

# Superior Court of California

## County of Orange



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7  
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **COUNTY OF ORANGE**

Judge John C. Gastelum

10 RICHARD MAMOLA,

Case No. 30-2020-01122410-CU-PO-CJC

11 Plaintiff,

**COMPLAINT FOR DAMAGES**

12 v.

**1. CLAIM FOR CHILDHOOD SEXUAL  
ASSAULT IN VIOLATION OF CAL.  
CODE OF CIVIL PROCEDURE 340.1**

13 DOE DEFENDANT 1; DOE DEFENDANT  
14 2; DOES 3 THROUGH 10, INCLUSIVE,

**2. NEGLIGENCE**

15 Defendants.

**3. INTENTIONAL INFLICTION OF  
EMOTIONAL DISTRESS**

**4. NEGLIGENT INFLICTION OF  
EMOTIONAL DISTRESS**

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18 Plaintiff Richard Mamola, complains against the Defendants, and each of them, as follows:

19 **NATURE OF THE ACTION**

20 Starting in the early 1900s, the DOE DEFENDANT 1 (“DOE DEFENDANT 1” or “DOE  
21 DEFENDANT 1”) knew that its Scout leaders, volunteers, and members were using their positions  
22 to groom and to sexually abuse children. By 1935, the Chief Scout Executive of the DOE  
23 DEFENDANT 1 told the New York Times that almost 1,000 men had already been removed from  
24 Scouting because they “undertake to deal with sex matters and become morbid on the subject and  
25 sometimes give way to temptation and develop practices which make them degenerates.”

26 The DOE DEFENDANT 1 refers to its internal files on such men as its “perversion” files.  
27 Since that 1935 report in the New York Times, the DOE DEFENDANT 1 has tried to keep the  
28

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1 “perversion” files a secret. Even worse, for many years the DOE DEFENDANT 1 had a policy of  
2 destroying “perversion” files even though the files could have helped the DOE DEFENDANT 1  
3 understand how so many sexual predators were able to use its Scouting program to groom and to  
4 sexually abuse children.

5 The DOE DEFENDANT 1 has largely succeeded in keeping the “perversion” files hidden  
6 from the public, including Scouts and their parents. While not much is known about the files after  
7 1985, the files that were not destroyed show that the DOE DEFENDANT 1 created at least 1,123  
8 “perversion” files between 1965 and 1985 – an average of more than one new “perversion” file a  
9 week.

10 While the sheer number of Scout leaders who have been accused of molesting children is  
11 striking, particularly given the large percentage that either pled guilty or were found guilty, the  
12 number of their victims is overwhelming. Many of the files reflect Scout leaders who allegedly  
13 abused multiple children, sometimes more than twenty or thirty children.

14 The DOE DEFENDANT 1 refuses to voluntarily release the rest of its “perversion” files,  
15 but its own liability expert in another case testified that the files from 1944 through 2016 contain  
16 the names of 7,819 Scout leaders and volunteers who have been accused of child sexual abuse. If  
17 each accused Scout leader and volunteer abused five children, which is likely a conservative  
18 number, the total number of their victims would be close to 40,000.

19 Despite decades of knowledge that its Scouting program was a magnet for child molesters,  
20 the DOE DEFENDANT 1 failed to take reasonable steps to protect children from being sexually  
21 abused.

22 Even worse, the DOE DEFENDANT 1 actively concealed the widespread sexual abuse of  
23 young boys that occurred as a direct result of its supposedly “safe” program and “trustworthy” Scout  
24 leaders and volunteers. For example, in 1972, the Boy Scout Executive who oversaw the  
25 “perversion” files asked the other Scout Executives to keep the files confidential “because of the  
26 misunderstandings which could develop” if the public learned of the files.

27 Based on the DOE DEFENDANT 1's wrongful conduct, a reasonable person could and  
28 would conclude that it knowingly and recklessly disregarded the abuse of children and chose to

1 protect its reputation and wealth over those who deserved protection. The result is not surprising:  
2 for decades thousands of children were sexually abused by Boy Scout leaders, volunteers, and  
3 members. Plaintiff Richard Mamola is one of the children who was sexually abused because of the  
4 DOE DEFENDANT 1’s wrongful conduct.

5 **PARTIES**

6 1. Plaintiff Richard Mamola (“Plaintiff”) is an adult male who currently resides in  
7 Orange County, California.

8 2. Defendant DOE DEFENDANT 1 is currently a Texas corporation authorized to do  
9 business in California with its principal office in Irving, Texas.

10 3. At all relevant times the DOE DEFENDANT 1 conducted business as the “DOE  
11 DEFENDANT 1” or the “DOE DEFENDANT 1.”

12 4. At all relevant times the DOE DEFENDANT 1 authorized local councils and local  
13 organizations to charter, sponsor, and operate Boy Scout Troops, Cub Scout Troops, and other types  
14 of Troops throughout California, including Plaintiff’s Boy Scout Troop.

15 5. The DOE DEFENDANT 1, the local councils, and the local organizations would  
16 collectively select the leaders and volunteers of each Boy Scout Troop and Cub Scout Troop in  
17 California, including the leaders and volunteers of Plaintiff’s Troop.

18 6. However, the DOE DEFENDANT 1 retained and exercised the ultimate authority to  
19 decide who could be a leader or volunteer of any Boy Scout Troop or Cub Scout Troop, including  
20 the leaders and volunteers of Plaintiff’s Troop when he was sexually abused.

21 7. The DOE DEFENDANT 1 also had the right to control the means and manner of the  
22 staffing, operation, and oversight of any Boy Scout Troop, Cub Scout Troop, or other type of Troop,  
23 including Plaintiff’s Troop, when Plaintiff was sexually abused.

24 8. In exchange for DOE DEFENDANT 1’s name, programming, and endorsement, the  
25 leaders, volunteers, and members of every Boy Scout Troop, Cub Scout Troop, or other Troop  
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1 affiliated with the DOE DEFENDANT 1 in the United States, including California, would pay the  
2 DOE DEFENDANT 1 an annual membership fee, including the leaders, volunteers, and members  
3 of Plaintiff's Troop when he was sexually abused.

4  
5 9. In exchange for the opportunity to participate in the DOE DEFENDANT 1's  
6 programming and activities, the child members of every Boy Scout Troop, Cub Scout Troop, and  
7 other Troop affiliated with the DOE DEFENDANT 1 in the United States, including those in  
8 California, would pay the DOE DEFENDANT 1 an annual membership fee, including Plaintiff  
9 when he was a child member.

10 10. Michael Barnett ("Barnett") was a Boy Scout leader or volunteer that the DOE  
11 DEFENDANT 1 used and relied upon as a Scout leader or volunteer to serve the DOE  
12 DEFENDANT 1 in Plaintiff's Boy Scout Troop.

13  
14 11. During the time that Barnett served as a Boy Scout leader or volunteer for the DOE  
15 DEFENDANT 1, he used his position as a Boy Scout leader or volunteer to groom and to sexually  
16 abuse Plaintiff Richard Mamola.

17 12. To the extent that the DOE DEFENDANT 1 was a different entity, corporation, or  
18 organization during the period of time in which Barnett used his position as a Boy Scout leader or  
19 volunteer to sexually abuse Plaintiff Richard Mamola, such entity, corporation, or organization is  
20 hereby on notice that it is intended to be a defendant in this lawsuit and is identified in the Complaint  
21 as DOE DEFENDANT 1 or as a "Doe" defendant.

22  
23 13. To the extent the DOE DEFENDANT 1 is a successor to a different entity,  
24 corporation, or organization which existed during the period of time during which Barnett used his  
25 position as a Boy Scout leader or volunteer to sexually abuse Plaintiff, such predecessor entity,  
26 corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit  
27 and is identified in the Complaint as DOE DEFENDANT 1 or as a "Doe" defendant.  
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1           14. All such DOE DEFENDANT 1-related entities, corporations, or organizations are  
2 collectively referred to herein as the “DOE DEFENDANT 1,” the “DOE DEFENDANT 1” or “DOE  
3 DEFENDANT 1.”

4           15. At all relevant times Defendant DOE DEFENDANT 2 (“DOE DEFENDANT 2”),  
5 was a California corporation organized under California law that transacted business in Orange  
6 County.

7           16. The DOE DEFENDANT 2 is currently a corporation organized under California law  
8 with its principal office in Santa Ana, California.

9           17. At all relevant times the DOE DEFENDANT 2 was a local council of the DOE  
10 DEFENDANT 1 that acted as an agent of the DOE DEFENDANT 1 as to the Boy Scout Troops,  
11 Cub Scout Troops, and other Troops under its jurisdiction within the DOE DEFENDANT 1,  
12 including the Boy Scout Troop of Plaintiff when he was sexually abused by Michael Barnett, who  
13 was an Assistant Scoutmaster for the DOE DEFENDANT 1 and DOE DEFENDANT 2 at the time  
14 of the abuse.  
15

16           18. Michael Barnett was a Boy Scout leader or volunteer that the DOE DEFENDANT 2  
17 used and relied upon as a Scout leader or volunteer to serve the DOE DEFENDANT 1 in Plaintiff’s  
18 Boy Scout Troop.  
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20           19. During the time that Barnett served as a Boy Scout leader or volunteer for the DOE  
21 DEFENDANT 2, he used his position as a Boy Scout leader or volunteer to groom and to sexually  
22 abuse Plaintiff Richard Mamola.  
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24           20. To the extent that the DOE DEFENDANT 2 was a different entity, corporation, or  
25 organization during the period of time in which Barnett used his position as a Boy Scout leader to  
26 sexually abuse Plaintiff, such entity, corporation, or organization is hereby on notice that it is  
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1 intended to be a defendant in this lawsuit and is identified in the Complaint as DOE DEFENDANT  
2 or as a “Doe” defendant.

3           21. To the extent the DOE DEFENDANT 2 is a successor to a different entity,  
4 corporation, or organization which existed during the period of time during which Barnett used his  
5 position to sexually abuse Plaintiff, such predecessor entity, corporation, or organization is hereby  
6 on notice that it is intended to be a defendant in this lawsuit and is identified in the Complaint as  
7 DOE DEFENDANT 2 or as a “Doe” defendant.

8           22. All such DOE DEFENDANT 2-related entities, corporations, or organizations are  
9 collectively referred to herein as the “DOE DEFENDANT 2” or “DOE DEFENDANT 2.”

10           23. The Defendants named in this complaint as DOES 3 through 10 are individuals,  
11 corporations, and/or other entities whose true names and capacities are unknown to Plaintiff at this  
12 time and are therefore identified using fictitious names. Plaintiff will seek leave to amend this  
13 Complaint to include their true names when they have been ascertained. Plaintiff is informed and  
14 believes, and upon such information and belief hereby alleges, that each of the Defendants sued  
15 herein as DOES 3 through 10, inclusive, is negligent or in some other manner liable or responsible  
16 for the events and happenings alleged in this Complaint and by their conduct directly and  
17 substantially caused Plaintiff to sustain the injuries and damages alleged herein.

18           24. All Defendants, including DOES 3 through 10, are collectively referred to herein as  
19 “Defendants.”

20                                   **BACKGROUND FACTS APPLICABLE TO ALL COUNTS**

21           25. Plaintiff Richard Mamola repeats and re-alleges the allegations above, including the  
22 fact that the DOE DEFENDANT 1 knew for decades that its Scout leaders and volunteers were  
23 using their positions to groom and to sexually abuse children throughout California.

24           26. At all relevant times the DOE DEFENDANT 1, its agents, servants, and employees  
25 managed, maintained, operated, and controlled the DOE DEFENDANT 2, including the Boy Scout  
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1 Troops, Cub Scout Troops, and other Troops in the geographic area that the DOE DEFENDANT 1  
2 assigned to the DOE DEFENDANT 2.

3 27. At all relevant times the DOE DEFENDANT 1, its agents, servants, and employees  
4 managed, maintained, operated, and controlled the DOE DEFENDANT 2, and held out to the public  
5 its agents, servants, and employees as those who managed, maintained, operated, and controlled the  
6 DOE DEFENDANT 2.

7 28. At all relevant times the DOE DEFENDANT 1 was responsible for the hiring and  
8 staffing, and did the hiring and staffing, for many of the leadership positions of the DOE  
9 DEFENDANT 2, including those positions that were responsible for ensuring that Plaintiff and other  
10 children who participated in Scouting activities were protected from the danger of child sexual  
11 abuse.

12 29. At all relevant times the DOE DEFENDANT 1 was responsible for and did the  
13 recruitment and staffing of volunteers for the DOE DEFENDANT 2, including those positions that  
14 were responsible for ensuring that Plaintiff Richard Mamola and other children who participated in  
15 Scouting activities were protected from the danger of child sexual abuse.

16 30. At all relevant times the DOE DEFENDANT 1 controlled the policies and  
17 procedures of the DOE DEFENDANT 2, including any policies and procedures regarding the  
18 danger of Scouts being sexually abused by Scout leaders or volunteers and how to protect children  
19 from that danger.

20 31. At all relevant times the DOE DEFENDANT 1 held itself out to the public as the  
21 owner of the DOE DEFENDANT 2.

22 32. At all relevant times the DOE DEFENDANT 1 materially benefited from the  
23 operation of the DOE DEFENDANT 2, including the services of Michael Barnett and the services  
24 of those who managed and supervised Barnett.

25 33. At all relevant times the DOE DEFENDANT 1, its agents, servants, and employees  
26 managed, maintained, operated, and controlled the Boy Scout Troop that Plaintiff Richard Mamola  
27 belonged to when he was sexually abused by Barnett, including its leaders and volunteers.

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1           34.     At all relevant times the DOE DEFENDANT 1, its agents, servants, and employees  
2 managed, maintained, operated, and controlled the Boy Scout Troop that Plaintiff Richard Mamola  
3 belonged to when he was sexually abused by Barnett, including its policies and procedures regarding  
4 the sexual abuse of children.

5           35.     At all relevant times the DOE DEFENDANT 2, its agents, servants, and employees  
6 managed, maintained, operated, and controlled the Boy Scout Troops, Cub Scout Troops, and other  
7 Troops in the geographic area of California that it was assigned by the DOE DEFENDANT 1,  
8 including the Boy Scout Troop that Plaintiff Richard Mamola belonged to when he was sexually  
9 abused by Barnett.

10          36.     At all relevant times the DOE DEFENDANT 2, its agents, servants, and employees  
11 managed, maintained, operated, and controlled the Boy Scout Troop that Plaintiff Richard Mamola  
12 belonged to when he was sexually abused by Barnett, and held out to the public its agents, servants,  
13 and employees as those who managed it, maintained it, operated it, and controlled it.

14          37.     At all relevant times the DOE DEFENDANT 2 was responsible for the hiring and  
15 staffing, and did the hiring and staffing, for many of the leadership positions of the Boy Scout Troop  
16 that Plaintiff Richard Mamola belonged to when he was sexually abused by Barnett.

17          38.     At all relevant times the DOE DEFENDANT 2 was responsible for the recruitment  
18 and staffing of volunteers for the Boy Scout Troop that Plaintiff Richard Mamola belonged to when  
19 he was sexually abused by Barnett.

20          39.     At all relevant times the DOE DEFENDANT 2 held itself out to the public as the  
21 owner of the Boy Scout Troop that Plaintiff Richard Mamola belonged to when he was sexually  
22 abused by Barnett.

23          40.     At all relevant times the DOE DEFENDANT 2 materially benefited from the  
24 operation of the Boy Scout Troop that Plaintiff Richard Mamola belonged to when he was sexually  
25 abused by Barnett, including the services of Barnett and the services of those who managed and  
26 supervised Barnett.

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1           41.     At all relevant times the DOE DEFENDANT 2, its agents, servants, and employees  
2 managed, maintained, operated, and controlled the Boy Scout Troop that Plaintiff Richard Mamola  
3 belonged to when he was sexually abused by Barnett, including its leaders and volunteers.

4           42.     At all relevant times the DOE DEFENDANT 2, its agents, servants, and employees  
5 managed, maintained, operated, and controlled the Boy Scout Troop that Plaintiff Richard Mamola  
6 belonged to when he was sexually abused by Barnett, including its policies and procedures regarding  
7 the sexual abuse of children.

8           43.     At all relevant times Barnett was an Assistant Scoutmaster of the DOE  
9 DEFENDANT 1.

10          44.     At all relevant times Barnett was on the staff of, acted as an agent of, or served as an  
11 employee or volunteer of the DOE DEFENDANT 1.

12          45.     At all relevant times Barnett was acting in the course and scope of his position with  
13 the DOE DEFENDANT 1.

14          46.     At all relevant times Barnett was an Assistant Scoutmaster of the DOE  
15 DEFENDANT 2.

16          47.     At all relevant times Barnett was on the staff of, was an agent of, or served as an  
17 employee or volunteer of the DOE DEFENDANT 2.

18          48.     At all relevant times Barnett was acting in the course and scope of his position with  
19 the DOE DEFENDANT 2.

20          49.     When Plaintiff Richard Mamola was a minor, he registered with the DOE  
21 DEFENDANT 1 and the DOE DEFENDANT 2 and paid them a fee to participate as a member of  
22 one of their Boy Scout Troops.

23          50.     At all relevant times the DOE DEFENDANT 1 and the DOE DEFENDANT 2, their  
24 agents, servants, and employees, held Barnett out to the public, to Plaintiff Richard Mamola, and to  
25 his parents, as their agent.

26          51.     At all relevant times the DOE DEFENDANT 1 and the DOE DEFENDANT 2, their  
27 agents, servants, and employees, held Barnett out to the public, to Plaintiff Richard Mamola, and to  
28

1 his parents, as having been vetted, screened, and approved by them as someone who was safe and  
2 trustworthy and who could be trusted with children, including Plaintiff.

3 52. At all relevant times Plaintiff Richard Mamola and his parents reasonably relied upon  
4 the acts and representations of the DOE DEFENDANT 1 and the DOE DEFENDANT 2, their  
5 agents, servants, and employees, and reasonably believed that Barnett was an agent of Defendants  
6 who was vetted, screened, and approved by Defendants as someone who was safe and trustworthy  
7 and who could be trusted with children, including Plaintiff.

8 53. At all relevant times Plaintiff Richard Mamola and his parents trusted Barnett  
9 because the DOE DEFENDANT 1 and the DOE DEFENDANT 2 held him out as someone who  
10 was safe and could be trusted with the supervision, care, custody, and control of Plaintiff.

11 54. At all relevant times Plaintiff Richard Mamola and his parents believed that the DOE  
12 DEFENDANT 1 and the DOE DEFENDANT 2 would exercise such care as would a parent of  
13 ordinary prudence in comparable circumstances when Defendants assumed supervision, care,  
14 custody, and control of Plaintiff.

15 55. When Plaintiff Richard Mamola was a minor, Michael Barnett sexually abused him  
16 when Barnett was his Assistant Scoutmaster.

17 56. Plaintiff Richard Mamola was sexually abused by Barnett when Plaintiff was  
18 approximately 13 to 16 years old.

19 57. Based on the representations of the DOE DEFENDANT 1 and the DOE  
20 DEFENDANT 2 that Barnett was safe and trustworthy, Plaintiff Richard Mamola and his parents  
21 allowed Plaintiff to be under the supervision of, and in the care, custody, and control of, the DOE  
22 DEFENDANT 1 and the DOE DEFENDANT 2, including during the times when Plaintiff was  
23 sexually abused by Barnett.

24 58. Based on the representations of the DOE DEFENDANT 1 and the DOE  
25 DEFENDANT 2 that Barnett was safe and trustworthy, Plaintiff Richard Mamola and his parents  
26 allowed Plaintiff to be under the supervision of, and in the care, custody, and control of, Barnett,  
27 including during the times when Plaintiff was sexually abused by Barnett.

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1           59.       Neither Plaintiff nor his parents would have allowed him to be under the supervision  
2 of, or in the care, custody, or control of, the DOE DEFENDANT 1, the DOE DEFENDANT 2, or  
3 Barnett if the DOE DEFENDANT 1 or the DOE DEFENDANT 2 had disclosed to Plaintiff or his  
4 parents that Barnett was not safe and was not trustworthy, and that he in fact posed a danger to  
5 Plaintiff in that Barnett was likely to sexually abuse Plaintiff.

6           60.       Neither Plaintiff nor his parents would have paid the DOE DEFENDANT 1 or the  
7 DOE DEFENDANT 2 to allow him to be a member of their Boy Scout Troop if the DOE  
8 DEFENDANT 1 or the DOE DEFENDANT 2 had disclosed to Plaintiff or his parents that Barnett  
9 was not safe and was not trustworthy, and that he in fact posed a danger to Plaintiff in that Barnett  
10 was likely to sexually abuse Plaintiff.

11           61.       Neither Plaintiff nor his parents would have paid the DOE DEFENDANT 1 or the  
12 DOE DEFENDANT 2 to allow him to be a member of their Boy Scout Troop if the DOE  
13 DEFENDANT 1 or the DOE DEFENDANT 2 had disclosed to Plaintiff or his parents that the DOE  
14 DEFENDANT 1 knew for decades that hundreds or thousands of sexual predators, like Barnett,  
15 were using their position as a Scout leader or volunteer to groom and to sexually abuse children.

16           62.       No parent of ordinary prudence in comparable circumstances would have allowed  
17 Plaintiff to be under the supervision of, or in the care, custody, or control of, the DOE DEFENDANT  
18 1, the DOE DEFENDANT 2, or Barnett if the DOE DEFENDANT 1 or the DOE DEFENDANT 2  
19 had disclosed to Plaintiff or his parents that Barnett was not safe and was not trustworthy, and that  
20 he in fact posed a danger to Plaintiff in that Barnett was likely to sexually abuse him.

21           63.       From approximately 1979 through 1982, Barnett exploited the trust and authority  
22 vested in him by the DOE DEFENDANT 1 and the DOE DEFENDANT 2 by grooming Plaintiff  
23 Richard Mamola to gain his trust and to obtain control over him as part of Barnett’s plan to sexually  
24 molest and abuse Plaintiff and other children, including those who participated in the Scouting  
25 program offered by the DOE DEFENDANT 1 and the DOE DEFENDANT 2.

26           64.       During this time, Barnett used his position of trust and authority as an Assistant  
27 Scoutmaster of the DOE DEFENDANT 1 and of the DOE DEFENDANT 2 to groom Plaintiff and  
28

1 to sexually abuse him multiple times, including when Plaintiff was under the supervision of, and in  
2 the care, custody, or control of the DOE DEFENDANT 1 and the DOE DEFENDANT 2.

3 65. Barnett’s sexual abuse of Plaintiff Richard Mamola DOE DEFENDANT 2urred  
4 during Scouting activities that were sponsored by, or were a direct result of Scouting activities  
5 sponsored by, the DOE DEFENDANT 1 and the DOE DEFENDANT 2, including camping trips.

6 66. Some of the sexual abuse of Plaintiff Richard Mamola by Barnett also DOE  
7 DEFENDANT 2urred using property or premises that were owned, controlled, or managed by  
8 Defendants, including Lost Valley Scout Reservation.

9 67. Barnett’s sexual abuse of Plaintiff Richard Mamola was unlawful sexual molestation  
10 under California law, including California Code of Civil Procedure Section 340.1.

11 68. Prior to the times mentioned herein, Barnett was a known sexual predator of children.

12 69. At all relevant times Defendants, their agents, servants, and employees, knew or  
13 should have known that Barnett was a known sexual predator of children.

14 70. At all relevant times it was reasonably foreseeable to Defendants, their agents,  
15 servants, and employees that Barnett’s sexual abuse of children would likely result in injury to  
16 others, including the sexual abuse of Plaintiff Richard Mamola and other children by Barnett.

17 71. The Defendants, their agents, servants, and employees knew or should have known  
18 that Barnett was sexually abusing Plaintiff Richard Mamola and other Scouts.

19 72. The DOE DEFENDANT 1 and the DOE DEFENDANT 2, their agents, servants, and  
20 employees, knew or should have known before and during Barnett’s sexual abuse of Plaintiff that  
21 Scout leaders, volunteers, and other persons serving the DOE DEFENDANT 1 and the DOE  
22 DEFENDANT 2 had used their positions with Defendants to groom and to sexually abuse children.

23 73. The DOE DEFENDANT 1 and the DOE DEFENDANT 2, their agents, servants, and  
24 employees, knew or should have known before and during Barnett’s sexual abuse of Plaintiff that  
25 such Scout leaders, volunteers, and other persons could not be “cured” through treatment or  
26 counseling.

27 74. The DOE DEFENDANT 1 and the DOE DEFENDANT 2, their agents, servants, and  
28 employees, concealed the sexual abuse of children by Barnett in order to conceal their own bad acts

1 in failing to protect children from him, to protect their reputation, and to prevent victims of such  
2 sexual abuse by him and other Scout leaders and volunteers from coming forward during the  
3 extremely limited statute of limitations prior to the enactment of the recent amendment that allows  
4 Plaintiff to pursue his claim now, despite knowing that Barnett and other child predators in their  
5 ranks would continue to molest children.

6 75. The DOE DEFENDANT 1 and the DOE DEFENDANT 2, their agents, servants, and  
7 employees, consciously and recklessly disregarded their knowledge that Barnett would use his  
8 position with Defendants to sexually abuse children, including Plaintiff Richard Mamola.

9 76. The DOE DEFENDANT 1 and the DOE DEFENDANT 2, their agents, servants, and  
10 employees, disregarded their knowledge that Barnett would use his position with them to sexually  
11 abuse children, including Plaintiff Richard Mamola.

12 77. The DOE DEFENDANT 1 and the DOE DEFENDANT 2, their agents, servants, and  
13 employees, acted in concert with each other or with Barnett to conceal the danger that Barnett posed  
14 to children, including Plaintiff, so that Barnett could continue serving them despite their knowledge  
15 of that danger.

16 78. The DOE DEFENDANT 1 and the DOE DEFENDANT 2, their agents, servants, and  
17 employees, knew that their negligent, reckless, and outrageous conduct would inflict severe  
18 emotional and psychological distress, as well as personal physical injury, on others, including  
19 Plaintiff, and he did in fact suffer severe emotional and psychological distress and personal physical  
20 injury as a result of their wrongful conduct.

21 79. The DOE DEFENDANT 1 and the DOE DEFENDANT 2, their agents, servants, and  
22 employees, concealed the sexual abuse of children by Scout leaders, volunteers, and other persons  
23 serving the DOE DEFENDANT 1 and the DOE DEFENDANT 2 in order to conceal their own bad  
24 acts in failing to protect children from being abused, to protect their reputation, and to prevent  
25 victims of such sexual abuse from coming forward during the extremely limited statute of limitations  
26 prior to the enactment of the recent amendment that allows Plaintiff to pursue his claim now, despite  
27 knowing that those Scout leaders, volunteers, and other persons would continue to molest children.

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1 80. By reason of the wrongful acts of the DOE DEFENDANT 1 and the DOE  
2 DEFENDANT 2 as detailed herein, Plaintiff Richard Mamola sustained physical and psychological  
3 injuries, including but not limited to, severe emotional and psychological distress, humiliation,  
4 fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to  
5 his nervous system, physical pain and mental anguish, and emotional and psychological damage.

6 81. Some or all of the above listed injuries are of a permanent and lasting nature, and  
7 Plaintiff Richard Mamola has and/or will become obligated to expend sums of money for treatment.

8 **FIRST CAUSE OF ACTION**

9 **CLAIM FOR CHILDHOOD SEXUAL ASSAULT IN VIOLATION OF CAL. CODE OF**  
10 **CIVIL PROCEDURE § 340.1**

11 **(Against Defendants DOE DEFENDANT 1; DOE DEFENDANT 2; and DOES 3 through 10)**

12 82. Plaintiff Richard Mamola incorporates all paragraphs of this Complaint as if fully set  
13 forth herein.

14 83. From approximately 1979 through 1982, when Plaintiff Richard Mamola was  
15 approximately 13 to 16 years old, Barnett engaged in unpermitted, harmful and offensive sexual  
16 conduct and contact upon the person of Plaintiff.

17 84. Said conduct was undertaken while Barnett was an agent, managing agent, employee,  
18 and/or servant of each Defendant, and while Barnett was acting in the course and scope of his  
19 employment with each Defendant.

20 85. Said conduct of Barnett was known to and ratified by each Defendant.

21 86. Each Defendant had a duty to take reasonable steps to protect Plaintiff Richard  
22 Mamola, a minor, from foreseeable harm when he was in their care, custody, and control, including  
23 when he was a paying member of their youth program and was participating in their program  
24 activities.

25 87. During the time that Barnett was working for and serving Defendants, Defendants  
26 had a duty to use reasonable care to prevent Barnett from using the tasks, premises, and  
27 instrumentalities of his position with each Defendant to target, groom, and sexually abuse children,  
28 including Plaintiff Richard Mamola.

1 88. Each Defendant breached the foregoing duties by failing to use reasonable care to  
2 protect Plaintiff Richard Mamola from Barnett, which allowed him to groom and to sexually abuse  
3 him.

4 89. As a direct and proximate result of the above-described conduct, Plaintiff Richard  
5 Mamola suffered, and will continue to suffer, great pain of mind and body, shock, emotional  
6 distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace,  
7 humiliation, and loss of enjoyment of life, and Plaintiff was prevented from performing daily  
8 activities and obtaining the full enjoyment of life.

9 **SECOND CAUSE OF ACTION**

10 **NEGLIGENCE**

11 **(Against Defendants DOE DEFENDANT 1; DOE DEFENDANT 2; and DOES 3 through 10)**

12 90. Plaintiff Richard Mamola incorporates all paragraphs of this Complaint as if fully set  
13 forth herein.

14 91. The DOE DEFENDANT 1 and DOE DEFENDANT 2 had a duty to take reasonable  
15 steps to protect Plaintiff Richard Mamola, a minor child, from foreseeable harm when he was in  
16 their care, custody, and control, including when he was a paying member of their youth program  
17 and was participating in their program activities.

18 92. During the time that Barnett was working for and serving Defendants, Defendants  
19 had a duty to take reasonable steps to prevent Barnett from using the tasks, premises, and  
20 instrumentalities of their positions with each Defendant to target, groom, and sexually abuse  
21 children, including Plaintiff Richard Mamola.

22 93. In addition, at all relevant times, each Defendant had a duty to warn, train or educate  
23 their adult volunteers and youth membership, including Plaintiff Richard Mamola (either directly or  
24 through his parents), about the risk of sexual abuse by adult male volunteers involved in the scouting  
25 program, and how to avoid or minimize such risk.  
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94. Each Defendant breached the foregoing duties by failing to use reasonable care to protect Plaintiff Richard Mamola from Barnett, which allowed them to groom and to sexually abuse Plaintiff.

95. As a direct and proximate result of the above-described conduct, Plaintiff Richard Mamola suffered, and will continue to suffer, great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life, and Plaintiff was prevented from performing daily activities and obtaining the full enjoyment of life.

**THIRD CAUSE OF ACTION**

**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

**(Against Defendants DOE DEFENDANT 1; DOE DEFENDANT 2; and DOES 3 through 10)**

96. Plaintiff Richard Mamola incorporates all paragraphs of this Complaint as if fully set forth herein.

97. The DOE DEFENDANT 1 and DOE DEFENDANT 2 engaged in reckless, extreme, and outrageous conduct by providing Barnett with access to children, including Plaintiff Richard Mamola, despite knowing that he would likely use his position to groom and to sexually abuse them, including Plaintiff. Their misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

98. The DOE DEFENDANT 1 and DOE DEFENDANT 2 engaged in reckless, extreme, and outrageous conduct by representing to Plaintiff and his family that Barnett was safe and trustworthy, and that all of their Scout leaders, employees, and volunteers were safe and trustworthy, despite the fact that these defendants knew that sexual predators, like Barnett, were using their positions in the program to groom and to sexually abuse children. Their misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

1 99. Each Defendant had a duty to take reasonable steps to protect Plaintiff Richard  
2 Mamola, a minor, from foreseeable harm when he was in their care, custody, and control.

3 100. As a result of this reckless, extreme, and outrageous conduct, Barnett gained access  
4 to Plaintiff Richard Mamola and sexually abused him.

5 101. Each Defendant breached the foregoing duties by failing to use reasonable care to  
6 protect Plaintiff Richard Mamola from Barnett, which allowed him to groom and to sexually abuse  
7 him.

8 102. As a result of this reckless, extreme, and outrageous conduct, Barnett gained access  
9 to Plaintiff Richard Mamola and sexually abused him.

10 103. The DOE DEFENDANT 1 and DOE DEFENDANT 2 knew that this reckless,  
11 extreme, and outrageous conduct would inflict severe emotional and psychological distress,  
12 including personal physical injury, on others, and Plaintiff Richard Mamola did in fact suffer severe  
13 emotional and psychological distress and personal physical injury as a result, including severe  
14 mental anguish, humiliation and emotional and physical distress.

15 104. As a direct and proximate result of the above-described conduct, Plaintiff Richard  
16 Mamola suffered, and will continue to suffer, great pain of mind and body, shock, emotional  
17 distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace,  
18 humiliation, and loss of enjoyment of life, and Plaintiff was prevented from performing daily  
19 activities and obtaining the full enjoyment of life.

20 **FOURTH CAUSE OF ACTION**

21 **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

22 **(Against Defendants DOE DEFENDANT 1; DOE DEFENDANT 2; and DOES 3 through 10)**

23 105. Plaintiff Richard Mamola incorporates all paragraphs of this Complaint as if fully set  
24 forth herein.

25 106. The DOE DEFENDANT 1 and DOE DEFENDANT 2 engaged in reckless, extreme,  
26 and outrageous conduct by providing Barnett with access to children, including Plaintiff Richard  
27 Mamola, despite knowing that he would likely use his position to groom and to sexually abuse them,  
28 including Plaintiff. Their misconduct was so shocking and outrageous that it exceeds the reasonable

1 bounds of decency as measured by what the average member of the community would tolerate and  
2 demonstrates an utter disregard by them of the consequences that would follow.

3 107. Each Defendant had a duty to take reasonable steps to protect Plaintiff Richard  
4 Mamola, a minor, from foreseeable harm when he was in their care, custody, and control.

5 108. During the time that Barnett was working for and serving Defendants, Defendants  
6 had a duty to use reasonable care to prevent Barnett from using the tasks, premises, and  
7 instrumentalities of his position with each Defendant to target, groom, and sexually abuse children,  
8 including Plaintiff Richard Mamola.

9 109. Each Defendant breached the foregoing duties by failing to use reasonable care to  
10 protect Plaintiff Richard Mamola from Barnett, which allowed him to groom and to sexually abuse  
11 him.

12 110. As a result of this reckless, extreme, and outrageous conduct, Barnett gained access  
13 to Plaintiff Richard Mamola and sexually abused him.

14 111. The DOE DEFENDANT 1 and DOE DEFENDANT 2 knew that this reckless,  
15 extreme, and outrageous conduct would inflict severe emotional and psychological distress,  
16 including personal physical injury, on others, and Plaintiff Richard Mamola did in fact suffer severe  
17 emotional and psychological distress and personal physical injury as a result, including severe  
18 mental anguish, humiliation and emotional and physical distress.

19 112. As a direct and proximate result of the above-described conduct, Plaintiff Richard  
20 Mamola suffered, and will continue to suffer, great pain of mind and body, shock, emotional  
21 distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace,  
22 humiliation, and loss of enjoyment of life, and Plaintiff was prevented from performing daily  
23 activities and obtaining the full enjoyment of life.

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**PRAYER**

WHEREFORE, Plaintiff hereby prays for judgment against Defendants and Does 3-10 inclusive, as follows:

- 113. For non-economic damages according to proof;
- 114. For all attorney's fees allowable by statute;
- 115. For costs of suit incurred herein;
- 116. For prejudgment interest as may be allowed;
- 117. For other relief allowable pursuant to Cal. Code of Civil Procedure 340.1; and,
- 118. For such other and further relief as the Court deems just and proper.

DATED: January 7, 2020

PANISH SHEA & BOYLE LLP

By:



Spencer R. Lucas  
Attorneys for Plaintiff Richard Mamola

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury on all causes of action.

DATED: January 7, 2020

PANISH SHEA & BOYLE LLP

By:



Spencer R. Lucas  
Attorneys for Plaintiff Richard Mamola