



## **The Defendant**

6. Chinese Children Adoption International (“CCAI”) was at all times herein mentioned and still is a Colorado corporation with its principal place of business in the city of Centennial, Colorado. CCAI can be served at 6920 S Holly Circle, Centennial, CO 80112.

## **JURISDICTION**

7. This Court has diversity jurisdiction under 28 USC § 1332.

8. Venue is appropriate in this district because Defendant CCAI has their corporate headquarters in this district and a substantial number of the relevant events occurred at CCAI’s office in Colorado.

## **NATURE OF THE COMPLAINT AND FACTS**

9. This complaint is a result of the negligence of Chinese Children Adoption International.

10. At all relevant times CCAI was based in Colorado.

11. After the Martins’ six children reached adulthood, Tammy Martin wanted to continue to be a mother to young children and felt the timing was appropriate to adopt children.

12. At the time of Minor Child N and Minor Child L’s adoptions the Martins were living in Terre Haute, Indiana<sup>1</sup>.

13. The Martins adopted Minor Child N in March of 2014 from China, through Bethany Christian Services.

14. The adoption of Minor Child N was a positive experience for the Martins and minor child N. The Martins wanted to have another sibling for Minor Child N since they had the time, energy, space, and resources.

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<sup>1</sup> The Martins now live in Washington State.

15. The Martins wanted another child from China due to their knowledge of the adoption process in China, and the racial affinity that would be shared by the adopted child and Minor Child N.

16. Minor Child L was adopted by the Martins in September of 2015 through CCAI.

17. CCAI represented to the Martins that Minor Child L was twelve years old.

18. Minor Child L in fact was at least 15-16 years old.

19. Upon information and belief, CCAI knew or should have known Minor Child L's approximate age.

20. Minor Child L was adopted by the Martin family on September 18, 2015.

21. Minor Child L joined the Martin household on September 25, 2015.

22. Within a month of Minor Child L moving into their house,

a. Minor Child N's hair began to fall out;

b. Minor Child N had a bloody stool;

c. Minor Child N stopped eating;

d. Minor Child N was always upset, crying, and banging his head.

23. At the age of 5, Minor Child N went bald.

24. In 2015, Tammy and Barry Martin sought to adopt a child with special needs.

25. The Martins had the time and resources to care for a special needs child.

26. These resources included access to medical care, speech therapy, and developmental therapy for their children.

27. On January 2016, the Martin family finalized the adoption of Minor Child J through CCAI.

28. After joining the Martin family at their home in Terre Haute, Minor Child J would wake up screaming and crying.

29. Nightly, Minor Child N would run into the Martin parents' room to get in bed with them.

30. Minor Child J complained of pains in his buttocks, but the Martins believed the pain to be from the several cigarette burns he had from being abused in a Chinese orphanage.

31. Minor Child J developed viral warts around his anus.

32. The Martins discovered Minor Child L's alarm would go off every night at 3 a.m.

33. Minor Child L would rape his adoptive brothers at 3 a.m.

34. When confronted by the Martins, Minor Child L admitted to anally raping his brothers.

35. The Martins took Minor Child L to Harsha Behavioral Center in Indianapolis, Indiana, on the March 19, 2016.

36. Minor Child L told his therapist he still had strong sexual urges that he could not control and would abuse boys again if given the chance.

37. In March 2016, Minor Child L was charged with two counts of sexual battery and sent to the Vigo County (Terre Haute, Indiana) Juvenile Detention Center.

38. The Martins learned from Minor Child L that he had been raped and prostituted at the orphanage he was adopted from in China.

39. The Martins notified CCAI of Child L's crimes.

40. CCAI denied knowing of Minor Child L's sexual history.

41. Further CCAI stated that Minor Child L's age was 12.

42. Further, CCAI negligently represented Minor Child L's age to the Martins.

43. CCAI represented Minor Child L's birthday as July 3, 2003.

44. Upon information and belief, CCAI was aware that Minor Child L was at least three to five years older than originally represented by CCAI at the time Martins adopted him.

45. If CCAI had accurately represented Minor Child L age, the Martins would not have adopted him.

46. CCAI also knew or should have known that the orphanage Minor Child L was adopted from had a reputation for prostituting the children in its care to adults.

47. While housed in juvenile detention in Indiana, Minor Child L had a psychosexual assessment completed by Trinity Consulting and Counseling Inc.

48. It was noted that Minor Child L had a long history of sexually abusing multiple children.

49. Experts from Trinity Consulting and Counseling noted Minor Child L's sex abuse was differentiated from normative sexual play or curiosity and exploration (i.e. "playing doctor").

50. Minor Child L admitted to digitally and anally penetrating his two five-year-old brothers.

51. Minor Child L admitted to putting his penis in his brother's "butt every night" when his mother was out of town.

52. In China, Minor Child L admitted that at the age of 5 or 6, he was removed from foster care for sexually acting out with another child.

53. Minor Child L admitted to being sexually active with children and adults while in China since the age of 11.

54. Minor Child L admitted he was sexually touched by others in the orphanage.

55. Minor Child L has engaged in a number of sexually maladaptive behaviors.

56. He established a pattern of sexually exploiting multiple children including his two adopted brothers as well as another boy when he was age 11.

57. Minor Child L acknowledges that he needed help for his sexual behavior.

58. At Harsha, Minor Child L was assessed to be at high risk to reoffend.

59. Due to the seriousness of the nature of Minor Child L's sexually maladaptive behaviors, experts from Trinity Consulting and Counseling advised that Minor Child L was in need of specialized residential therapy for boys who engage in sexually maladaptive behaviors.

60. Currently, Minor Child L is in the custody of the State of Indiana for the brutal rapes of the Martin's other two sons.

61. Due to CCAI's inaccurate representations of Minor Child L's past, Minor Child L has permanently damaged the Martin family and their two minor adopted children Minor Child N and Minor Child J.

62. The abuse of the Martins' children has taken an extreme emotional and financial toll on the family.

63. The Martins had to sell their house in Terre Haute, Indiana, quickly, at a loss, as the children have bad memories of what happened at the house.

64. The Martins moved across the country from Indiana to Washington State in an effort to help their children deal with the abuse they suffered.

65. The Martins lost their health care business, Home Care Advantage, in Terre Haute.

66. Both Minor Child N and Minor Child J have Post Traumatic Stress Disorder and Attachment Disorder.

67. Minor Child N presents with depressed mood, sleep disturbance, lethargy, irritability, rage, and anxiety as evidenced by panic attacks, startle response, difficulty separating from parents, and fear of sleeping alone.

68. Reportedly, Minor Child N's pediatrician has attributed his current hair loss to stress.

69. Minor Child J presents with disrupted sleep, nightmares, irritability, rage, aggression, and oppositional behavior. Although difficult to assess due to his limited language skills, Minor Child J appears to struggle with recurrent and intrusive thoughts as well as severe anxiety. He externalizes his emotions with controlling, manipulative and destructive behaviors.

70. Additionally, when the Martins adopted Minor Child J, CCAI represented that Minor Child J had a diagnoses of hydrocephalus and cerebral palsy.

71. In fact Minor Child J had undergone massive brain surgery at Hong Kong Sanatorium and Hospital in Hong Kong on or about March 2011.

72. In 2018, Tammy Martin contacted MedArt, a not-for-profit in Hong Kong that supports Chinese orphans who need medical care and support, and told her that he previously a brain tumor of which Ms. Martin was not made aware.

73. Ms. Martin has incurred unexpected health costs related to Minor Child J's medical conditions.

74. CCAI negligence in not disclosing Minor Child J's accurate health history has caused financial injuries to the Martins.

**CLAIMS FOR RELIEF**

**COUNT I**

**Negligence**

All Plaintiffs v. CCAI

75. Plaintiffs incorporate the foregoing paragraphs as though fully reproduced herein.

76. CCAI had a duty to provide the Martins with accurate information regarding Minor Child L's age.

77. CCAI had a duty to provide accurate information regarding Minor Child L's sexual history.

78. Defendants breached their duty to the Martins and their minor children when CCAI failed to provide them with accurate information regarding Minor Child L.

79. The Martins were irreparably harmed and damaged as a result of the breach of duty.

80. The Martins request a jury trial on this count.

**COUNT II**

**Negligence**

The Martins and Minor Child J v. CCAI

81. Plaintiffs incorporate the foregoing paragraphs as though fully reproduced herein.

82. CCAI had a duty to provide the Martins with accurate information regarding Minor Child J's health at the time the Martins adopted him.

83. CCAI knew or should have known that Minor Child J had brain surgery in Hong Kong.

84. CCAI specifically told the Martins that Minor Child J's scar was not from brain surgery.

85. CCAI's misrepresentation has caused the Martins to incur financial losses.

86. The Martins request a jury trial on this count.

COUNT III  
Fraud  
All Plaintiffs v. CCAI

87. Plaintiffs incorporate the foregoing paragraphs as though fully reproduced herein.

88. CCAI intentionally misrepresented Minor Child L's age, by words and concealment noting that he was several years younger than his actual age.

89. CCAI made this misrepresentation to the Martins.

90. CCAI made this representation with knowledge of its falsity.

91. CCAI made this misrepresentation for the purpose of inducing the Martins to adopt Minor Child L.

92. The Martins relied on this misrepresentation.

93. This reliance on the misrepresentation made by CCAI caused the Martins physical, emotional, and financial injuries.

94. The Martins demand a jury trial on this count.

COUNT IV  
Negligent Infliction of Emotional Distress  
All Plaintiffs v. CCAI

95. Plaintiffs incorporate the foregoing paragraphs as though fully reproduced herein.

96. CCAI's negligence created an unreasonable risk of physical harm.

97. CCAI's negligence caused the Martin family to be put in fear of the safety of their children

98. This fear imposed by CCAI had physical consequences, and resulted in long continued emotional injuries and financial loss to the Martin family.

99. The Martins demand a jury trial on this count.

**DEMAND FOR JURY TRIAL**

Plaintiffs are entitled to and hereby demand a jury trial in this matter.

**PRAYER FOR RELIEF**

Wherefore, Plaintiffs respectfully request that this Court will:

- a. Enter judgment against Defendant, in such amounts as adequately as possible compensate Plaintiffs for the damages they have suffered, in an amount to be determined at trial;
- b. Award Plaintiffs pre-judgment and post-judgment interest;
- c. Award Plaintiffs their actual expenses of litigation, including reasonable attorney's fees;
- d. Award Plaintiffs injunctive relief that requires CCAI to put in place supervision and compliance protocols that actually prevent, uncover, and stop the disregard of the safety of client's and their families; and
- e. Award Plaintiffs such other and further relief as the Court deems just and proper.

Respectfully submitted:

*/s/ Jonathan Little*

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