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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY

G.D.M., an individual proceeding under a
pseudonym,

Plaintiff,

v.

THE BOY SCOUTS OF AMERICA, a
congressionally-chartered corporation,
authorized to do business in Oregon; and
CASCADE PACIFIC COUNCIL, BOY
SCOUTS OF AMERICA, an Oregon non-
profit corporation,

Defendants.

)
) Case No. _____
)

)
) **COMPLAINT**
) *(Sexual Battery of a Child/Respondeat*
) *Superior; Intentional Infliction of Emotional*
) *Distress/Respondeat Superior)*

) **JURY TRIAL DEMANDED**

) Not Subject to Mandatory Arbitration
)

Plaintiff alleges:

(Common Allegations)

1.

Plaintiff G.D.M. is an adult male born in the year 1947. At all times relevant to the acts
alleged in this Complaint, Plaintiff was an unemancipated minor who attended meetings and
events, received service and citizenship training and direction, or participated in the activities
promoted or sponsored by Defendants or agents of the Defendants.

2.

Defendant Boy Scouts of America is a congressionally-chartered corporation authorized
to do business in Oregon. Defendant Cascade Pacific Council, Boy Scouts of America, is an
Oregon nonprofit corporation. These Defendants will be referred to collectively as
“Defendants.” At all times relevant to this Complaint, Defendants operated various programs for
boys, including Plaintiff in this case, and selected adults to serve as Scout Leaders.

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3.

At all times relevant to this Complaint, Defendants selected or accepted Donald Santy (hereinafter “Santy”) for the position of Scout Leader, or in a similar capacity, for the Boy Scout Troop to which Plaintiff belonged. As a Scout Leader, Santy’s role was to educate and train young boys, including Plaintiff in this case, in morality, patriotism, and various life skills.

4.

Defendants empowered Santy to perform all duties of a Scout Leader including the power to provide instruction, counseling, moral guidance, physical supervision of boys participating in Boy Scout’s programs and activities, power to enforce the rules governing the boys’ participation, and other duties. Defendants knew that as part of his duties as a Scout Leader, Santy would be in a position of trust, confidence, and authority over the boys involved, including Plaintiff in this case.

5.

While performing duties as a Scout Leader, and for the purpose of furthering his duties required in that role, Santy befriended Plaintiff and his family; gained the trust and confidence of Plaintiff and his family as an instructor, guide, mentor, counselor, and authority figure; and gained the permission, acquiescence, and support of Plaintiff’s family to spend substantial periods of time alone with Plaintiff. As a result, Plaintiff was conditioned to trust Santy, to comply with Santy’s directions, and to respect Santy as a person of authority in moral and ethical matters. This course of conduct is referred to in this Complaint as “Grooming.”

6.

While acting within the course and scope of his employment and agency, and using the authority and position of trust as a Scout Leader for the Defendants, Sandy used his Grooming of Plaintiff to induce and direct Plaintiff to engage in various sexual acts with Santy.

7.

Specifically, Santy sexually abused and molested Plaintiff for approximately two years in

1 the late 1950s, which included dozens of instances of fondling inside clothing, mutual
2 masturbation, and other acts all while Santy was serving the Defendants.

3 8.

4 As a result of Santy's sexual abuse, molestation, and breach of trust and position as Scout
5 Leader and authority figure to Plaintiff, Plaintiff has suffered and continues to suffer severe and
6 debilitating physical, mental, and emotional injury, including pain and suffering, physical and
7 emotional trauma, and permanent psychological damage, all to his non-economic damages in the
8 amount of \$3,000,000.00, the exact amount of which will be proven at the time of trial.

9 9.

10 As an additional result and consequence of Santy's sexual abuse, molestation, and breach
11 of trust and position as Scout Leader and authority figure to Plaintiff, Plaintiff has incurred
12 and/or will incur in the future, costs for counseling, psychiatric and psychological medical
13 treatment all to his economic damages in the approximate amount of \$100,000.00, the exact
14 amount of which will be proven at the time of trial.

15 10.

16 In early 2007, Plaintiff discovered the causal connection between his abuse set forth in
17 paragraph 6 and 7 above, and the injuries suffered in paragraphs 8 and 9 above. Prior to 2007,
18 Plaintiff did not discover, and could not reasonably have discovered, the causal connection
19 between the abuse and the damages he suffered as a result of the abuse.

20

FIRST CLAIM FOR RELIEF
(Sexual Battery of a Child/*Respondeat Superior*)

21

22 11.

23 Plaintiff realleges and incorporates by reference paragraphs 1 through 10, above.

24 12.

25 Santy sexually battered Plaintiff regularly, for approximately 2 years, by forcing Plaintiff
26 to engage in various sexual acts with him, as described in paragraphs 6 and 7, above. These acts

1 constituted a harmful and offensive touching of Plaintiff, without Plaintiff's consent.

2 13.

3 Santy used the Grooming process to accomplish his acts of sexual molestation of the
4 Plaintiff. Santy's Grooming was (1) committed in direct connection and for the purposes of
5 fulfilling Santy's employment and agency with the Defendants; (2) committed within the time
6 and space limits of his agency as Scout Leader; (3) done initially and at least in part from a
7 desire to serve the interests of Defendants; (4) done directly in the performance of his duties as
8 Scout Leader; (5) consisted generally of actions of a kind and nature which Santy was required
9 to perform as a Scout Leader; and (6) was done at the direction of, and pursuant to, the power
10 vested in him by the Defendants.

11 14.

12 As a result of the sexual abuse of Plaintiff by Santy, as set forth in paragraphs 6 and 7,
13 above, and Santy's breach of authority, trust and position as a leader and authority figure to the
14 Plaintiff, Plaintiff has suffered permanent and lasting damages as detailed in paragraphs 8 and 9,
15 above.

16
17 **SECOND CLAIM FOR RELIEF**
(Intentional Infliction of Emotional Distress/*Respondeat Superior*)

18 15.

19 Plaintiff realleges and incorporates by reference paragraphs 1 through 10, above.

20 16.

21 Santy, while engaging in the Grooming process described in paragraph 5, above,
22 knowingly and intentionally caused severe emotional distress to Plaintiff when he sexually
23 battered and abused Plaintiff as described in paragraphs 6 and 7, above. Plaintiff did in fact
24 suffer severe emotional distress as a result of this sexual contact. The sexual touching of a child
25 by a trusted authority figure is beyond the bounds of all socially tolerable conduct.

26 ////

17.

Santy used the Grooming process to intentionally inflict severe emotional distress through the sexual abuse of Plaintiff. Santy's Grooming of Plaintiff was (1) committed in direct connection and for the purposes of fulfilling Santy's employment and agency with the Defendants; (2) committed within the time and space limits of his employment and agency as leader and educator; (3) done directly in the performance of his duties as leader and educator; (4) undertaken, at least in part, with the desire to serve the Defendants; (5) was generally actions of a kind and nature which Santy was required to perform as a leader and educator; and (6) was done at the direction of, and pursuant to, the power vested in him by the Defendants.

18.

As a result of Santy's intentional infliction of emotional distress on Plaintiff and Santy's breach of authority, trust and position as a leader and authority figure to the Plaintiff, Plaintiff has suffered permanent and lasting damages as detailed in paragraphs 8 and 9, above.

POTENTIAL CLAIM FOR PUNITIVE DAMAGES

19.

Pursuant to ORS § 31.725, Plaintiff hereby gives notice of his intent to move to add a claim for punitive damages against the Defendants, at any time after the filing of this complaint, on the grounds that Santy acted with malice, or showed a reckless and outrageous indifference to a highly unreasonable risk of harm, and acted with a conscious indifference to the health, safety, and welfare of others, including Plaintiff. Defendants are vicariously liable for punitive damages based on Santy's conduct under the doctrine of *respondeat superior*.

WHEREFORE, Plaintiff prays for judgment against Defendants, and each of them, as follows:

1. Non-economic damages for Plaintiff in the amount of \$3,000,000.00, the exact amount to be determined by the jury at the time of trial;

