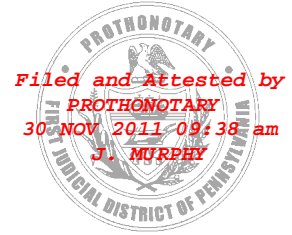


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*Attorneys for Plaintiff*

\_\_\_\_\_  
JOHN DOE A :  
c/o Jeff Anderson & Associates, P.A. :  
366 Jackson Street, Suite 100 :  
St. Paul, MN 55101 :  
Plaintiff, :  
v. :  
THE SECOND MILE :  
1402 South Atherton Street :  
State College PA 16801 :  
and :  
Gerald Sandusky :  
130 Grandview Road :  
State College, PA 16801-7011, in his individual :  
capacity and his official capacity for The Second :  
Mile, :  
and :  
THE PENNSYLVANIA STATE UNIVERSITY, :  
201 Old Main :  
University Park, PA 16802 :  
\_\_\_\_\_  
Defendants. :

COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY,  
PENNSYLVANIA

CIVIL ACTION

**JURY TRIAL DEMANDED**

TERM, 2011

NO.

**NOTICE TO DEFEND**

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 defenses 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 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, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**Philadelphia Bar Association**

Lawyer Referral and Information Service

One Reading Center

Philadelphia, PA 19107

Telephone: 215-238-1701

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Defendants. :

COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY,  
PENNSYLVANIA

CIVIL ACTION

**JURY TRIAL DEMANDED**

TERM, 2011

NO.

**PLAINTIFF'S COMPLAINT**

And now Plaintiff, John Doe A, by and through his undersigned counsel, brings this  
Complaint and sets forth as follows:

### The Parties

1. Plaintiff, John Doe A, is an adult male individual, formerly a citizen and resident of the Commonwealth of Pennsylvania and presently a citizen and resident of a state other than Pennsylvania. The identity of this Plaintiff is not pleaded in this Complaint in order to protect the identity of the Plaintiff because the Plaintiff was a victim of sex crimes when Plaintiff was a minor. The identity of the Plaintiff will be made known to the Defendants by separate communication.

2. Defendant, The Second Mile (“Second Mile”) was and continues to be a non-profit organization authorized to conduct business and conducting business in the Commonwealth of Pennsylvania with its principal place of business located at 1402 South Atherton Street, State College, Pennsylvania 16801. Second Mile does business throughout Pennsylvania, including in Philadelphia County. For example, in 2010 the Annual Report of The Second Mile reflects over 11,000 individuals served by The Second Mile in Philadelphia County, and one of the acts of sexual abuse as to the Plaintiff occurred in Philadelphia County. This Defendant is organized, exists and operates pursuant and by virtue of the laws of the Commonwealth of Pennsylvania.

3. Defendant Gerald Sandusky (“Sandusky”), also known as Jerry Sandusky, is the founder of, and a principal in, Second Mile. He is sued in both his individual capacity and in his official capacity as a principal in Second Mile. He is an adult male citizen and resident of the Commonwealth of Pennsylvania, and resides at 130 Grandview Road, State College, Pennsylvania 16801-7011. He is sued in Philadelphia County based on tortious acts he committed against the Plaintiff in Philadelphia County.

4. The Pennsylvania State University (“Penn State”) is a private/public organization established by and operated by the Commonwealth of Pennsylvania, with its principal place of business at 201 Old Main, University Park, Pennsylvania 16802. Penn State conducts business in Philadelphia. It is sued in Philadelphia based on its contact with Philadelphia County and because one or more acts of sexual abuse between its employee Sandusky and the Plaintiff occurred in Philadelphia County.

### Facts

5. Defendant Sandusky began his coaching career at Penn State in 1969, and was employed by Penn State for many years, primarily as defensive coordinator of its Division I football program.

6. In 1977, Sandusky founded “The Second Mile” in State College, PA. Second Mile began as a foster home for troubled boys and grew into a charity dedicated to helping children with absent or dysfunctional families. It operates statewide. Sandusky has been its primary fundraiser.

7. In 1992, John Doe A met Sandusky. He was 10 years old.

8. John Doe A participated in programs sponsored by Second Mile.

9. Sandusky met John Doe A through the Second Mile and recruited, groomed and coerced Plaintiff, showering him with gifts, travel, and privileges.

10. On many occasions, John Doe A stayed at Sandusky’s home. On many occasions, John Doe A participated in activities at Penn State. On many occasions, John Doe A participated in activities of Second Mile. On occasion, Sandusky took John Doe A out of town to activities in Philadelphia County and other areas.

11. Between 1992 and 1996, Sandusky sexually abused John Doe A. John Doe A was too young to have given any consent, and Sandusky's abuse was in fact unwanted and has caused substantial harm to John Doe A. John Doe is presently under age 30.

12. Sandusky sexually abused John Doe A over one hundred times.

13. The sexual abuse occurred on multiple occasions and at multiple locations within Pennsylvania and outside of Pennsylvania; in the facilities of Penn State, particularly the football coach's locker room; at times within Philadelphia County; at facilities out of state connected with a Penn State bowl game; and at the Sandusky home.

14. Sandusky threatened Plaintiff and threatened to harm Plaintiff's family if Plaintiff told anyone about the abuse. This threat operated to silence Plaintiff and caused him to not be able to take any action until recently.

15. Plaintiff did not discover Penn State's or Second Mile's fraud until recently when the news of the grand jury report became public.

16. Penn State and Second Mile were each in a specialized position where each had knowledge that Plaintiff did not. Each was in a position to have this knowledge because it was Sandusky's employer and/or because each was responsible for Sandusky. Plaintiff on the other hand was a child. As a child, he was not in a position to have information about Sandusky's molestation of other children or Penn State's or Second Mile's knowledge of the danger Sandusky posed to children.

17. Sandusky molested multiple victims through his activities with Second Mile and Penn State, dating back to the 1970's. His molestation was enabled by the negligent oversight of Sandusky by Second Mile and Penn State.

18. On multiple occasions, Sandusky's interest in, among other things, showering with young boys, and secluding himself alone with boys to permit sexual access to the young boys, was known, or should have been known, to officials with Penn State and Second Mile.

19. Before 1992, it was illegal to sexually abuse a child, and it was generally known that organizations which provided services to children were exposed to the risk of individuals, such as Sandusky, who have a sexual interest in children. Second Mile and Penn State were each negligent in managing the risk posed to children by persons such as Sandusky.

20. Had Penn State and Second Mile not been negligent in managing the risk posed to children by persons, such as Sandusky, who have a sexual interest in children, Penn State and Second Mile each could have prevented many children, including the Plaintiff, from being sexually assaulted by Sandusky.

21. At any time prior to 2011 had Penn State or Second Mile acted responsibly, Plaintiff would have been earlier identified and services could have been provided to him to begin to address the harm to him from Sandusky's sexual assaults.

22. In 1998, an investigation was done into Sandusky's sexually improper conduct with children. A report in excess of 100 pages was produced. Sandusky admitted to showering naked with children at Penn State, admitted to having naked contact in the showers with children, and admitted it was wrong of him to do so. Another possible child victim was identified during the investigation. That child was not contacted, and reasonable actions were not taken.

23. In 1998, Sandusky took Victim 4, as described in the grand jury report, to the Outback Bowl. In 1999, Sandusky took Victim 4, as described in the grand jury report, to the Alamo Bowl.

24. In 1999, Sandusky retired from Penn State. From 1999 to 2011, Sandusky continued to hold *emeritus* status at Penn State, and retained an office and telephone in the Lasch Building. Sandusky was allowed access to all recreational facilities, including the showers, 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 Sandusky and eligible dependents. As a retired football coach he had unlimited access to the football facilities, including the locker rooms.

25. In 2000, a Penn State janitor observed Sandusky in the showers of the Lasch Building with a young boy pinned up against the wall performing oral sex on the boy. The janitor immediately informed the janitorial staff. No action was taken by Penn State to investigate or to determine if Sandusky had molested others prior to 2000. Janitors with information about Sandusky's sexual misconduct with children were discouraged from reporting the incident further.

26. In 2002, a Penn State graduate assistant observed Sandusky raping a 10 year old in the shower at the Lasch Football Building on the University Park Campus.

27. The graduate assistant described the rape to head football coach Joe Paterno.

28. Joe Paterno called Penn State Athletic Director Tim Curley, his immediate superior, and reported to him that the graduate assistant had seen Sandusky in the Lasch Building showers fondling or doing something of a sexual nature to a young boy.

29. Athletic Director Curley called the graduate student to a meeting with Curley and Sr. Vice President of Finance and Business, Gary Schultz, to receive his report directly, and tell the graduate assistant they would look into it and determine what further action to take. The assurance that Curley and Schultz would look into it and determine what action to take was given



to the graduate assistant so as to discourage the graduate assistant from reporting the matter further, to law enforcement or otherwise.

30. Curley and Schultz determined to remove Sandusky's access to the locker room and represented they had reported the incident to Second Mile and to the Penn State President, Graham Spanier.

31. Neither Penn State nor Second Mile made any other report about the known sexual contact, and neither Penn State nor Second Mile took any other action to limit Sandusky's access to sexually exploit children, to report Sandusky to law enforcement or to ascertain if Sandusky had molested other children through either Penn State or Second Mile.

32. Had such an investigation been done competently, its results reported, and action taken, both Penn State and Second Mile would have learned (a) that Sandusky had been molesting children since at least the 1970's and (b) that many children after 2002 would not have been sexually assaulted by Sandusky.

33. In 2008, Sandusky was barred from the school district serving Clinton County High School due to a mother's report to Clinton County High School that Sandusky sexually assaulted her child.

34. Penn State knew, or should have known, about the action taken against Sandusky as a result of the reported sexual assault of a child.

35. Second Mile knew, or should have known, of the action taken against Sandusky as a result of the reported sexual assault of a child.

36. Neither Penn State nor Second Mile made any other report about the 2008 reported sexual assault by Sandusky, and neither Penn State nor Second Mile took any other action to limit Sandusky's access to sexually exploit children, to report to law enforcement

Sandusky's other known sexual assaults, or to ascertain if Sandusky had molested other children through either Penn State or Second Mile.

37. Had such an investigation been done competently, its results reported, and action taken, both Penn State and Second Mile would have learned (a) that Sandusky had been molesting children since at least the 1970's and (b) that many children after 2008 would not have been sexually assaulted by Sandusky.

38. In early 2009, an investigation into Sandusky was done by the Pennsylvania Attorney General through a grand jury.

39. In September 2010, Sandusky retired from day-to-day involvement with Second Mile, saying he wanted to spend more time with family and handle personal matters. Penn State officials, and Second Mile officials, knew or should have known of the 2009 investigation into Sandusky's sexual assaults of children.

40. In November 2011, Pennsylvania Attorney General Linda Kelly and State Police Commissioner Frank Noonan filed a grand jury report, and charged Sandusky with 40 counts of various sex crimes including involuntary, deviate sexual intercourse. On November 5, 2011, Sandusky was arrested and released on bail.

41. Curley and Schultz were charged with perjury, and failure to report Sandusky's alleged child abuse in 2002. Curley took administrative leave from Penn State. Schultz resigned from Penn State. Paterno was not charged, but his employment at Penn State was terminated.

42. Since its creation in 1977, Defendant Second Mile has had significant social and financial links to Penn State. Second Mile traded on Defendant Sandusky's affiliation with Penn State, its football program, and its revered coach Joe Paterno to increase awareness for its programs and to increase participation by youth. Penn State permitted Second Mile to trade on its

image, its reputation, its football program, and its facilities and resources, in order to enhance Second Mile's programs and base of donors. Second Mile's ability to market its ties to Penn State, to host functions and activities on Penn State's campus, and to collaborate with the Penn State football program, allowed Second Mile to grow the organization's financial resources. Second Mile's strong links to Penn State, its fans and alumni, have allowed it to grow into the most visible non-profit for at-risk youth in central Pennsylvania. Penn State voluntarily entered into a social and financial relationship with Defendant Second Mile and its founder, Defendant Sandusky. Head football coach Joe Paterno actively participated in fundraising for the organization. Second Mile board members have been top donors to the charity and to Penn State. Second Mile Board members have received lucrative contracts from Penn State University for building projects. Penn State has benefited from its affiliation with the Second Mile by reaping the public relations rewards of close ties to and participation, such as internships for Penn State football players, with a local charitable organization.

**COUNT I - CHILDHOOD SEXUAL ABUSE AND VICARIOUS LIABILITY**  
**Plaintiff, John Doe A v. Defendants Second Mile, Penn State, and Sandusky individually**  
**and in his official capacity with Second Mile**

43. Plaintiff incorporates by reference all of the preceding paragraphs of this Complaint as if each and every one were individually set forth within this Count.

44. Second Mile operates activities for children in cooperation with Penn State.

45. From 1992 to 1996, Defendant Sandusky engaged in unpermitted, harmful and offensive sexual conduct and contact upon the person of Plaintiff, in violation of Pennsylvania state law. Said conduct was undertaken while Defendant Sandusky was under the supervision and authority of Second Mile, as well as under the supervision and authority of Penn State. The conduct by Defendant Sandusky was committed during the course and scope of his employment

with Defendant Penn State, and during his activities for Defendant Second Mile.

46. Sandusky's sexual misconduct and travel with Plaintiff was ratified by Defendant Penn State.

47. Sandusky's sexual misconduct was ratified by Defendant Second Mile.

48. Prior to or during the abuse alleged above, Defendants Penn State and Second Mile, had reason to know, or should have had reason to know, that Defendant Sandusky posed a risk and would harm minors, including Plaintiff. Plaintiff was a minor at the time of his sexual abuse by Sandusky.

49. As a result of the above-described conduct, Plaintiff has suffered and continues 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; was prevented and will continue to be prevented from performing Plaintiffs' daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

WHEREFORE, Plaintiff John Doe A, demands judgment for compensatory and punitive damages against Defendants Penn State, Second Mile, and Sandusky, jointly and severally, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with interest, costs, and any other appropriate relief.

**COUNT II - NEGLIGENCE**  
**Plaintiff, John Doe A v. Second Mile, and Penn State**

50. Plaintiff incorporates by reference all of the preceding paragraphs of this Complaint as if each and every one was individually set forth within this Count.

51. Penn State and Second Mile each had a duty to protect the minor Plaintiff when

he was entrusted to their care by Plaintiff's parents. Plaintiff's care, welfare, and/or physical custody was temporarily entrusted to Penn State and Second Mile when Plaintiff attended functions sponsored by Penn State and Second Mile, and when on properties and premises operated by Penn State or Second Mile, and when traveling with Sandusky to football activities, including a Bowl game. Penn State and Second Mile solicited, and voluntarily accepted, the entrusted care of Plaintiff. As such, Penn State and Second Mile owed Plaintiff, a minor child, a special duty of care, in addition to a duty of ordinary care, and owed Plaintiff the higher duty of care to protect children from harm that is owed them by adults supervising children in their care. Plaintiff was owed by each of Penn State and Second Mile a duty to be protected from harm inflicted upon the Plaintiff by Defendant Sandusky when Plaintiff attended the activities of Second Mile, when Plaintiff attended the activities of Penn State, when the Plaintiff was on the premises of Penn State, where Defendant Sandusky was assigned and served, and when Sandusky traveled for Penn State with Plaintiff.

52. Defendant Second Mile, by and through its agents, servants and employees, knew or reasonably should have known of Defendant Sandusky's dangerous and exploitive propensities and/or that Defendant Sandusky was an unfit agent because of his sexual interest in children. It was reasonably foreseeable that if Second Mile did not adequately exercise or provide the duty of care owed to children in its care, including but not limited to Plaintiff, the children entrusted to the care of Second Mile would be vulnerable to sexual abuse by Second Mile personnel, including Defendant Sandusky.

53. Defendant Penn State, by and through its agents, servants and employees, knew or reasonably should have known of Defendant Sandusky's dangerous and exploitive propensities and/or that Defendant Sandusky was an unfit agent because of his sexual interest in children. It

was reasonably foreseeable that if Penn State did not adequately exercise or provide the duty of care owed to children in its care, including but not limited to Plaintiff, the children entrusted to the care of Penn State would be vulnerable to sexual abuse by Penn State employees, including Defendant Sandusky.

54. Penn State and Second Mile each breached the duty of care owed to the minor Plaintiff by failing to protect the Plaintiff from foreseeable harm of the sexual misconduct of its employees or personnel, including Defendant Sandusky.

55. As a result of the above-described conduct, Plaintiff has suffered, and continues 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; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

WHEREFORE, Plaintiff John Doe A, demands judgment for compensatory and punitive damages, jointly and severally, against each of Defendant Second Mile, against Defendant Penn State, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with interest, costs, and any other appropriate relief.

**COUNT III - NEGLIGENT SUPERVISION**  
**Plaintiff, John Doe A v. Penn State and Second Mile**

56. Plaintiff incorporates by reference all of the preceding paragraphs of this Complaint as if each and every one were individually set forth within this Count.

57. Penn State and Second Mile each had a duty to provide reasonable supervision of its employee and agent, Defendant Sandusky, when he interacted with children.

58. It was reasonably foreseeable that those employees and agents of Penn State or Second Mile who have a sexual interest in children, including Defendant Sandusky, would sexually abuse children, including the Plaintiff, unless properly supervised.

59. Penn State and Second Mile each, by and through its respective agents, servants and employees, knew, or reasonably should have known, of Defendant Sandusky's dangerous and exploitive propensities and/or that Defendant Sandusky was an unfit agent due to his sexual interest in children. Despite such knowledge, Defendant Penn State, and Defendant Second Mile, each breached its duty to provide reasonable supervision of Defendant Sandusky, and enabled Sandusky, who was in a position of trust and authority for each of Penn State and Second Mile, to commit the wrongful acts against the Plaintiff.

60. Said acts of sexual abuse occurred upon the premises of Penn State, during the course of activities of Penn State, and during the course of activities of Second Mile.

61. As a result of the above-described conduct, Plaintiff has suffered, and continues 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; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

WHEREFORE, Plaintiff John Doe A, demands judgment jointly and severally for compensatory and punitive damages against each of Defendant Penn State and Second Mile, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with interest, costs, and any other appropriate relief.

**COUNT IV – PREMISES LIABILITY**  
**Plaintiff, John Doe A v. Penn State and Second Mile**

62. Plaintiff incorporates by reference all of the preceding paragraphs of this Complaint as if each and every one were individually set forth within this Count.

63. Defendants Penn State and Second Mile each owed a duty to Plaintiff.

64. By holding its premises or functions open to the public and inviting Plaintiff onto its premises or functions for the purposes of youth activities, Penn State and Second Mile each assumed a duty to Plaintiff.

65. By allowing Defendant Sandusky to utilize its image and trade on his affiliation with Penn State for the purpose of youth activities, Penn State assumed a duty to Plaintiff.

66. Penn State and Second Mile each assumed a duty to Plaintiff that each would take reasonable precaution against harmful third party conduct on its premises or at its functions that it could reasonably anticipate.

67. Penn State and Second Mile each breached this duty when it failed to exercise reasonable care to discover that Defendant Sandusky was utilizing its premises and/or its public image and/or its functions to commit sexual abuse against minor children, and when it permitted Sandusky to travel for Penn State with Plaintiff.

68. Penn State and Second Mile each also breached this duty when it failed to exercise reasonable care in giving adequate warning to Plaintiff that Defendant Sandusky was a danger to children.

69. As a result of the above-described conduct, Plaintiff has suffered, and continues 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; was prevented and will continue to be prevented from performing Plaintiff's



daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

WHEREFORE, Plaintiff John Doe A, demands judgment jointly and severally for compensatory and punitive damages against each of Defendant Penn State and Second Mile, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with interest, costs, and any other appropriate relief.

**COUNT V – NEGLIGENT MISREPRESENTATION**  
**Plaintiff, John Doe A v. Penn State and Second Mile**

70. Plaintiff incorporates by reference all of the preceding paragraphs of this Complaint as if each and every one were individually set forth within this Count.

71. Penn State and Second Mile, through its officials, each represented to Plaintiff and his family that Sandusky did not have a history of molesting children. Penn State and Second Mile also represented to Plaintiff and his family that Sandusky was not a danger to children. Penn State and Second Mile also represented to Plaintiff and his family that each had taken reasonable precautions to ensure that children in its programs and on its premises would be safe.

72. Each of these representations were material.

73. In addition to the representations being made directly to Plaintiff, Penn State and Second Mile, through its officials, made these representations with knowledge and intent that they would be communicated to the minor Plaintiff through his parents'/caregivers' words and actions. Penn State and Second Mile also had reason to believe that the representations made to Plaintiff's parents/caregivers would influence Plaintiff and particularly that the representations would influence the amount and type of time spent alone with Sandusky, Sandusky's access to

Plaintiff, and Sandusky's ability to molest Plaintiff.

74. Penn State's and Second Mile's representations to Plaintiff and his parents/caregivers started in or before 1992 and were continuing representations that were made until 1996.

75. Sandusky did have a history of sexually molesting children. Sandusky was a danger to children. Penn State and Second Mile did not take reasonable precautions to ensure that children in its programs would be safe.

76. Penn State and Second Mile should have known that its representations were false.

77. Penn State and Second Mile owed a duty of care to Plaintiff because it should have known that Sandusky would have access to children including Plaintiff, should have known that Sandusky was a danger to children, should have known that Sandusky had molested children before he molested Plaintiff, and should have known that parents and children would place the utmost trust in Sandusky.

78. Penn State and Second Mile, through its officials, in acts separate from and before its representation, failed to use ordinary care in making the representation or in ascertaining the facts related to Sandusky. Penn State and Second Mile reasonably should have foreseen that its representation would subject Plaintiff to an unreasonable risk of harm.

79. Penn State and Second Mile failed to use ordinary care to determine Sandusky's history of molesting children and whether he was safe for work with children before it made its representation about Sandusky. Penn State and Second Mile's failures include but are not limited to: failure to ask Sandusky whether he sexually molested children, failure to ask Sandusky's co-workers whether he molested children or whether they had any concerns about

Sandusky and children, failure to investigate Sandusky's interest in children, failure to have a sufficient system to determine whether Sandusky molested children and whether he was safe, failure to train its employees properly to identify signs of child molestation by fellow employees, and failure to investigate warning signs about Sandusky when they did arise. Penn State and Second Mile failed to institute reasonable procedures and rules regarding when employees or agents could travel with children, and failed to ensure children traveling with Sandusky were safe.

80. Plaintiff believed and justifiably relied upon Penn State's and Second Mile's representations which caused him to be sexually molested by Sandusky and suffer the other damages described herein.

81. As a result of the above-described conduct, Plaintiff has suffered, and continues 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; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

WHEREFORE, Plaintiff John Doe A, demands judgment jointly and severally for compensatory and punitive damages against each of Defendant Penn State and Second Mile, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with interest, costs, and any other appropriate relief.

**COUNT VI – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**  
**Plaintiff, John Doe A v. Penn State and Second Mile**

82. Plaintiff incorporates by reference all of the preceding paragraphs of this

Complaint as if each and every one were individually set forth within this Court.

83. By employing Sandusky, by choosing to place Sandusky in a position working unsupervised with children, by allowing Sandusky to use their facilities for youth activities, where he accessed and sexually abused numerous children, and caused Plaintiff to be sexually abused as a child, Penn State and Second Mile did by extreme and outrageous conduct intentionally or recklessly cause severe emotional distress and bodily harm to Plaintiff.

84. Penn State's and Second Mile's conduct in employing Sandusky, holding out its premises as a safe environment for children when it had reason to know it could be a dangerous place for children, and thereby causing Plaintiff to be raped by Sandusky constituted extreme and outrageous conduct that was atrocious and went beyond all bounds of decency such that it is conduct utterly intolerable in a civilized society.

85. Penn State and Second Mile acted intentionally or recklessly in employing Sandusky to work unsupervised with children and/or allowing him to use their facilities for youth functions thereby causing Plaintiff to be sexually abused by Sandusky, and in allowing him to take children like Plaintiff on trips to football events, including Bowl games.

86. Plaintiff suffered severe emotional distress, including severe mental anguish and horror, because of Penn State's and Second Mile's intentional or reckless, extreme and outrageous conduct.

WHEREFORE, Plaintiff John Doe A, demands judgment jointly and severally for compensatory and punitive damages against each of Defendant Penn State and Second Mile, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with interest, costs, and any other appropriate relief.

**COUNT VII – INTENTIONAL MISREPRESENTATION**  
**Plaintiff, John Doe A v. Penn State and Second Mile**

87. Plaintiff incorporates by reference all of the preceding paragraphs of this Complaint as if each and every one were individually set forth within this Court.

88. Penn State and Second Mile each affirmatively represented to Plaintiff and his family that its facilities and programs were safe environments for children.

89. Penn State and Second Mile each affirmatively represented to Plaintiff and his family that it had sufficient policies and procedures in place to ensure that children were safe in their facilities and programs.

90. Penn State and Second Mile affirmatively represented to Plaintiff and his family that Sandusky did not have a history of molesting children, that Penn State and Second Mile did not know or suspect that Sandusky had a history of molesting children and/or that Penn State and Second Mile did not know that Sandusky was a danger to children.

91. Each of the representations was material.

92. In addition to the representations being made directly to Plaintiff, Penn State and Second Mile, through its officials, made these representations with knowledge and intent that they would be communicated to the minor Plaintiff through his parents/caregivers words and actions. Penn State and Second Mile also had reason to believe that the representations made to Plaintiff's parents/caregivers would influence Plaintiff and particularly that the representations would influence the amount and type of time spent alone with Sandusky, Sandusky's access to Plaintiff, and Sandusky's ability to molest Plaintiff.

93. Penn State's and Second Mile's representation started in or before 1992 and were continuing representations that were made until 1996.

94. Sandusky did have a history of sexually molesting children. Penn State and Second Mile should have known that Sandusky had a history of sexually molesting children

and/or that he was a danger to children.

95. Penn State and Second Mile knew or should have known that its facilities and programs were not safe environments for children.

96. Penn State and Second Mile each knew that it did not have sufficient policies and procedures in place to ensure that children were safe in their facilities and programs.

97. Plaintiff justifiably relied upon Penn State and Second Mile's misrepresentations which caused him to be sexually molested by Sandusky and suffer the other damages described herein.

98. Penn State and Second Mile knew that its misrepresentations were false or at least were reckless without care of whether these representations were true or false.

99. Penn State and Second Mile made the misrepresentations with the intent to deceive Plaintiff and to induce him to act on the misrepresentations to his detriment.

100. Plaintiff's injuries were proximately caused by his reliance on the representations.

101. As a result of the above-described conduct, Plaintiff has suffered, and continues 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; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

WHEREFORE, Plaintiff John Doe A, demands judgment jointly and severally for compensatory and punitive damages against each of Defendant Penn State and Second Mile, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with interest, costs, and

any other appropriate relief.

**COUNT VIII - CIVIL CONSPIRACY TO ENDANGER CHILDREN**  
**Plaintiff, John Doe A v. Penn State, Second Mile and Sandusky**

102. Plaintiff incorporates by reference all of the preceding paragraphs of this Complaint as if each and every one were individually set forth within this Count.

103. Defendants Penn State, Second Mile, and Sandusky, along with individuals at Penn State and Second Mile not presently named as defendants, acted with a common purpose, and conspired to endanger the welfare of children, including the Plaintiff, in violation of Pennsylvania law.

104. In Pennsylvania, there is an implied civil cause of action for endangering the welfare of children by a child whose welfare was endangered.

105. Also in Pennsylvania, there is a civil cause of action for negligence per se for violation of the statute against endangering the welfare of children.

106. Plaintiff has standing to bring this claim because he was one of the children who was sexually abused as a result of this conspiracy to endanger the welfare of children.

107. Individuals at Penn State and Second Mile, and Sandusky, each had or should have had information about Sandusky's sexual interest in children but maintained silence, along with Sandusky, so as to enable Sandusky to act on his sexual interest in children.

108. Individuals at Penn State and Second Mile each had information or should have had information that its facilities and programs were not safe environments for children and that they did not have adequate measures in place to protect children. Despite this, each maintained silence.

109. The collective silence of various individuals in addition to the Defendants were overt acts committed in pursuance of the common purpose to endanger the welfare of children.

110. Defendants each concealed from Plaintiff Sandusky's sexual interest in children, its unsafe environment, and/or its inadequate measures to protect children.

111. This concealment directly injured Plaintiff because Penn State's and Second Mile's unsafe environment and inadequate measures, prior incidents of sexual abuse by Defendant Sandusky, and the risk Sandusky represented, were hidden from Plaintiff and his family, and Defendant Sandusky was able to gain unsupervised access to Plaintiff to engage in numerous acts of sexual abuse as a result. This concealment also directly injured Plaintiff because the concealment by the Defendants and third persons created a false public impression that Sandusky was a safe person to be around children, when he, in fact, was not. It also created the impression that Penn State and Second Mile were safe environments with adequate measures to protect children. This active concealment caused the Plaintiff and his family to allow Defendant Sandusky to gain unsupervised access to the Plaintiff and ultimately sexually abuse the Plaintiff.

112. When reports about Sandusky sexually abusing children were made, the reports were ignored, and no adequate investigation was done by Penn State or Second Mile to ascertain if Sandusky had other victims of sexual misconduct.

113. Instead of protecting children, including Plaintiff, from sexual abuse by Sandusky, Defendants Penn State, Second Mile, and third persons shielded Sandusky from criminal detection, shielded the hierarchy and the leadership of Penn State and Second Mile from scandal, attempted to shield Penn State and Second Mile from financial liability, and attempted to protect their reputations rather than protecting, and helping, children. These acts of shielding directly injured Plaintiff because Defendants' unsafe environment, inadequate child protection measures, and prior incidents of sexual abuse by Defendant Sandusky were hidden from Plaintiff




and Defendant Sandusky was able to gain unsupervised access to Plaintiff as a result. In addition, Plaintiff's status as a victim of Sandusky was concealed, and no assistance or compensation was provided to the Plaintiff. The concealment by the Defendants and others created a false public impression that Second Mile and Penn State were safe activities for children, when they, in fact, were not. This caused the Plaintiff and his family to allow Defendant Sandusky to gain unsupervised access to the Plaintiff and ultimately sexually abuse the Plaintiff.

114. Said acts were committed with malice and with the intention that the welfare of children within Penn State and Second Mile be endangered.

115. As a result of the above-described conduct, Plaintiff has suffered, and continues 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; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

WHEREFORE, Plaintiff John Doe A, demands judgment for compensatory and punitive damages against Defendants Second Mile, Penn State, and Sandusky, jointly and severally, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with interest, costs, and any other appropriate relief.

Dated: 11/30/19

BY:   
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Attorneys for Plaintiff John Doe A

**VERIFICATION**

I, Jeff Anderson, Esquire, verify that I am the attorney for the Plaintiff and that the facts set forth in the foregoing Plaintiff's Complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements made herein are subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

  
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Jeffrey R. Anderson, Esquire

Dated: November 30, 2011