trains the United  
4 States gymnastics teams for the Olympics and World Championships, promotes and develops  
5 gymnastics locally and nationally, and serves as a resource center for members, clubs, fans and  
6 gymnasts throughout the United States. USAG has more than 174,000 athletes and professional  
7 members, more than 148,000 athletes registered in competitive programs, as well as ~~more than~~  
8 25,000 professional, instructor and club members. Approximately 4,000 competitions and events  
9 throughout the United States are sanctioned annually by USAG. USAG was the primary entity  
10 owning, operating and controlling the activities and behavior of its employee agents, including,  
11 but not limited to NASSAR. USAG is also the entity that selects gymnasts for the US National  
12 and Olympic Teams.

13 20. The bylaws of Defendant USAG, or similar bylaws previously enacted, were made  
14 in conformance and under the mandate of Defendant USOC, and were intentioned at protecting  
15 minor gymnasts, including ALY RAISMAN from the ravages of sexual abuse, molestation and  
16 harassment; a known, foreseeable and palpable risk posed to minor athletes in amateur sports.  
17 Nevertheless, despite these bylaws, rules, policies and procedures purportedly being in effect at  
18 Defendant USAG, Defendant USOC never ensured, audited or checked to confirm that these  
19 policies were effective and being implemented properly, adequately and in conformance with the  
20 standard of care. Had Defendant USOC upheld its duties under Federal Law (specifically, the Ted  
21 Stevens Act) in ensuring National Team members, including the Plaintiff ALY RAISMAN, were  
22 provided proper medical care and supervision, and that they were properly supervised at  
23 competitions and the National Training Center (the Karolyi Ranch in Huntsville, Texas), then the  
24 dozens of molestations suffered by ALY RAISMAN and numerous other gymnasts could have  
25 been avoided.

26 21. Under California *Penal Code* § 11165.7, USAG is an organization whose  
27 employees, agents, and/or servants are legally “mandated reporters”, considering that Defendant  
28

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1 USAG is a youth recreational program and USAG's employees' duties require direct contact and  
2 supervision of children.

3 **DEFENDANT, STEPHEN "STEVE" PENNY**

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

20 **DEFENDANT, PAUL PARILLA**

21 23. Defendant PAUL PARILLA (hereinafter "PARILLA") at all times mentioned  
22 herein was and is an adult male individual, who Plaintiff is informed and believes lived in the State  
23 of California, County of Orange, during the period of time during which the sexual abuse and  
24 harassment of ALY RAISMAN by NASSAR alleged herein took place and is currently a citizen  
25 of the State of California. Defendant PARILLA was a board member of USAG from in or around  
26 1999 to 2018, and was Chairman of the USAG board from approximately 2015 to in or around  
27 January of 2018. Plaintiff is informed and believes and, on that basis, alleges that Defendant  
28 PARILLA oversaw a wide-ranging, calculated concealment of numerous instances, complaints,

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1 and allegations of sexual abuse and misconduct among the participants and members of Defendant  
2 USAG. Through this conduct, Defendant PARILLA's actions and inactions enabled and ratified  
3 the sexual abuse by Defendant NASSAR against Plaintiff and other participants and members of  
4 Defendant USAG and fueled the ongoing concealment of abuse at Defendant USAG, making it  
5 more unlikely for victims (such as the Plaintiff) to obtain much needed medical and/or  
6 psychological treatment. Plaintiff is informed and believes that Defendant PARILLA served as  
7 Chairman of the Board from 2015 to present. At all times herein alleged, Defendant PARILLA  
8 was an employee, agent, and/or servant of Defendant USAG, and/or was under their complete  
9 control and/or active supervision.

10 **DEFENDANT, LARRY NASSAR**

11 24. Defendant NASSAR, the Perpetrator, at all times mentioned herein was and is an  
12 adult male individual, who lived in the State of Michigan during the period of time during which  
13 the sexual abuse, harassment, and molestation of the Plaintiff alleged herein took place and is  
14 currently a citizen of the State of Michigan. Plaintiff is informed and believes that the NASSAR  
15 was accepted onto the staff of USAG as a trainer in 1986 and then as the National Medical Director  
16 and the National Team Physician for the women's gymnastics team in 1996. NASSAR was also  
17 responsible for coordinating the care for USAG and for participants and members at every national  
18 and international competition, and would routinely travel to National and International  
19 competitions. NASSAR continued to function in this capacity at USAG until in or around the  
20 middle of 2015. Moreover, it is upon information and belief, that as the National Team Doctor for  
21 USAG, which was chartered via Defendant USOC, NASSAR was the individual responsible for  
22 maintaining USAG's compliance with the medical requirements, policies and procedures set forth  
23 by Defendant USOC. Nevertheless, Defendant USOC failed to provide supervision, oversight, and  
24 any meaningful inhibition to limit NASSAR's access to minor children. Defendant NASSAR was  
25 retained by Defendants USAG, USOC, PENNY, PARILLA, and DOES 1 through 500 as an  
26 Osteopathic Physician and certified athletic trainer to provide care, treatment, and athletic training  
27 to the Defendants USAG and USOC, and its participants, many of which were minors while in his  
28 care. It was through this position of trust and confidence, that Defendant NASSAR exploited ALY

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1 RAISMAN, in perpetrating his sexual abuse and harassment upon her. All of the sexually abusive  
2 and harassing conduct alleged herein was done for Defendant NASSAR's sexual gratification and  
3 was based upon the gender of ALY RAISMAN.

4 25. It is on information and reasonable belief that NASSAR, using his apparent  
5 authority and position within Defendant USAG and USOC over the minor participants in his  
6 charge, that Defendant NASSAR sexually abused and harassed multiple other members of the  
7 United States Women's Olympic Gymnastics Team and National teams, over the nearly 30 years  
8 in which Defendant NASSAR has been affiliated with Defendants USAG, USOC and DOES 1  
9 through 500.

10 26. At all times herein alleged, NASSAR was an employee, agent, and/or servant of  
11 USAG, Defendant USOC, and DOES 1 through 500, and/or was under their complete control  
12 and/or active supervision.

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

16 **DEFENDANTS, DOE 1 THROUGH 500**

17 28. Defendants DOES 1 through 500, inclusive, and each of them, are sued herein  
18 under said fictitious names. Plaintiff is ignorant as to the true names and capacities of DOES 1  
19 through 500, whether individual, corporate, associate, or otherwise, and therefore sue said  
20 Defendants by such fictitious names. When their true names and capacities are ascertained,  
21 Plaintiff will request leave of Court to amend this Complaint to state their true names and capacities  
22 herein.

23 29. Defendants USOC, USAG, NASSAR, PENNY, PARILLA, and DOES 1 through  
24 500, inclusive, are sometimes collectively referred to herein as "Defendants" and/or as "All  
25 Defendants"; such collective reference refers to all specifically named Defendants as well as those  
26 fictitiously named herein.

27 30. Plaintiff is informed and believe, and on that basis, allege that at all times  
28 mentioned herein, each Defendant was responsible in some manner or capacity for the occurrences

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1 herein alleged, and that Plaintiff's damages, as herein alleged, were proximately caused by all said  
2 Defendants.

3 31. At all times mentioned herein, each and every Defendant NASSAR was an  
4 employee, agent, and/or servant of USAG, Defendant USOC, and DOES 1 through 500, inclusive,  
5 and/or was under their complete control and/or active supervision. Defendants and each of them  
6 are individuals, corporations, partnerships and/or other entities that engaged in, joined in, and  
7 conspired with other Defendants and wrongdoers in carrying out the tortuous and unlawful  
8 activities described in this Complaint.

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

17 33. Plaintiff is informed and believes, and on that basis, alleges that at all times  
18 mentioned herein, Defendants USOC, USAG, NASSAR, PENNY, PARILLA, and DOES 1  
19 through 500 were the agents, representatives and/or employees of each and other. In doing the  
20 things hereinafter alleged, Defendants and each of them were acting within the course and scope  
21 of said alternative personality, capacity, identity, agency, representation and/or employment and  
22 were within the scope of their authority, whether actual or apparent.

23 34. Plaintiff is informed and believes, and on that basis alleges that at all times  
24 mentioned herein, Defendants USOC, USAG, NASSAR, PENNY, PARILLA, and DOES 1  
25 through 500 were the trustees, partners, servants, joint venturers, shareholders, contractors, and/or  
26 employees of each other, and the acts and omissions herein alleged were done by them, acting  
27 individually, through such capacity and within the scope of their authority, and with the permission  
28

1 and consent of each and every other Defendant and that said conduct was thereafter ratified by  
2 each and every other Defendant, and that each of them is jointly and severally liable to Plaintiff.

3 **SEXUAL ABUSE OF ALY RAISMAN AND RESULTING LIFELONG DAMAGES**

4 35. By his position within the Defendants' institutions, Defendants and NASSAR  
5 demanded and required that Plaintiff respect Defendant NASSAR, in his position as team  
6 physician for USAG, authorized by USOC.

7 36. NASSAR did sexually abuse, harass and molest the ALY RAISMAN, who was a  
8 minor child at the time of the acts at-issue.

9 37. The sexual harassment and abuse of Plaintiff by the Perpetrator (NASSAR),  
10 outlined below, took place while Defendant the Perpetrator (NASSAR) was the team physician of  
11 Defendant USAG and under the control of Defendants USOC, PENNY, PARILLA, and DOES 1  
12 through 500. Plaintiff was a participant and member of Defendants USAG, USOC, and DOES 1  
13 through 500, while the Perpetrator (NASSAR) was serving as an agent and employee of  
14 Defendants in his capacity as team physician:

- 15 a. In his capacity as a team physician with Defendants USOC, USAG, and DOES 1  
16 through 500, the Perpetrator (NASSAR) was given custody and supervision of  
17 minors, including Plaintiff. The Perpetrator (NASSAR) used this position to coerce  
18 children to concede to his sexual suggestions, using his authority and position of  
19 trust to exploit them physically, sexually, and emotionally;
- 20 b. Plaintiff became a member and participant of USAG, and a part of the Junior  
21 National Team for USAG in 2009. Plaintiff soon formed a relationship with the  
22 Perpetrator (NASSAR), USAG's team physician. At this time, in or around 2010,  
23 the Perpetrator (NASSAR) commenced the process of "grooming" Plaintiff for later  
24 physical, sexual and emotional abuse. Plaintiff is informed and believes the  
25 Perpetrator (NASSAR) would use the guise of care, athletic training, osteopathy,  
26 and kinesiology to normalize intimate, inappropriate, and sexually abusive contact  
27 with Plaintiff. Plaintiff is informed and believes the Perpetrator (NASSAR) would  
28 enter the living quarters of the Plaintiff ALY RAISMAN and other gymnasts at the  
Karolyi Ranch, hotel rooms at meets, in training rooms, and at other locations,  
placing Plaintiff under the impression this inappropriate contact was part of  
treatment. During this period, Plaintiff was a patient under the Perpetrator's  
(NASSAR) direct supervision and control.
- c. Plaintiff is informed and believes the Perpetrator's (NASSAR) physical and sexual  
abuse of Plaintiff commenced after the grooming of Plaintiff began, and occurred  
dozens of times while the team was traveling and before and after competitive  
meets from in or around 2010 to 2012, and in or around 2015. Specifically, the  
Plaintiff was sexually abused by NASSAR in Texas at the Karolyi Ranch, in Santa  
Clara County in California, and at numerous locations around the country, as well  
as internationally in Australia, Japan, in the United Kingdom and in the  
Netherlands. During this period, Plaintiff was a participant, member, and patient  
under the Perpetrator's (NASSAR) and Defendants' direct supervision and control.

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1 Using his position as team physician, the Perpetrator (NASSAR) would interact  
2 with Plaintiff under the guise of providing her care and treatments necessary for her  
3 to compete as a world-class, Olympic medal-winning gymnast. Under these  
4 circumstances, the Perpetrator (NASSAR) placed his bare hand on and near the  
5 Plaintiff's unclothed vagina and anus, on multiple occasions, in Plaintiff's assigned  
6 living quarters, without any supervision or a chaperone. Further, NASSAR, on  
7 numerous occasions, had an erection while performed the claimed medical  
8 treatment. Plaintiff is informed and believes that the Perpetrator's (NASSAR)  
9 sexual abuse, molestation, and harassment of Plaintiff occurred on the premises of  
10 Defendants USAG, USOC, in hotels around the world, and various other locations  
11 including, but not limited to in living quarters, in training facilities, in gyms.

12 38. Plaintiff is informed and believes, and on that basis alleges, that such conduct by  
13 Defendant NASSAR was based upon Plaintiff's gender, and was done for Defendant NASSAR's  
14 sexual gratification. These actions upon ALY RAISMAN were performed by Defendant NASSAR  
15 without the free consent of Plaintiff, as ALY RAISMAN was a young child, and could therefore  
16 not give valid legal consent.

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

18 39. At all times material hereto, Plaintiff was a minor participant and member of  
19 Defendant USAG, USOC and DOES 1 through 500, and was under their complete control,  
20 dominion, and supervision. Defendant NASSAR worked for, was employed by, and an  
21 agent/servant of Defendants USAG, USOC and DOES 1 through 500 when NASSAR came into  
22 contact with ALY RAISMAN.

23 40. At all times material hereto, Defendant NASSAR was under the direct supervision,  
24 management, agency and control of Defendants USOC, USAG, PENNY, PARILLA, and DOES  
25 1 through 500, inclusive. Defendant NASSAR was the team physician of Defendant USAG and  
26 for Team USA, under the dominion of Defendant USOC. While a team physician at Defendant  
27 USAG, NASSAR's employment duties included coordinating the care for Defendant USAG at  
28 every national and international competition, providing individual care and providing for the  
physical needs and well-being of participants and members of Defendant USAG (and in accord  
with Defendant USOC policies, procedures, and mandates), and care including but not limited to  
osteopathic adjustments and kinesiology treatment to participants and members of Defendant  
USAG, which included ALY RAISMAN. ALY RAISMAN was a participant and member of  
Defendant USAG, and it is under these circumstances that ALY RAISMAN came to be under the

1 direction and control of Defendant NASSAR, who used his position of authority and trust to molest  
2 and sexually abuse ALY RAISMAN.

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

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

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

27 44. Plaintiff is informed and believes, and on that basis, alleges that Defendants knew  
28 or should have known that sexually abusive staff, such as Defendant NASSAR, were violating

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1 Defendants USOC and USAG policies, without enforcement or abatement, and were continually  
2 allowed to be in contact with minor children, such as ALY RAISMAN. As early as 1999,  
3 Defendant USOC was placed on notice by former Defendant USAG president Bob Colarossi, who  
4 wrote a letter to the USOC, explaining that the safety procedures and policies that USOC required  
5 USAG to follow, were part of a "...fundamentally flawed process..." and that at USOC there was  
6 an "...**apparent indifference to the welfare of young children manifest in the Committee's**  
7 **actions.**" See Exhibit A as the Letter from Robert Colarossi to USOC. It was not until 11 years  
8 later, that Defendant USOC created the SafeSport program and issued a handbook detailing  
9 specific procedures for preventing sexual abuse of minors, and access to minors by sexual abusers.  
10 Despite instituting this handbook and program, Defendant USOC maintained its course and culture  
11 of ignoring abuse, ignoring its internal policies and procedures, and placing minors in the way of  
12 danger.

13 45. Plaintiff is informed and believes and, on that basis, alleges Defendants knew of,  
14 or should have known of, Defendants NASSAR's propensity and disposition to engage in sexual  
15 misconduct with minors before he sexually abused and molested ALY RAISMAN, and knew of  
16 the probability that NASSAR would molest minors with whom he came into contact, such as ALY  
17 RAISMAN.

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

23 47. Plaintiff is informed and believes, and on that basis alleges, that Defendants were  
24 apprised, knew or should have known of and/or were put on notice of Defendant NASSAR's past  
25 sexual abuse of children, past claims and/or investigations, and his propensity and disposition to  
26 engage in such unlawful activity and unlawful sexual activity with minor participants and members  
27 such that Defendants knew or should have known that Defendant NASSAR would commit  
28 wrongful sexual acts with participants and members, including ALY RAISMAN. Plaintiff is

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1 informed and believes, and on that basis alleges that personnel and/or employment records and  
2 other records of Defendants' reflect numerous incidents of inappropriate sexual contact and  
3 conduct with minor participants and members by Defendant NASSAR and other professionals,  
4 employees, assistants, agents, supervisors and others, including incidents occurring both on and  
5 off the physical premises of such Defendants and at national and international meets. Based on  
6 these records, Defendants knew and/or should have known of Defendant NASSAR's history of  
7 sexual abuse, past claims and/or past investigations, and his propensity and disposition to engage  
8 in unlawful activity and unlawful sexual activity with participants and members such that  
9 Defendants knew or should have known that Defendant NASSAR would commit wrongful sexual  
10 acts with those minor participants and members, including ALY RAISMAN.

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

26 49. Because of the relationship between Plaintiff and Defendants, Defendants had an  
27 obligation and duty under the law not to hide material facts and information about NASSAR's  
28 past, and his deviant sexual behavior and propensities. Additionally, Defendants had an affirmative

1 duty to inform, warn, and institute appropriate protective measures to safeguard minors who were  
2 reasonably likely to come in contact with Defendant NASSAR, including ALY RAISMAN at the  
3 time. Defendants willfully refused to notify, give adequate warning and implement appropriate  
4 safeguards, thereby creating the peril that ultimately damaged ALY RAISMAN.

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

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

- 13 • Duty to use reasonable care to protect participants and members from known or  
14 foreseeable dangers
- 15 • Duty to inform the Plaintiff ALY RAISMAN and her parents of the known risks to  
16 the health and well-being of their daughter while in Defendant's USAG and/or USOC  
17 sponsored, authorized, and supervised programs, events and trainings;
- 18 • Duty to enact policies and procedures that are not in contravention of the Federal  
19 Civil Rights Act, section 1983 and the 14th amendment of the United States  
20 Constitution;
- 21 • Duty to protect participants and members and staff, and provide adequate supervision;
- 22 • Duty to ensure that any direction given to participants and members is lawful, and  
23 that adults act fairly, responsible and respectfully towards participants and members;
- 24 • Duty to properly train staff so that they are aware of their individual responsibility for  
25 creating and maintaining a safe environment;
- 26 • Duty to review the criminal history of applicants and current employees;
- 27 • Duty to provide diligent supervision over minors;
- 28 • Duty to act promptly and diligently and not ignore or minimize problems.
- Duty to report suspected incidents of child abuse and more specifically childhood  
sexual abuse (*Penal Code* sections 11166, 11167).
- Duty to provide adequate and safe medical care pursuant to 36 U.S.C.  
§§220525(b)(4)(E).

1           52. Defendants and each of them had and have a duty to protect participants and  
2 members, including ALY RAISMAN. Defendants were required to, and failed, to provide  
3 adequate supervision, and failed to be properly vigilant in seeing that supervision was sufficient at  
4 Defendants USAG and USOC to ensure the safety of ALY RAISMAN and others.

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

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

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

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

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- e. Holding out NASSAR to ALY RAISMAN, other participants and members of USAG and USOC, and the public at large as a trustworthy and honest person of high ethical and moral repute who was capable and worthy of being granted unsupervised access to the children of USAG;
- f. Failing to investigate or otherwise confirm or deny such facts about NASSAR including prior arrests, charges, claims and investigations for sexual abuse;
- g. Failing to inform, or concealing from Plaintiff and law enforcement officials the fact that ALY RAISMAN and others were or may have been sexually abused, harassed and molested, after Defendants knew or should have known that NASSAR may have sexually abused ALY RAISMAN or others, thereby enabling ALY RAISMAN to continue to be endangered and sexually abused, harassed, molested, and/or creating the circumstance where ALY RAISMAN and others were less likely to receive proper medical treatment, thus exacerbating the harm to ALY RAISMAN;
- h. Holding out NASSAR to Plaintiff and to the community as being in good standing and trustworthy;
- i. Cloaking NASSAR's prior sexual misconduct with children within the facade of normalcy, thereby disguising the nature of his sexual abuse and contact with minors;
- j. Failing to take reasonable steps and to implement reasonable safeguards to avoid acts of unlawful sexual conduct by NASSAR such as avoiding placement of NASSAR in functions or environments in which his solitary contact with children was inherent;
- k. Failing to put in place a system or procedure to supervise or monitor physicians, athletic trainers, and agents to insure they do not molest or abuse minors in Defendants' care.
- l. Failing to investigate Nassar's background adequately.
- m. Allowing NASSAR to practice medicine without a Texas medical license at the National Training Center.
- n. Failing to implement any reasonable, meaningful, or adequate supervision policies, practices or procedures at the National Training Center, which would have prevented NASSAR solitary access to minors, including the Plaintiff.

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

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

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

27           59. As a direct and proximate result of Defendants' tortious acts, omissions, wrongful  
28 conduct and breaches of their duties, Plaintiff's employment and professional development has

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1 been adversely affected. Plaintiff has lost wages, endorsements, and many financial opportunities  
2 and will continue to lose wages in an amount to be determined at trial. Plaintiff has suffered  
3 substantial economic injury, all to Plaintiff's general, special and consequential damage in an  
4 amount to be proven at trial, but in no event less than the minimum jurisdictional amount of this  
5 Court.

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

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

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

4 **FIRST CAUSE OF ACTION**  
5 **SEXUAL HARASSMENT: CIVIL CODE § 51.9**  
6 **(Plaintiff ALY RAISMAN Against Defendants USAG, USOC, NASSAR and DOES 1**  
7 **through 500)**

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

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

20 64. The incidents of abuse outlined herein above took place while the Plaintiff ALY  
21 RAISMAN was under the care of NASSAR, in his capacity and position as an Olympic Doctor,  
22 while acting specifically on behalf of Defendants USOC, and DOES 1 through 500.

23 65. Because of the Plaintiff ALY RAISMAN's young age, nature of her competitive  
24 sport, and relationship with NASSAR as a gymnast at Defendant USAG (under the control and  
25 authority of Defendants USOC and USAG), the Plaintiff ALY RAISMAN was unable to easily  
26 terminate her doctor-patient relationship with NASSAR.

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



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

6           73. Plaintiff ALY RAISMAN is a victim of the federal crime codified as 18 U.S.C.  
7 §2423(b), which was perpetrated by NASSAR and provides, “[a] person who travels in interstate  
8 commerce or travels into the United States, **or a United States citizen ... who travels in foreign**  
9 **commerce, for the purpose of engaging in any illicit sexual conduct with another person shall**  
10 **be fined under this title or imprisoned not more than 30 years, or both.”**

11           74. Furthermore, Plaintiff ALY RAISMAN is a victim of the federal crime codified as  
12 18 U.S.C. §2423(c), which was perpetrated by NASSAR and provides, “[a]ny **United States**  
13 **citizen ... who travels in foreign commerce** or resides, either temporarily or permanently, in a  
14 foreign country, **and engages in any illicit sexual conduct with another person shall be fined**  
15 **under this title or imprisoned not more than 30 years, or both.”**

16           75. As alleged herein, Defendant NASSAR travelled with ALY RAISMAN to Europe,  
17 Australia, Japan, and across state lines, wherein he sexually harassed, abused, and molested her,  
18 when she was under the age of 18 years old and as previously stated herein. Defendant NASSAR  
19 travelled with ALY RAISMAN for the sole purpose of engaging in this illicit sexual conduct with  
20 her.

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

28



1 PENNY, PARILLA, and DOES 1 through 500 owed to Plaintiff ALY RAISMAN and is a direct  
2 duty owed to the Plaintiff's parents and was thereby created with Plaintiff's parents, whereby  
3 Plaintiff's parents are intended or direct victims of Defendants USOC, USAG, PENNY,  
4 PARILLA, and DOES 1 through 500 failures and can recover for any emotional distress  
5 proximately caused thereby. Specifically, Defendants USOC, USAG, PENNY, PARILLA, and  
6 DOES 1 through 500 had knowledge of NASSAR's dangerous propensities to sexually abuse  
7 children, yet concealed and failed to disclose to Plaintiff ALY RAISMAN this information.

8 82. A reasonable person would not expect or tolerate Defendants USOC, USAG,  
9 PENNY, PARILLA, and DOES 1 through 500 to be incapable of supervising and preventing  
10 employees of Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500, including  
11 NASSAR, from committing wrongful sexual acts with minor gymnasts including Plaintiff ALY  
12 RAISMAN, or to properly supervise NASSAR to prevent such abuse from occurring, or to  
13 promptly notify parents or authorities.

14 83. Defendants USOC, USAG, PENNY, PARILLA, NASSAR, and DOES 1 through  
15 500's conduct described herein was intentional and malicious and done for the purpose of causing,  
16 or with the substantial certainty that it would cause Plaintiff ALY RAISMAN and her parents, to  
17 suffer humiliation, mental anguish and emotional and physical distress.

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

25 85. In subjecting Plaintiff to the wrongful treatment herein described, Defendants  
26 USOC, USAG, PENNY, PARILLA, NASSAR and DOES 1 through 500 acted willfully and  
27 maliciously with the intent to harm Plaintiff ALY RAISMAN, and in conscious disregard of  
28 Plaintiff's rights, so as to constitute malice and oppression under California *Civil Code* section

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1 3294. Plaintiff is therefore entitled to the recovery of punitive damages, in an amount to be  
2 determined by the court, against Defendants USOC, USAG, PENNY, PARILLA, and DOES 1  
3 through 500, in a sum to be shown according to proof.

4 **FOURTH CAUSE OF ACTION**  
5 **UNFAIR BUSINESS PRACTICES (*BUSINESS & PROFESSIONS CODE §17200*)**  
6 **(Plaintiff ALY RAISMAN Against Defendants USOC, USAG, PENNY, PARILLA, and**  
7 **DOES 1 through 500)**

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

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

24 88. Plaintiff is informed and believes, and on that basis alleges that Defendants USOC  
25 USAG, PENNY, PARILLA, and DOES 1 through 500 engaged in a common scheme, arrangement  
26 or plan to actively conceal allegations against sexual abusers who were employees, agents,  
27 members, and/or participants at Defendants USAG, USOC, and DOES 1 through 500, such that  
28 Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500 could maintain their  
public image, and avoid detection of such abuse and abusers. Plaintiff is informed and believes  
and thereon alleges that Defendants USOC, USAG, and DOES 1 through 500 actively concealed

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1 these allegations, such that Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through  
2 500 would be insulated from public scrutiny, governmental oversight, and/or investigation from  
3 various law enforcement agencies, all done in order to maintain the false sense of safety for  
4 participants and their families and to perpetuate the program financially.

5 89. By engaging in unlawful, unfair and deceptive business practices, Defendants  
6 USOC, USAG, PENNY, PARILLA, and DOES 1 through 500 benefitted financially to the  
7 detriment of its competitors, who had to comply with the law.

8 90. Unless restrained, Defendants USOC, USAG, PENNY, PARILLA, and DOES 1  
9 through 500 will continue to engage in the unfair acts and business practices described above,  
10 resulting in great and irreparable harm to Plaintiff and/or other similarly situated participants and  
11 members.

12 91. Plaintiff seeks restitution for all amounts improperly obtained by Defendants  
13 USOC, USAG, PENNY, PARILLA, and DOES 1 through 500 through the use of the above-  
14 mentioned unlawful business practices, as well as the disgorgement of all ill-gotten gains and  
15 restitution on behalf of Plaintiff and all other similarly situated participants and members who were  
16 also subjected to Defendant's illegal and unfair business practices.

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

24 **FIFTH CAUSE OF ACTION**  
25 **BREACH OF FIDUCIARY DUTY**  
26 **(Plaintiff ALY RAISMAN Against Defendants USOC, USAG, PENNY, PARILLA, and**  
27 **DOES 1 through 500)**

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

1           94. Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500, as  
2 childcare custodians representing that they would keep Plaintiff ALY RAISMAN safe, were in a  
3 fiduciary relationship with Plaintiff ALY RAISMAN, owing her a special duty of due care.  
4 Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500 are mandated reporters,  
5 or organizations required to comply with Mandated Reporting laws, with respect to claims of child  
6 abuse and child safety.

7           95. Moreover, Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through  
8 500 owed Plaintiff ALY RAISMAN a statutory, common law and constitutional duty to protect  
9 her and guarantee her safety while in their custody, care, and control.

10          96. The Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500 also  
11 owed a special duty to ALY RAISMAN's parents. As direct victims for failure to notify of abuse  
12 of their minor child (*See Phyllis P. v. Claremont Unified School District*, 183 Cal. App. 3d at 1193)  
13 which held that a school district had a special relationship with a parent because the parent was the  
14 "real and foreseeable" victim of the defendants' negligent conduct. Direct victims may bring  
15 claims where there was a negligent breach of a duty arising out of a preexisting relationship. Any  
16 breach committed by the Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through  
17 500 violates this special relationship and duty owed to Plaintiff ALY RAISMAN's parents.

18          97. Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500  
19 breached their fiduciary duty by failing to properly supervise NASSAR and take appropriate steps  
20 to prevent the lewd and lascivious conduct perpetrated by NASSAR against ALY RAISMAN.  
21 Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500 also failed to report  
22 NASSAR pursuant to USOC and USAG policy. Defendants USOC, USAG, and DOES 1 through  
23 500 also failed to implement or follow appropriate policies and procedures to protect minors,  
24 including ALY RAISMAN. In addition, Defendants USOC, USAG, PENNY, PARILLA, and  
25 DOES 1 through 500 failed to report NASSAR's abuse or promptly notify ALY RAISMAN's  
26 parents.

27          98. The employees, servants, agents, volunteers or other representatives of Defendants  
28 USOC, USAG, PENNY, PARILLA, and DOES 1 through 500, respectively, willfully and

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1 intentionally ignored behavior in NASSAR and complaints against NASSAR that they should have  
2 reported due to their responsibility as mandated reporters.

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

10 100. In subjecting Plaintiff to the wrongful treatment herein described, Defendants  
11 USOC, USAG, PENNY, PARILLA, and DOES 1 through 500 acted willfully and maliciously  
12 with the intent to harm Plaintiff, and in conscious disregard of Plaintiff's rights, so as to constitute  
13 malice and oppression under California *Civil Code* section 3294. Plaintiff is therefore entitled to  
14 the recovery of punitive damages, in an amount to be determined by the court, against Defendants  
15 USOC, USAG, PENNY, PARILLA, and DOES 1 through 500, in a sum to be shown according to  
16 proof.

17 **SIXTH CAUSE OF ACTION**  
**CONSTRUCTIVE FRAUD**

18 **(Plaintiff ALY RAISMAN Against Defendants USOC, USAG, PENNY, PARILLA, and**  
**DOES 1 through 500)**

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

21 102. By holding NASSAR out as an agent of Defendants USOC, USAG, PENNY,  
22 PARILLA, and DOES 1 through 500, and by allowing him to undertake the physical care and  
23 athletic training of minor children such as ALY RAISMAN, Defendants USOC, USAG, PENNY,  
24 PARILLA, and DOES 1 through 500 entered into a confidential, fiduciary, and special relationship  
25 with Plaintiff.

26 103. By holding themselves out as professional organizations for woman's gymnastics,  
27 undertaking to select and train national gymnastics teams, enforcing policies, rules, and procedures  
28 for gymnasts' safety and facilitating competition both nationally and internationally of ALY

1 RAISMAN and other minor team participants and members, Defendants USOC, USAG, PENNY,  
2 PARILLA, and DOES 1 through 500 entered into a confidential, fiduciary and special relationship  
3 with Plaintiff and other minor gymnasts (as well as their families).

4 104. Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500  
5 breached their confidential, fiduciary duty and special duties to Plaintiff by the wrongful and  
6 negligent conduct described above and incorporated into this cause of action, and in so doing,  
7 gained an advantage over Plaintiff in matters relating to Plaintiff's safety, security and health. In  
8 particular, in breaching such duties as alleged, Defendants USOC, USAG, PENNY, PARILLA,  
9 and DOES 1 through 500 were able to sustain their status as institutions (or individuals) of high  
10 moral repute, and preserve their reputation, all at the expense of Plaintiff's further injury and in  
11 violation of Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500's  
12 mandatory duties.

13 105. By virtue of their confidential, fiduciary and special relationship with Plaintiff,  
14 Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500 owed Plaintiff a duty  
15 to:

- 16 a. Investigate or otherwise confirm or deny such claims of sexual abuse;
- 17 b. Reveal such facts to Plaintiff, the gymnastics community, the community at large,  
18 and law enforcement agencies;
- 19 c. Refuse to place NASSAR and other molesters in positions of trust and authority  
20 within Defendants USOC, USAG and DOES 1 through 500's institutions;
- 21 d. Refuse to hold out NASSAR and other molesters to the public, the community,  
22 minors, parents and law enforcement agencies as being in good standing and,  
23 trustworthy in keeping with him and his position as a team physician and  
24 authority figure;
- 25 e. Refuse to assign NASSAR and other molesters to positions of power within  
26 Defendants USOC, USAG, and DOES 1 through 500 and over minors; and
- 27 f. Disclose to Plaintiff, the public, the school community, minors, and law  
28 enforcement agencies the wrongful, tortious, and sexually exploitive acts that  
NASSAR had engaged in with children.

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

- a. Not making reasonable investigations of NASSAR;

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

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

15 108. Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500's  
16 misconduct did reasonably cause Plaintiff to forbear on her rights.

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

23 110. The misrepresentations, suppressions and concealment of facts by Defendants  
24 USOC, USAG, PENNY, PARILLA, and DOES 1 through 500 was likely to mislead Plaintiff and  
25 others to believe that Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500  
26 had no knowledge of the fact that NASSAR was a molester, and was known to commit wrongful  
27 sexual acts with minors, including with ALY RAISMAN.

28 111. Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500 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.

112. Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500  
suppressed and concealed the true facts regarding NASSAR with the purpose of: preventing

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1 Plaintiff, and others, from learning that NASSAR and others had been and were continuing to  
2 sexually harass, molest and abuse minors and others under NASSAR's and Defendants USOC,  
3 USAG, PENNY, PARILLA, and DOES 1 through 500's control, direction, and guidance, with  
4 complete impunity; inducing people, including ALY RAISMAN and other benefactors and donors  
5 to participate and financially support Defendants USOC and DOES 1 through 500; USOC, USAG,  
6 PENNY, PARILLA, and DOES 1 through 500's program and other enterprises of Defendants  
7 USOC, USAG, and DOES 1 through 500; preventing further reports and outside investigations  
8 into NASSAR and Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500's  
9 conduct; preventing discovery of Defendants USOC, USAG, PENNY, PARILLA, and DOES 1  
10 through 500's own conduct; avoiding damage to the reputations of Defendants USOC, USAG,  
11 PENNY and DOES 1 through 500; protecting Defendants USOC, USAG, PENNY, PARILLA,  
12 and DOES 1 through 500's power and status in the community and the gymnastics community;  
13 avoiding damage to the reputation of Defendants USOC, USAG, PENNY, PARILLA, and DOES  
14 1 through 500, or Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500's  
15 institutions; and avoiding the civil and criminal liability of Defendants USOC, USAG, PENNY,  
16 PARILLA, and DOES 1 through 500, of NASSAR, and of others.

17 113. At all times mentioned herein, Defendants USOC, USAG, PENNY, PARILLA, and  
18 DOES 1 through 500, with knowledge of the tortious nature of their own and NASSAR's conduct,  
19 knowingly conspired and gave each other substantial assistance to perpetrate the  
20 misrepresentations, fraud and deceit alleged herein—covering up the past allegations of sexual  
21 misconduct lodged against NASSAR, and allowing NASSAR to remain in his position as a team  
22 physician so they could maintain their reputations and continue with their positions within the  
23 organization.

24 114. The Plaintiff and others were misled by Defendants USOC, USAG, PENNY,  
25 PARILLA, and DOES 1 through 500's suppressions and concealment of facts, and in reliance  
26 thereon, were induced to act or induced not to act, exactly as intended by Defendants USOC,  
27 USAG, PENNY, PARILLA, and DOES 1 through 500. Specifically, Plaintiff were induced to  
28 believe that there were no allegations of criminal or sexual abuse against NASSAR and that he

1 was safe to be around children. Had Plaintiff known the true facts about NASSAR, they would  
2 have not participated further in activities of NASSAR, or continued to financially support  
3 Defendants USOC, USAG, and DOES 1 through 500's activities. They would have reported the  
4 matters to the proper authorities, to other minor participants and members and their parents so as  
5 to prevent future recurrences; they would not have allowed children, including the Plaintiff, to be  
6 alone with, or have any relationship with NASSAR; they would not have allowed children,  
7 including the Plaintiff, to attend or be under the control of Defendants USOC, USAG and DOES  
8 1 through 500; they would have undertaken their own investigations which would have led to  
9 discovery of the true facts; and they would have sought psychological counseling for the Plaintiff,  
10 and for other children molested and abused by NASSAR.

11 115. By giving NASSAR the position of team physician, Defendants USOC, USAG,  
12 PENNY, PARILLA, and DOES 1 through 500 impliedly represented that NASSAR was safe and  
13 morally fit to give children care and provide osteopathic adjustments.

14 116. When Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500  
15 made these affirmative or implied representations and non-disclosures of material facts,  
16 Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500 knew or should have  
17 known that the facts were otherwise. Defendants USOC, USAG, PENNY, PARILLA, and DOES  
18 1 through 500 knowingly and intentionally suppressed the material facts that NASSAR had on  
19 numerous, prior occasions sexually, physically, and mentally abused minors and participants and  
20 members of Defendants USOC, USAG and DOES 1 through 500, including the Plaintiff, and knew  
21 of or learned of conduct, or should have known of conduct by NASSAR which placed Defendants  
22 USOC, USAG, and DOES 1 through 500 on notice that NASSAR had previously been suspected  
23 of felonies, including unlawful sexual conduct with minors, and was likely abusing children.

24 117. Because of Plaintiff's position on the outside of these organizations, and because  
25 of the status of NASSAR as a trusted, authority figure to Plaintiff and her family, ALY RAISMAN  
26 was vulnerable to NASSAR and the representations of Defendants USOC, USAG, PENNY,  
27 PARILLA, and DOES 1 through 500, both express and implied. NASSAR sought the Plaintiff out,  
28

1 and was empowered by and accepted ALY RAISMAN's vulnerability. Plaintiff's vulnerability  
2 also prevented her from effectively protecting herself from the sexual advances of NASSAR.

3 118. Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500 had the  
4 duty to obtain and disclose information relating to sexual misconduct of NASSAR.

5 119. Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500  
6 misrepresented, concealed or failed to disclose information relating to sexual misconduct of  
7 NASSAR.

8 120. Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500 knew  
9 that they had misrepresented, concealed or failed to disclose information related to sexual  
10 misconduct of NASSAR.

11 121. Plaintiff justifiably relied upon Defendants USOC, USAG, PENNY, PARILLA,  
12 and DOES 1 through 500 for information relating to sexual misconduct of NASSAR.

13 122. Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500, in  
14 concert with each other and with the intent to conceal and defraud, conspired and came to a meeting  
15 of the minds whereby they would misrepresent, conceal or fail to disclose information relating to  
16 the sexual misconduct of NASSAR, the inability of Defendants USOC, USAG, PENNY,  
17 PARILLA, and DOES 1 through 500 to supervise or stop NASSAR from sexually harassing,  
18 molesting and abusing ALY RAISMAN, and their own failure to properly investigate, supervise  
19 and monitor his conduct with minor participants and members.

20 123. By so concealing, Defendants USOC, USAG, PENNY, PARILLA, and DOES 1  
21 through 500 committed at least one act in furtherance of the conspiracy.

22 124. 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 emotional  
24 distress including embarrassment, loss of self-esteem, disgrace, humiliations, and loss of  
25 enjoyment of life; has suffered and continues to suffer and was prevented and will continue to be  
26 prevented from performing daily activities and obtaining the full enjoyment of life; will sustain  
27 loss of earnings and earning capacity, and/or has incurred and will continue to incur expenses for  
28 medical and psychological treatment, therapy, and counseling.

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1 125. In addition, when Plaintiff finally discovered the fraud of Defendants USOC,  
2 USAG, PENNY, PARILLA, and DOES 1 through 500, and continuing thereafter, Plaintiff  
3 experienced recurrences of the above-described injuries. Plaintiff experienced extreme and severe  
4 mental anguish and emotional distress that Plaintiff had been the victim of Defendants USOC,  
5 USAG, PENNY, PARILLA, and DOES 1 through 500's fraud; that Plaintiff had not been able to  
6 help other minors being molested because of the fraud, and that Plaintiff had not been able, because  
7 of the fraud, to receive timely medical treatment needed to deal with the problems Plaintiff has  
8 suffered and continues to suffer as a result of the sexual harassment, molestation and abuse of ALY  
9 RAISMAN.

10 126. In subjecting ALY RAISMAN to the wrongful treatment herein described,  
11 Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500 acted willfully and  
12 maliciously with the intent to harm Plaintiff, and in conscious disregard of Plaintiff's rights, so as  
13 to constitute malice and/or oppression under California *Civil Code* section 3294. Plaintiff is  
14 informed, and on that basis, allege that these willful, malicious, and/or oppressive acts, as alleged  
15 herein above, were ratified by the officers, directors, and/or managing agents of these Defendants.  
16 Plaintiff is therefore entitled to recover punitive damages, in an amount to be determined by the  
17 court, against Defendants USOC, USAG, PENNY and DOES 1 through 500.

18 **SEVENTH CAUSE OF ACTION**  
19 **NEGLIGENCE**  
20 **(Plaintiff ALY RAISMAN Against Defendants USOC, USAG, PENNY, PARILLA, and**  
21 **DOES 1 through 500)**

22 127. 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.

24 128. Prior to and after the first incident of the Perpetrator's (NASSAR) sexual  
25 harassment, molestation and abuse of Plaintiff, through the present, Defendants USOC, USAG,  
26 PENNY, PARILLA, and DOES 1 through 500, knew and/or should have known that the  
27 Perpetrator (NASSAR) had and was capable of sexually, physically, and mentally abusing and  
28 harassing Plaintiff or other victims.

129. Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500 and  
each of them had special duties to protect the minor Plaintiff and the other participants and

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1 members, when such minors were entrusted to Defendants USOC, USAG, PENNY, PARILLA,  
2 and DOES 1 through 500's care by their parents. Plaintiff's care, welfare and physical custody was  
3 entrusted to Defendants USOC and DOES 1 through 500. Defendants USOC, USAG, PENNY,  
4 PARILLA, and DOES 1 through 500 voluntarily accepted the entrusted care of Plaintiff. As such,  
5 Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500 owed Plaintiff, a minor  
6 child, a special duty of care that adults dealing with children owe to protect them from harm. The  
7 duty to protect and warn arose from the special, trusting, confidential, and fiduciary relationship  
8 between Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500 and Plaintiff.

9 130. Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500  
10 breached their duties of care to the minor Plaintiff by allowing the Perpetrator (NASSAR) to come  
11 into contact with the minor Plaintiff and other participants and members, without supervision; by  
12 failing to adequately hire, supervise and retain the Perpetrator (NASSAR) whom they permitted  
13 and enabled to have access to Plaintiff; by concealing from Plaintiff, her family, and law  
14 enforcement that the Perpetrator (NASSAR) was sexually harassing, molesting and abusing  
15 minors; and by holding the Perpetrator (NASSAR) out to Plaintiff and her family as being of high  
16 moral and ethical repute, in good standing and trustworthy.

17 131. Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500  
18 breached their duties to Plaintiff by failing to investigate or otherwise confirm or deny such facts  
19 of sexual abuse by the Perpetrator (NASSAR), failing to reveal such facts to Plaintiff, her parents,  
20 the community and law enforcement agencies, and by placing the Perpetrator (NASSAR) into a  
21 position of trust and authority, holding him out to Plaintiff, her parents, and the public as being in  
22 good standing and trustworthy.

23 132. Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500  
24 breached their duty to Plaintiff by failing to adequately monitor and supervise the Perpetrator  
25 (NASSAR) and failing to prevent the Perpetrator (NASSAR) from committing wrongful sexual  
26 acts with minors including Plaintiff. Defendants USOC, USAG, PENNY, PARILLA, and DOES  
27 1 through 500's voluminous past records of sexual misconduct by the Perpetrator (NASSAR)  
28 caused Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500 to know, or

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1 gave them information where they should have known, of the Perpetrator's (NASSAR) incapacity  
2 to serve as a team physician, providing for the physical care of minor females.

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

10 **EIGHTH CAUSE OF ACTION**  
11 **NEGLIGENT SUPERVISION**  
12 **(Plaintiff ALY RAISMAN Against Defendants USOC, USAG, PENNY, PARILLA, and**  
13 **DOES 1 through 500)**

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

16 135. By virtue of Plaintiff's special relationship with Defendants USOC, USAG,  
17 PENNY, PARILLA, and DOES 1 through 500, and Defendants USOC, USAG, PENNY,  
18 PARILLA, and DOES 1 through 500's relation to the Perpetrator (NASSAR), Defendants USOC,  
19 USAG, PENNY, PARILLA, and DOES 1 through 500 owed Plaintiff a duty to provide reasonable  
20 supervision of the Perpetrator (NASSAR), to use reasonable care in investigating the Perpetrator's  
21 (NASSAR) background, and to provide adequate warning to Plaintiff, Plaintiff's family, and minor  
22 participants and members of the Perpetrator's (NASSAR) dangerous propensities and unfitness.  
23 As organizations and individuals responsible for, and entrusted with, the welfare of minor children,  
24 Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500 had a duty to protect,  
25 supervise, and monitor both the Plaintiff from being preyed upon by sexual predators, and to  
26 supervise and monitor the Perpetrator (NASSAR) such that he would not be placed in seclusion  
27 with minor children, including the Plaintiff.

28 136. As representatives of Defendants USOC, USAG, PENNY, PARILLA, and DOES  
1 through 500, where many of the participants and members thereof are vulnerable minors  
entrusted to these Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500, these

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1 Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500's agents expressly and  
2 implicitly represented that team physicians and staff, including the Perpetrator (NASSAR), were  
3 not a sexual threat to children and others who would fall under the Perpetrator's (NASSAR)  
4 influence, control, direction, and care.

5 137. Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500, by and  
6 through their respective agents, servants and employees, knew or should have known of the  
7 Perpetrator's (NASSAR) dangerous and exploitive propensities and that the Perpetrator  
8 (NASSAR) was an unfit agent. Despite such knowledge, Defendants USOC, USAG, PENNY,  
9 PARILLA, and DOES 1 through 500 negligently failed to supervise the Perpetrator (NASSAR) in  
10 his position of trust and authority as a team physician and authority figure over children, where he  
11 was able to commit wrongful acts of sexual misconduct against Plaintiff. Defendants USOC,  
12 USAG, PENNY, PARILLA, and DOES 1 through 500 failed to provide reasonable supervision of  
13 the Perpetrator (NASSAR), failed to use reasonable care in investigating the Perpetrator  
14 (NASSAR), and failed to provide adequate warning to Plaintiff and Plaintiff's family of the  
15 Perpetrator's (NASSAR) dangerous propensities and unfitness. Defendants USOC, USAG,  
16 PENNY, PARILLA, and DOES 1 through 500 further failed to take reasonable steps to ensure the  
17 safety of minors, including Plaintiff, from sexual harassment, molestation, and abuse.

18 138. At no time during the periods of time alleged did Defendants USOC, USAG,  
19 PENNY, PARILLA, and DOES 1 through 500 have in place a reasonable system or procedure to  
20 investigate, supervise and monitor the team physician or staff, including the Perpetrator  
21 (NASSAR), to prevent pre-sexual grooming and sexual harassment, molestation and abuse of  
22 children, nor did they implement a system or procedure to oversee or monitor conduct toward  
23 minors and others in Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500's  
24 care.

25 139. Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500 were  
26 aware or should have been aware of how vulnerable children were to sexual harassment,  
27 molestation and abuse by teachers and other persons of authority within Defendants USOC and  
28 DOES 1 through 500's entities.

1           140. Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500 were  
2 put on notice, knew and/or should have known that the Perpetrator (NASSAR) had previously  
3 engaged and was continuing to engage in unlawful sexual conduct with minors, and had committed  
4 other felonies, for his own personal sexual gratification, and that it was foreseeable that he was  
5 engaging, or would engage in illicit sexual activities with Plaintiff, and others, under the cloak of  
6 the authority, confidence, and trust, bestowed upon him through Defendants USOC, USAG,  
7 PENNY, PARILLA, and DOES 1 through 500.

8           141. Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500 were  
9 placed on actual or constructive notice that the Perpetrator (NASSAR) had molested other minors  
10 and participants and members during his employment with Defendants USOC and DOES 1  
11 through 500. Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500 were  
12 informed of molestations of minors committed by the Perpetrator (NASSAR) prior to Plaintiff's  
13 sexual abuse, and of conduct by the Perpetrator (NASSAR) that would put a reasonable person on  
14 notice of such propensity to molest and abuse children.

15           142. Even though Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through  
16 500 knew or should have known of these illicit sexual activities by the Perpetrator (NASSAR),  
17 Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500 did not reasonably  
18 investigate, supervise or monitor the Perpetrator (NASSAR) to ensure the safety of the minor  
19 participants and members.

20           143. Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500's  
21 conduct was a breach of their duties to Plaintiff.

22           144. Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500, and  
23 each of them, breached their duty to Plaintiff by, *inter alia*, by failing to adequately monitor and  
24 supervise the Perpetrator (NASSAR) and stop the Perpetrator (NASSAR) from committing  
25 wrongful sexual acts with minors including Plaintiff.

26           145. As a result of the above-described conduct, Plaintiff has suffered and continues to  
27 suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional  
28 distress including embarrassment, loss of self-esteem, disgrace, humiliations, and loss of

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

5 **NEGLIGENCE PER SE-CONDUCT IN VIOLATION OF MANDATED REPORTING**  
6 **LAWS**

7 146. Under applicable law, Defendants USOC, USAG, PENNY, PARILLA, and DOES  
8 1 through 500, by and through their employees and agents, were child care custodians and were  
9 under a duty to report known or suspected incidents of sexual molestation or abuse of minors to a  
10 child protective agency, and not to impede the filing of any such report.

11 147. Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500 knew  
12 or should have known that their team physician, the Perpetrator (NASSAR), and other staff of  
13 Defendants USOC, USAG, and DOES 1 through 500, had sexually molested, abused or caused  
14 touching, battery, harm, and/or other injuries to minors, including Plaintiff, giving rise to a **duty** to  
15 report such conduct.

16 148. Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500 knew,  
17 or should have known, in the exercise of reasonable diligence, that an undue risk to minors,  
18 including Plaintiff, existed because Defendants USOC, USAG, PENNY, PARILLA, and DOES 1  
19 through 500 did not comply with California's mandatory reporting requirements.

20 149. By failing to report the continuing molestations and abuse by the Perpetrator  
21 (NASSAR), which Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500  
22 knew or should have known about, and by ignoring the fulfillment of the mandated compliance  
23 with the reporting requirements, Defendants USOC, USAG, PENNY, PARILLA, and DOES 1  
24 through 500 created the risk and danger contemplated by the applicable mandated reporting laws,  
25 and as a result, unreasonably and wrongfully exposed Plaintiff and other minors to sexual  
26 molestation and abuse.

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

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1 151. Had Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500  
2 adequately reported the molestation of Plaintiff and other minors as required by applicable  
3 mandated reporting laws, further harm to Plaintiff and other minors would have been avoided.

4 152. As a proximate result of Defendants USOC, USAG, PENNY, PARILLA, and  
5 DOES 1 through 500's failure to follow the mandatory reporting requirements, Defendants USOC,  
6 USAG, PENNY, PARILLA, and DOES 1 through 500 wrongfully denied Plaintiff and other  
7 minors the intervention of child protection services. Such public agencies would have changed the  
8 then-existing arrangements and conditions that provided the access and opportunities for the  
9 molestation of Plaintiff by the Perpetrator (NASSAR).

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

13 154. As a result, Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through  
14 500's failure to comply with the mandatory reporting requirements constituted a per se breach of  
15 Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500's duties to Plaintiff.

16 155. Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500, and  
17 each of them, breached their duty to Plaintiff by, inter alia, by failing to adequately monitor and  
18 supervise the Perpetrator (NASSAR) and stop the Perpetrator (NASSAR) from committing  
19 wrongful sexual acts with minors including Plaintiff.

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

27 **NINTH CAUSE OF ACTION**  
28 **NEGLIGENT HIRING/RETENTION**  
**(Plaintiff ALY RAISMAN Against Defendants USOC, USAG, PENNY, PARILLA, and**  
**DOES 1 through 500)**

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

3 158. By virtue of Plaintiff's special relationship with Defendants USOC, USAG,  
4 PENNY, PARILLA, and DOES 1 through 500, and Defendants USOC, USAG, PENNY,  
5 PARILLA, and DOES 1 through 500's relation to the Perpetrator (NASSAR), Defendants USOC,  
6 USAG, PENNY, PARILLA, and DOES 1 through 500 owed Plaintiff a duty to not hire or retain  
7 the Perpetrator (NASSAR), given his dangerous and exploitive propensities, which Defendants  
8 USOC, USAG, PENNY, PARILLA, and DOES 1 through 500 knew or should have known about  
9 had they engaged in a reasonable, meaningful and adequate investigation of her background prior  
10 to her hiring or retaining her in subsequent positions of employment.

11 159. Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500  
12 expressly and implicitly represented that the team staff, trainers, and team physicians, including  
13 the Perpetrator (NASSAR), were not a sexual threat to children and others who would fall under  
14 the Perpetrator's (NASSAR) influence, control, direction, and guidance.

15 160. At no time during the periods of time alleged did Defendants USOC, USAG,  
16 PENNY, PARILLA, and DOES 1 through 500 have in place a reasonable system or procedure to  
17 investigate, supervise and monitor team staff, trainers, and team physicians, including the  
18 Perpetrator (NASSAR), to prevent pre-sexual grooming or sexual harassment, molestation and  
19 abuse of children, nor did they implement a system or procedure to oversee or monitor conduct  
20 toward minors, participants and members and others in Defendants USOC, USAG, PENNY,  
21 PARILLA, and DOES 1 through 500's care.

22 161. Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500 were  
23 aware or should have been aware and understand how vulnerable children were to sexual  
24 harassment, molestation and abuse by teachers and other persons of authority within the control of  
25 Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500 prior to Plaintiff's  
26 sexual abuse by the Perpetrator (NASSAR).

27 162. Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500 were  
28 put on notice, and should have known that the Perpetrator (NASSAR) had previously engaged and

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1 continued to engage in unlawful sexual conduct with minors and was committing other felonies,  
2 for his own personal gratification, and that it was, or should have known it would have been  
3 foreseeable that he was engaging, or would engage in illicit sexual activities with Plaintiff, and  
4 others, under the cloak of his authority, confidence, and trust, bestowed upon her through  
5 Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500.

6 163. Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500 were  
7 placed on actual or constructive notice that the Perpetrator (NASSAR) had molested or was  
8 molesting minors and participants and members, both before his employment within Defendants  
9 USOC, USAG, PENNY, PARILLA, and DOES 1 through 500, and during that employment  
10 Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500 had knowledge of  
11 inappropriate conduct and molestations committed by the Perpetrator (NASSAR) before and  
12 during his employment, yet chose to allow him to remain unsupervised where she sexually abused  
13 Plaintiff.

14 164. Even though Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through  
15 500 knew or should have known of these sexually illicit activities by the Perpetrator (NASSAR),  
16 Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500 failed to use reasonable  
17 care in investigating the Perpetrator (NASSAR) and did nothing to reasonably investigate,  
18 supervise or monitor the Perpetrator (NASSAR) to ensure the safety of the minor participants and  
19 members.

20 165. Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500's  
21 conduct was a breach of their duties to Plaintiff.

22 166. 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 emotional  
24 distress including embarrassment, loss of self-esteem, disgrace, humiliations, and loss of  
25 enjoyment of life; has suffered and continues to suffer and was prevented and will continue to be  
26 prevented from performing daily activities and obtaining the full enjoyment of life; will sustain  
27 loss of earnings and earning capacity, and/or has incurred and will continue to incur expenses for  
28 medical and psychological treatment, therapy, and counseling.

**TENTH CAUSE OF ACTION**  
**NEGLIGENT FAILURE TO WARN, TRAIN, or EDUCATE**  
**(Plaintiff ALY RAISMAN Against Defendants USOC, USAG, PENNY, PARILLA, and**  
**DOES 1 through 500)**

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

168. Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500 owed Plaintiff a duty to take reasonable protective measures to protect Plaintiff and other minor participants and members from the risk of childhood sexual harassment, molestation and abuse by the Perpetrator (NASSAR) by properly warning, training or educating Plaintiff and other about how to avoid such a risk.

169. Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500 breached their duty to take reasonable protective measures to protect Plaintiff and other minor participants and members from the risk of childhood sexual harassment, molestation and abuse by the Perpetrator (NASSAR), such as the failure to properly warn, train or educate Plaintiff and other minor participants and members about how to avoid such a particular risk that the Perpetrator (NASSAR) posed—of sexual misconduct.

170. Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500 breached their duty to take reasonable protective measures to protect Plaintiff and other minor participants and members from the risk of childhood sexual harassment, molestation and abuse by the Perpetrator (NASSAR), by failing to supervise and stop employees of Defendants USOC, USAG, PENNY, PARILLA, and DOES 1 through 500, including the Perpetrator (NASSAR), from committing wrongful sexual acts with minors, including Plaintiff.

171. As a result of the above-described conduct, Plaintiff has suffered and continues to 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 sustain loss of earnings and earning capacity, and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

**ELEVENTH CAUSE OF ACTION**  
**SEXUAL BATTERY: *Civil Code* § 1708.5**  
**(Plaintiff ALY RAISMAN Against DEFENDANT NASSAR)**

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

5 173. NASSAR, in doing the things herein alleged, including intending to subject  
6 Plaintiff to numerous instances of sexual abuse and harassment by NASSAR, during Plaintiff's  
7 time with USAG and USOC, beginning on or around 2010 to in or around 2012, and in or around  
8 2015, including but not limited to instances of NASSAR groping and fondling the Plaintiff's  
9 vagina all while NASSAR acted in the course and scope of his agency/employment with  
10 Defendants, and each of them and were intended to cause harmful or offensive contact with  
11 Plaintiff's person, and did cause such harmful or offensive contact.

12 174. NASSAR did the aforementioned acts with the intent to cause a harmful or  
13 offensive contact with an intimate part of Plaintiff's person, and would offend a reasonable sense  
14 of personal dignity. Further, said acts did cause a harmful or offensive contact with an intimate  
15 part of Plaintiff's person that would offend a reasonable sense of personal dignity.

16 175. Because of NASSAR's position of authority over Plaintiff, and Plaintiff's mental  
17 and emotional state, and Plaintiff's young age under the age of consent, Plaintiff was unable to,  
18 and did not, give meaningful consent to such acts.

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

22 177. As a direct result of the sexual abuse by NASSAR, Plaintiff has difficulty in  
23 reasonably or meaningfully interacting with others, including those in positions of authority over  
24 Plaintiff including teachers, and supervisors, and in confidential, business, and familial  
25 relationships, due to the trauma of childhood sexual abuse inflicted upon her by NASSAR. This  
26 inability to interact creates conflict with Plaintiff's values of trust and confidence in others, and  
27 has caused Plaintiff substantial emotional distress, anxiety, nervousness and fear. As a direct result  
28 of the sexual abuse and harassment by NASSAR, Plaintiff suffered immensely, including, but not

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1 limited to, encountering issues with a lack of trust, various psychological sequelae, depressive  
2 symptoms, anxiety, and nervousness.

3 178. Plaintiff is informed and based thereon alleges that the conduct of NASSAR was  
4 oppressive, malicious and despicable in that it was intentional and done in conscious disregard for  
5 the rights and safety of others, and were carried out with a conscious disregard of her right to be  
6 free from such tortious behavior, such as to constitute oppression, fraud or malice pursuant to  
7 California *Civil Code* section 3294, entitling Plaintiff to punitive damages against NASSAR in an  
8 amount appropriate to punish and set an example of NASSAR.

9 **THIRD CAUSE OF ACTION**  
10 **GENDER VIOLENCE**  
11 **(Plaintiff ALY RAISMAN Against DEFENDANT NASSAR)**

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

14 180. NASSAR's acts committed against Plaintiff, as alleged herein, including the sexual  
15 harassment and abuse of the Plaintiff constitutes gender violence and a form of sex discrimination  
16 in that one or more of NASSAR's acts would constitute a criminal offense under state law that has  
17 as an element the use, attempted use, or threatened use of physical force against the person of  
18 another, committed at least in part based on the gender of the victim, whether or not those acts  
19 have resulted in criminal complaints, charges, prosecution, or conviction.

20 181. NASSAR's acts committed against Plaintiff, as alleged herein, including the sexual  
21 harassment and abuse of the Plaintiff constitutes gender violence and a form of sex discrimination  
22 in that NASSAR's conduct caused a physical intrusion or physical invasion of a sexual nature upon  
23 Plaintiff under coercive conditions, whether or not those acts have resulted in criminal complaints,  
24 charges, prosecution, or conviction.

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

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

**FOR ALL CAUSES OF ACTION**

1. For past, present and future non-economic damages in an amount to be determined at trial;
2. For past, present and future special damages, including but not limited to past, present and future lost earnings, economic damages and others, in an amount to be determined at trial.
3. Any appropriate statutory damages;
4. For costs of suit;
5. Punitive damages, according to proof, though not as to the Negligence Causes of Action (Causes of Action 7, 8, 9, and 10);
6. For interest based on damages, as well as pre-judgment and post-judgment interest as allowed by law;
7. For attorney's fees pursuant to California *Code of Civil Procedure* sections 1021.5, *et seq.*, or as otherwise allowable by law;
8. For declaratory and injunctive relief, including but not limited to court supervision of Defendants USAG, and USOC; and
9. For such other and further relief as the Court may deem proper.

Dated: February 28, 2018

**MANLY, STEWART & FINALDI**

By: John C. Manly  
JOHN C. MANLY, Esq.  
Attorneys for Plaintiff ALY RAISMAN

**DEMAND FOR JURY TRIAL**

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Plaintiff ALY RAISMAN hereby demands a trial by jury.

Dated: February 28, 2018

**MANLY, STEWART & FINALDI**

By: John C. Manly  
JOHN C. MANLY, Esq  
Attorneys for Plaintiff ALY RAISMAN

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# EXHIBIT "A"



(P)

October 11, 1999



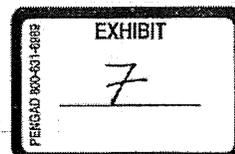
Mr. William J. Hybl, President  
 Mr. Dick Schultz, Executive Director  
 Mr. Scott Blackmun, Deputy Executive Director  
 and General Counsel  
 United States Olympic Committee  
 One Olympic Plaza  
 Colorado Springs, CO 80909

Dear Bill, Dick and Scott:

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

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

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



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

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

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

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

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

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

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

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

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

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

Thank you in advance for your attention to this matter.

Sincerely,



Robert Colarossi

Enclosure

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