

IN THE SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA
CIVIL DIVISION

JOHN DOE
Arlington, VA 22204

RICHARD ROE
Cincinnati, OH 45220

&

PAUL POE
Falls Church, VA 22043

Plaintiffs,

v.

DANIEL MORGAN ACADEMY
D/B/A Daniel Morgan Graduate School of
National Security
1620 L Street NW, Suite 700
Washington, DC 20036
Serve: Registered Agent
Jonathan Strum
5638 Utah Avenue NW
Washington, DC 20015

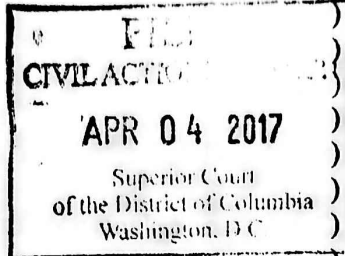
ABBY S. MOFFAT
7904 Radnor Road
Bethesda, MD 20817

ALAN KELLY
9125 N. Crimson Canyon Road
Fountain Hills, AZ 85268-6370

&

MARK LEVIN
5300 Columbia Pike
Unit 1010
Arlington, VA 22204

Defendants.



17-0002253

Case No.: _____



COMPLAINT AND JURY DEMAND
(Violations of D.C. Human Rights Act—Quid Pro Quo Sexual Harassment, Hostile Work Environment, Retaliation, Aiding & Abetting Discrimination; Intentional Infliction of Emotional Distress, Negligence, Assault, Battery)

I. INTRODUCTION

1. Plaintiffs John Doe (“Mr. Doe”), Richard Roe (“Mr. Roe”), and Paul Poe (“Mr. Poe”) are young adult male employees of Defendant Daniel Morgan Academy D/B/A Daniel Morgan Graduate School of National Security (“DMA”). At various times during their employment with DMA, Plaintiffs Mr. Roe and Mr. Poe were simultaneously enrolled as graduate students in DMA to obtain a Master’s degree in National Security.

2. Plaintiff Mr. Doe is a young adult male, born in 1991, who resides in Virginia. Plaintiff Roe is a young adult male, born in 1990, who resides in Ohio. Plaintiff Paul Poe is a young adult male, born in 1993, who resides in Virginia.

3. Defendant Daniel Morgan Academy D/B/A Daniel Morgan Graduate School of National Security (“DMA”) is, and has been since its incorporation on or about June 24, 2014, a 501(c)(3) non-profit organization doing business in the District of Columbia, with its headquarters, administrative offices, and facilities located at 1620 L Street Northwest, Washington, DC 20036.

4. DMA operates under the trade name “Daniel Morgan Graduate School of National Security” (“DMGS”) and advertises itself to the public as “a new, independent and stand-alone graduate school in Washington, DC (near Farragut North and West Metro Stations) dedicated to delivering the practical edge for the national security and intelligence professional.” DMA is licensed by the Educational Licensure Commission of the District of Columbia and provides educational services at its facilities in the District of Columbia. DMA is a candidate for accreditation with the Middle States Commission of Higher Education.

5. Defendant Abby S. Moffat ("Ms. Moffat") is an adult female who, upon information and belief, resides in Maryland, and who, at all times relevant to this Complaint, has been simultaneously employed in the District of Columbia as Chairman of the Board of Trustees of DMA, and in Maryland as Chief Executive Officer and member of the Board of Trustees of the Diana Davis Spencer Foundation ("DDSF"), a Section 501(c)(3) non-profit organization which is a major and primary donor responsible for financing the start-up and ongoing operations of DMA.

6. Defendant Alan Kelly ("Mr. Kelly") is an adult male who, upon information and belief, is a resident of Arizona, and who, since on or about September 11, 2016, has been simultaneously employed in the District of Columbia by Defendant DMA as Vice President and Special Counsel; and in Maryland by DDSF as Vice President and Senior Counsel.

7. Defendant Mark Levin ("Mr. Levin") is an adult male who, upon information and belief, is a resident of the Commonwealth of Virginia, and who, since DMA's inception in June 2014 and until his suspension on or about August 29, 2016, was employed by and/or affiliated with Defendant DMA in the capacity of "Special Advisor to the President" of Daniel Morgan Academy, having been afforded that role by Defendant Ms. Moffat.

8. In his official capacity at DMA, Mr. Levin was afforded virtually unfettered discretion, access to, and control over all employees, students, and interns of Defendant DMA, including the Plaintiffs, and all terms, conditions, and privileges of their employment, to include their recruitment, hiring, compensation and salary setting, payment, hours of work, locations of work, position descriptions, duties and responsibilities, daily work assignments, work priorities and goals, employee evaluation and recognition, training, bonuses, additional benefits, and firing.

9. All acts or omissions and tortious injuries alleged against and caused by the Defendants were inflicted upon the Plaintiffs either at DMA's offices in the District of Columbia, or outside the District of Columbia by Defendants, their agents, apparent agents, representatives, and/or employees of DMA who regularly conduct business and/or render educational services in the District of Columbia.

10. Defendants DMA and Mark Levin subjected Plaintiffs Doe, Roe, and Poe to *quid pro quo* sexual harassment and a sexually offensive and retaliatory hostile work environment on the basis of their sex (male), age (young adult), and/or sex plus age (young adult male), and protected activity.

11. This lawsuit seeks redress for the significant harm, emotional pain and suffering, and financial lost that the Plaintiffs have endured as a result of the *quid pro quo* sexual harassment, hostile work environment, retaliation, and disturbing, intimidating, unwelcome, and coercive sexual abuse to which they were subjected as young adult male employees of DMA by Defendant Mark Levin, which included repeated, forced, invasive, deceptive, and humiliating touching and probing of their naked bodies and genitals, and sexually offensive public comments about the size and condition of their penises and bodies, under the false pretenses and auspices of "national security," as a condition of their continued employment at DMA.

12. The Defendants DMA and Abby S. Moffat hired Defendant Mr. Levin, failed to appropriately vet Mr. Levin, and continuously failed to appropriately supervise Mr. Levin throughout the course of his employment and/or association or affiliation with DMA as a Special Advisor to the President of DMA.

13. In his capacity as Special Advisor to the President, Defendant Levin engaged in the recruitment of students and employees at DMA. As a strategy to recruit students to DMA,

Mr. Levin lured prospective students with paid internships and full time employment, in addition to a cost-free Masters degree in national security from DMA.

14. Defendant Levin supervised and directed all DMA employees, students, and interns as Special Advisor to the President, and, thereby, Defendants are responsible for Mr. Levin's tortious conduct, sexual abuse, and *quid pro quo* sexual harassment of the Plaintiffs and other employees, students, and interns.

15. Defendants DMA, Ms. Moffat, and Mr. Kelly retaliated against and created a hostile work environment for Mr. Doe, and attempted to engage in a cover up, after Mr. Doe reported Levin's systemic abuse of male employees, students, and interns at DMA, by attempting to dissuade Mr. Doe from reporting Levin's sexual abuse to police authorities, by threatening Mr. Doe with termination, by removing his job duties and responsibilities as Executive Assistant to the President and Director of Human Resources at DMA, by demoting him to a lesser position as Deputy Director of Recruitment, and otherwise marginalizing and vilifying him at DMA.

16. Defendants DMA, Ms. Moffat, and Mr. Kelly further retaliated against and created a hostile work environment for all male DMA employees, interns, and students, including the Plaintiffs and those who had reported Defendant Mr. Levin's systemic abuse at DMA on the basis of sex (male), and for all female students, including those who complained about Defendant Levin's denial of equal employment opportunity on the basis of sex (female), by failing to exercise reasonable care to **correct** Levin's sexual harassment and gender-based discrimination and **prevent** such abuses in the future, *inter alia*, by failing to advise the employees and students what had occurred at DMA and the reasons for Levin's dismissal from the school; by failing to remedy Defendant Mr. Levin's systemic sexual abuse, harassment, and gender-based discrimination to include compensating his victims to make them whole financially

or otherwise; by failing to establish timely workplace policies concerning anti-discrimination and harassment; and by failing to operate DMA in an efficient and businesslike manner free from unlawful reprisal.

17. This case arises under the D.C. Human Rights Act of 1977, as amended, D.C. Code § 2-1402.01, *et seq.*, and under the common law, and seeks: a) declaratory and injunctive relief; b) compensatory damages; c) attorney's fees and costs; d) punitive damages; and e) such further relief to which the Court deems just and proper or to which Plaintiffs are entitled.

II. JURISDICTION AND VENUE

18. The Court has subject matter jurisdiction over this action pursuant to D.C. Code § 2-1403.16 and § 11-921.

19. Personal jurisdiction is invoked pursuant to the provisions of D.C. Code § 13-422 and § 13-423(a).

III. STATEMENT OF FACTS

Founding of Daniel Morgan Academy

20. At all times relevant to this Complaint, Defendant Mark Levin routinely made false representations to the Plaintiffs, to Defendant Ms. Moffat, and to all other employees of Defendant DMA concerning his personal and professional background, without any vetting of this information by Defendants DMA or Ms. Moffat, including, by way of example:

- a. That Mr. Levin has fifty or nearly fifty years of experience as a member of the United States Intelligence Community ("IC") working in the national security field;

- b. That Mr. Levin is an agent—or even leader—of an unspecified secret national security agency engaged in intelligence-gathering and counter-terrorism operations;
- c. That Mr. Levin has personal relationships with prominent members of the IC, the CIA, NSA, the FBI, and ODNI, including Director of National Intelligence James Clapper and CIA Directors John Brennan and General David Petraeus;
- d. That Mr. Levin supervises a team of unnamed agents, often referred to as his “guys,” who perform around-the-clock surveillance on Mr. Levin’s associates, including the Plaintiffs, and other employees, students, and interns at DMA;
- e. That Mr. Levin has had DMA, its staff’s and their family’s homes “bugged;”
- f. That Mr. Levin is often tasked by the government with important national security missions, sometimes purportedly requiring him to travel “Out West,” or “Up River” or report to meetings at “the Pentagon,” “the Bureau,” and with “the Agency people,” “the General,” and “the Admiral;”
- g. That in the line of his national security work, Mr. Levin had often been called upon to kill people, and that he had killed as many as “38 people” in his career.

21. In the fall of 2013, Mr. Levin secured the support of Defendant Ms. Moffat to found a graduate school with the purported goal of providing national security education. Ms. Moffat apparently believed Mr. Levin’s false representations about his personal and professional background and relationships with the Intelligence Community.

22. Upon information and belief, Ms. Moffat performed no vetting or background investigation, neither at the time of his hiring, nor throughout the course of Mr. Levin’s employment at DMA or her affiliation with him, to determine whether Mr. Levin’s

representations were true or whether Mr. Levin was qualified to operate the proposed educational institution.

23. Nevertheless, on or about November 5, 2013, the Diana Davis Spencer Foundation ("DDSF"), a philanthropic foundation with more than \$1 billion in assets for which Ms. Moffat is Chief Executive Officer and sits on the Board of Trustees, provided a \$200,000 grant for Mr. Levin to begin operation of the National Security Enterprise ("NSE") a graduate school of national security.

24. NSE was incorporated on September 12, 2013 in the District of Columbia. Ms. Moffat became Chairperson of NSE's Board of Trustees, simultaneously retaining her role as CEO and Trustee for DDSF as well.

25. Despite the lack of any vetting or background investigation by Ms. Moffat, neither at the time of Levin's hiring or appointment, nor throughout the course of Mr. Levin's employment and/or affiliation with NSE and its *de facto* successor entity, Defendant DMA, Mr. Levin held full control and final authority over all business decisions at NSE/DMA, including personnel matters such as hiring, firing, and employee compensation. Mr. Levin held these sweeping executive, management, supervisory, and operational authorities throughout the course of his employment and/or affiliation at NSE/DMA, solely due to the backing of Ms. Moffat and DDSF.

26. On or around February 28, 2014, DDSF awarded NSE a \$1,000,000.00 grant, to be paid in two installments, with the first installment paid immediately.

27. In or around the summer of 2014, Mr. Levin determined that NSE could not receive licensure as an educational non-profit institution in the District of Columbia because of the word "National" in its name, which apparently was reserved for governmental entities. As an

excuse for this error, Mr. Levin claimed that he had only chosen to name the graduate school “National Security Enterprise” because Director of National Intelligence (ODNI) Mr. James Clapper had recommended it to him.

28. As a result of the error, at Mr. Levin’s direction, the school was rebranded as the “Daniel Morgan Academy” (DMA). DMA was incorporated on June 24, 2014.

29. The majority of employees of NSE transferred to new positions at Defendant DMA. NSE further transferred the majority of its assets and its building sub-lease to DMA. The remaining \$500,000 installment of the one million dollar financial grant provided by DDSF to the NSE was transferred to DMA.

30. From DMA’s incorporation on June 24, 2014, and continuing through August 29, 2016, Mr. Levin was afforded virtually unfettered discretion, access to, and control over all employees, interns, and students of Defendant DMA, including the Plaintiffs, and all terms, conditions, and privileges of their employment, to include their hiring, compensation and salary setting, payment, hours of work, locations of work, position descriptions, responsibilities, daily work assignments, work priorities and goals, employee evaluation and recognition, bonuses, and firing.

31. In or around April 2015, DMA relocated its offices from 1100 Connecticut Avenue NW, Washington, DC 20036 to 1620 L Street NW, Washington, DC 20036, where it remains to the present.

Sexual Abuse of Plaintiffs Doe and Roe

32. Plaintiff Mr. Roe was introduced to Defendant Mark Levin in or around the end of May 2012 or early June 2012 while Mr. Roe was employed at the Institute of World Politics (IWP), a graduate school located in the District of Columbia. IWP’s Director of Professional

Affiliations, Ms. Linda Strating, introduced Mr. Levin to Mr. Roe as “*a man to know*” if Mr. Roe wanted to work in the U.S. Intelligence Community (“IC”), which he indeed did.

33. Plaintiff Mr. Doe first met Defendant Levin in August 2012, while Mr. Doe was attending a student orientation at IWP, where Mr. Doe had recently enrolled. During this first meeting, Mr. Levin falsely held himself out to be a member of the U.S. Intelligence Community (“IC”) acting on behalf of an unnamed, clandestine U.S. intelligence agency, which performs intelligence and counter-terrorism operations. Defendant Mr. Levin told Mr. Doe that Mr. Doe had been “recommended” to him by an undisclosed party and further indicated that Mr. Levin was interested in “recruiting” Mr. Doe for his secret intelligence organization.

34. Over the course of the ensuing months, Defendant Levin slowly introduced new, false information to Plaintiffs Roe and Doe regarding his personal and professional background, including that he held authority in a secret U.S. intelligence agency and commanded a team of covert agents. Defendant Levin led Mr. Roe and Mr. Doe to believe that they were candidates for Mr. Levin’s purported covert agency.

35. Plaintiffs Mr. Roe and Mr. Doe were tricked into believing Defendant Levin’s false representations regarding his professional background in the IC because they observed Mr. Levin appearing to hold a trusted status and enjoy close relationships with influential individuals with verifiable connections to the IC, including administrators and faculty at IWP and with Defendant Abby Moffat, CEO of the Diana Davis Spencer Foundation, a prominent philanthropic foundation with well-known ties to the national security community.

36. Beginning in the summer and fall of 2012, Defendant Levin routinely took Plaintiffs Roe and Doe out for meals at restaurants, sometimes individually, and sometimes

collectively, where he would, *inter alia*, discuss their recruitment to the purported secret intelligence agency and ways to improve their candidacy.

37. Around this time, Defendant Levin represented to Plaintiffs Roe and Doe that because they were “candidates” for his organization, they were monitored at all times by agents. This monitoring purportedly included surveillance of their comings and goings, internet activity, and telephone calls, and it also purportedly extended to any close associates of theirs, including friends and family.

38. Defendant Levin also told Plaintiffs Roe and Doe that because they were now aware of Mr. Levin’s affiliation with a secret intelligence organization, even if they were to “wash out” of the IC recruitment process, they would continue to be subjected to monitoring and surveillance, and Levin’s organization would block any other attempts by them to enter the national security field, or even to pursue careers in other fields.

39. On at least one occasion, Defendant Levin told Mr. Doe that in the event Mr. Doe failed the IC recruitment process, if Mr. Doe ever was subsequently denied a job offer in the national security field, Mr. Doe would have to consider whether it was due to lack of merit, or the result of Mr. Levin’s intervention. Mr. Doe took this threat seriously.

40. Defendant Levin began requiring Mr. Roe and Mr. Doe to report to his apartment in Virginia for “weapons training,” in which Mr. Levin would bring out an unloaded firearm and require the Plaintiffs to practice drawing and firing. For Mr. Roe, this “training” began in July 2012; for Mr. Doe, in September or early October 2012. Mr. Roe and Mr. Doe sometimes “trained” individually with Mr. Levin, and sometimes collectively.

41. Defendant Levin developed a routine of subjecting Plaintiffs Doe and Roe to various perverse acts of sexual abuse and harassment at various times which began

approximately within a month of the start of each Plaintiff's regular required visits to Mr. Levin's apartment and continued to in or around November 2015:

- a. First, Mr. Doe or Mr. Roe would be required to practice drawing and firing a gun in a state of full or partial undress. Mr. Levin purported that wearing clothing during these gun drills interfered with developing "muscle memory."
- b. Second, Mr. Levin would conduct a visual and physical inspection of Mr. Doe's or Mr. Roe's body, to include examining and palpating their genitals, as part of a purported "medical examination" to test the victim's fitness for a career in the IC. Mr. Levin frequently made lewd observations about their bodies, including to comment on their penises, testicles, and pubic hair.
- c. Third, Mr. Levin would use a sharp instrument to lance acne or blemishes on the victim's body, again, under a pretext of providing medical care.
- d. Fourth, Mr. Levin would require Mr. Doe or Mr. Roe to strip nude and be bathed by Mr. Levin in the shower, under the pretext that Mr. Levin could improve their candidacy for a career in the IC by assisting them with their hygiene.
- e. In or around March or April 2013, during a session in Mr. Levin's residence, Mr. Levin instructed Mr. Doe to masturbate and ejaculate onto his stomach. Mr. Levin proceeded to play with the semen on Mr. Doe's stomach, and then informed Mr. Doe that his semen output was insufficient and could have damaging effects on Mr. Doe's "candidacy," and this exercise would therefore need to be repeated in the future; and
- f. Mr. Levin discussed masturbation and semen with both Plaintiffs Doe and Roe, directing them to masturbate frequently for purported health reasons, asked them

to masturbate in his company so Levin could purportedly “measure the quality” of their ejaculate. On other occasions, Levin directed Mr. Doe not to masturbate until Mr. Levin permitted him to do so.

- g. During their routine “weapon training” and “physical examination” sessions, Mr. Levin began to habitually fondle Mr. Doe’s or Mr. Roe’s testicles before bathing them, supposedly for the purpose of tracking the size of their testicles, as Mr. Levin professed medical concerns about their genitals, such as Mr. Doe could be developing prostate cancer. As part of his “examination,” Mr. Levin probed Mr. Doe’s anus with his finger, under the pretext of performing a “prostate exam.”

42. Though it was unwelcome and caused them to feel uncomfortable, Plaintiffs Doe and Roe submitted to such treatment at first because of Mr. Levin’s assurances that his actions were necessary for their careers in the IC and their success at DMA, and because of Mr. Levin’s explicit and implicit threats that he would harm Mr. Doe and Mr. Roe if they failed to comply with Mr. Levin’s sexually inappropriate touching and physical contact and sexually degrading language and conduct.

43. Mr. Levin explicitly threatened harm to Doe’s and Roe’s future careers and employment, and implicitly threatened them with physical harm by, *inter alia*, repeating that the Plaintiffs and their friends and family were being followed and surveilled at all times by Mr. Levin’s team of covert agents, and by repeating that Mr. Levin killed people for a living.

44. Mr. Levin steadily expanded his control over Mr. Doe and Mr. Roe by directing them to accept employment at NSE. Upon NSE’s incorporation in September 12, 2013, Mr. Roe was hired there as Treasurer for the Board of Trustees. In February 2014, Mr. Levin directed Mr. Doe to accept employment at NSE as well, and Mr. Doe became Secretary for the Board of

Trustees. When Daniel Morgan Academy was incorporated on June 24, 2014, Mr. Roe and Mr. Doe transferred to DMA along with the majority of the NSE employees.

45. In August 2014, Mr. Levin instructed Mr. Doe to move into a separate apartment in Mr. Levin's Arlington, Virginia apartment building, which Mr. Levin rented and provided to Mr. Doe free of charge. Mr. Levin stated that this would "significantly advance" Mr. Doe's "candidacy" for the secret organization. Mr. Levin now controlled Mr. Doe's work and living arrangements.

46. Mr. Levin refused to allow Mr. Doe to invite any company over to the apartment, effectively isolating him.

47. In November 2015, Mr. Doe purchased a new home and moved out of the apartment that Mr. Levin provided to him. Mr. Levin required Mr. Doe to provide him with a key to the new home.

48. For both Plaintiffs Mr. Doe and Mr. Roe, their final "training" and physical examination sessions occurred in or around November 2015. However, Mr. Levin continued to subject Plaintiffs Doe and Roe to *quid pro quo* sexual harassment and a hostile work environment continuing until Levin's suspension on August 29, 2016.

Sexual Abuse of Plaintiff Paul Poe

49. On July 22, 2016, Mr. Poe applied for an internship at DMA when Ms. Linda Strating, Director of Recruitment, came to his undergraduate school for a job recruitment event. Mr. Poe was at that time in his final year at Catholic University.

50. On July 27, 2016, Mr. Poe met with Ms. Strating at DMA to discuss and be interviewed for the internship. During this meeting, Ms. Strating informed Mr. Poe that being an intern at DMA did not equate to full time employment, but that he would received 35-40 hours a

week and the possibility of graduating from DMA with a no-cost Master's degree in National Security.

51. During the July 27, 2016 meeting, Ms. Strating further informed Mr. Poe that before he could be hired for the internship, "it had to go through the boss who oversees all operations," who "essentially makes any and every decision" at DMA, and who had "full hiring and firing power over all employees," identified as Defendant Mark Levin.

52. Mr. Poe met with Mr. Levin the same day at DMA. During this meeting, Mr. Levin told Mr. Poe "this was an incredible opportunity to begin a career within the Intelligence Community." Mr. Levin told Mr. Poe, *inter alia*:

- a. That Mr. Levin had belonged to the IC for over fifty years and was tasked with the construction of DMA by highly ranked officials within the IC;
- b. That the DMA graduate school was established in response to the 9/11 terrorist attacks in New York and at the Pentagon;
- c. That the work performed at DMA was extremely important, would be "counter-terrorism oriented," and needed to be kept secret for the sake of the Intelligence Community (IC);
- d. That DMA employees are required to adhere to a "privacy policy" and not discuss or ask one another what they do or what their job titles or work assignments were at DMA as that is "private information;"
- e. That Mr. Levin already knew a great deal about Mr. Poe through his sources within the IC and "data mining," which Levin described as "the most thorough background check there is;"

- f. That Mr. Levin worked for a secret agency, had been part of covert operations for around fifty years, and that he had killed 38 people in his line of work;
- g. That Mr. Levin could not reveal the name of the secret agency to Mr. Poe for national security reasons;
- h. That Mr. Levin had “watchers” who worked under his supervision in the secret agency—often referred to as his “guys – who carried out special missions and acted covertly 24/7;”
- i. That Mr. Levin’s “guys” had been watching Mr. Poe while he was an undergraduate student at Catholic University and were impressed with Mr. Poe’s mannerisms, relationships with peers and teachers, and values; and
- j. That girlfriends and wives are not recommended in Mr. Levin’s line of work because they represent “distractions.”

53. Mr. Poe believed Mr. Levin’s representations based on Mr. Levin’s apparent status as the chief authority in charge of DMA and because everyone he observed at DMA on that day, throughout the month of August 2016, and even after Mr. Levin’s suspension and later dismissal from DMA appeared to acknowledge, abide by, and recognize Levin’s authority while at DMA.

54. At the conclusion of the July 27, 2016 interview, Mr. Levin offered Mr. Poe the internship at DMA to begin immediately, stating that Mr. Poe was “more than qualified” and that he was “excited to see what Mr. Poe was capable of contributing to both DMA and the IC.”

55. On July 27, 2016, Defendant Levin told Mr. Poe that his intern status would change at the end of August 2016 once the graduate school year began, and assured him that he would then receive full time employment with a salary of \$50,000 per year, or \$4,000 per month.

56. On July 27, 2016, after Mr. Poe accepted the offer, Mr. Levin provided Mr. Poe with a DMA Staff Identification Card, rather than a DMA Intern Identification Card.

57. On Thursday, July 28, 2016, Mr. Poe began his DMA internship and was assigned to work as an Open Source Researcher/Analyst, at a promised regular rate of \$20 per hour and overtime rate of \$30 per hour.

58. During his first week at DMA, Mr. Poe observed that other employees feared Mr. Levin's authority. Several people recommended that Mr. Poe never cross Levin, do him wrong, or fail to follow his directions. Their belief in Mr. Levin influenced Mr. Poe to abide by whatever Mr. Levin said or requested.

59. On August 5, 2016, Mr. Levin invited Mr. Poe out to dinner at the end of the workday. Mr. Poe felt obliged to attend dinner and was excited for Mr. Levin's invitation because he wanted to do all that he could do for his boss and be the most reliable and trustworthy employee imaginable.

60. During the meal, Mr. Levin expressed to Mr. Poe that DMA had begun experiencing turmoil because people were not "abiding by his authority as the high power of the Academy;" that Ambassador Joseph Detrani and Executive Director Linda Millis (senior administrators at DMA), were "not respecting him, acting out, and trying to strip him of his power;" and, that he "only wanted to employ people that he trusted and would follow direction with the goal of accrediting [DMA's] graduate school and really putting it forth into motion as a viable graduate school in the nation's Capital."

61. Mr. Levin further stated that he thoroughly enjoyed the ability to fire anyone at any point for any reason. He said that Ambassador DeTrani, the President of DMA, would be the first person to be fired "when the time was right," and was the "biggest nuisance" at DMA to

his authority. Mr. Levin described a serious physical confrontation in which Ambassador DeTrani confronted Mr. Levin and got "in his face" about the propriety of constantly having young men in his office, and Mr. Levin also told Mr. Poe that they nearly traded physical blows. This signaled to Mr. Poe that Ambassador DeTrani did not have the authority to intervene, because Ms. Moffat had placed in Mr. Levin all of the authority at DMA.

62. After dinner, Mr. Levin asked Mr. Poe to come back to his apartment to continue their discussion. Mr. Poe agreed to return to Mr. Levin's apartment because he understood from a friend and fellow American University graduate, and several fellow young male DMA employees and interns, that it was a "rite of passage" for new employees to be taken under Mr. Levin's wing as they became acclimated to DMA and its inner workings, as he was the boss and had the ultimate knowledge and say of the direction of both DMA and your potential as an employee and future member of the IC.

63. At Mr. Levin's apartment, Mr. Levin purported to conduct a series of "physical examinations" to measure Mr. Poe's aptitude for work in the IC. Mr. Levin began his physical examination by ordering Mr. Poe to perform a series of exercises, and eventually ordered Mr. Poe to strip down to his underwear while he performed balancing exercises and other physical "training," on the pretext that Mr. Poe was sweating too much while wearing clothing.

64. Subsequently, Mr. Levin indicated that he had to perform a medical examination on Mr. Poe and that he was a licensed doctor. Mr. Levin explained that the examination could not be performed in a legitimate medical facility because, in the event that a problem was discovered, Mr. Levin did not want documentation of the problem to exist, as it could be disqualifying to Mr. Poe's promised career in the IC.

65. During the purported "medical examination," Mr. Levin fondled Mr. Poe's penis and testicles, and groped and caressed his back muscles. Mr. Levin also penetrated Mr. Poe's anus with an unknown object, thought to be Levin's finger in a glove, under the pretext of performing a prostate exam.

66. For nearly the entire month of August 2016, Mr. Poe served essentially at Mr. Levin's beck and call, both at DMA and at Mr. Levin's residence to assist with a variety of tasks that he assigned. Mr. Poe worked long days and nights, usually from 10:00 am to 10:00 pm every weekday, and some Saturdays and Sundays, arranging Levin's personal belongings and driving Levin around in his van.

67. Mr. Levin also forced Mr. Poe to eat dinner with him multiple times per week. Mr. Levin often cooked dinner and forced Mr. Poe to eat dinner with him, instead of allowing Mr. Poe to go home to his family as he wanted. Mr. Levin told Mr. Poe that this was a way of evaluating him, which made Mr. Poe feel obliged to comply with Mr. Levin's invitations.

68. Between August 17 and 19, 2016, Mr. Poe and "J.C.," a seventeen year old intern, were required to help Mr. Levin move from his apartment in Arlington, Virginia to a new apartment in Columbia Pike, Virginia.

69. Mr. Poe received a second "medical examination" at this time and again was required to disrobe, and Mr. Levin inspected and touched his penis and testicles. Mr. Levin also inspected Mr. Poe's back for dermatological concerns, and in the process groped and caressed Mr. Poe's back muscles while groaning with pleasure, which terrified Mr. Poe.

70. Based on information and belief, "J.C.," who was with Mr. Levin and Mr. Poe in the apartment, received a "medical examination" from Mr. Levin in a separate room. Mr. Levin

later told Mr. Poe that “there was something wrong” with J.C.’s penis that might bar J.C. from working in the IC.

71. Mr. Levin also reiterated that Mr. Poe would receive \$50,000 for the year, or \$4,000 per month.

72. Despite Levin’s promises, Mr. Poe did not receive the promised \$50,000 a year salary, or \$4,000 per month until February 2017 after Levin’s dismissal from DMA. Mr. Poe also never received the promised overtime rate of \$30 per hour for any of the overtime hours or weekend hours that he worked as required by Mr. Levin until August 29, 2016.

73. During this time, Mr. Levin told Mr. Poe that everything happening was necessary for him to be successful at DMA and to secure in the future an opportunity within covert operation and the IC. Mr. Poe believed Mr. Levin since Levin was his boss.

74. For example, Mr. Levin asked Mr. Poe to attend Thanksgiving dinner at Defendant Abby Moffat’s house with Mr. Levin and A.R., another young adult male who lived with Mr. Levin and acted as Mr. Levin’s assistant. When Mr. Poe expressed reluctance and said that he preferred to spend Thanksgiving with his family, Mr. Levin stated that this could damage Mr. Poe’s candidacy and that he needed to take advantage of every opportunity presented. Mr. Levin further stated that should Mr. Poe make the wrong decisions, it could cause great employment problems for him at DMA, which would in turn damage Mr. Poe’s career prospects in the IC.

75. As he did with Plaintiffs Doe and Roe, Mr. Levin informed Mr. Poe that because he was an IC “candidate,” he was monitored at all times by agents, which included surveillance of his comings and goings, internet activity and telephone calls, and also extended to his friends and family.

76. Mr. Levin told Plaintiff Poe that because he was aware of Levin's affiliation with a secret intelligence organization, even if he was to "wash out" of the IC recruitment process, he would continue to be subjected to monitoring and surveillance, and Levin's organization would block any other attempts by him to enter the national security field, or even to pursue careers in other fields.

77. On August 26, 2016, Mr. Levin cooked dinner for Mr. Poe and A.R. After dinner, Mr. Levin instructed Mr. Poe to lower his pants so that Mr. Levin could inspect Mr. Poe's penis and testicles for a "dermatological concern" that Mr. Levin claimed to have noted previously. Mr. Poe reluctantly complied.

78. August 26, 2016 was the last occasion on which Mr. Levin touched Mr. Poe's genitals, as Mr. Levin was suspended from his position at DMA three days later, on August 29, 2016, and later dismissed. However, Mr. Levin continued to subject Plaintiff Poe to *quid pro quo* sexual harassment and a hostile work environment continuing until Levin's suspension on August 29, 2016.

Quid Pro Quo Sexual Harassment and Hostile Work Environment

79. As Mr. Levin continued to expand his employment control over Plaintiff's Doe, Roe and Poe by progressive psychological, physical and sexual abuse, Defendant Moffat failed to provide any supervision of Mr. Levin at any time throughout the course of Mr. Levin's employment and/or affiliation at NSE/DMA. This continuous lack of any supervision by Ms. Moffat emboldened and enabled Mr. Levin's progressive psychological control, physical and sexual abuse, and harassment of plaintiffs and numerous other employees, interns, and students at NSE/DMA.

80. Plaintiffs Messrs. Doe, Roe, and Poe, and other young adult male employees, students, and interns who submitted to Mark Levin's perverse sexually offensive and unwelcome touching and physical contact, weapon training sessions, and sexually degrading language and conduct were typically rewarded by Defendant Mr. Levin, with, *inter alia*, impressive-sounding job titles and salaries, regardless of their experience or qualifications.

81. For example, Plaintiff Mr. Doe received various titles including "Director of Admissions and Registrar" and "Director of Human Resources," and Plaintiff Mr. Roe received titles that included "Director of Finance" and "Chief Financial Officer (CFO)." Other job titles given to young men hired by Levin at DMA included: Director of Operations, Manager of Information Technology Systems, and Food Services Manager. None of them had professional experience in these fields before their hire at DMA to qualify them for these positions.

82. Plaintiff Mr. Poe also perceived his hire as a full-time, salaried employee to be contingent on pleasing Mr. Levin, based on general knowledge among the employees, interns and students of DMA that keeping Mr. Levin happy by spending time with him after work hours and submitting to his physical examinations, medical treatment, weapon trainings, and sexually inappropriate language and conduct at work was a "rite of passage" and the only way to succeed at DMA and in the IC.

83. Conversely, Mr. Levin frequently exercised his unfettered authority to terminate employees or deny benefits of employment to individuals who displeased him and refused to acquiesce and submit to his sexual harassment at DMA.

84. Throughout the duration of all three Plaintiffs' employment at Defendant DMA, Mr. Levin routinely boasted of his autonomy and control at DMA, saying on numerous occasions, "I hire, I fire, and any decision people make I can undo; Who's in charge? Who built

this school?” On various occasions, he berated and threatened to fire Plaintiffs Doe and Roe when they engaged in even trivial disagreements with him.

85. Mr. Levin took various adverse employment actions against Plaintiffs Mr. Doe and Mr. Roe when they failed to submit to his inappropriate sexual demands or tolerate his sexually harassing conduct and in order to intimidate, compel, and coerce them to submit to the same, and to silence them, up until the time that he was suspended from DMA on August 29, 2016, including, *inter alia*, when:

- a. Mr. Levin reduced Mr. Doe’s salary from \$38,000 per year, or \$3,166.66 per month, to \$500 per month from September 2014 through December 2014. Assuming a 40-hour work week (though Mr. Doe typically worked more than 40 hours per week), this salary amounted to \$2.88 per hour. When Mr. Doe submitted to Mr. Levin’s sexually inappropriate physical contact from January 2015 through November 2015, his salary returned to \$60,000 per year. Beginning in June 2015, Mr. Levin began requiring Mr. Doe to report to work earlier and stay later to prevent Mr. Doe from spending time with or having sexual relations with his former girlfriend.
- b. After Mr. Roe stopped reporting to Mr. Levin’s apartment for “training” and physical examinations in or around June 2014, Mr. Levin lowered Mr. Roe’s salary from \$5,833.35 per month to \$3,166.66 per month in August 2014, and Mr. Roe’s salary remained at approximately that level through January 2015. Beginning in 2015, Mr. Levin regularly informed Mr. Roe how he missed having Mr. Roe around more often. In February 2015, Mr. Levin increased Mr. Roe’s salary to \$5,000 a month and in June 2015 to \$6,500 per month, as during this

time frame he made an effort to have dinner with Mr. Levin and “the team” and participated in some weapon training and a shower session where Mr. Levin re-engaged in physical examinations with him. In September 2015, Mr. Levin cut Mr. Roe’s salary to \$5,000 a month. To appease Mr. Levin, Mr. Roe participated in a weapon training session with Mr. Levin on or about November 2015, which was his last. Mr. Levin raised Mr. Roe’s salary to \$6,000 a month in February 2016 after he had announced his plans to leave the area and relocate to Ohio.

- c. Notwithstanding, beginning in March 2016 and continuing to the present, Mr. Roe relocated to Ohio and reduced his full time hours to part time, with a corresponding pay cut to \$4,600 per month, to be free from Mr. Levin’s sexual harassment at DMA and the hostile work environment.
- d. From July 28, 2016 to on or about August 29, 2016, Mr. Levin required Mr. Poe to work late nights and weekends at his private apartment, but withheld his promised \$50,000 a year, or \$4,000 a month salary, paying him instead at lesser hourly rate.
- e. Until his suspension from DMA on August 29, 2016, Mr. Levin made it abundantly clear to Plaintiffs Doe, Roe, and Poe, through his continuing sexually offensive, degrading verbal comments and physical contact, conduct with them and other young male employees, students and interns, and intimidation of a sexual nature, that their compensation and the terms, conditions and privileges of their employment at DMA were contingent on their submission to and silence concerning Levin’s sexual harassment and abuse.

86. On a regular and recurring basis at DMA from June 24, 2014, and continuing until Mr. Levin's suspension on August 29, 2016, Mr. Levin further subjected the Plaintiffs and other employees, interns, and students of DMA to a sexually offensive, unwelcome, hostile work environment, including, by way of example:

- a. Making frequent unwelcome and embarrassing remarks on their physical appearance and looks in the DMA workplace, in building elevators, and in the men's bathroom, including:
 - i. Commenting on the "large" size of Mr. Doe's penis, saying "You're one of the biggest guys I have;"
 - ii. Advising Mr. Roe that he ought to undergo plastic surgery for acne scars so that he would look "great again;" and
 - iii. Commenting on the size of Mr. Poe's muscles, his stamina, muscle strength and endurance, and athletic build; and, as late as May 13, 2016, commenting about to Mr. Roe and another male employee's physique and praising that employee's "superb musculature" in contrast to Mr. Roe's, who Levin said had "lost so much musculature, particularly on his upper back;"
- b. Instructing Mr. Roe, at the conclusion of virtually all of their phone calls during work hours to the office in 2016, after Mr. Roe relocated to Ohio and reduced his hours to part time, including as late as August 28 or 29, 2016, on the importance of masturbation for his health and asking Mr. Roe whether he was masturbating regularly because it was "good for his health;"

- c. Demanding Plaintiffs report to Levin's apartment after the end of normal working hours to perform more work;
- d. Hugging and kissing Mr. Doe on the forehead and neck, saying that he is the "son he's always wanted;"
- e. Hugging Mr. Roe whenever he saw Mr. Roe at the DMA offices after he had been away from the office for a few days.
- f. Unwanted touching, included hugging, inspecting them for blemishes, holding their faces, possessive grabbing, and running his hands through their hair behind closed doors in his office and when they happened to be in the men's bathroom at the same time, which occurred as late as April 10, 2016 and May 13, 2016 for Defendant Roe during his return monthly week-long trips back to DMA;
- g. Shortly after his hire in August 2016, permitting Mr. Poe to be ridiculed by another male employee who told Mr. Poe in Levin's presence, "You better get ready to get on your knees if you're working for Mark [Levin];"
- h. Sharing intimate details about the bodies of other young adult male employees, students and interns, such as identifying to the Plaintiffs their coworkers who Mr. Levin claimed were suffering from hemorrhoids, acne or other dermatological problems with their bodies or genitalia, or who had "something wrong" with their penises;
- i. Requiring Mr. Doe to lift his shirt up and show his abdominal muscles to younger male employees;
- j. Meeting daily with young male employees in Levin's office with his office door shut;

- k. Requiring young adult male employees, students, and interns, including Mr. Poe, to “stand guard” outside of Mr. Levin’s DMA office while other young adult males were meeting with Levin behind the closed door of his office, where he kept skin care products, acne treatment, lotion and Vaseline in supply;
- l. Threatening to record their phone calls and conversations, saying that Levin had DMA “wired for sound;” inspecting their text messages and emails; and purporting to “bug” their homes and the homes of their family and friends;
- m. Threatening to dock their pay if they disagreed with Levin;
- n. Threatening to terminate them if they spoke directly with Defendant Ms. Moffat, stating: “I could have you gone tomorrow;”
- o. Permitting young male staff to engage in sexually charged language and conduct in DMA’s office, such as publicly talking about “banging women,” or flirting with female staff several hours a day instead of performing work tasks;
- p. Yelling, slamming doors, banging on tables, swearing, and threatening Plaintiffs Doe and Roe with termination when they objected to his hiring of seemingly inexperienced young men, or otherwise questioned his management decisions;
- q. Creating adversarial relationships and divisiveness within and between the employees, students, and interns at DMA, by pitting them against each other, silencing them, and threatening their employment and careers unless they were loyal to Mr. Levin and betrayed each other to prove their loyalty to Levin; and,
- r. Stating whenever there was a setback, challenge to his authority, or disagreement, “This isn’t what I do; I kill people for a living; I have killed 38 people,” which created a climate of fear and silence among the employees, students and interns.

87. Because of Mr. Levin's frequent boasts and demonstrations of his influence and control over Defendant Ms. Moffat, his ability to hire and fire at will anyone at DMA, as well as various threats (including references to the fact that Mr. Levin killed people in his line of work), prior to August 29, 2016, Plaintiffs were afraid to oppose the aforementioned *quid pro quo* sexual harassment and hostile work environment at DMA, or report Defendant Levin's sexually offensive physical examinations, forced acne treatment, and weapon training to Ms. Moffat or others.

88. Compounding this fear was the widely held belief by employees of DMA, advanced by Mr. Levin, that Mr. Levin had the DMA facilities "bugged." This belief created an environment in which employees were fearful to speak critically about Mr. Levin with one another because they believed that he would retaliate against them.

89. In many cases, employees were encouraged to spy on one another and report critical remarks to Mr. Levin, and employees were even led to believe that Mr. Levin would know if they failed to make such reports because of Mr. Levin's purported monitoring and surveillance and bugging of DMA offices.

90. Additionally, there was no apparatus at DMA for reporting or opposing sexual harassment. DMA had never provided its employees with any form of training concerning awareness or prevention of sexual harassment and/or discrimination, and there was no employee who could be trusted to receive or act on complaints of sexual harassment or the hostile work environment at DMA.

91. The only individual with the power to take action against Mr. Levin was Defendant Abby S. Moffat. However, Mr. Levin and Ms. Moffat were known to share an

exceptionally close relationship, and Ms. Moffat was known not to be receptive to complaints or expressions of concern about Mr. Levin's conduct.

92. Additionally, Ms. Moffat ignored or otherwise failed to act on a number of warning signs regarding Mr. Levin throughout his time as chief authority over DMA, including, by way of example:

- a. Mr. Levin hired four young adult interns during 2015, three males and one female. Only the female intern was unpaid, while the male interns all received paid internships. During 2016, Mr. Levin hired 25 interns, 17 of whom were young adult males in their teens or early twenties, who possessed similar physical characteristics as the Plaintiffs and Mr. Levin's other known victims.
- b. In 2016, Mr. Levin had approximately 15 young adult males occupying senior-level employee positions at DMA, which they were not obviously qualified for, with high salaries and staff titles that did not match their limited, if any, experience, and who reported solely to Levin. Such staff titles included "Director of Operations," "Manager of Information Technology Systems," "Logistics Manager," "Food Services Manager," "Intern Coordinator," and "Director of Legislative Affairs."
- c. During 2016, Mr. Levin had no young females occupying senior-level employee positions. The two young adult females who Mr. Levin hired as employees received lesser positions and salaries as Assistants.
- d. The treatment of the few young adult females that Mr. Levin hired during 2015-2016 as employees and interns, was in stark contrast to how Levin treated his young male employees and interns, because the males received better jobs, better

- titles, better offices, higher salaries, pay raises at Levin's whim, and other preferential treatment, such as invitations to dinner and extended time with Levin after working hours. The females and older staff (both male and female) did not receive such preferential treatment.
- e. The fact that Mr. Levin surrounded himself with a cadre of young adult male employees and interns at DMA on a near-constant basis; had young men constantly coming and going daily and hourly from his office, lingering inside or near his office, and even "standing guard" outside of his office during closed-door meetings inside his office; frequently posted a "Do Not Disturb" sign on his office door; and, often locked his office for one-on-one meetings with young male employees and interns.
 - f. Based upon information and belief, Ms. Moffat failed to heed doubts and concerns raised by various employees about Mr. Levin, as early as summer of 2015, including: a complaint from a former DDSF male employee from Alabama who accused Mr. Levin of being a pedophile following a visit the employee made to Levin's apartment (who was subsequently terminated from DDSF after Mr. Levin discredited him); and questions raised by DMA senior staff that Mr. Levin was dishonest about his claimed background in the national security field and Intelligence Community, two of whom Mr. Levin fired from DMA in early 2016.

Unlawful Reprisal and Retaliatory Harassment

93. In or around January 2016, Ambassador Joseph DeTrani assumed the role of President of DMA. Despite holding only the title of "Special Advisor," Mr. Levin retained greater authority than Mr. DeTrani, including authority over hiring, compensation, and firing.

94. In May 2016, Ms. Linda Millis was hired as Executive Director of DMA. Not long after her hire, Ms. Millis was approached by several young male employees of DMA who had been victims of Mr. Levin's sexual abuse and informed her of the abuse.

95. Beginning on or about July 2016, Mr. DeTrani initiated a discrete investigation into Mr. Levin's representations about his professional background in national security and affiliation with the IC. By contacting several national security and law enforcement agencies, Mr. DeTrani was reportedly able to debunk Mr. Levin's representations of being affiliated with the IC.

96. Later in July 2016, Mr. DeTrani reportedly brought his concerns about Mr. Levin to the attention of the FBI. The FBI agents who interviewed Mr. Doe expressed disgust at Mr. Levin's abusive sexual conduct, but indicated that the matter would need to be handled by local law enforcement.

97. Following the meetings with the FBI in July 2016, Mr. Doe, Ms. Millis, and Ambassador DeTrani met and decided that they had no choice but to convince Defendant Abby Moffat of Mr. Levin's sexual abuse, in order for any action to be taken against Mr. Levin by DMA.

98. Ms. Moffat was not available for the meeting until August 29, 2016, on which date Mr. Doe, Ms. Millis, and Ambassador DeTrani met with Ms. Moffat under the pretext of needing to discuss an unrelated matter. Based on their experience, this pretext was necessary because Ms. Moffat would not be receptive to attending a meeting to discuss criticisms or concerns about Mark Levin.

99. During the August 29, 2016 meeting, Ms. Moffat was initially not receptive to the concerns expressed about Mr. Levin and accused Mr. Doe, Ms. Millis, and Ambassador DeTrani

of attempting to orchestrate a “power struggle.” Mr. Doe then provided a detailed and explicit account to Ms. Moffat of the years of sexual abuse and harassment to which he and a number of young adult DMA employees had been subjected, before Ms. Moffat would heed their concerns.

100. Later on August 29, 2016, DMA placed Mr. Levin on administrative suspension. Most DMA employees, including Plaintiff Mr. Poe, were never notified of the official reason for Mr. Levin’s suspension or eventual dismissal from DMA.

101. On September 11, 2016, DMA’s Board held a meeting to discuss the matter of Defendant Mark Levin. Although they were corporate officers for the Board, Plaintiffs Mr. Doe and Mr. Roe were excluded from the meeting. Mr. Roe was not notified of the meeting at all.

102. During the September 11, 2016 meeting, the Board voted to appoint Defendant Alan Kelly to the position of “Vice President and Special Counsel” at DMA. This appointment bestowed Mr. Kelly with vast powers, including the power to overrule the President and to manage the school unilaterally, as Defendant Mr. Levin had.

103. By his own admission, Mr. Kelly was appointed specifically for the purpose of handling DMA’s investigation of and response to the allegations of abuse against Mark Levin.

104. On September 7, 2016, DMA retained attorney Ms. Elizabeth Watson Gramigna to conduct an internal investigation of the alleged abuse carried out by Mr. Levin.

105. Ms. Gramigna reportedly interviewed approximately 13 young adult employees and interns of DMA, many of who confirmed that they had been deceived and sexually abused in the same manner as Plaintiffs Doe, Roe, and Poe.

106. Ms. Gramigna, under pressure from Mr. Kelly to complete her investigation, failed to interview Mr. Levin himself, A.R. (Mr. Levin’s young male assistant), and several other potential victims of sexual abuse by Mr. Levin.

107. In or around late September to early October 2016, DMA contacted the District of Columbia and Arlington, Virginia police departments to inform them of potential abuse of a minor (17-year old "J.C."). Based on information and believe, Defendant Kelly informed the police that an individual over 18 years of age may have been sexually abused, but that in Mr. Kelly's judgment, such contact was "consensual."

108. In a letter dated October 3, 2016, DMA severed its relationship with Mr. Levin.

109. On or about October 16, 2016, Ms. Gramigna issued her report of investigation, along with an Executive Summary Report, which summarized certain details from the full report. Ms. Gramigna confirmed that the witnesses she interviewed were credible and that the facts she uncovered "reflect a clear and consistent pattern of systemic behaviors by Mr. Levin."

110. Mr. Kelly provided copies of the Executive Summary Report to the members of DMA's Board of Trustees and several other individuals, including Mr. Doe and select school faculty. However, Mr. Kelly withheld the full report, stating to Mr. Doe that the "full investigator's report" contained details that "were too graphic for anyone to see."

111. On November 1, 2016, DMA's Board of Trustees held a meeting to discuss the Executive Summary Report. Plaintiffs Mr. Doe and Mr. Roe were again excluded from these discussions, despite being corporate officers who regularly participated in DMA's Board meetings. During the November 1, 2016 meeting, the Board determined to consider issues related to Mark Levin "fully resolved."

112. In or around early November 2016, Mr. Doe notified Mr. DeTrani of his dissatisfaction with the outcome of the investigation into Mark Levin and indicated that he intended to go to the police to file a report.

113. Upon learning of Mr. Doe's intention to file a police report, Defendant Mr. Kelly, and DMA's counsel, Bob Goldich, held a meeting with Mr. Doe in which they tried to deter him from making the report by stating that: Mr. Doe would be filing the police report "on his own" and would receive "no support" from the school; that DMA was "not a social justice organization" and could therefore not be expected to help pursue criminal charges against Mark Levin; and that criminal trials can be "very long, embarrassing, and emotionally taxing" and would be very difficult for Mr. Doe.

114. Nevertheless, on November 11, 2016, Mr. Doe met with a detective from the Arlington, Virginia Police Department and described the serial sexual abuse carried out by Mr. Levin against Mr. Doe and others. The detective expressed surprise. Based upon information and belief, Mr. Kelly had characterized events much differently during his meeting with the Arlington police detective. Mr. Doe provided the detective at her request with a copy of the Executive Summary Report prepared by Ms. Gramigna.

115. Approximately two days later, Defendant Mr. Kelly entered Mr. Doe's office at DMA and asked whether Mr. Doe had provided the report to the police. When Mr. Doe answered in the affirmative, Mr. Kelly began yelling aggressively at Mr. Doe.

116. During a meeting later that morning with Ms. Moffat, Mr. Kelly, Ambassador DeTrani, and Ms. Millis, Mr. Doe announced that he had provided the Executive Summary Report to the police. Defendant Mr. Kelly remained critical and angry and insisted several times that Mr. Doe had wrongfully given company property away without authorization. Defendant Ms. Moffat also told Mr. Doe that what he did "could put everyone in the school in jeopardy."

117. On November 21, 2016, Mr. Kelly demanded that Mr. Doe return the Executive Summary Report to him and make no additional copies of it. Mr. Doe complied with Mr. Kelly's request and returned his sole copy of the report to Mr. Kelly.

118. Around this time, Ambassador DeTrani reportedly met with Mr. Kelly and Ms. Moffat at the office of their attorney. When Mr. DeTrani returned from the meeting, he informed Mr. Doe that Mr. Kelly and Ms. Moffat were "not happy" that Mr. Doe went to the police, and they planned to sanction him, which might include removing his current work assignments.

119. On December 15, 2016, Mr. Doe learned from Ambassador DeTrani that he would be demoted from his role as "Executive Assistant to the President and Director of Human Resources" to "Deputy Director of Recruitment," effective January 2017.

120. Ambassador DeTrani further stated that Mr. Kelly and Ms. Moffat had stated that the demotion was necessary because Mr. Doe had "a conflict of interest because of the Mark Levin issue." Ambassador DeTrani indicated that Mr. Kelly and Ms. Moffat had wanted to terminate Mr. Doe outright, but that Mr. DeTrani and Ms. Millis had interceded on his behalf.

121. On December 16, 2016, Mr. Doe tendered his resignation from his role as Secretary of the Board of Trustees because of Ms. Moffat's and Mr. Kelly's hostility and retaliatory actions toward him.

122. Since beginning on or about August 29, 2016 and continuing to the present, Defendants DMA, Mr. Kelly and Ms. Moffat have subjected Plaintiff Mr. Doe to unlawful reprisal and retaliatory harassment creating a hostile work environment by excluding him from DMA management and staff meetings that he previously attended, denying him access to work information necessary to carry out his work assignments, giving him few work assignments, and

otherwise ostracizing, marginalizing, and diminishing Mr. Doe in his professional capacity at DMA.

123. Since beginning on or about August 29, 2016 and continuing to the present, Defendants DMA, Mr. Kelly and Ms. Moffat have subjected Plaintiff Mr. Roe to unlawful reprisal and retaliatory harassment creating a hostile work environment by excluding him from DMA management and Board meetings that he previously attended, and otherwise ostracizing, marginalizing, and diminishing Mr. Roe in his professional capacity at DMA.

124. Since the suspension of Mr. Levin on August 29, 2016, Defendants DMA, Mr. Kelly and Ms. Moffat have created a climate of fear, intimidation, and reprisal at DMA for Plaintiffs Mr. Doe, Mr. Roe, and Mr. Poe, and upon information and belief, all employees, student and interns at DMA who participated and truthfully disclosed Mr. Levin's sexual abuse, discrimination, and harassment to DMA and Ms. Gramigna during the course of her investigation into Mr. Levin's conduct.

125. By their unlawful retaliatory actions and inactions, Defendants DMA, Mr. Kelly and Ms. Moffat have caused, and continue to cause, the Plaintiffs and other employees, students, and interns at DMA to reasonably believe that their jobs, careers, and futures are in jeopardy.

126. Defendants DMA and Mr. Kelly, aided and abetted by Ms. Moffat, have intimidated, threatened, and coerced the Plaintiffs and other employees, students, and interns at DMA from engaging in the protected activity of opposing and reporting Mr. Levin's sexual harassment and discrimination, by instructing them "not to talk about this with friends, family, or third parties."

127. Defendants DMA and Mr. Kelly, aided and abetted by Ms. Moffat, further required Mr. Poe and other interns hired by Mr. Levin to reapply for their positions at DMA.

This, despite Mr. Levin's previous promises and assurances to Mr. Poe that he would receive full time employment with a salary of \$50,000 per year, or \$4,000 per month at the end of August 2016 once the DMA graduate school year began.

128. Based upon information and belief, because of DMA's, Mr. Kelly's, and Ms. Moffat's unlawful continuing retaliatory actions and inactions since the August 29, 2016 suspension of Mr. Levin, several DMA interns who reported Mr. Levin's sexual abuse, discrimination and harassment to DMA and who had been promised full time employment by Mr. Levin, did not reapply for their positions. Other interns who reapplied for their positions were not rehired.

IV. CLAIMS FOR RELIEF

COUNT I

QUID PRO QUO SEXUAL HARASSMENT – DEFENDANTS DMA, LEVIN, AND MOFFAT

(D.C. HUMAN RIGHTS ACT)

129. Plaintiffs adopt and incorporate by reference the averments of the preceding paragraphs as if fully set forth herein.

130. Defendants DMA, Mr. Levin, and Ms. Moffat subjected Plaintiffs John Doe, Richard Roe, and Paul Poe to *quid pro quo* sexual harassment by Defendant DMA.

131. The D.C. Human Rights Act, D.C. Code § 2-1402.11, makes it unlawful for an employer to harass or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment based on the individual's sex.

132. Plaintiffs John Doe, Richard Roe, and Paul Poe were and continue to be employees of Defendant Daniel Morgan Academy (DMA).

133. Defendants DMA and Mr. Levin subjected Plaintiff John Doe to unwelcome verbal and physical conduct of a sexual nature by supervisor Defendant Levin beginning in or around June 24, 2014 (DMA's incorporation), and continuing until Mr. Levin's suspension on August 29, 2016.

134. Defendants DMA and Mr. Levin subjected Plaintiff Richard Roe to unwelcome verbal and physical conduct of a sexual nature by Defendant Levin beginning in or around June 24, 2014, and continuing until Mr. Levin's suspension on August 29, 2016.

135. Defendants DMA and Mr. Levin subjected Plaintiff Paul Poe to unwelcome verbal and physical conduct of a sexual nature by Defendant Levin beginning in or around August 5, 2016, and continuing until on or about August 29, 2016.

136. Defendant Moffat failed to provide any supervision of Mr. Levin at any time throughout the course of Mr. Levin's employment and/or affiliation at NSE/DMA. This continuous lack of any supervision by Ms. Moffat emboldened and enabled Mr. Levin's progressive psychological control, physical and sexual abuse, and harassment of plaintiffs.

137. All three Plaintiffs' continuing employment at DMA was conditioned on their acceptance of Defendant Levin's unwelcome verbal and physical sexual conduct.

138. In addition, numerous employment decisions affecting the Plaintiffs' compensation, terms, conditions, and benefits of employment were based on their acceptance or rejection of Mr. Levin's sexual harassment.

139. From the time of Defendant DMA's founding on June 24, 2014, and continuing until Defendant Levin's suspension on August 29, 2016, Mr. Levin held *de facto* supervisory authority over the Plaintiffs in their employment at DMA and was authorized to make decisions concerning the terms and conditions of their employment.

140. Defendants DMA's, Mr. Levin's and Ms. Moffat's aforementioned conduct was a substantial factor in causing Plaintiffs' harm.

141. As a direct and proximate cause of Defendants DMA's, Mr. Levin's, and Ms. Moffat's *quid pro quo* sexual harassment in violation of the D.C. Human Rights Act, Plaintiffs John Doe, Richard Roe, and Paul Poe have suffered and continue to suffer irreparable harm and damage to their personalities, mental anguish, anxiety, emotional distress, embarrassment, loss of enjoyment of life, loss of income, loss of career opportunities, and other economic and non-economic loss and damages.

142. Additionally, the Defendants' unlawful actions have been taken with ill will, recklessness, wantonness, oppressiveness, and willful disregard of Plaintiffs' rights, justifying an award of punitive damages. Defendants' conduct was sufficiently outrageous as to entitle each Plaintiff to an award of punitive damages.

WHEREFORE, Plaintiffs John Doe, Richard Roe, and Paul Poe demand judgment against Defendants DMA, Mr. Levin, and Ms. Moffat in the amount of Ten Million Dollars (\$10,000,000.00) as and for compensatory damages, and in the amount of Ten Million Dollars (\$10,000,000.00) as and for punitive damages, plus reasonable attorney's fees, interest and costs, and any other relief that this Court deems just and proper.

COUNT II
HOSTILE WORK ENVIRONMENT – DEFENDANTS DMA, LEVIN, AND MOFFAT

(D.C. HUMAN RIGHTS ACT)

143. Plaintiffs adopt and incorporate by reference the averments of the preceding paragraphs as if fully set forth herein.

144. The D.C. Human Rights Act, D.C. Code § 2-1402.11, makes it unlawful for an employer to harass or otherwise discriminate against any individual with respect to his

compensation, terms, conditions, or privileges of employment based on the individual's sex or age, or sex plus age.

145. Defendants DMA and Ms. Moffat subjected Plaintiffs John Doe, Richard Roe, and Paul Poe to harassment by their *de facto* supervisor, Defendant Mr. Levin, based on their sex (male), age (early twenties), and sex plus age, resulting in an unlawful hostile work environment at Defendant DMA.

146. The harassment suffered by the Plaintiffs, which included, *inter alia*, unwelcome sexual touching and penetration, coerced nudity, and wanton sexually degrading language about their bodies and physical attributes, variously occurring at the residence of Defendant Mark Levin and at Defendant DMA facilities in the District of Columbia, was sufficiently severe and pervasive as to affect the terms, conditions, and privileges of the Plaintiffs' employment, creating a hostile work environment.

147. From the time of DMA's founding on June 24, 2014, and continuing until Mr. Levin's suspension on August 29, 2016, Defendants DMA and Ms. Moffat failed to take appropriate action to prevent Mr. Levin from harassing DMA employees and interns and provided no avenue for employees to obtain corrective action.

148. Defendant Ms. Moffat failed to provide any supervision of Mr. Levin at any time throughout the course of Mr. Levin's employment at NSE/DMA. This continuous lack of any supervision by Ms. Moffat emboldened and enabled Mr. Levin's progressive psychological control, physical abuse, and *quid pro quo* sexual harassment of Plaintiffs, and created a hostile work environment at DMA.

149. Continuing to the present, Defendant DMA has failed to take appropriate action to correct and prevent future unlawful harassment and abuses such as those carried out by Mr. Levin.

150. As a direct and proximate result of the hostile work environment created by Defendants DMA, Mr. Levin, and Ms. Moffat, Plaintiffs have suffered and continue to suffer irreparable harm and damage to their personality, mental anguish, anxiety, emotional distress, embarrassment, loss of enjoyment of life, loss of income, loss of career opportunities, and other economic and non-economic loss and damages.

151. Additionally, the Defendants' unlawful actions have been taken with ill will, recklessness, wantonness, oppressiveness, and willful disregard of Plaintiffs' rights, justifying an award of punitive damages. Defendants' conduct was sufficiently outrageous as to entitle each Plaintiff to an award of punitive damages.

WHEREFORE, Plaintiffs John Doe, Richard Roe, and Paul Poe demand judgment against Defendants DMA, Mr. Levin, and Ms. Moffat, jointly and severally, in the amount of Ten Million Dollars (\$10,000,000.00) as and for compensatory damages, and in the amount of Ten Million Dollars (\$10,000,000.00) as and for punitive damages, plus reasonable attorney's fees, interest and costs, and any other relief that this Court deems just and proper.

COUNT III
UNLAWFUL RETALIATION – DEFENDANTS DMA, KELLY, AND MOFFAT

(D.C. HUMAN RIGHTS ACT)

152. Plaintiffs adopt and incorporate by reference the averments of the preceding paragraphs as if fully set forth herein.

153. Defendants DMA, Mr. Kelly, and Ms. Moffat subjected Plaintiffs John Doe, Richard Roe, and Paul Poe to retaliation and/or retaliatory harassment creating an unlawful hostile work environment at Defendant DMA.

154. Under the D.C. Human Rights Act, D.C. Code § 2-1402.61, it is unlawful for any person to coerce, threaten, retaliate against, or interfere with any person in the exercise of a right protected under the Act or because that person has opposed any practice made unlawful under the Act, or for any person to cause or coerce, or attempt to cause or coerce, directly or indirectly, any person to prevent any person from complying with the Act.

155. Plaintiff John Doe engaged in activity protected under the D.C. Human Rights Act when he reported Defendant Mr. Levin's sexual abuse and harassment to DMA and Ms. Moffat and provided to law enforcement the Executive Summary Report of Ms. Gramigna's investigation into Mr. Levin's conduct.

156. Plaintiffs John Doe, Richard Roe, and Paul Poe engaged in protected activity under the D.C. Human Rights Act when they reported Defendant Mr. Levin's sexual abuse and harassment to DMA and Ms. Gramigna during the course of her investigation into Mr. Levin's conduct.

157. In or around early November 2016, Defendant DMA and Defendant Mr. Kelly, who is an agent of DMA, committed unlawful retaliation when Mr. Kelly met with Mr. Doe and attempted to deter him from reporting Mr. Levin's sexual abuse and harassment to law enforcement by threatening, *inter alia*, that DMA would not support him and that a trial would be "embarrassing," "emotionally taxing," and "difficult."

158. In or around mid-November 2016, Defendant DMA, and its agents, Defendants Mr. Kelly and Ms. Moffat, committed unlawful retaliation when they berated and threatened Mr.

Doe upon learning that Mr. Doe had provided a copy of the Executive Summary Report to law enforcement.

159. On or around December 15, 2016, Defendant DMA, and its agents, Defendants Mr. Kelly and Ms. Moffat, committed unlawful retaliation when they demoted Mr. Doe from “Executive Assistant to the President and Director of Human Resources” to “Deputy Director of Recruitment,” effective January 2017, and indicated that their preference would have been to terminate Mr. Doe altogether because of Mr. Doe’s protected decision to go to law enforcement.

160. On or about December 16, 2016, Defendant DMA, and its agents, Defendant Mr. Kelly and Ms. Moffat, committed unlawful retaliation when their ongoing hostility toward Mr. Doe compelled him to resign from his role as Secretary for the DMA Board of Trustees.

161. Continuing from on or about August 29, 2016 to the present, Defendant DMA, and its agents, Defendant Mr. Kelly and Ms. Moffat, have committed unlawful retaliation against Mr. Doe and Mr. Roe by excluding them from important management and Board meetings, by denying Mr. Doe access to work information necessary to carry out his work assignments and issuing him few work assignments, and by ostracizing, marginalizing, and diminishing Mr. Doe and Mr. Roe in their professional capacities at DMA.

162. Continuing from on or about August 29, 2016 to the present, Defendants DMA, Mr. Kelly, and Ms. Moffat have engaged in retaliatory harassment against Mr. Doe, Mr. Roe, and Mr. Poe, creating an unlawful hostile work environment at Defendant DMA, by: *inter alia*, contributing to Defendant DMA’s cover-up of Defendant Mr. Levin’s sexual abuse and harassment instead of taking appropriate action to prevent or correct it, and by threatening, intimidating, coercing Plaintiffs Mr. Doe, Mr. Roe, and Mr. Poe in order to deter them from engaging in protected activity.

163. As a direct and proximate cause of Defendants DMA's, Mr. Kelly's, and Ms. Moffat's retaliation and retaliatory harassment creating a hostile work environment at DMA in violation of the D.C. Human Rights Act, Plaintiffs John Doe, Richard Roe, and Paul Poe have suffered and continue to suffer irreparable harm and damage to their personalities, mental anguish, anxiety, emotional distress, embarrassment, loss of enjoyment of life, loss of income, loss of career opportunities, and other economic and non-economic loss and damages.

164. Additionally, the Defendants' unlawful actions have been taken with ill will, recklessness, wantonness, oppressiveness, and willful disregard of Plaintiffs' rights, justifying an award of punitive damages. Defendants' conduct was sufficiently outrageous as to entitle Plaintiffs John Doe, Richard Roe, and Paul Poe to an award of punitive damages.

WHEREFORE, Plaintiffs John Doe, Richard Roe, and Paul Poe demand judgment against Defendants DMA, Mr. Kelly, and Ms. Moffat, jointly and severally, in the amount of Ten Million Dollars (\$10,000,000.00) as and for compensatory damages, and in the amount of Ten Million Dollars (\$10,000,000.00) as and for punitive damages, plus reasonable attorney's fees, interest and costs, and any other relief that this Court deems just and proper.

COUNT IV
AIDING AND ABETTING – DEFENDANTS DMA, MOFFAT, AND KELLY

(D.C. HUMAN RIGHTS ACT)

165. Plaintiffs adopt and incorporate by reference the averments of the preceding paragraphs as if fully set forth herein.

166. The D.C. Human Rights Act, D.C. Code § 2-1402.62, makes it an unlawful discriminatory practice for any person to aid, abet, invite, compel, or coerce the doing of any of the acts forbidden under the provisions of the Act or to attempt to do so.

167. Defendants DMA and Ms. Moffat aided and abetted Defendant Mr. Levin in carrying out *quid pro quo* sexual harassment and discrimination and in creating a sexually offensive hostile work environment by failing to supervise Mr. Levin; failing to verify Mr. Levin's claims regarding his professional background or otherwise appropriately vet him for employment or affiliation with DMA; providing Mr. Levin with virtually unfettered discretion, access to, and control over all staff, interns, and students at DMA, to include their compensation, hiring, firing, and all other terms, conditions and privileges of employment; as well as providing the financial support Mr. Levin required in order to carry out his unlawful sexually predatory scheme.

168. Defendants DMA and Ms. Moffat further refused to heed or act upon numerous indications and warning signs that Mr. Levin was engaging in unlawful employment practices, including sexual harassment and discrimination based on sex, age, and sex plus age.

169. Defendants Ms. Moffat and Mr. Kelly aided and abetted Defendant DMA in carrying out unlawful retaliation and retaliatory harassment creating a hostile work environment by, *inter alia*: failing to provide a workplace for its employees free of sexual harassment and discrimination; failing to implement effective procedures for preventing harassment and for allowing employees to report unlawful discrimination and harassment without fear of retaliation; contributing to Defendant DMA's cover-up of Defendant Mr. Levin's sexual abuse and harassment instead of taking appropriate action to prevent or correct it; by threatening, intimidating, and coercing Plaintiffs Mr. Doe, Mr. Roe, and Mr. Poe in order to deter them from engaging in protected activity; and, by retaliating against Mr. Doe as alleged above for engaging in protected activity by reporting Mr. Levin's sexual abuse and harassment to the police.

170. As a direct and proximate result of Defendants DMA's, Ms. Moffat's, and Mr. Kelly's actions to aid and abet sexual harassment and discrimination, unlawful retaliation, and retaliatory harassment creating a hostile work environment, Plaintiffs John Doe, Richard Roe, and Paul Poe have suffered and continue to suffer irreparable harm and damage to their personalities, mental anguish, anxiety, emotional distress, embarrassment, loss of enjoyment of life, loss of income, loss of career opportunities, and other economic and non-economic loss and damages.

171. Additionally, the Defendants' unlawful actions have been taken with ill will, recklessness, wantonness, oppressiveness, and willful disregard of Plaintiffs' rights, justifying an award of punitive damages. Defendants' conduct was sufficiently outrageous as to entitle each Plaintiff to an award of punitive damages.

WHEREFORE, Plaintiffs John Doe, Richard Roe, and Paul Poe demand judgment against Defendants DMA, Ms. Moffat, and Mr. Kelly, jointly and severally, in the amount of Ten Million Dollars (\$10,000,000.00) as and for compensatory damages, and in the amount of Ten Million Dollars (\$10,000,000.00) as and for punitive damages, plus reasonable attorney's fees, interest and costs, and any other relief that this Court deems just and proper.

COUNT V
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS – DEFENDANTS DMA,
LEVIN, MOFFAT, AND KELLY

(COMMON LAW)

172. Plaintiffs adopt and incorporate by reference the averments of the preceding paragraphs as if fully set forth herein.

173. Defendant Mr. Levin's conduct—which included, *inter alia*, perverse physical sexual abuse and harassment of the Plaintiffs; misleading the Plaintiffs to believe they suffered

from serious genitourinary maladies, such as prostate cancer; misleading the Plaintiffs to believe that they and their close associates were being monitored and surveilled at all times at DMA and by a team of covert agents; threatening the Plaintiffs' careers if they did not submit to Mr. Levin's sexually perverse demands; interfering with the Plaintiffs' personal relationships and employment; and punitively reducing Plaintiffs' salaries and compensation—was extreme and outrageous conduct which intentionally or recklessly caused severe emotional distress to Plaintiffs Mr. Doe, Mr. Roe, and Mr. Poe.

174. Defendants DMA's, Ms. Moffat's and Mr. Kelly's retaliation and retaliatory harassment creating a hostile work environment at DMA in violation of the D.C. Human Rights Act—which included threatening, intimidating, and coercing Plaintiffs Mr. Doe, Mr. Roe, and Mr. Poe, instituting a cover up of Mr. Levin's severe sexual abuse, harassment and discrimination, instead of taking appropriate action to prevent or correct it, and ostracism and demotion of Mr. Doe, in order to deter Plaintiffs from engaging in protected activity—was extreme and outrageous conduct which intentionally or recklessly caused severe emotional distress to Mr. Doe, Mr. Roe, and Mr. Poe.

175. Defendants DMA, Mr. Levin, Ms. Moffat, and Mr. Kelly carried out this extreme and outrageous conduct both in their personal capacities, and in their official capacities as agents of Defendant DMA.

176. As a direct and proximate result of Defendants DMA's, Mr. Levin's, Ms. Moffat's, and Mr. Kelly's intentional infliction of emotional distress, Plaintiffs John Doe, Richard Roe, and Paul Poe have suffered and continue to suffer irreparable harm and damage to their personalities, mental anguish, anxiety, emotional distress, embarrassment, loss of

enjoyment of life, loss of income, loss of career opportunities, and other economic and non-economic loss and damages.

177. Additionally, the Defendants' unlawful actions have been taken with ill will, recklessness, wantonness, oppressiveness, and willful disregard of Plaintiffs' rights, justifying an award of punitive damages. Defendants' conduct was sufficiently outrageous as to entitle each Plaintiff to an award of punitive damages.

WHEREFORE, Plaintiffs John Doe, Richard Roe, and Paul Poe demand judgment against Defendants DMA, Mr. Levin, Ms. Moffat, and Mr. Kelly, jointly and severally, in the amount of Ten Million Dollars (\$10,000,000.00) as and for compensatory damages, and in the amount of Ten Million Dollars (\$10,000,000.00) as and for punitive damages, plus reasonable attorney's fees, interest and costs, and any other relief that this Court deems just and proper.

COUNT VI
NEGLIGENCE – DEFENDANTS DMA AND MOFFAT

(COMMON LAW)

178. Plaintiffs adopt and incorporate by reference the averments of the preceding paragraphs as if fully set forth herein.

179. Defendants DMA and Ms. Moffat have a duty to supervise the conduct of all of DMA's employees and agents.

180. Defendants DMA and Ms. Moffat have a duty to provide a workplace for its employees free of sexual harassment and discrimination, to train its employees concerning sexual harassment, to implement effective procedures for preventing harassment and for allowing employees to report unlawful discrimination and harassment without fear of retaliation, and to take appropriate action to prevent and correct unlawful conduct that violates the D.C. Human Rights Act when it occurs.

181. Defendants DMA and Ms. Moffat knew or should have known that its supervisory employee and/or agent, Defendant Mr. Levin, was engaging in harmful, discriminatory, and sexually abusive practices in his official capacity as an agent of DMA.

182. Defendants DMA and Ms. Moffat negligently failed to verify Defendant Mr. Levin's claims regarding his professional background or otherwise appropriately vet him for employment.

183. Defendants DMA and Ms. Moffat negligently failed to implement procedures that would reasonably allow employees to report or seek redress for unlawful discrimination or harassment without fear of retaliation.

184. Defendants DMA and Ms. Moffat negligently failed to heed numerous warning signs that Mr. Levin was engaging in sexual abuse and harassment of Plaintiffs John Doe, Richard Roe, Paul Poe, and a number of additional young adult male employees, interns, and students.

185. Defendants DMA and Ms. Moffat negligently permitted, aided, and abetted Mr. Levin's sexual abuse and harassment of Plaintiffs John Doe, Richard Roe, and Paul Poe.

186. Defendants DMA and Ms. Moffat negligently failed to take appropriate action to prevent and correct Mr. Levin's unlawful conduct and its adverse impact on Plaintiffs John Doe, Richard Roe, and Paul Poe.

187. As a direct and proximate result of the negligence of Defendants DMA and Ms. Moffat, Plaintiffs John Doe, Richard Roe, and Paul Poe have suffered and continue to suffer irreparable harm and damage to their personalities, mental anguish, anxiety, emotional distress, embarrassment, loss of enjoyment of life, loss of income, loss of career opportunities, and other economic and non-economic loss and damages.

WHEREFORE, Plaintiffs John Doe, Richard Roe, and Paul Poe demand judgment against Defendants DMA and Ms. Moffat in the amount of Ten Million Dollars (\$10,000,000.00) as and for compensatory damages, plus interest and costs, and any other relief that this Court deems just and proper.

COUNT VII
ASSAULT – DEFENDANTS DMA AND LEVIN

(COMMON LAW)

188. Plaintiffs adopt and incorporate by reference the averments of the preceding paragraphs as if fully set forth herein.

189. Defendants DMA and Mr. Levin committed assault upon Plaintiffs John Doe, Richard Roe, and Paul Poe.

190. Beginning on or about June 24, 2014, and continuing until August 29, 2016, Defendants DMA and Mr. Levin intentionally placed Plaintiffs John Doe, Richard Roe, and Paul Poe in reasonable apprehension of imminent harmful or offensive contact.

191. At the time Defendants DMA and Mr. Levin committed assault upon Plaintiffs John Doe, Richard Roe, and Paul Poe, Defendant Mr. Levin was acting in the scope of his employment as Plaintiffs' *de facto* supervisor and a DMA manager.

192. As a direct and proximate result of the wrongful actions of Defendants DMA and Mr. Levin, Plaintiffs John Doe, Richard Roe, and Paul Poe have suffered and continue to suffer irreparable harm and damage to their personality, mental anguish, anxiety, emotional distress, embarrassment, loss of enjoyment of life, and other economic and non-economic loss and damages.

193. Additionally, the Defendants' unlawful actions have been taken with ill will, recklessness, wantonness, oppressiveness, and willful disregard of Plaintiffs' rights, justifying an

award of punitive damages. Defendants' conduct was sufficiently outrageous as to entitle each Plaintiff to an award of punitive damages.

WHEREFORE, Plaintiffs John Doe, Richard Roe, and Paul Poe demand judgment against Defendants DMA and Mr. Levin, jointly and severally, in in the amount of Ten Million Dollars (\$10,000,000.00) as and for compensatory damages, and in the amount of Ten Million Dollars (\$10,000,000.00) as and for punitive damages, plus reasonable attorney's fees, interest and costs, and any other relief that this Court deems just and proper.

COUNT VIII
BATTERY – DEFENDANTS DMA AND LEVIN

(COMMON LAW)

194. Plaintiffs adopt and incorporate by reference the averments of the preceding paragraphs as if fully set forth herein.

195. Defendants DMA and Mr. Levin committed battery upon Plaintiffs John Doe, Richard Roe, and Paul Poe.

196. Beginning on or about June 24, 2014, and continuing until on or about August 29, 2016, Defendants DMA and Mr. Levin engaged in unwelcome offensive physical contact with Plaintiffs John Doe, Richard Roe, and/or Paul Poe, including sexually inappropriate touching and physical contact with their bodies, to include their genitals and penetration of their anuses with Mr. Levin's fingers or another unknown object.

197. Defendants DMA and Mr. Levin coerced Plaintiffs John Doe, Richard Roe, and Paul Poe into accepting this unwelcome physical contact through deception, coercion, and threats related to their employment with Defendant DMA.

198. At the time Defendants DMA and Mr. Levin committed battery upon Plaintiffs John Doe, Richard Roe, and Paul Poe, Mr. Levin was acting in the scope of his employment as their *de facto* supervisor and a DMA manager.

199. As a direct and proximate result of the wrongful actions of Defendants DMA and Mr. Levin, Plaintiffs John Doe, Richard Roe, and Paul Poe have suffered and continue to suffer irreparable harm and damage to their personalities, mental anguish, anxiety, emotional distress, embarrassment, loss of enjoyment of life, and other economic and non-economic loss and damages.

200. Additionally, the Defendants' unlawful actions have been taken with ill will, recklessness, wantonness, oppressiveness, and willful disregard of Plaintiffs' rights, justifying an award of punitive damages. Defendants' conduct was sufficiently outrageous as to entitle each Plaintiff to an award of punitive damages.

WHEREFORE, Plaintiffs John Doe, Richard Roe, and Paul Poe demand judgment against Defendants DMA and Mr. Levin in the amount of Ten Million Dollars (\$10,000,000.00) as and for compensatory damages, and in the amount of Ten Million Dollars (\$10,000,000.00) as and for punitive damages, plus reasonable attorney's fees, interest and costs, and any other relief that this Court deems just and proper.

Respectfully Submitted,



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