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STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

COUNTY OF MECKLENBURG 2020 APR 13 A 9:04 20 CVS 5842

MECKLENBURG CO., C.S.C.

JOHN DOE,

BY _____)

Plaintiff,)

v.)

COMPLAINT

ROMAN CATHOLIC DIOCESE OF)
CHARLOTTE A/K/A ROMAN CATHOLIC)
DIOCESE OF CHARLOTTE, NC)

Defendant.)

Plaintiff, by and through counsel, complaining of Defendant, alleges and says as follows:

INTRODUCTION

1. As a child, Plaintiff was sexually abused on several occasions by a Catholic priest that Defendant knew or should have known was a child predator. As we all now know, this was sadly a very common experience, and for decades the Catholic Church has done everything within its power to conceal misconduct, shelter abusers, shame the abused and avoid being held responsible for the epidemic of child sexual abuse that it caused. The North Carolina General Assembly, in recognition of the fact that most victims of child sexual abuse do not come forward until well into adulthood, has created a two-year window to allow lawsuits like this one to be brought even if they were previously barred under the statute of limitations. As an adult, Plaintiff continues to suffer the crippling effects of the abuse he sustained as a child. When he previously sought to hold the Church accountable, he was villainized and shamed *en route* to having his case dismissed based on the statute of limitations. He now brings this case based on the new law recently passed in North Carolina. Despite the fact that he was previously accused of fabricating

his claims, Plaintiff's allegation has now been listed by Defendant as a credible allegation of sexual abuse on the list published in December of 2019. From the Vatican all the way to Charlotte, what we have all heard in recent years is that it is a new day with the Catholic Church and the Charlotte Diocese when it comes to victims of child sexual abuse. Nonetheless, when given a choice, Defendant has chosen to fight this claim rather than make any reasonable attempt to settle it, and will now seek to claim that the recently passed law somehow does not apply to Plaintiff, a man clearly within the group of people the General Assembly sought to benefit. Despite all pronouncements to the contrary, it seems it is not a new day at all.

PARTIES

2. This case involves sexual assault(s), battery(ies) and act(s), sexual contact and touching of a minor child, perpetrated by an agent of Defendant and otherwise caused by Defendant's negligent and tortious conduct. Given the nature of the case, Plaintiff is identified herein only by pseudonym to prevent public disclosure of his name and further harm to him. Plaintiff's counsel has disclosed the full name of the Plaintiff to Defendant's counsel with the agreement and assurance to maintain confidentiality until further orders of the Court. All parties consent to proceeding by using Plaintiff's pseudonym.

3. Plaintiff John Doe is a citizen and resident of North Carolina. He was a minor child incapable of consent at the time of the acts complained of, but is currently an adult.

4. Defendant Roman Catholic Diocese of Charlotte a/k/a Roman Catholic Diocese of Charlotte, NC (hereinafter "Defendant"), is, and at all times material was, an unincorporated religious association with its principal place of business in Mecklenburg County, North Carolina. All allegations contained herein against said Defendant also refer to and include the principals,

officers, board members, directors, agents, employees, partners and/or servants of said Defendant, either directly or vicariously, under the principles of corporate liability, apparent authority, agency, ostensible agency, respondeat superior and estoppel and that the acts, practices, and omissions of Defendant's officers, board members, directors, agents, employees, partners and/or servants are imputed to Defendant.

5. Richard B. Farwell ("Farwell") served as a priest in the Roman Catholic Diocese of Charlotte, NC from 1981 until 2002, at which time he was removed from active ministry due to the allegations of sexual misconduct perpetrated against John Doe and another victim.

6. At the time of the allegations which form the basis of this Complaint, Farwell was a priest in active ministry within the Roman Catholic Diocese of Charlotte, NC, and was an employee, agent, apparent agent and/or servant of Defendant, and was under Defendant's complete control and/or supervision, employed as a priest, spiritual advisor, counselor and mentor.

7. As a result of the allegations made by John Doe, criminal investigations were opened by the Salisbury Police Department in Rowan County, North Carolina. Criminal charges were also filed with regard to Farwell's abuse of another victim, and Farwell agreed to a plea of no contest to those charges. Farwell currently lives in Florida.

8. Farwell's actions complained of herein, were within the scope of his employment with the Defendant, were authorized by Defendant who placed Farwell in a position to engage in counseling of minors in an unsupervised manner despite his tendencies toward child predation, and/or were ratified by Defendant, which knew or should have known of Farwell's conduct, and did nothing to prevent, stop or correct it (and in fact continued to assert that he was a fit and proper person for priestly duties, including counseling of children).

BACKGROUND

9. When John Doe first encountered Farwell, Doe was a young child who was having a hard time dealing with events in his life, including his strained relationship with his step-mother due to her drinking, leading him to run away from home.

10. John Doe was brought up in the Catholic Church. He was instructed, including by Defendant, that it was sinful to question or accuse priests, because they were holy men of God. He attended St. Ann's Catholic School and was an altar boy at St. Ann's Catholic Church. It was through St. Ann's that John Doe became acquainted with Farwell.

11. John Doe's father encouraged John Doe to confide in and counsel with Farwell while Farwell was serving as a priest at St. Ann's. John Doe's father trusted Farwell and believed that he could provide counseling and spiritual guidance for his son.

12. A fiduciary relationship was formed between Plaintiff and Defendant, and between Plaintiff and Defendant's agent, Farwell. Within the scope of his agency with Defendant, Farwell served as a mentor, counselor and priest to Plaintiff, and used these positions of confidence and authority to abuse Plaintiff. As a religious leader, cloaked with the authority of the Defendant, Farwell stood in a position of superior power and authority over Plaintiff, who was in a clearly inferior position. Similarly, as a minor child seeking mentoring and counseling from Defendant and trusting Defendant to provide these services, Plaintiff similarly stood in an inferior position of weakness and powerlessness compared to the superior position of power, trust and authority Defendant held over him. Moreover, Defendants agents, servants and/or employees, including Farwell, acted *in loco parentis* to Plaintiff at all times in which he was receiving counseling and other services.

13. Plaintiff came to Defendant and Farwell as a desperate child seeking help, willing to share his deepest fears and anxieties with them in order to be helped, coming to them as religious leaders and counselors, placing his life in their hands with great trust and vulnerability.

14. Farwell spent many hours alone with John Doe to provide counseling and spiritual guidance to him, and encouraged him to discuss his problems and issues with him. Farwell learned through these discussions that John Doe had family problems and behavioral issues.

15. While John Doe was attending St. Ann's Catholic School and was serving as an altar boy at St. Ann's Catholic Church, Farwell would request that John Doe come over to the church premises and John Doe's father would readily agree to allow John Doe to go as he had complete trust and faith in Defendant Diocese and Farwell.

16. Farwell, as part of his "counseling" and "mentoring" of Plaintiff, gradually groomed him and began to touch him inappropriately. Farwell used his inappropriate physical contact with Plaintiff to gain control over him both for purposes of his official priestly duties toward Plaintiff (including the counseling about Plaintiff's problems, and the control of him as an altar boy and student), and for his own prurient interests. During the time he spent with Plaintiff, Farwell began to pull himself close to Plaintiff for extended periods of time, pressing and grinding against him with an erection. This began while Plaintiff was 14 years old.

17. In 1982, John Doe, still aged 14, was sexually abused by a truck driver when he ran away from home and hitchhiked to Chicago.

18. After John Doe returned to Charlotte, he went to the church for confession with Farwell, to discuss what happened. During an open confession, John Doe told Farwell about his having been sexually assaulted and about the shame, emotional turmoil and guilt that he felt as a result of what happened to him.

19. Farwell, as predators often do, took full advantage of Plaintiff's vulnerability. He began by multiplying Plaintiff's shame by ordering him to do penance as if he has committed a sin by being abused. He also increased the amount of time he spent with Plaintiff, as well as his level of abuse. This abuse often took place on Defendant's property, either in the room behind the altar at St. Ann's or in the St. Ann's rectory.

20. On July 1, 1983, Farwell started the position of Assistant Pastor at Sacred Heart Catholic Church in Salisbury, North Carolina. The pastor at Sacred Heart Church at the time was Father Richard Allen (hereinafter "Allen"). Upon information and belief, the transfer of Farwell to Salisbury was made in part because the Defendant Diocese knew or suspected that Farwell had abused one or more children, including John Doe, while he served at St. Ann's, knew that Farwell posed a danger to other boys and was fully aware of Farwell's actions.

21. Upon information and belief, the reassignment of Farwell to Sacred Heart Church by the Defendant Diocese was made as part of an effort to conceal the misconduct and unfitness of Farwell to be a priest and the Defendant Diocese's knowledge of the same.

22. John Doe's problems worsened after Farwell began molesting him at St. Ann's and his father was forced to place him in Baptist Children's Home (hereinafter "BCH") in Waynesville, North Carolina in 1984.

23. Even though Farwell had been transferred to Sacred Heart before Plaintiff went to BCH, Farwell's abuse of Plaintiff continued. While John Doe was in BCH, Farwell would visit him and bring him gifts. Farwell ingratiated himself with staff at BCH with the apparent interest he showed in the well-being of John Doe. Farwell would also counsel John Doe, and took further steps to befriend him. While Farwell visited John Doe at BCH, he continued to subject him to continued abuse, including the erect grinding mentioned above.

24. As a resident of BCH, John Doe was taken to services at a Baptist church, which he did not want to attend because of his Catholic upbringing. Farwell traveled to BCH and built trust and reliance in John Doe by taking him to mass at a nearby Catholic church and making arrangements for John Doe to continue attending mass and programs at the Catholic church.

25. On one occasion, Farwell took John Doe off the premises of BCH and sexually molested him in his car while they were near the Blue Ridge Parkway. BCH allowed Farwell to take John Doe off the premises because of the trust he had cultivated with BCH through his contacts and frequent visits.

26. Because of conflicts with his father and stepmother, John Doe could not stay at his family home over the Thanksgiving holiday in 1984. Farwell told John Doe that he would stay with Farwell at the rectory of Sacred Heart in Salisbury, North Carolina, which John Doe communicated to his father by phone. Around the Thanksgiving holiday, John Doe's father picked him up at BCH and drove him to the Sacred Heart rectory.

27. Over the Thanksgiving holiday break in 1984, while staying in the rectory at Sacred Heart Church in Salisbury, after John Doe came out of the bathroom after showering, Farwell grabbed John Doe by the buttocks, unwrapped his towel and sexually abused him by performing oral sex on him.

28. Upon returning to BCH, John Doe was agitated, distressed and became suicidal. The BCH case workers conducted a search of John Doe's room shortly after he returned and found a container of approximately 30 prescription pills hidden in John Doe's belongings. These were identified as Elavil 50 mg, an anti-depressant, which John Doe had taken from Farwell after being sexually abused in the Sacred Heart rectory over the Thanksgiving holiday.

29. As a result of the significant deterioration of John Doe's condition that immediately followed the Thanksgiving weekend 1984 abuse by Farwell, John Doe was transferred to Appalachian Hall in Asheville, North Carolina for a 30-day hospitalization.

30. After his discharge from Appalachian Hall, John Doe was sent directly to a treatment center and then was subsequently sent to additional facilities as his condition worsened.

31. As a result of Farwell sexually abusing John Doe, John Doe has attempted suicide at least seven times.

32. Farwell's sexual abuse of John Doe was within the scope of his actual and apparent agency with Defendant.

33. Prior to these acts of abuse against Plaintiff, Defendant knew or should have known that Farwell had sexually abused other minor children in the past. Alternatively, Defendant knew or should have known that Farwell was someone who should be thoroughly investigated before being hired and being allowed to spend time with children unsupervised and have children under his care.

34. Like many other child molesting priests, Farwell was moved frequently from one assignment to the other because Defendant knew of the allegations against him. Moreover, Defendant was aware before hiring Farwell of his frequent changes of assignment prior to coming to the Charlotte Diocese.

35. Defendant was also aware that Farwell spent significant time with children both on Defendant's property and on trips (including overnight trips) off of the Defendant's property, which afforded significant private, unsupervised time with underaged children.

36. Upon information and belief, Defendant was actually aware of Farwell's propensity toward child sexual abuse before he was hired by Defendant, and before he abused John Doe. In any event, Defendant should have known of this propensity before Farwell was hired, and before and during his abuse of John Doe.

37. Defendant had a duty to any and all children – including John Doe -- who were placed in Defendant's care for counseling, mentoring, child care or other services, to provide a safe, secure environment.

38. At the time of the events complained of, Defendant knew or should have known that providing sufficient staffing of at least two or more properly trained workers in the same child care environment decreased the likelihood of a worker committing unlawful, lewd and lascivious acts upon the children in their care.

39. At the time of the events complained of, Defendant knew or should have known that a thorough vetting of agents, servants and/or employees in charge of children was required to reduce the likelihood of such persons committing unlawful, lewd and lascivious acts upon the children in their care.

40. At the time of the events complained of, Defendant knew or should have known of the need to properly and actively maintain, monitor, inspect, patrol and manage its employees/agents who were entrusted with the care of children.

41. At the time of the events complained of, Defendant knew or should have known of the need to maintain adequate and appropriate monitoring systems, policies and procedures for the safety of the children in its care. Further, that upon suspicion of irregularities and inappropriate behavior, it would be imperative to preserve any and all evidence available to assist in determining wrongdoing.

42. At the time of the events complained of, Defendant knew or should have known of the need to properly and adequately supervise and train the personnel who were entrusted with the care of children.

43. At the time of the events complained of, Defendant knew or should have known of the potentially dangerous and hazardous conditions children could be exposed to when there was inadequate vetting, training, monitoring, surveillance, retention and supervision of its personnel entrusted with the care of children.

44. At the time of the events complained of, Defendant knew or should have known that children entrusted to it for counseling, mentoring, child care or other services relied upon Defendant for the following:

- a. to provide a secure, safe, non-injurious environment for children in which they would not be injured;
- b. to provide sufficient staffing of at least two or more workers at all times in the same child care environment;
- c. to provide a thorough vetting of agents, servants and/or employees so as to provide a secure, safe, non-injurious environment for children in which they would not be injured;
- d. to properly maintain, secure, surveil, inspect, patrol and actively manage its employees/agents who were entrusted with the care of children;
- e. to maintain active and adequate monitoring systems, policies and procedures for the safety of the children in its care;
- f. to properly and adequately supervise and train its agents, servants and/or employees who were entrusted with the care of children;
- g. to prevent exposure to dangerous, injurious and hazardous conditions; and
- h. to provide proper oversight in a child care environment.

45. Defendant, without proper vetting and training, negligently employed Farwell as a priest, counselor, spiritual advisor and mentor, and allowed him to have significant access to children without supervision.

46. Through its employment of Farwell and its other failures including those herein outlined, Defendant negligently and intentionally misled Plaintiff, his family, parishioners and others into believing that children were being placed in a secure, safe, non-injurious environment during the time they were under the care of Farwell.

47. Upon information and belief, Defendant, in advance of and/or contemporaneously with the ongoing sexual assault(s), battery(ies) and act(s) of sexual contact and touching of Plaintiff, was aware its vetting of Farwell was inadequate and insufficient, was aware that Farwell had acted inappropriately toward children in the past, and was put on notice of complaints of sexual assault against a child in his care.

48. A proper vetting of Farwell would have revealed that he was unsuitable to employ or be permitted to provide care for minors, and that he was a child predator or a probable child predator, and that to put children in his care placed the children at great risk of physical harm and emotional injury.

49. Defendant was negligent before, during and after the sexual assaults upon John Doe in that it:

- a. failed to adequately investigate Farwell's background and credentials prior to hiring him;
- b. hired Farwell and allowed him unsupervised access to children when it knew or should have known that he had a history of prior complaints of inappropriate contact and involvement with minor children;
- c. hired Farwell even though it knew or should have known he would be placed in an environment without other adult supervision, guidance and

training where he could or may exploit and sexually molest minor children;

- d. allowed Farwell to work in an environment which it knew or should have known would subject minor children to unreasonable risk of harm;
- e. failed to adequately supervise Farwell;
- f. failed to adequately investigate Farwell's background, or allegations against him;
- g. failed to exercise reasonable care in the hiring of Farwell;
- h. failed to exercise reasonable care in the establishment of child care protection safeguards for its employees;
- i. failed to arrange for proper supervision, oversight and direction of employees entrusted with the care of children;
- j. failed to provide a secure, safe, non-injurious environment for the children in its care;
- k. failed to ensure that employees were not allowed to spend time privately with children with no other adult present;
- l. failed to provide a thorough vetting of agents, servants and/or employees;
- m. failed to properly maintain, secure, inspect, patrol and manage its properties where children were entrusted to its care;
- n. failed to establish and maintain adequate monitoring/surveillance systems, policies, and procedures for the safety of the children in its care;
- o. failed to prevent exposure to dangerous and hazardous conditions;
- p. failed to terminate Farwell when it knew or should have known of his propensity to injure children, and failure to prevent him from continuing to have unsupervised access to children;
- q. failed to provide proper oversight of the child care environment;
- r. entrusted workplace child care services to Farwell;
- s. failed to timely respond to complaints received about Farwell;

- t. failed to establish and/or follow its own internally set guidelines and procedures;
- u. failed to warn Plaintiff, his family and others of the dangers of having children entrusted to Farwell; and
- v. was otherwise careless, reckless and negligent.

50. At all times relevant herein, Defendant, including by and through its agents, misrepresented material facts in that it represented that its agents, including Farwell, were fit and proper persons to provide counseling, mentoring and other services to children: that children such as John Doe would be safe under the care of Defendant; that Defendant had properly selected its agents in a manner such that children would be safe with them; that it possessed policies and procedures to keep children safe; and otherwise that children would be safe and free from abuse with Defendant and its agents (including Farwell specifically).

51. Moreover, Defendant, including by and through its agents, omitted material facts by failing and refusing to inform Plaintiff and others that its agents (including Farwell) presented a risk of abuse to children; that children such as John Doe would not be safe under the care of Defendant; that Defendant had not properly selected its agents in a manner such that children would be safe with them; that it lacked policies and procedures to keep children safe; and that children would otherwise be unsafe and at risk for abuse with Defendant and its agents (including Farwell).

52. Plaintiff and others, in an inferior position to Defendant and respecting the religious authority of Defendant and its agents, reasonably relied upon these representations and omissions to their detriment, in that abuse occurred as a proximate cause of said misrepresentations and omissions, which occurred before, during and after the abuse.

53. As a result of the sexual assaults alleged herein, John Doe suffered severe injuries of a sexual, emotional and physical nature, exposure to adult sexual acts, possible exposure to communicable diseases and has and will require counseling, social reintegration, loss of a feeling of security and protection, humiliation, and other untoward ramifications and medical expenses that will continue for a lifetime. These injuries were reasonably foreseeable, and a direct and proximate result of the acts, practices and omissions of Defendant as alleged herein, and entitle Plaintiff to compensation for his past, current and prospective losses.

FIRST CAUSE OF ACTION
(Assault and Battery)

54. Plaintiff restates and realleges the paragraphs above.

55. On several occasions from approximately 1981 to 1984, Plaintiff was sexually assaulted by Farwell during "counseling" or "mentoring" sessions, or while Farwell was supervising Plaintiff as a parishioner, student and altar boy, within the scope of Farwell's agency with Defendant, and on Defendant's property.

56. Defendant, through the words and actions of its agent Farwell, placed John Doe in imminent fear or apprehension of imminent harmful and/or offensive contact, thus committing assault.

57. Defendant also engaged in unlawful and unpermitted physical contact with Plaintiff, thus committing battery.

58. Defendant's assaults and batteries occurred without Plaintiff's consent and without lawful justification or excuse.

59. John Doe was not legally capable of consenting to these assaults and batteries, including on account of his age.

60. The conduct of Defendant proximately and directly caused the foreseeable injuries suffered by Plaintiff, including severe emotional distress. Plaintiff has required medical and psychiatric attention, endured pain, suffered mental and emotional trauma, and sustained a loss of dignity and individuality. These injuries are all ongoing and will continue into the future.

SECOND CAUSE OF ACTION
(Intentional Infliction of Emotional Distress)

61. Plaintiff restates and realleges the paragraphs above.

62. Defendant, by and through its agent Farwell, committed sexual assaults and batteries of John Doe while he was a minor child.

63. These actions constitute extreme and outrageous conduct, and were undertaken with the intent to cause severe emotional distress or with reckless indifference to the likelihood that they would cause severe emotional distress to Plaintiff.

64. Defendant acted intentionally and/or with a conscious indifference to Plaintiff's health and safety, thereby constituting willful or wanton conduct.

65. The conduct of Defendant proximately and directly caused the foreseeable injuries suffered by Plaintiff, including severe emotional distress. Plaintiff has required medical and psychiatric attention, endured pain, suffered mental and emotional trauma, and sustained a loss of dignity and individuality. These injuries are all ongoing and will continue into the future.

THIRD CAUSE OF ACTION
(Negligence)

66. Plaintiff restates and realleges the paragraphs above.

67. As set forth in more detail above, Defendant owed duties of care to Plaintiff.

68. The acts and omissions of Defendant set forth in more detail above constitute breaches of said duties, and therefore constitute actionable negligence, including but not limited to negligent operation of Defendant's organization and property, as well as negligent hiring, supervision and retention of Farwell.

69. Said negligence was a proximate cause of Plaintiffs' resulting injuries and damages which are set forth in more detail below.

70. By and through the actions set forth above, Defendant was reckless and acted in conscious disregard for the safety of Plaintiff, and such actions constituted willful and wanton conduct and gross negligence.

FOURTH CAUSE OF ACTION
(Negligent Infliction of Emotional Distress)

71. Plaintiff restates and realleges the paragraphs above.

72. Defendant's conduct described above was negligent.

73. It was reasonably foreseeable to Defendant that said conduct would cause severe emotional distress to Plaintiff.

74. Defendant's conduct as described above did in fact proximately cause Plaintiff to suffer severe emotional distress, and was a proximate cause of Plaintiff's resulting injuries and damages which are set forth in more detail below.

FIFTH CAUSE OF ACTION
(Breach of Fiduciary Duty)

75. Plaintiff restates and realleges the paragraphs above.

76. As set forth above, Defendant owed a fiduciary duty to Plaintiff.

77. Plaintiff placed trust and confidence in Defendant, and Defendant was vested with confidence and authority which gave rise to a fiduciary duty.

78. These fiduciary relationships of trust and confidence led up to and surrounded the events complained of herein.

79. These relationships required Defendant to act in good faith and with due regard for the best interests of Plaintiff.

80. The acts and omissions of Defendant set forth in more detail above constitute breaches of said fiduciary duty.

81. Said breaches of fiduciary duty were a proximate cause of Plaintiff's resulting injuries and damages which are set forth in more detail below.

SIXTH CAUSE OF ACTION
(Constructive Fraud)

82. Plaintiff restates and realleges the paragraphs above.

83. As set forth above, Defendant owed a fiduciary duty to Plaintiff.

84. Plaintiff placed trust and confidence in Defendant, and Defendant was vested with confidence and authority which gave rise to a fiduciary duty.

85. These fiduciary relationships of trust and confidence led up to and surrounded the events complained of herein.

86. These relationships required Defendant to act in good faith and with due regard for the best interests of Plaintiff.

87. By and through the actions complained of herein, Defendant abused its relationship with Plaintiff, breached its fiduciary duties, and in doing so took advantage of its

relationships in a way that was intended to, and in fact did, injure Plaintiff and benefit the Defendant. These benefits included, without limitation, that Farwell – acting as Defendant’s agent – benefitted himself by abusing his power over Plaintiff to satisfy his own perverse sexual desire, and to do so in a manner which minimized his likelihood of being held responsible for his actions. Defendant – by allowing an individual it knew or should have known to be a child predator to have unfettered and unsupervised access to minor children, and by failing to act on complaints and suspicions of inappropriate behavior – benefitted itself by continuing to avoid public scrutiny and accountability for the epidemic of child sexual abuse that it knowingly fostered for decades. Moreover, Defendant gained control over Plaintiff through these breaches of fiduciary duty in order to control his behavior.

88. Said breaches of fiduciary duty and instances of constructive fraud were a proximate cause of Plaintiffs’ resulting injuries and damages which are set forth in more detail below.

SEVENTH CAUSE OF ACTION
(Misrepresentation and Fraud)

89. Plaintiff restates and realleges the paragraphs above.

90. Before, during and after the acts of sexual misconduct alleged herein, Defendant made material misrepresentations as set forth in more detail above with regard to the safety of children within its care generally, and with regard to Farwell specifically.

91. Before, during and after the acts of sexual misconduct alleged herein, Defendant made material omissions as set forth in more detail above with regard to the dangers to children within its care generally, and with regard to Farwell specifically.

92. These misrepresentations/omissions were made knowing that they were false, or at best with a negligent disregard for their truthfulness and culpable ignorance of their falsity.

93. These misrepresentations/omissions were made with the intent that they be relied upon, and they actually were reasonably relied upon by Plaintiff, therefore proximately causing Plaintiff's damages as set forth in more detail below.

94. All of these misrepresentations/omissions were with regard to material facts.

95. Said misrepresentations/omissions were false when made, were reasonably calculated to deceive, in fact did deceive Plaintiff, were reasonably relied upon by Plaintiff, and thereby proximately caused Plaintiff's damages as set forth in more detail below.

PUNITIVE DAMAGES

96. Plaintiff restates and realleges the paragraphs above.

97. The acts, practices and omissions of Defendant were committed in reckless disregard of the rights of others including Plaintiff herein, and were grossly negligent, fraudulent, intentional and malicious. The egregiously wrongful acts of Defendant need to be punished and similar acts by Defendant and others need to be deterred. Thus, recovery of punitive damages is appropriate.

DAMAGES


98. As a direct and proximate result of the acts and omissions of Defendant set forth above, John Doe has suffered devastating physical and emotional injuries, has required reasonable and necessary medical and psychological treatment at great expense, and is expected to suffer similar injuries and require additional treatment throughout his life. He is entitled to all

damages allowable for the causes of action listed above as are allowed by law. For purposes of establishing that the case belongs in Superior Court, Plaintiff seeks damages in excess of \$25,000.00. In reality, Plaintiff's damages far exceed this jurisdictional amount.

WHEREFORE, Plaintiff respectfully prays unto the Court as follows:

1. That Plaintiff have and recover of the Defendant sums in excess of \$25,000.00, an amount stated here only because it is the jurisdictional amount for Superior Court. In reality, Plaintiff's damages far exceed this jurisdictional amount;
2. That Plaintiff recover punitive damages in an amount to be determined by the jury;
3. That the judgment include pre-judgment and post-judgment interest under applicable law;
4. For costs and attorney's fees pursuant to applicable law;
5. For a jury trial on all issues so triable; and
6. For such other and further relief as the Court deems just and proper.

This the 13th day of April, 2020.



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