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JOHN DOE C

c/o Boni & Zack LLC
15 St. Asaphs Road
Bala Cynwyd, PA 19004,

Plaintiff,

v.

THE PENNSYLVANIA STATE
UNIVERSITY
201 Old Main
University Park, PA 16802

Defendant.

PHILADELPHIA COUNTY
COURT OF COMMON PLEAS
CIVIL TRIAL DIVISION

JULY TERM, 2012

NO. 004291

JURY TRIAL DEMANDED

"NOTICE"

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defense or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

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"AVISO"

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademias, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGA.

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CIVIL ACTION COMPLAINT

Plaintiff, John Doe C, by and through his undersigned counsel, brings this Complaint and alleges as follows:

1. Plaintiff is an eighteen-year-old individual who is a citizen of, and resides in, the Commonwealth of Pennsylvania. The identity of plaintiff is not pled in this Complaint in order to protect his identity. Plaintiff was the victim of serial sexual abuse and other crimes described more fully herein when he was a minor. Plaintiff's identity will be made known to counsel for the defendant by private, non-public communication.

2. Defendant, Penn State University (hereinafter sometimes referred to as "Penn State" or "University"), is a private/public organization established by, and operated by, the Commonwealth of Pennsylvania, with a principal place of business at 201 Old Main, University Park, PA 16802. It operates on an annual budget in excess of \$4.5 billion and has an endowment of nearly \$2.0 billion.

3. Penn State is one of four public universities within the Commonwealth of Pennsylvania System of Higher Education. In 1989, the Pennsylvania Legislature designated the University as a "state-related" institution that receives some state appropriated funding, but remains autonomous and free from the State's direct control.

4. Defendant, Penn State, regularly conducts business in the Commonwealth of Pennsylvania and in the County of Philadelphia.

5. Defendant has substantial contacts with Philadelphia. Additionally, one or more of the acts of sexual abuse and/or acts integral to the sexual abuse at issue here occurred in Philadelphia County.

6. At all times material hereto, defendant, Penn State, acted by and through its authorized agents, servants, and employees, including President, Graham B. Spanier (“Spanier”), Senior Vice President for Finance and Business, Gary C. Schultz (“Schultz”), Athletic Director, Timothy M. Curley (“Curley”), Gerald Sandusky (“Sandusky”), a defensive coordinator for the University’s football team, and Head Football Coach, Joseph W. Paterno (“Paterno”), all of whom were acting within the full course and scope of the authority vested in them by defendant.

7. Penn State’s football program has, for decades, been integral to the University’s reputation and finances. The school’s “Nittany Lions” are and have been a source of significant revenue for the school, through, among other things, ticket sales, television broadcasts, and merchandising.

8. At all times material hereto, defendant had a paramount financial interest in protecting the reputation and commercial viability of its football program.

9. Beginning in 1969, Gerald Sandusky was employed by defendant, Penn State, serving in a variety of coaching positions, most notably as the defensive coordinator of the school’s heralded Nittany Lions football team, a position he held for 23 years. As set forth in this Complaint, however, Sandusky’s affiliation with Penn State continued after the formal conclusion of his coaching tenure, as defendant conferred upon Sandusky “emeritus” rank and agreed to a retirement contract that conferred upon Sandusky numerous privileges, including the use of a University office and telephone, and the perpetual use of defendant’s facilities.

10. Sandusky is a pedophile; a rapist disguised as an avuncular sports figure. At all times material hereto, Sandusky used his position and status at Penn State as a means of introducing himself to young boys, many of whom would become victims of his sexual assaults.

He targeted, attacked, and raped innocent children under his care, whom he was charged with protecting.

11. At all times material hereto, defendant, Penn State, knew, or should have known, of Sandusky's dangerous and unnatural sexual proclivities, his sexual activities with children, and the significant risks he posed when allowed to be in close proximity to children.

12. By its negligent and/or reckless oversight of Sandusky, and/or by its intentional concealment of multiple episodes of sexual abuse of children by Sandusky, Penn State enabled Sandusky to molest many other young boys, including plaintiff herein, on the Penn State campus, in Sandusky's home, in motor vehicles, in hotels, in and around college and professional sporting events, in Philadelphia County and elsewhere.

13. Defendant, at all times relevant hereto, purposefully, intentionally, and deliberately concealed from the public information concerning Sandusky's sociopathic pedophilia because disclosure of such information would embarrass the school, lead to scrutiny by the press and by law enforcement officials, and would adversely impact the economic benefits associated with the school's football program.

14. In or around 1977, Sandusky founded "The Second Mile" in State College, Pennsylvania. The Second Mile began as a foster home for troubled boys, and grew into a charity purportedly dedicated to assisting "at risk" children with economic hardships and/or absent or dysfunctional families. In point of fact, Sandusky used this charitable organization as a breeding ground for his sexual prey so that he could satisfy his lust for young boys.

15. Over the years, Sandusky's position at Penn State was instrumental in the formation and continued operation of The Second Mile, as he exploited his affiliation with the University and his celebrity status at the school in order to solicit donations, and to enhance The Second Mile's reputation.

16. The financial, material, and other public support provided by Penn State to The Second Mile substantially contributed to the success and perpetuation of the charity.

17. At all times material hereto, Sandusky used The Second Mile to provide him with a steady supply of children whom he could prey upon, groom, and sexually abuse.

18. At all times material hereto, Penn State knew, or should have known, of the perverse uses Sandusky was making of The Second Mile, and/or knew, or should have known, of the dangers Sandusky posed to the children who were participants in The Second Mile.

19. As early as 1998, Penn State knew, or should have known, that Sandusky was using his position at the University, and the University facilities, to molest and sexually abuse children.

20. Before May 1998, several Penn State staff members and football coaches, including, but not limited to, Coach Richard Anderson, each acting as defendant's agents, servants, and/or employees, regularly observed Sandusky, an employee of Penn State, showering with young boys in the Lasch Building.

21. On or about May 4, 1998, Penn State, by and through, among others, Schultz, Spanier, Curley, and Paterno, learned that the mother of one of these young boys had complained

that Sandusky had been showering with her eleven-year-old son in the Lasch Building on the Penn State campus.

22. The child's mother reported Sandusky to University Police after seeing her son come home one evening with his hair wet. When her son told her he had taken a shower with Sandusky, the boy's mother called Sandusky and asked him to stop showering with boys. Sandusky refused, and the boy's mother then forbade him from spending time alone with her son. In one conversation, to which the police surreptitiously listened, Sandusky said to the boy's mother, "I understand. I was wrong. I wish I could get forgiveness. I know I won't get it from you. I wish I were dead."

23. Sandusky admitted to Penn State University Police that he had "hugged" the naked boy while he himself was naked in the Lasch Building shower.

24. In 1998, Penn State University Police conducted an investigation concerning Sandusky's activities with boys. In the course of the investigation (which yielded a report in excess of 100 pages), Sandusky admitted to showering naked with children at Penn State, admitted to having had naked contact in the showers with children, and admitted it was wrong of him to do so. Another potential child victim was identified during the investigation. Defendant did not contact that child.

25. Schultz, Spanier, Curley, and Paterno knew, in 1998, of the events that were the subject of the investigation, and were likewise aware, at that time, of the findings of said investigation.

26. In fact, on May 4, 1998, then-University Police Department Chief Thomas Harmon reported to Schultz about the shower incident alleged above. In handwritten notes of that meeting, Schultz described the incident. He also stated that the boy's younger friend "claims the same thing happened to him."

27. In another set of handwritten notes, Schultz reported that, on May 5, 1998, University Police Chief Harmon told Schultz that the 11 year old boy had been re-interviewed and provided further details, including that Sandusky hugged the naked boy (while Sandusky was naked) "from back hands around abdmn [sic] & down to thighs...." Schultz wrote in his notes, "Is this the opening of pandora's box? Other children?"

28. Though they knew that Sandusky had been showering with at least one child, Schultz, Spanier, Curley, and Paterno purposely avoided questioning Sandusky about the May 1998 incident, took no action to limit Sandusky's access to Penn State facilities, did not alert the police or other proper authorities, and made no effort to protect children on the University's campus.

29. In a May 4, 1998 memorandum, Schultz specifically contemplated that there had been, indeed, other victims. Schultz, in fact, was specifically aware that Sandusky had acknowledged that "he had done this with other children in the past."

30. Despite knowledge that Sandusky had been showering with young boys, Defendant did not properly explore, pursue, investigate, or publicize this information so as to minimize any damage to the University's reputation, its football program, and/or its finances.

31. As stated in the press release attached to the Freeh Report – i.e., the report of an investigation recently conducted by former FBI Director, Louis Freeh, at the request of Penn State, which was disseminated simultaneously to Penn State and to the public by website on July 12, 2012 – “The evidence shows that these four men also knew about a 1998 criminal investigation of Sandusky relating to suspected sexual misconduct with a young boy in a Penn State locker room shower. Again, they showed no concern about that victim. **The evidence shows that Mr. Paterno was made aware of the 1998 investigation of Sandusky, followed it closely, but failed to take any action**, even though Sandusky had been a key member of his coaching staff for almost 30 years, and had an office just steps away from Mr. Paterno’s. At the very least, Mr. Paterno could have alerted the entire football staff, in order to prevent Sandusky from bringing another child into the Lasch Building. Messrs. Spanier, Schultz, Paterno, and Curley also failed to alert the Board of Trustees about the 1998 investigation or take any further action against Mr. Sandusky. None of them even spoke to Sandusky about his conduct. **In short, nothing was done and Sandusky was allowed to continue with impunity.**” (Emphasis added.)

32. As a direct result of defendant’s failure to take reasonable and necessary precautions in light of the information available to it, Sandusky was enabled to sexually molest and assault additional young boys, and did, in fact, sexually molest and assault additional young boys, including plaintiff herein.

33. As a further direct result of defendant’s failure to take reasonable and necessary precautions in light of the information available to it, parents of children who interacted with Sandusky in connection with his activities with The Second Mile were unaware of Sandusky’s known history of deviant behavior with young children.

34. In 1999, Penn State informed Sandusky that he would not be offered the position of Head Football Coach when that position became available.

35. On information and belief, Penn State did not offer Sandusky the position of Head Coach because, among other reasons, defendant knew that he had engaged in acts of sexual misconduct with children and/or that his deviant sexual proclivities would be embarrassing to the University.

36. In order to minimize any adverse publicity, Penn State agreed to extend to Sandusky a variety of incentives so that he could project to the public the false appearance of an amicable separation with the University.

37. As set forth in the Freeh Report, “Sandusky wanted an ongoing relationship between The Second Mile and Penn State, as well as continuing ‘visibility’ at Penn State... [and] ways for him to continue to work with young people through Penn State.”

38. The continued “visibility” and affiliation with Penn State sought by Sandusky was material to his ability to continue to exploit The Second Mile as a source for young boys whom he could sexually abuse in the future.

39. Defendant knew and/or should have known that the “continued visibility and affiliation” sought by Sandusky would increase his ability to come into contact with young boys, who unquestionably would be endangered by him.

40. In fact, Penn State offered Sandusky generous “retirement” incentives so as to expedite his departure from the school without disclosing to the public that a man who had been so closely associated with the University’s football program was a sociopathic pedophile.

41. Notwithstanding its actual knowledge of Sandusky's dangerous sexual propensities, the University publicly agreed to "work collaboratively" with Sandusky following his retirement in connection with his Second Mile activities and other avenues that would enable Sandusky to continue to interact with young boys.

42. Defendant agreed to assist Sandusky with his Second Mile activities knowing and/or having reason to know that such activities would place Sandusky in close proximity to young boys whose safety would be significantly endangered.

43. Defendant agreed to assist Sandusky with his Second Mile activities knowing and/or having reason to know that Sandusky would exploit his continued affiliation with Penn State and his position with The Second Mile so as to meet, groom, and prey upon young boys.

44. Defendant's public and material support of, and affiliation with, The Second Mile and Sandusky substantially contributed to the charity's continued viability, and to Sandusky's continued celebrity status within the charity.

45. Defendant agreed to assist Sandusky with his Second Mile activities knowing and/or having reason to know that the young boys who would be introduced to Sandusky through his Second Mile activities would be placed at significant risk of serious physical harm by their contact with a dangerous pedophile.

46. Thus, following his retirement from Penn State, and despite Penn State's knowledge of Sandusky's sexual attraction to young boys, Penn State openly promoted Sandusky to the public at large as a dependable and respected member of the Penn State community, and maintained an ongoing special public relationship with Sandusky that

contributed significantly to his ability to victimize and abuse additional young boys, particularly young boys such as plaintiff herein to whom Sandusky would be introduced through The Second Mile.

47. Defendant's continued collaboration with Sandusky following his retirement substantially contributed to the sexual assaults upon plaintiff herein that are the subject of this action.

48. In addition to the promise of collaboration, Penn State officials conferred upon Sandusky "emeritus" status, a position that would enhance Sandusky's stature, reputation, and credibility, all to the detriment of the children who subsequently would be victimized.

49. Defendant conferred upon Sandusky emeritus status knowing or having reason to know that Sandusky would exploit such status, along with his position, history, and ongoing relationship with Penn State, to the detriment of young boys whose safety was endangered.

50. The conferring of "emeritus" rank was an extraordinary honor usually reserved for those who had obtained significant academic rank. Its conferral upon Sandusky, who ordinarily would not have been eligible for such status, constituted an affirmative declaration by defendant of Sandusky's perpetual, privileged affiliation with Penn State, and substantially contributed to his ability to victimize and abuse young boys, including plaintiff herein.

51. Sandusky never would have been able to obtain emeritus status absent the explicit consent of Spanier in his capacity of University President.

52. Between 1999 and 2011, Sandusky enjoyed a unique and special relationship with Penn State. He held "emeritus" status, retained an office and telephone in the Lasch Building,

was allowed access to all recreational facilities at Penn State, including the showers (where Sandusky would continue to sexually assault young boys), had a parking pass for a vehicle, had internet access through a Penn State account, was listed in the faculty directory, enjoyed faculty discounts at the bookstore, and enjoyed educational privileges for himself and his dependents. As a retired football coach, Sandusky had unlimited access to Penn State's football facilities, including the locker rooms, and had lifetime season tickets to Penn State football games. He also remained a revered figure at Penn State who enjoyed celebrity status based upon his prior and ongoing relationship with the University, and retained access to the Nittany Lion Club, an exclusive seating area at Beaver Stadium. Sandusky was also allowed to use University facilities to operate "Jerry Sandusky" summer football camps for youth.

53. Defendant extended these special privileges to Sandusky so as to falsely project to the public the appearance of an amicable separation, and to avoid disclosure of the fact that a man closely associated with the school's football program was a dangerous pedophile.

54. His perpetual emeritus status and continued affiliation with Penn State was material in Sandusky's ability to exploit his position at The Second Mile and significantly contributed to his ability to locate additional victims for his sexual assaults, including plaintiff herein.

55. Sandusky continued to sexually assault young boys between 1998 and 2001. Several of those assaults occurred in the Lasch Building showers.

56. In the fall of 2000, a janitor employed by, and/or acting on behalf of, defendant witnessed Sandusky sexually assaulting a young boy in the East Area Locker Building, one of

the recreational facilities made available to Sandusky under the terms of his retirement agreement.

57. On February 9, 2001, Penn State Assistant Football Coach, Michael McQueary, acting in his capacity as an agent, servant, and/or employee of the defendant, witnessed Sandusky sexually assaulting – in fact, anally raping – a boy in the Lasch Building shower (hereinafter referenced as “the 2001 incident”).

58. McQueary, an agent and/or employee of the defendant, reported the assault to Paterno who, in turn, reported it to Curley and Schultz. In addition, in early February 2001, McQueary met nine or ten times with Curley and Schulz concerning the 2001 incident.

59. Thus, by February 2001, Penn State was fully aware that Sandusky was not simply a suspected pedophile, but was in fact an actual, dangerous, serial pedophile who had committed acts of child sex abuse on Penn State premises, and who posed a foreseeable risk of harm to children in his custody.

60. By February 2001, Penn State knew, and/or had reason to know, that there was a substantial likelihood that unlawful sexual activity, such as deviant sexual intercourse and sodomy, had occurred in connection with the previously-reported incidents in which Sandusky had been observed showering with children while he had been an employee of Penn State.

61. Having learned, in February 2001, that Sandusky had been observed anally raping a boy in the Lasch Building shower, defendant knew and/or had reason to know that the 1998 incident in the same shower likely involved similar sexual misconduct, and knew and/or had

reason to know that disclosure of the 2001 incident would lead authorities to reopen their investigation into the 1998 incident.

62. In February 2001, defendant knew and/or had reason to know that a reopened investigation into the 1998 incident would potentially subject Penn State to criminal and/or civil liability.

63. By February 2001, defendant, Penn State, knew and/or had reason to know that Sandusky posed a significant, foreseeable risk of serious physical harm to children, in general, and to children with whom he would come into contact through The Second Mile, in particular.

64. Moreover, to defendant's knowledge, the boy whom McQueary had observed in the shower was, in fact, a participant in The Second Mile program. As set forth in the Freeh Report, Spanier admitted that he was told in 2001 "that Sandusky was in an athletic locker facility showering *with one of his Second Mile youth...*"

65. Accordingly, by February 2001, defendant knew and/or had reason to know that Sandusky was using The Second Mile as a source of young boys he could sexually assault.

66. Despite actual knowledge that Sandusky had sexually assaulted one child, regularly showered with (and hugged in the shower) other boys at Lasch, and likely sexually assaulted other children, Spanier, Schultz, Curley, and Paterno did not report the 2001 incident to the Police, Children and Youth Services, or to the Department of Public Welfare, even though they had considered doing so, did not properly alert The Second Mile, and did not take any steps to prevent further unlawful acts by Sandusky.

67. In response to the information concerning Sandusky's sexual misconduct, Curley, with the knowledge of Spanier, Schultz, and Paterno, asked Sandusky to voluntarily refrain from bringing the victims of his sexual assaults to Penn State's athletic facilities.

68. The manner in which Curley, acting as an agent of the University, executed the duty that was imposed upon him and/or that he had assumed on defendant's behalf (i.e., merely asking Sandusky to voluntarily refrain from bringing children onto campus) was inadequate and substantially contributed to Sandusky's ability to sexually assault other victims, including plaintiff herein.

69. Their inadequate response to the 2001 incident was particularly outrageous insofar as Spanier, Schultz, Curley, and Paterno: (a) knew that the incident was part of a pattern and course of conduct that had been ongoing for years, dating back to when Sandusky was employed by Penn State; (b) knew that the incident had occurred on Penn State premises as a result of the special privileges that Penn State had conferred upon Sandusky; (c) knew that Sandusky was likely to sexually assault other vulnerable children; (d) knew that they had special knowledge not otherwise publicly available concerning a dangerous predator who was still associated with Penn State; and (e) knew that Sandusky was likely to come into contact with additional victims by virtue of his position at The Second Mile, a charity closely associated and affiliated with Penn State.

70. Penn State's inadequate response to the 2001 incident was motivated, in substantial part, by defendant's desire to avoid exposing itself to liability for the 1998 episode and any other unlawful acts committed by Sandusky while he was an employee of Penn State.

71. Spanier, Schultz, Curley, and Paterno knew and/or had reason to know that Sandusky was a dangerous, sociopathic sexual predator who had previously raped, sodomized, and/or otherwise seriously harmed young boys on the Penn State campus, and who was substantially likely to continue to engage in similar conduct in the future.

72. Spanier, Schultz, Curley, and Paterno did not report the incident to the appropriate authorities, did not properly alert The Second Mile, and did not take any steps to prevent further unlawful acts by Sandusky because they believed that the publicity associated with any such reporting would besmirch the reputation and “brand” of Penn State, adversely impact the University’s lucrative football program, negatively affect the University’s financial standing, reflect poorly upon their own individual reputations, and potentially expose the University to liability for the acts of sexual abuse committed by Sandusky while he was a University employee.

73. The failure of Spanier, Schultz, Curley, and Paterno to properly report the 2001 incident or to otherwise take any steps to prevent further unlawful acts by Sandusky directly and proximately endangered young boys, including plaintiff herein, whom Sandusky would foreseeably sexually assault.

74. In fact, the Freeh Report commissioned by defendant explicitly recognized the danger created by defendant’s concealment following the February 9, 2001 incident: “In critical written correspondence that we uncovered on March 20th of this year, we see evidence of their proposed plan of action in February 2001 that included reporting allegations about Sandusky to the authorities. After Mr. Curley consulted with Mr. Paterno, however, they changed the plan and decided not to make a report to the authorities. The failure of Penn State, by and through,

among others, Curley, Paterno, Spanier and Schultz, to protect the February 9, 2001 child victim, or make attempts to identify him, **created a dangerous situation for other unknown, unsuspecting young boys who were lured to the Penn State campus and football games by Sandusky and victimized repeatedly by him.**” (Emphasis added.)

75. Defendant, acting by and through Spanier, Curley, Schultz, and Paterno, subordinated the safety of Sandusky’s child-victims to the economic and reputational interests of the University.

76. Defendant knew it was under an obligation to report to police, or other governmental authorities, the information that had been imparted by McQueary, but did not do so because of its own self-interest.

77. On or about February 27, 2001 Curley sent to Spanier and Schultz an e-mail that read, in part, as follows:

I had scheduled a meeting with you this afternoon about the subject we discussed on Sunday. After giving it more thought and talking it over with Joe [Paterno] yesterday – I am uncomfortable with what we agreed were the next steps. I am having trouble with going to everyone, but the person involved [i.e., Sandusky]. I think I would be more comfortable meeting with the person [Sandusky] and tell him about the information we received [from Mike McQueary]. I would plan to tell him we are aware of the first situation [in 1998]. I would indicate we feel there is a problem and we want to assist the individual to get professional help. Also, we feel a responsibility at some point soon to inform his organization [Second Mile] and and [sic] maybe the other one [Department of Public Welfare] about the situation. If he is cooperative we would work with him to handle informing the organization [Second Mile]. If not, we do not have a choice and will inform the two groups. Additionally, I will let him know that his guests [i.e., young boys] are not permitted to use our facilities. I need some help on this one. What do you think about this approach?

78. Spanier responded by e-mail the same day, stating:

Tim [Curley]: This approach is acceptable to me. It requires you to go a step further and means your conversation [with Sandusky] will be all the more difficult, but I admire your willingness to do that and I am supportive. **The only downside for us is if the message isn't "heard" and acted upon [by Sandusky], and we then become vulnerable for not having reported it.** But that can be assessed down the road. The approach you outline is humane and a reasonable way to proceed.

(Emphasis added.)

79. In an e-mail dated February 28, 2001, Schultz responded as follows:

Tim [Curley] and Graham [Spanier], this is a more humane and upfront way to handle this. I can support this approach, with the understanding that we will inform his organization, with or without his cooperation (I think that's what Tim proposed). We can play it by ear and decide about the other organization [i.e., Department of Public Welfare].

80. In 2001, Penn State failed to report Sandusky to law enforcement and other governmental authorities, despite the fact that Curley, Schultz, Paterno, and Spanier actually considered doing so, and despite the fact that they recognized that the failure to report the incident could render Penn State liable in the event that Sandusky continued to sexually abuse children.

81. As set forth in their 2001 e-mails, Curley, Schultz, Paterno, and Spanier knew Penn State had a duty to report Sandusky, and that the failure to do so would subject them, and Penn State, to liability in the event Sandusky engaged in further acts of abuse.

82. As set forth in their 2001 e-mails, Curley, Schultz, Paterno, and Spanier knew there was a significant likelihood Sandusky would continue to sexually abuse other young boys.

83. By failing to report the 2001 incident, Curley, Schultz, Paterno, and Spanier, each acting with authority vested in them by Penn State, deliberately and knowingly subordinated the

interests of Sandusky's then-current and future child victims to the interests of Penn State and Sandusky.

84. The failure to report Sandusky to appropriate authorities was a function of defendant's purposeful, deliberate, and shameful subordination of the safety of children to its economic self-interests, and to its interest in maintaining and perpetuating its reputation.

85. Curley, Schultz, Paterno, and Spanier, acting on behalf of Penn State, made a collective, willful, and deliberate decision to conceal Sandusky's repeated criminal behavior. In so doing, they violated the duties imposed upon them by virtue of the University's special relationship with Sandusky and/or The Second Mile, and Federal and Commonwealth criminal reporting statutes, including, respectively, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and the Pennsylvania Child Protective Services Law.

86. Defendant's concealment of the 2001 incident, and its failure to discipline, or otherwise sanction, Sandusky, substantially contributed to Sandusky's ability to continually victimize children on Penn State property and elsewhere.

87. Having held out Sandusky as a dependable and respected member of its emeritus faculty, having conferred upon Sandusky significant privileges and economic benefits that enhanced his public stature, having provided Sandusky with the "continued visibility" and ongoing affiliation between Penn State and The Second Mile that he had sought, and having learned that Sandusky had committed acts of sexual abuse on Penn State premises dating back to when he was an employee of Penn State, defendant was under a duty to affirmatively report to and/or otherwise warn the public, in general, and/or The Second Mile, including its campers and

their parents, in particular, of the dangers, including the dangers actually recognized by defendant, posed by this known sexual predator.

88. Defendant's failure to report Sandusky to law enforcement and public health authorities by 2001 substantially contributed to the sexual assaults perpetrated by Sandusky thereafter, including his sexual assaults of plaintiff herein.

89. Defendant's failure to properly and fully report the 2001 incident to The Second Mile, and its children and their parents, substantially contributed to the sexual assaults perpetrated by Sandusky thereafter, including his sexual assaults of plaintiff herein.

90. Defendant failed to report Sandusky to law enforcement and public health authorities even though it foresaw, or should have foreseen, that Sandusky would continue to sexually molest and assault more children, and that the failure to report Sandusky would endanger the safety of children placed in his custody.

91. Sandusky continued to sexually assault boys on Penn State premises and elsewhere in and after 2001.

92. The University's declarations of support for Sandusky, including its conferral of emeritus status and its public support for The Second Mile, and the access to Penn State facilities, including the Lasch Building showers, that Penn State accorded Sandusky substantially contributed to his continued sexual assaults, including the sexual assault of plaintiff herein.

93. On or about March 19, 2001, Curley, acting on behalf of Penn State, met with the Executive Director of The Second Mile and reported that Sandusky had been seen in the locker room with the young boy, and that Curley was "uncomfortable" with the situation. Curley further

reported that he had discussed the incident with Sandusky and had determined that nothing inappropriate had occurred.

94. Curley failed to fully disclose to The Second Mile material facts concerning Sandusky's sexual misconduct, in order to protect the reputation and economic interests of Penn State.

95. By failing to fully and properly disclose to The Second Mile the full extent of Sandusky's dangerous criminal activities, Penn State contributed substantially to the failure of The Second Mile to fully explore the extent of Sandusky's pathological deviance, or the extent of the danger he posed to the children served by the charity.

96. Having undertaken the duty of reporting the 2001 incident to The Second Mile, and by falsely reporting to The Second Mile that he had personally determined that nothing inappropriate had occurred, Curley affirmatively misrepresented to The Second Mile the nature and extent of the dangers posed by Sandusky.

97. At the time he made his misrepresentations to The Second Mile, Curley, acting on behalf of Penn State, knew or should have known that his failure to fully inform The Second Mile with respect to Sandusky's behavior significantly endangered the children served by The Second Mile, including plaintiff herein.

98. Compounding Curley's misrepresentations to The Second Mile, Penn State continued to publicly promote Sandusky and The Second Mile despite actual knowledge that Sandusky was a dangerous pedophile who would likely exploit The Second Mile as a source of young victims for his deviant sexual activities.

99. Following the 2001 incident, defendant provided significant support for The Second Mile. It provided the charity with facilities and services for its camps and fund-raisers.

100. Defendant also provided The Second Mile with financial support that contributed materially to the charity's viability.

101. In July 2001, the Penn State Board of Trustees approved the sale of a parcel of University property to The Second Mile at below market cost.

102. Following the 2001 incident, Penn State continued to tout its special relationship with Sandusky and The Second Mile. In fact, in a press release concerning the sale of University property to The Second Mile, Schultz openly and publicly praised Sandusky.

103. In addition, following the 2001 incident, Penn State continued to invite Second Mile campers to spend their summers in Penn State dormitory rooms while attending Second Mile camp, and to participate in sports and other activities on the Penn State campus. Penn State did so with full knowledge that Sandusky had complete access to Penn State's recreational facilities, and that he spent considerable time visiting and interacting with Second Mile campers, including plaintiff, on the Penn State campus.

104. Following the 2001 incident, Penn State continued to tout its special relationship with Sandusky despite actual knowledge that he was a dangerous pedophile because, among other reasons, it believed its reputation and economic interests would be adversely impacted if the public learned that a man closely associated with the school's football program was, in fact, a pedophile.

105. Penn State's continued public support of Sandusky and The Second Mile enhanced the reputation of both, and contributed materially to the success of The Second Mile.

106. Defendant's continued public support for Sandusky and The Second Mile contributed materially to Sandusky's ability to victimize other children, including plaintiff herein. This fact was reasonably foreseeable to defendant, as was the likelihood of Sandusky sexually abusing other children if the University failed to monitor Sandusky's interactions with young boys on campus, let alone report his illegal sexual assaults to law enforcement and child welfare organizations.

107. Between 2001 and 2009, defendant continued to knowingly, intentionally, and deliberately conceal Sandusky's pedophilia, despite knowing that he was a significant danger to children who were served by The Second Mile.

108. Defendant's continued and deliberate concealment of Sandusky's known dangerous propensities was a function of its recognition that the University's stature, reputation, and economic interests would be adversely affected by any public disclosure regarding the sociopathic character of an individual associated with the school's legendary and financially lucrative football program.

109. Plaintiff was approximately eleven years old when he met Sandusky in or around the summer of 2004. At that time, plaintiff was a first-year Second Mile camper who lived in a Penn State dormitory while engaging in camping activities on Penn State's campus.

110. At the time plaintiff was introduced to Sandusky, defendant was still actively concealing from The Second Mile, and its campers and their parents, information concerning the

extent and scope of the danger posed by Sandusky to children who were participants in The Second Mile.

111. At the time he was introduced to Sandusky, plaintiff and his mother were unaware of the danger posed by Sandusky.

112. Plaintiff was introduced to Sandusky as a direct result of plaintiff's participation in The Second Mile.

113. As a participant in The Second Mile, plaintiff was among a defined, identifiable class of individuals whom defendant knew and/or should have known would be endangered by Sandusky.

114. In or around 2004, defendant recognized and/or should have recognized that the young boys who were participating on the Penn State campus in The Second Mile, including plaintiff herein, were subject to a significant risk of serious physical injury as a result of defendant's concealment of and/or failure to disclose Sandusky's pedophilia.

115. Knowing and/or having reason to know of the significant dangers posed by Sandusky, and knowing and/or having reason to know that it had affirmatively contributed materially to Sandusky's ability to exploit The Second Mile as a source of sexual prey, defendant owed a duty to the children participating in The Second Mile to protect them from Sandusky and/or to warn them and their parents of the danger he posed.

116. Knowing and/or having reason to know of the significant dangers posed by Sandusky, and knowing and/or having reason to know that it had affirmatively contributed materially to Sandusky's ability to exploit The Second Mile as a source of sexual prey, defendant

owed a duty to The Second Mile to fully and adequately inform it of the dangers posed by Sandusky so that The Second Mile could, in turn, protect its members from Sandusky.

117. In addition, defendant voluntarily assumed a duty of care to protect children from Sandusky following the 2001 incident, but failed to use reasonable care in the performance of that assumed duty.

118. The acts undertaken by defendant in connection with the duty it had assumed included: (a) asking Sandusky not to bring children to Penn State's athletic facilities; (b) advising Sandusky that University officials knew about his "problem," and urging him to get "professional help;" and (c) communicating to The Second Mile an incomplete recitation of the facts concerning the 2001 incident, and reporting that it was satisfied that nothing untoward had occurred.

119. Having assumed a duty of care to those endangered by Sandusky's sexually predatory behavior, Penn State was required to undertake reasonably prudent actions for the protection of minors, such as plaintiff herein, including the reporting of Sandusky's illegal sexual interactions with minors to proper authorities (i.e., law enforcement and child protective services), withdrawal of its financial and public support of The Second Mile, and warning the public, in general, and The Second Mile (and its children and their parents), in particular, of the dangers posed by this known sexual predator.

120. Plaintiff came to Sandusky's attention in 2005, during plaintiff's second year in The Second Mile program when he again attended camp operated by The Second Mile on Penn State's University Park campus.

121. Beginning in or around the summer of 2005, Sandusky began spending time with plaintiff on a regular basis, having the child stay overnight at his residence in State College, Pennsylvania.

122. Sandusky also took plaintiff to professional sporting events, such as Philadelphia Eagles and Philadelphia Phillies games in Philadelphia.

123. Sandusky also regularly had contact with plaintiff at plaintiff's high school, where Sandusky used his status as a coach of Penn State's storied football program to obtain special privileges, such as the ability to remove plaintiff from his classes or study hall, and engage in unmonitored visits with plaintiff.

124. Sandusky's status as a distinguished emeritus member of the Penn State faculty, together with the University's public declarations of support for him, and the failure of Penn State to report and/or disclose Sandusky's sociopathic behavior, contributed substantially to Sandusky's access to plaintiff.

125. As a direct consequence of his exalted status with Penn State, Sandusky assisted plaintiff's high school with coaching of its varsity football team, and had unfettered access to the high school.

126. Sandusky's ongoing affiliation with Penn State, defendant's many public declarations of support for him, the financial and material support of The Second Mile provided by Penn State, Sandusky's celebrity status as the architect of the Penn State football team's vaunted defenses, and the continued concealment by defendant of Sandusky's sociopathic

behavior, contributed substantially to his ability to meet, groom, and otherwise interact with plaintiff.

127. Sandusky exploited his ongoing relationship with Penn State by deliberately, methodically, and calculatedly grooming plaintiff for a sexual relationship.

128. As part of the grooming process, Sandusky gave plaintiff valuable presents such as computer equipment, golf clubs, and clothing. Such gift-giving was designed to build trust and confidence with Sandusky's unwitting child-victim.

129. As a further integral and material part of his malevolent grooming process, Sandusky took plaintiff on trips to places including Philadelphia, Pennsylvania.

130. Sandusky deliberately and methodically increased his physical contact with plaintiff.

131. For example, while taking plaintiff to Eagles and Phillies games in Philadelphia, Sandusky, for purposes of his own sexual gratification, routinely placed his hand on the mid to upper inside of plaintiff's thigh, and did so, on numerous occasions, while in Philadelphia County.

132. The trips to Philadelphia were a material part of Sandusky's efforts to groom, sexually abuse, and molest plaintiff.

133. Between 2005 and 2008, Sandusky sexually assaulted plaintiff well over 100 times, touching the boy's penis, performing oral sex on the child, and forcing the boy to perform oral sex on him. Prior to these acts of sodomy, Sandusky groomed plaintiff with a routine that

involved hugging plaintiff, rolling plaintiff over so plaintiff would be on top of Sandusky, cracking plaintiff's back, rubbing plaintiff's back, kissing plaintiff on the head, face, and lips, placing his hands inside of plaintiff's undershorts and on plaintiff's buttocks, blowing "raspberries" on plaintiff's stomach, and then lowering his mouth onto plaintiff's penis.

134. Sandusky also groomed plaintiff by taking him to Penn State football games and by engaging in inappropriate physical contact with plaintiff while on the Penn State campus. Sandusky had his hand on plaintiff's thigh frequently when they drove through the Penn State campus. Sandusky worked out with plaintiff in a weight room at Penn State. On several occasions, while plaintiff was lifting weights, Sandusky rubbed plaintiff's legs, for purposes of his own sexual gratification, falsely claiming to be "spotting" plaintiff. On another occasion at Penn State, Sandusky had his arm around plaintiff while inviting plaintiff to shower with him. On another occasion, Sandusky "wrestled" plaintiff to the ground near a weight room on Penn State's campus, rolled plaintiff on top of him, cracked plaintiff's back, rubbed plaintiff's back, had his hands under plaintiff's clothes on the top of plaintiff's buttocks, and hugged plaintiff tightly.

135. Defendant's failure to restrict Sandusky's access to University facilities, and/or its failure to properly monitor Sandusky while on University premises substantially contributed to the sexual assaults and injuries sustained by plaintiff.

136. Plaintiff, at all times material hereto, was less than sixteen years of age, and was legally incapable of consenting to any of the sexual acts Sandusky perpetrated on him.

137. Plaintiff did not, at any time, voluntarily consent to any of the sexual acts Sandusky perpetrated on him.

138. The sexual abuse and the actions undertaken in preparation for said abuse occurred on multiple occasions and at multiple locations within Pennsylvania. This included Philadelphia County, where plaintiff was inappropriately fondled by Sandusky rubbing plaintiff's inner thigh, hugging plaintiff, and keeping his arm around plaintiff's shoulder, all to plaintiff's substantial discomfort.

139. At all times material hereto, defendant, Penn State, knew and/or should have known of the significant danger of serious physical harm posed by Sandusky, knew or should have known that Sandusky was utilizing The Second Mile as a source for victims of his sexual assaults, knew or should have known that Sandusky was a danger to children left under his care, custody, and control, and/or knew or should have known that the children participating in The Second Mile's charitable activities were at significant risk of serious physical harm by virtue of sexual abuse by Sandusky.

140. Sandusky sexually molested numerous victims over a span of more than 30 years, and used his status and connections with Penn State to perpetuate his criminally outrageous and depraved acts.

141. The inadequate oversight, deliberate indifference, failure to report, and intentional concealment of Sandusky's actions by Penn State contributed substantially to Sandusky's ability to commit his criminally outrageous and depraved acts, including the sexual assault and molestation of plaintiff herein.

142. Despite actual and/or constructive knowledge of the dangers that Sandusky posed to children, and in particular the dangers he posed to children who were participants in the activities of The Second Mile, defendant took no action to alert law enforcement authorities of

these dangers. To the contrary, as alleged hereinabove, defendant actually concealed Sandusky's serial pedophilia, misrepresented the degree of danger he posed, and affirmatively held him out to the public in general, and to The Second Mile in particular, as a dependable and respected member of the Penn State faculty.

143. But for the acts and omissions of Penn State, Paterno, Spanier, Curley, and Schultz, as more fully set forth in this Complaint, Sandusky would not have sexually assaulted and molested plaintiff. Sandusky's sexual assaults of plaintiff were a foreseeable outcome of the defendant's unconscionable acts and omissions.

144. In or about November 2009, plaintiff and his mother reported Sandusky's sexual assaults and abuse to plaintiff's high school and also to the Clinton County Children & Youth Services.

145. Plaintiff's reporting of Sandusky's abuse triggered the investigation of Sandusky by the Pennsylvania Office of the Attorney General that culminated in Sandusky's arrest on November 5, 2011, and a criminal indictment containing more than forty (40) counts.

146. The investigation launched by the Pennsylvania Office of the Attorney General was precisely the type of investigation that defendant had hoped to avoid when it failed to report the 2001 incident.

147. In late June 2012, Sandusky was convicted of forty-five (45) of forty-eight (48) counts of criminal sexual assault arising out of the events that are set forth in this Complaint.

148. Sandusky was convicted of all six counts pertaining to plaintiff, i.e., "Count 1: Involuntary Deviate Sexual Intercourse (by performing oral sex on Victim 1)"; "Count 2:

Involuntary Deviate Sexual Intercourse (by compelling Victim 1 to perform oral sex upon him)”; “Count 3: Indecent Assault”; “Count 4: Unlawful Contact with Minors”; “Count 5: Corruption of Minors; “Count 6: Endangering Welfare of Children.”

149. Sandusky was not the only one at Penn State to have been charged with crimes. Tim Curley and Gary Schultz have also been charged, and await trial, for failure to report child sexual abuse and for perjury in connection with statements they made in Grand Jury Proceedings as part of the Pennsylvania Attorney General’s investigation.

150. In addition to its condemnation of the 1998-2001 cover-up perpetrated by Messrs. Paterno, Spanier, Schultz, and Curley, the Freeh Report commissioned by the defendant roundly condemned Penn State’s Board of Trustees as well, stating, in part:

The President, Senior Vice President, and General Counsel did not perform their duty to make timely, thorough and forthright reports of these 1998 and 2001 allegations to the Board. This was a failure of governance for which the Board must also bear responsibility.... **From 1998-2011, Penn State’s ‘Tone at the Top’ for transparency, compliance, police reporting and child protection was *completely wrong***, as shown by the inaction and concealment on the part of its most senior leaders, and followed by those at the bottom of the University’s pyramid of power. This is best reflected by the janitors’ decision not to report Sandusky’s horrific 2000 sexual assault of a young boy in the Lasch Building shower. The janitors were afraid of being fired for reporting a powerful football coach. (Emphasis added).

151. In July 2012, the National Collegiate Athletic Association determined that Penn State’s conduct in connection with the Sandusky tragedy was so egregious that it deserved severe sanctions. Such sanctions included the payment of \$60 million over five years to charities involved with victims of childhood sexual abuse; a significant reduction in the number of scholarships the football team could offer to recruits for four years; barring the football team from all post-season play for four years; the expungement of all wins by the football team from

1998 to the present; having the athletic department hire a Compliance Officer; and having the school itself launch a Compliance Office led by a Chief Compliance Officer.

152. The sanctions imposed by the National Collegiate Athletic Association were among the types of damage that defendant had, years earlier, hoped to avoid by concealing Sandusky's sociopathic behavior.

153. As a direct and proximate result of defendant's negligent, reckless, wanton, willful, and outrageous conduct, as set forth in this Complaint, plaintiff has suffered and continues to suffer physical and emotional injuries, including: multiple instances of forcible and/or non-consensual sodomy, chronic post-traumatic stress disorder, acute anxiety, panic attacks, depression, agoraphobia, psychogenic pain, conversion disorder, nervous tics, temper outbursts, intrusive thoughts, self-injurious behavior, humiliation, embarrassment, self-blame, shame, anguish, fear, insomnia, nightmares, loss of enjoyment of life's pleasures, enuresis, and suicidal ideation.

154. As a further direct and proximate result of defendant's negligent, reckless, wanton, willful, and outrageous conduct, as set forth in this Complaint, plaintiff has required hospitalization and other medical interventions, and will likely require medical and psychological care for an indefinite time into the future.

155. As a further direct and proximate result of defendant's negligent, reckless, wanton, willful, and outrageous conduct, plaintiff has suffered from intense fear that he and his family would be harmed or killed by Sandusky in retaliation for plaintiff having reported Sandusky to the authorities.

156. As a further direct and proximate result of defendant's negligent, reckless, wanton, willful, and outrageous conduct, as set forth in this Complaint, plaintiff has suffered an impairment of his earning capacity.

157. The injuries sustained by plaintiff are expected to continue for an indefinite time into the future.

158. At all times material hereto, defendant knew or had reason to know that Sandusky was exploiting The Second Mile as a source of victims for his dangerous, unlawful, and outrageous sexual misconduct.

159. Defendant, at all times material hereto, knew that children who were being served by The Second Mile were subject to a significant risk of serious physical harm due to Sandusky's affiliation with, and personal involvement with, both The Second Mile and the children served by the organization.

160. Plaintiff, a child served by The Second Mile, was among a defined class of foreseeable victims whom defendant knew, or should have known, would be endangered by Sandusky's sociopathic and pedophilic behaviors.

161. Defendant knew, or had reason to know, that its public declarations of support for Sandusky would induce the population served by The Second Mile to allow Sandusky to occupy an intimate position of trust and confidence that would enable him to victimize children.

162. Sandusky's reputation, status, and affiliation with Penn State, as well as defendant's active concealment of Sandusky's pedophilia, were material factors in the decision

of plaintiff and plaintiff's mother to allow Sandusky to occupy an intimate, personal relationship with their family.

163. Sandusky's reputation as a respected member of the Penn State emeritus faculty, and as an exalted part of Penn State's well-respected athletic program, and defendant's active concealment of Sandusky's pedophilia, were material factors in the decision of plaintiff's mother to entrust plaintiff to his care and oversight.

COUNT I

NEGLIGENCE/ RECKLESSNESS

164. Plaintiff incorporates by reference the foregoing paragraphs as if fully set forth herein.

165. The negligence, recklessness, and wanton and willful misconduct of defendant, Penn State, consisted, inter alia, of the following:

- a. Failure to report Sandusky to law enforcement, child welfare, and/or public health authorities despite actual knowledge that he was a pedophile who had raped, sodomized, or otherwise sexually assaulted and abused children on Penn State premises;
- b. Failure to report Sandusky to law enforcement, child welfare, and/or public health authorities despite having reason to know that he was a pedophile who had raped, sodomized, or otherwise sexually assaulted and abused children on Penn State premises;
- c. Failure to report Sandusky to law enforcement, child welfare, and/or public health authorities despite actual knowledge of the significant risk of serious physical harm Sandusky posed to children left in his care or custody;
- d. Failure to adequately and timely disclose to The Second Mile that Sandusky was a pedophile who had raped, sodomized, or otherwise sexually assaulted and abused children on Penn State premises;

- e. Undertaking the duty of warning The Second Mile about Sandusky, but failing to provide reasonably complete and accurate information;
- f. Failure to adequately and timely disclose to the population served by The Second Mile that Sandusky was a pedophile who had raped, sodomized, or otherwise sexually assaulted children on Penn State premises;
- g. Failure to adequately and timely disclose to The Second Mile facts that demonstrated Sandusky was a pedophile who was likely to sexually assault children;
- h. Failure to adequately and timely disclose to the population served by The Second Mile facts that demonstrated Sandusky was a pedophile who was likely to sexually assault children;
- i. Failure to properly investigate incidents in which Sandusky was reportedly in the company of children in inappropriate settings, such as in the Lasch Building showers;
- j. Failure to timely and adequately alert The Second Mile and/or its membership to the dangers posed by Sandusky;
- k. Allowing Sandusky and/or The Second Mile under Sandusky's supervision to use Penn State premises or facilities for events;
- l. Publically expressing support for Sandusky despite actual knowledge that he was a sociopath, a pedophile, and/or a danger to children;
- m. Failing to properly supervise and/or monitor Sandusky while he was on Penn State premises despite knowledge of and/or reason to know of the dangers he posed to children;
- n. Failure to have in place proper safeguards for whistle-blowers who would otherwise be reluctant to report improper conduct by athletic officials or other persons in positions of authority;
- o. Representing to the public, in general, and The Second Mile, in particular, that Sandusky was a dependable and trustworthy emeritus member of the Penn State faculty;
- p. Failure to revoke Sandusky's status as an emeritus faculty member;
- q. Failure to restrict, limit, or prevent Sandusky's access to Penn State facilities;
- r. Failure to report Sandusky's sexual misconduct as required by Pennsylvania and Federal statutory law; and

- s. Knowingly and deliberately failing to disclose to the public in general, and The Second Mile in particular, information concerning Sandusky's dangerous sociopathic behavior;
- t. Providing financial, material, and public support for The Second Mile despite knowing or having reason to know that Sandusky was using the charity as a source of victims; and
- u. Violation of the principles of the Restatement (Second) of Torts, §§ 316 through 319.

166. As a result of the defendant's negligent, reckless, and wantonly willful misconduct, plaintiff suffered the injuries described more fully in this Complaint.

WHEREFORE, plaintiff demands damages against defendant, Penn State, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with interest, costs, compensatory and punitive damages, and any other appropriate relief.

COUNT II

FRAUDULENT CONCEALMENT/INTENTIONAL MISREPRESENTATION

167. Plaintiff incorporates by reference the foregoing paragraphs as if fully set forth herein.

168. Defendant knew and/or had reason to know that Sandusky was a dangerous, sociopathic pedophile who posed a significant risk of serious harm to children left in his care and custody.

169. Defendant knew that children, in general, and children served by The Second Mile, in particular, were subject to a serious risk of significant physical and emotional harm due to Sandusky's Second Mile-related activities.

170. Defendant deliberately failed to report to The Second Mile that Sandusky showered with a number of boys at least as early as 1998, and had been observed sexually

assaulting a child in February 2001, despite knowing and/or having reason to know that such information would have been material and important to The Second Mile and the population served by The Second Mile.

171. Defendant deliberately failed to disclose such information in March 2001, when Curley, acting on behalf of Penn State, met with the Executive Director of The Second Mile, and reported that he was satisfied with the explanation for the shower incident that had been witnessed by McQueary.

172. Curley, acting on behalf of defendant, falsely reported to The Second Mile's Executive Director that he had determined nothing inappropriate had occurred during the shower incident, when, in fact, he was aware that Sandusky had sexually assaulted a child.

173. Curley made the misrepresentation to The Second Mile's Executive Director knowing and/or having reason to know that the Executive Director would rely upon his representation, and knowing and/or having reason to know that his misrepresentation would enable Sandusky to continue his sexual abuse of children served by The Second Mile.

174. Defendant made the misrepresentation to the Executive Director of The Second Mile knowing or having reason to know that it would induce reliance by The Second Mile and by the population served by The Second Mile.

175. Defendant's subsequent failure to disclose to The Second Mile information concerning the full extent of Sandusky's sociopathic behavior constituted an ongoing, deliberate, and intentional concealment of the information that Curley failed to disclose to The Second Mile's Executive Director.

176. Defendant compounded its deliberate misrepresentation to The Second Mile by repeatedly and publicly holding out Sandusky as a dependable member of the Penn State emeritus faculty without disclosing that he was known to defendant to be a dangerous sociopath and pedophile.

177. Defendant purposefully agreed to publicly extend to Sandusky numerous economic and non-economic benefits as part of his retirement package so as to falsely suggest to the public that the separation was amicable, without disclosing that Sandusky's sexual misconduct was a material part of the decision.

178. Defendant publicly extended to Sandusky emeritus status and continued access to Penn State facilities knowing and/or having reason to know that the conveyance of such benefits would enhance his reputation and standing, and knowing and/or having reason to know that Sandusky would exploit that enhanced stature to the detriment of the children whom he would foreseeably victimize.

179. Defendant publicly extended to Sandusky emeritus status and continued access to Penn State facilities in order to avoid disclosure to the public of Sandusky's outrageous and unlawful sexual misconduct -- a disclosure that defendant believed would adversely affect its reputation and economic interests.

180. Defendant likewise publicly supported The Second Mile and Sandusky by allowing the organization to use Penn State facilities for summer camp and other events, by conveying to the organization real estate and other valuable property at below market costs, and otherwise publicly affirming its support for Sandusky and The Second Mile, knowing or having reason to know that such support would enhance Sandusky's standing, and knowing and/or

having reason to know that any such enhanced reputation would enable Sandusky to victimize more children.

181. Defendant deliberately, intentionally, purposefully, and falsely represented to the public, in general, and to The Second Mile and the population served by The Second Mile, in particular, that Sandusky was a dependable member of the University's emeritus faculty, when, in fact, defendant knew that he was a sociopath and a pedophile.

182. As a direct and proximate result of defendant's intentional concealment and fraudulent misrepresentations, plaintiff suffered the injuries described in this Complaint.

WHEREFORE, plaintiff demands damages against defendant, Penn State, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with interest, costs, compensatory and punitive damages, and any other appropriate relief.

COUNT III

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

183. Plaintiff incorporates by reference the foregoing paragraphs as if fully set forth herein.

184. Penn State intentionally concealed the fact that Sandusky was a sociopathic pedophile.

185. Defendant intentionally concealed the fact that Sandusky was a sociopathic pedophile knowing and/or having reason to know that concealment of such information would subject children in general, and plaintiff in particular, to an unreasonable risk of significant physical harm.

186. As a direct and proximate result of defendant's intentional and deliberate actions, plaintiff was sexually assaulted and molested by Sandusky as described in this Complaint.

187. As a further direct and proximate result of defendant's intentional concealment of the dangers posed by Sandusky, plaintiff suffered severe emotional distress, including severe emotional distress and mental anguish, and otherwise sustained the injuries set forth elsewhere in this Complaint.

188. The mental anguish and emotional stress sustained by plaintiff has been so severe as to require psychological counseling. It has also been associated with physical symptoms, as described elsewhere in this Complaint.

WHEREFORE, plaintiff demands damages against defendant, Penn State, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with interest, costs, compensatory and punitive damages, and any other appropriate relief.

COUNT IV

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

189. Plaintiff incorporates by reference the foregoing paragraphs as if fully set forth herein.

190. Penn State carelessly, negligently, and recklessly failed to disclose to the public, in general, and to The Second Mile, in particular, that Sandusky was a sociopathic pedophile.

191. Defendant carelessly, negligently, and recklessly failed to report Sandusky's outrageous sexual misconduct to law enforcement and other governmental authorities.

192. Defendant failed to disclose that Sandusky was a sociopathic pedophile knowing and/or having reason to know that the failure to disclose such information would subject children, in general, and plaintiff, in particular, to an unreasonable risk of significant physical harm.

193. As a direct and proximate result of defendant's negligence, carelessness, and recklessness, plaintiff was sexually assaulted and molested by Sandusky as described in this Complaint.

194. As a further direct and proximate result of defendant's negligence, carelessness, and recklessness, plaintiff suffered emotional distress, including severe mental distress and mental anguish, and otherwise sustained the injuries set forth elsewhere in this Complaint.

195. The mental anguish and emotional stress sustained by plaintiff has been so severe as to require psychological counseling. It has also been associated with physical symptoms, as described elsewhere in this Complaint.

WHEREFORE, plaintiff demands damages against defendant, Penn State, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with interest, costs, compensatory and punitive damages, and any other appropriate relief.

COUNT V

AIDING AND ABETTING/ CIVIL CONSPIRACY

196. Plaintiff incorporates by reference the foregoing paragraphs as if fully set forth herein.

197. After learning of the 2001 incident, Curley, acting at Spanier's direction, and on behalf of Penn State, met with Sandusky and explained to him that the University would not report the shower incident to authorities so long as Sandusky agreed to refrain from bringing Second Mile youth onto Penn State premises, to which Sandusky agreed.

198. Penn State, acting by and through Spanier, Paterno, Schultz, and/or Curley, and Sandusky, agreed and/or combined to unlawfully conceal from law enforcement authorities, public welfare authorities, and Second Mile officials the fact that a Penn State employee had witnessed Sandusky sexually abusing a young boy in the Lasch Building shower.

199. Penn State sought to conceal the February 2001 incident because the defendant knew: (a) a sexual assault on Penn State premises by an emeritus member of the Penn State faculty could subject the University to liability; and (b) disclosure of the 2001 incident would lead to an investigation of other unlawful acts committed by Sandusky on Penn State premises while he was a Penn State employee, including the 1998 incident, and that such an investigation could subject the University to liability.

200. Sandusky, for his part, had an interest in concealing the 2001 incident because its disclosure would subject him to criminal and civil liability, and would similarly lead to an investigation of other acts of sexual misconduct.

201. Defendant agreed and/or combined with Sandusky to conceal the 2001 incident knowing that its nondisclosure would endanger other children, in general, and children served by The Second Mile, including plaintiff herein, in particular.

202. Sandusky, as a fiduciary of The Second Mile, was under an obligation to affirmatively disclose his sexual misconduct to the organization.

203. Sandusky did not disclose his sexual misconduct to The Second Mile because he was purposefully and unlawfully using the charity as a source of children whom he could sexually assault and abuse.

204. In furtherance of the conspiracy, Curley met with the Executive Director of The Second Mile on or about March 19, 2001, and provided misleading information concerning the 2001 incident, as more fully set forth in this Complaint.

205. In furtherance of the conspiracy, defendant affirmatively conferred upon Sandusky permission to use the University facilities at the Altoona and Erie campuses to operate “Jerry Sandusky” summer football camps for youth between 2002 and 2008.

206. As a direct and proximate result of the conspiracy, plaintiff, a participant in The Second Mile program, was unaware of the dangers posed by Sandusky.

207. As a direct and proximate result of the agreement and conspiracy between Sandusky and Penn State, plaintiff was sexually assaulted and molested by Sandusky as described in this Complaint.

208. As a direct and proximate result of the conspiracy as described in this complaint, defendant aided and abetted Sandusky’s unlawful objective of sexually abusing young boys.

209. As a direct and proximate result of the agreement and conspiracy between Sandusky and Penn State, plaintiff sustained the injuries set forth in more detail elsewhere in this Complaint.

WHEREFORE, plaintiff demands damages against defendant, Penn State, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with interest, costs, compensatory and punitive damages, and any other appropriate relief.

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Dated: August 24, 2012

VERIFICATION

John Doe C*

I, [REDACTED] make this verification subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities. The attached Complaint is based upon information which I have furnished to my counsel and information which has been gathered by my counsel in preparation for the prosecution of this lawsuit. The language contained in the Complaint is that of counsel and not mine. I have read the Complaint and, to the extent it is based upon information which I have given to my counsel, it is true and correct to the best of my knowledge, information, and belief. To the extent that the contents of the Complaint are that of counsel, I have relied upon my counsel in making this verification.

Dated: August 24, 2012

[REDACTED]

John Doe C*

*Plaintiff's name and signature have been redacted on the verification filed with the Court. An unredacted copy of the verification will be provided to counsel for the defendant by private, non public communication.