

CAUSE NO: 048-319785-20

JANE HK DOE, individually, and on	§	
behalf of JOHN HS DOE, a minor; and	§	
JOHN HC DOE, a minor,	§	
	§	TARRANT COUNTY, TEXAS
<i>Plaintiffs,</i>	§	
	§	
v.	§	471 st JUDICIAL DISTRICT
	§	
UNITED STATES ALL STAR	§	
FEDERATION, INC., VARSITY SPIRIT,	§	
LLC, CHEER ATHLETICS, INC.,	§	
ANGELA ROGERS, JEREMIAH	§	
HARRIS, and DOE DEFENDANTS 1-100	§	
	§	
<i>Defendants.</i>	§	

PLAINTIFFS’ FIRST AMENDED PETITION AND REQUEST FOR DISCLOSURES

TO THE HONORABLE COURT:

COMES NOW, Plaintiffs JOHN HS DOE and JOHN HC DOE (collectively, “Plaintiffs”) presenting their First Amended Petition and complaining of Defendants UNITED STATES ALL STAR FEDERATION, INC. (“USASF”), VARSITY SPIRIT, LLC (“Varsity”), CHEER ATHLETICS, INC. (“CAI”), ANGELA ROGERS (“Rogers”), and JEREMIAH HARRIS (“Harris”) (collectively “Defendants”) and would show unto this Honorable Court the following:

I. DISCOVERY LEVEL

1.1. Plaintiffs intend to conduct discovery under LEVEL 3 Discovery as allowed under the Texas Rules of Civil Procedure.

II. STATEMENT OF RELIEF SOUGHT

2.1. Pursuant to Texas Rule of Civil Procedure, Plaintiffs seek monetary relief over \$1,000,000.00, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney’s fees and judgment for all other relief to which Plaintiffs are justly entitled.

Plaintiffs expressly reserve the right to amend this Rule 47 statement of relief if necessary.

III. PARTIES

PLAINTIFFS

3.1. Plaintiff JOHN HS DOE is a resident of the State of Texas.

3.2. Plaintiff JOHN HC DOE is a resident of the State of Texas.

3.3. Plaintiffs JOHN HS DOE and JOHN HC DOE are collectively hereinafter referred to as “Minor Plaintiffs.”

3.4. Minor Plaintiffs were born on September 28, 2005.

3.5. Plaintiff JANE HK DOE is the biological mother of Minor Plaintiffs and a resident of the State of Texas. Plaintiff JANE HK DOE is hereinafter referred to as Parent Plaintiff.

3.6. As of the date of this First Amended Petition, Minors are only 15 years of age and therefore minors under the laws of the State of Texas. Parent Plaintiff therefore files this First Amended Petition, individually and on behalf of Minor Plaintiffs.

3.7. At all times relevant herein, Minor Plaintiffs were members of USASF, thus, afforded the protections provided for under the rules of USASF and, as minors, under the supervision of other USASF members.

3.8. At all times relevant herein, Minor Plaintiffs registered, attended and competed in events and competitions sanctioned and sponsored by Varsity, thus, afforded the protections provided by Varsity and protections provided for under the rules of Varsity’s events and competitions and, as minors, under the supervision of Varsity officials, directors, employees, agents and representatives.

IDENTIFICATION OF DEFENDANTS

3.9. Defendant USASF, is a Tennessee non-profit mutual benefit corporation, founded in 2003, with its principal office in Shelby County, Tennessee and may be served by and through its

registered agent, Jim Chadwick, located at 8275 Tournament Dr., Ste. 325, Memphis, TN 38125.

3.10. Defendant Varsity, is a Tennessee limited liability company with its principal office in Shelby County, Tennessee at 6745 Lenox Center Court, Ste. 300, Memphis, TN 38119, and Varsity may be served by and through its registered agent, Corporate Creations Network, Inc., located at 205 Powell Pl., Brentwood, TN 37027.

3.11. Defendant CAI is a Texas limited liability company with its principal office in Collin County, Texas and Cheer may be served by and through its registered agent, Joseph K. Melton, located at 1300 E. Plano Pkwy, Ste. C, Plano, TX 75074-8546.

3.12. Upon information and belief, Defendant, JEREMIAH HARRIS, is an individual residing in Navarro County, Texas and, concurrently, residing at [REDACTED]

As of the date of this First Amended Petition, Harris is detained by law enforcement at the Metropolitan Corrections Center, located at 71 West Van Buren St., Chicago, IL 60605.

3.13. Defendant Rogers is a principal and Chief Financial Officer of CAI, who maintains a business address of 1300 E. Plano Pkwy, Ste. C, Plano, TX 75074-8546. Upon information and belief, Defendant ROGERS also resides in the State of Texas.

DEFENDANT USASF

3.14. According to its Bylaws, the purposes and mission of USASF are: “to establish rules for sanctioning and providing governance for cheerleading, dance and spirit-related competitions and events; to provide counseling in the administration of cheerleading, dance and spirit-related competitions and events; and to provide educational and counseling services in the fields of cheerleading, dance and spirit-related competition and events.”

3.15. Upon information and belief, USASF was founded in 2003 with the core principle of making All Star Cheer a safer sport by establishing fair and consistent rules and competition standards. In essence, USASF is a privately chartered governing body overseeing All-Star Cheer

competition throughout the country.

3.16. Cheer clubs must be “member clubs” with USASF in order to participate at USASF-sanctioned events and competitions. Indeed, according to the USASF website, membership is required for US-based companies or organizations from which one or more team attends USASF sanctioned events.

3.17. USASF membership is similarly required for all athletes competing or performing for a US-based All Star Cheer or Dance Program, including athletes on Novice, Prep Teams, Show and Exhibition Teams.

3.18. USASF membership is also required for individuals who are actively coaching All Star athletes and are associated with an active U.S. All Star Club member.

3.19. Defendant USASF purposefully conducts substantial, continuous, and purposely conducts substantial business activities in the State of Texas, routinely holding regional, national and international events throughout the State of Texas. Upon information and belief, Defendant USASF has dozens of member clubs in the State of Texas, all of whom were mandated by USASF policy to adopt and enforce certain SafeSport policies and procedures. Defendant USASF actively recruits young cheer athletes from the State of Texas and receives a constant flow of funding from the State of Texas, including funding from membership dues, as well as periodic regional, state-wide, and national events held in the State of Texas. Defendant USASF derives substantial economic benefit from the State of Texas, and enters into repeated and successive transactions of its business in California.

3.20. As a governing board for All-Star cheer in the United States, USASF adopted a membership program, whereby individuals register with USASF, undergo training from USASF, and agree to abide by the USASF rules, in order to compete or otherwise participate in USASF-sanctioned events. The general term “member” at USASF includes several classes of membership,

including coaches, clubs and athletes.

3.21. Defendant USASF is an entity that employs and retains agents, servants, volunteers, and members that interact directly with minor children as an ordinary course of their responsibilities. As such, all such employees, agents, volunteers, servants and members at Defendant USASF are mandated reporters under Texas Family Code section 261.01, et seq. Moreover, under USASF policy, specifically, members of USASF who suspect sexual or physical abuse or misconduct are required to report the allegations to law enforcement before they report it to the USASF.

DEFENDANT VARSITY

3.22. According to its website, Varsity is “all things spirit, including cheerleading, dance and performing arts” whose mission includes being “committed to openness and honesty in everything we do.”

5.1. Varsity - directly and/or through its affiliates, which it wholly owned and/or controlled - organized, promoted, produced, and/or managed All-Star Competitions throughout the United States, including in Texas at all times relevant to this Complaint. Varsity owns and operates over 250 regional and local competitions nationwide, sponsoring the majority of USASF-sanctioned All-Star Competitions, including, but not limited to, American Cheerleaders Association (“ACA”) Nationals, the National Cheerleaders Association (“NCA”) National Championships, and other USASF-sanctioned competitions known as summit competitions.

DEFENDANT CAI

3.23. CAI is a subsidiary of its parent company, CA Brands, which is one of the largest all-star cheerleading programs in the country, touting nine locations and winning at least 17 All-Star Cheer World Championships.

3.24. Defendant CAI is an entity that employs and retains agents, servants, volunteers, and coaches that interact directly with minor children as an ordinary course of their responsibilities.

Moreover, Defendant CAI expressly permits coaching of minor cheer athletes to occur on its premises and at various competitions and events throughout the country.

3.25. As an entity that employed USASF members, CAI's employees were required to follow USASF policies. Because of this membership, CAI employees, agents, and/or representatives, such as Harris could be subjected to discipline by USASF if they hired a USASF member whose membership had been suspended or who had been permanently banned from USASF.

3.26. Upon information and belief, at all relevant times herein, the employees and coaches of Defendant CAI, were advertised as, and were in fact, members of Defendant USASF and were required to abide by Defendant USASF's policies and procedures in protecting minors, like the Minor Plaintiffs, from known and foreseeable risks of harm and danger.

3.27. As a condition for Harris' employment at CAI and implied through his training and coaching of cheer athletes, Harris was required to maintain his USASF membership and be in good-standing with the organization.

3.28. USASF, Varsity, and CAI shall collectively hereinafter be referred to as "Entity Defendants."

DEFENDANT ROGERS

3.29. Defendant Rogers is one of the founders and co-owners of CAI.

3.30. Rogers is one of the most influential leaders in the all-star cheerleading industry, and Rogers frequently travels to speak at various all-star cheerleading conferences across the country.

3.31. Rogers has coached CAI athletes to countless NCA and World Championship titles, while also serving as Chief Financial Officer for CAI.

3.32. Rogers, in her role as co-owner and principal for CAI, was directly responsible for supervising the athletes and coaches of CAI, including Harris, at various events and competitions.

DEFENDANT HARRIS

3.33. Upon information and belief, at all times relevant herein, Harris was a coach, trainer, judge, mentor, representative, and agent of USASF, Varsity, and CAI.

3.34. Upon information and belief, Harris was employed by CAI as a coach, trainer, mentor, and agent of CAI through CAI's programs, camps, events, and attending competitions, including serving in such capacities at regional summits and competitions where CAI competed such as ACA and NCA.

3.35. Upon information and belief, Harris a coach, trainer, mentor, judge, and agent of USASF and Varsity through USASF and Varsity's programs, camps, events, and competitions, including serving in such capacities at regional summits and competitions sponsored and/or sanctioned by USASF and Varsity, such as ACA and NCA.

DOE DEFENDANTS

3.36. Defendants DOES 1 through 100, inclusive, and each of them, are sued herein under said fictitious names. Plaintiffs are ignorant as to the true names and capacities of DOES 1 through 100, whether individual, corporate, associate, or otherwise, and therefore sue said Defendants by such fictitious names. When their true names and capacities are ascertained, Plaintiffs will request leave of Court to amend this Complaint to state their true names and capacities herein.

3.37. Plaintiff are informed and believe, and on that basis allege, that at all times mentioned herein, Defendants and each of them were the trustees, partners, servants, joint venturers, shareholders, contractors, and/or employees of each and every other Defendant, and the acts and omissions herein alleged were done by them, acting individually, through such capacity and within the scope of their authority, and with the permission and consent of each and every other Defendant and that said conduct was thereafter ratified by each and every other Defendant, and that each of them is jointly and severally liable to Plaintiffs.

IV. JURISDICTION AND VENUE

4.1. The Court has jurisdiction over the controversy because damages are within the jurisdictional limits of the Court.

4.2. Venue is proper in Tarrant County, Texas under §15.002(a)(1) of the Texas Civil Practices & Remedies Code, because all or a substantial part of the events or omissions giving rise to the claim occurred in Tarrant County.

V. FACTUAL ALLEGATIONS

FACTUAL ALLEGATIONS GENERALLY APPLICABLE TO ALL CLAIMS

5.2. Defendant USASF institutes a program called SafeSport, which was purportedly intended to creating a safe and positive environment for its participants' physical, emotional, and social development and ensuring it promotes an environment free from abuse and misconduct.

5.3. As part of this program, the USASF has implemented policies addressing certain types of abuse and misconduct, as well as certain policies intended to reduce, monitor and govern the areas where potential abuse and misconduct might occur.

5.4. USASF states that membership in the organization is a privilege and can be withdrawn at any time when it is determined that a member's conduct is inconsistent with the best interests of All Star and the athletes we serve. Based on the notifications and general disclosures presented to members in the USASF Professional Responsibility Code, USASF has the right to deny, suspend or revoke membership. USASF has reserved the right to publish a list of individuals who have violated the terms of membership and/or would not meet the qualifications for future membership as they relate to athlete protection.

5.5. Notwithstanding these “safety measures,” Defendant USASF had a pattern and practice of failing to adequately supervise, hire, retain, and/or remove sexually abusive members of its organization, who is represented to parents, minors, and the public as being a safe program.

5.6. At all times material hereto, Minor Plaintiffs were minor cheer athletes competing within events and competitions, sanctioned, sponsored, and/or attended by Defendants USASF, Varsity, CAI, Harris and DOES 1 through 100, and was under their complete control, dominion, and supervision.

5.7. Defendant Harris worked with Defendants USASF, Varsity, CAI, Rogers, and DOES 1 through 100 and came into contact with Plaintiff through this agency, employment, servitude and/or volunteer relationship with Defendants USASF, Varsity, CAI, and DOES 1 through 100.

5.8. At all times material hereto, Defendant Harris was under the direct supervision, management, agency and control of Defendants USASF, Varsity, CAI, and DOES 1 through 100, inclusive.

5.9. Defendant Harris was a coach, trainer, counselor, judge, and confidant for minor children, for and/or at Defendants USASF, Varsity, CAI, Rogers, and DOES 1 through 100. While a mentor, trainer, and/or coach at, for, and/or within Defendants USASF, Varsity, CAI, Rogers, and DOES 1 through 100, Defendant Harris was responsible for the training, conditioning, technique, encouragement, and development of minor children, including the Minor Plaintiffs, who were being groomed for success at the elite levels of all-star cheerleading. While performing these duties, Defendant Harris violated his role as a mentor, trainer, coach, sexually violated the Minor Plaintiffs, and used his position of authority and power over the Minor Plaintiffs.

5.10. As minor athletes at or within Defendants USASF, Varsity, CAI, and DOES 1 through 100, while Defendant Harris was a coach at those facilities, events and competitions, the Minor Plaintiffs were, upon information and belief, under Defendants Harris' direct supervision, control and care, which created a special, confidential and fiduciary relationship between Plaintiffs and Defendant Harris. Because of such relationship, Defendant Harris owed Plaintiffs a duty of care.

5.11. Additionally, as the employers, supervisors, and principals of Harris, with knowledge that

he was in contact with and supervising children, Defendants USASF, Varsity, CAI, Rogers, and DOES 1 through 100 were also in a special, confidential and fiduciary relationship with Plaintiffs, owing them a duty of care.

5.12. By assigning and/or allowing Defendant Harris to serve as a coach, mentor, trainer, judge, and confidant at or for Defendants USASF, Varsity, CAI, Rogers and DOES 1 through 100, the Defendants USASF, Varsity, CAI, Rogers and DOES 1 through 100 represented to the community that Defendant Harris was safe, trustworthy, and of high moral and ethical repute, such that parents of minor-athletes need not worry about having Defendant Harris interact with, and supervise their minor children. Defendants USASF, Varsity, CAI, Rogers and DOES 1 through 100 did so in order to preserve their own public image and reputation, so they could retain past minor athletes, recruit new minor athletes and, thus allowing donations and tuition to continue flowing into their coffers for financial gain.

5.13. Plaintiffs are informed and believe, and on that basis allege, that Defendants knew or should have known that Defendant Harris had engaged in unlawful sexually-related conduct in the past, and/or was continuing to engage in such conduct. Defendants had a duty to disclose these facts to Minor Plaintiffs, Parent Plaintiff, others, but negligently and/or intentionally suppressed, concealed or failed to disclose this information. The duty to disclose this information arose by the special, trusting, confidential, fiduciary relationship between Defendants and Plaintiffs.

5.14. Plaintiffs are informed and believe, and on that basis allege, that while Minor Plaintiffs were minor athletes at or within events and/or competitions sanctioned and/or sponsored by Defendants USASF, Varsity, CAI, and DOES 1 through 100, Defendants engaged in a pattern and practice of employing other staff and/or retaining agents and representatives known to be a danger to minors in their care, including Defendant Harris. Upon information and belief, Defendants employed multiple other professionals, staff, and agents who were known to be sexually abusive

and/or were continuing to be abusive.

5.15. Defendants knew of Defendant Harris' propensity and disposition to engage in sexual misconduct with minors before he sexually abused and molested Minor Plaintiffs, and knew of the probability that he would molest minors with whom he came into contact, such as Minor Plaintiffs.

5.16. Defendants failed to implement reasonable safeguards to avoid acts of unlawful sexual conduct by Defendant Harris in the future, including avoiding placement of Defendant Harris in a position where contact and interaction with children is an inherent function. Defendants ignored and suppressed the past sexual misconduct Defendant Harris had engaged in.

5.17. Plaintiffs are informed and believe and on that basis allege, that Defendants were apprised, knew or should have known and/or were put on notice of Defendant Harris' past and ongoing sexual abuse of children, past claims and/or investigations, and his propensity and disposition to engage in such unlawful activity and unlawful sexual activity with minor athletes such that Defendants knew or should have known that Defendant Harris would commit wrongful sexual acts with these minor athletes, including Minor Plaintiffs.

5.18. Plaintiffs are informed and believe and on that basis allege that personnel and/or employment records and other records of Entity Defendants reflect numerous incidents of inappropriate sexual contact and conduct with minor athletes by Defendant Harris and other professionals, employees, assistants, agents, supervisors and others, including incidents occurring both on and off the physical premises of such Defendants. Based on these records, Defendants knew and/or should have known of Defendant Harris' history of sexual abuse, past claims and past investigations, and his propensity and disposition to engage in unlawful activity and unlawful sexual activity with minor athletes such that Defendants knew or should have known that Defendant Harris would commit wrongful sexual acts with those minor athletes, including Minor Plaintiffs.

5.19. Because of the relationship between Plaintiffs and Defendants, Defendants had an obligation and duty under the law not to hide material facts and information about Defendant Harris' past, and his deviant sexual behavior and propensities. Additionally, Defendants had an affirmative duty to inform, warn, and institute appropriate protective measures to safeguard minors who were reasonably likely to come in contact with Defendant Harris. Defendants willfully refused to notify, give adequate warning and implement appropriate safeguards, thereby creating the peril that ultimately damaged Plaintiffs.

5.20. Prior to Minor Plaintiffs' sexual harassment, exploitation and abuse by Defendant Harris, Defendants engaged in a pattern and practice of employing sexual abusers. Defendants concealed these facts from athletes, their parents, the cheer community, the public at large, and law enforcement.

5.21. As part of Defendants' conspiratorial and fraudulent attempt to hide Defendant Harris' propensity to sexually abuse children, and prior sexual misconduct with children, from public scrutiny and criminal investigation, Defendants implemented various measures designed to make Defendant Harris' conduct harder to detect and ensure minors with whom he came into contact, such as Plaintiffs, including:

- a. Permitting Defendant Harris to remain in a position of authority and trust after Defendants knew or had reason to know he was a molester of children;
- b. Placing Defendant Harris in a separate and secluded environment, at Defendants' premises and events, including assigning him to duties that included coaching, training, and supervising minors and allowing Defendant Harris to physically and sexually interact with the children, including Plaintiffs;
- c. Failing to disclose Defendant Harris' prior record of sexual abuse, harassment and molestation and his propensity to commit such acts towards students and/or athletes in Defendants' program, the public at large, and law enforcement;
- d. Allowing Defendant Harris unsupervised and un-controlled access to minors;
- e. Holding out Defendant Harris, as recently as September 2, 2020, to Plaintiffs, their parents, and minors in the Defendants' programs, as a trustworthy and honest

person of high ethical and moral repute who was capable and worthy of being granted unsupervised access to the minor athletes of Defendants;

- f. Failing to investigate or otherwise confirm or deny such facts about Defendant Harris, including prior arrests, charges, claims and investigations for sexual abuse;
- g. Failing to inform, or concealing from Plaintiffs' parents and law enforcement officials the fact that Plaintiffs and others were or may have been sexually abused, harassed and molested, after Defendants knew or should have known that Defendant Harris may have sexually abused Plaintiffs or others, thereby enabling Plaintiffs to continue to be endangered and sexually abused, harassed, molested, and/or creating the circumstance where Plaintiffs and others were less likely to receive medical treatment, thus exacerbating the harm to Plaintiffs;
- h. Holding out Defendant Harris to Plaintiffs, their parents, and to the community as being in good standing and trustworthy;
- i. Cloaking Defendant Harris' prior sexual misconduct with children within the facade of normalcy, thereby disguising the nature of his sexual abuse and contact with minors;
- j. Failing to take reasonable steps and to implement reasonable safeguards to avoid acts of unlawful sexual conduct by Defendant Harris such as avoiding placement of Defendant Harris in functions or environments in which his solitary contact with children was inherent;
- k. Failing to put in place a system or procedure to supervise or monitor employees, volunteers, and agents to insure they do not molest or abuse minors in Defendants' care.
- l. Warning Harris of an anticipated police and/or federal investigation so as to allow Harris to destroy and/or hide evidence yet failing to report Harris to authorities whilst allowing Harris to continue to have contact with minors.

5.22. By his position within the Defendants' institutions, Defendant Harris attained a position of influence over Plaintiffs, and others. Defendants' conduct created a situation of peril that was not and could not be appreciated by Plaintiffs. By virtue of Defendants' conspiratorial and fraudulent conduct, and in keeping with their intent to fail to disclose and hide Defendant Harris' past and present conduct from the community, the public at large and law enforcement, Defendants allowed molester Defendant Harris to remain in a position of influence with unsupervised or negligently supervised conduct with minor athletes making the molestation and abuse of minor athletes

possible, if not a certainty.

5.23. By his position within the Defendants' institutions and under Defendants' direction and authority, Defendants and Defendant Harris demanded and required that Plaintiffs respect Defendant Harris in his position as a coach, trainer, judge, and mentor, at Defendants' programs, events, competitions, and facilities.

FACTS ALLEGATIONS APPLICABLE TO PLAINTIFFS' SEXUAL ABUSE BY HARRIS

5.24. This case arises from a systemically exploitative environment that has been bubbling within the All-Star Cheer community for years.

5.25. Defendant Harris seized upon this environment and engaged in a pattern of sexual harassment, exploitation, manipulation, intimidation, and sexual abuse of Minor Plaintiffs, who were left to be preyed upon without any protection from coaches, administrators, or corporate officials within Entity Defendants.

5.26. Harris' predatory conduct and actions were not unforeseen or unprecedented. Rather, the entire composition of All-Star Cheer has made it an almost certainty that vulnerable young boys, especially homosexual boys such as Minor Plaintiffs, will be sexually harassed, exploited and abused by predators such as Harris.

5.27. Minor Plaintiffs are identical twins who, at young ages, have already become standouts in their sport of All-Star Cheer, making a name for themselves and their competitive All-Star Cheer team.

5.28. Due to their success, Minor Plaintiffs have had the opportunity to compete at the highest level of All-Star Cheer, including participating in national and world-wide competitions sanctioned and sponsored by USASF and Varsity.

5.29. Among these competitions, Minor Plaintiffs have competed at the ACA Nationals, the NCA National Championships, as well as other regional and national summit competitions

throughout the country.

5.30. As referenced herein, in order to compete with a club at USASF-sanctioned competitions, such as ACA Nationals and NCA, Cheer clubs and athletes are required to become member-clubs and member-athletes, respectively. Minor Plaintiffs were no exception, as they were, at all relevant times herein, required to pay their annual membership dues to the USASF and were similarly mandated to register for competitions, summits, and events which were sanctioned and sponsored by Varsity.

5.31. These competitions, summits, and events are often held at large convention halls throughout the country. ACA Nationals are typically held at the Fort Worth Convention Center, located at 1201 Houston St., Fort Worth, TX 76102. NCA National Championships are typically held at the Kay Bailey Hutchison Convention Center in Dallas.

5.32. Throughout these competitions, summits, and events, including at ACA Nationals, Plaintiffs have had the opportunity to meet with “stars” from the All-Star Cheer community. Among these stars was Harris.

5.33. Upon information and belief, Harris is a 21-year-old former and/or current student at Navarro College (“Navarro”), who has competed with the Navarro cheer squad, including at national competitions as well as competing and coaching with CAI, helping CAI to win multiple national championships.

5.34. Navarro is a 14-time NCA National Championship winning team. Due to its success in the collegiate cheer competitions, Navarro became the focus of a Netflix docuseries entitled “Cheer” which has gained international popularity.

5.35. Harris, as one of the featured team members of Navarro’s cheer squad within the Cheer docuseries, became a “household name.”

5.36. Leading up to, during, and following the distribution of the Cheer docuseries, Harris

exploited his popularity and position of fame with young male cheer athletes. Unfortunately, Minor Plaintiffs were among those victims preyed upon by Harris.

5.37. More specifically, in 2018, Minor Plaintiffs were only 13 years old and were competing in various cheerleading events, which were sponsored and sanctioned by USASF and Varsity.

5.38. In or about 2018, Harris was an adult and maintained a highly respected position as a national champion with Navarro as well as a coach, athlete, representative and agent for CAI.

5.39. It was in 2018 when Harris befriended Plaintiffs at one of the national competitions both via social media platforms and in-person. Harris was already a known All-Star Cheer personality, icon and coach within the state and nationally. Utilizing this position of authority and prominence, Harris asked that Minor Plaintiffs give him their phone numbers and social media account names.

5.40. Harris soon began grooming Minor Plaintiffs by texting Minor Plaintiffs and “friending” Plaintiffs on various social media platforms, including Instagram, Twitter and Snap Chat.

5.41. Almost immediately, Harris’ messages to Minor Plaintiffs turned sexual in nature, including demanding that John HC Doe send “booty pics,” which meant that Harris was demanding that John HC Doe transmit photographs of John HC Doe’s nude buttocks to Harris.

5.42. Via these electronic platforms and text messages, Harris continually asked Minor Plaintiffs about their relationships and sexual experiences. Harris would also call Minor Plaintiffs and/or FaceTime with them, to make them feel special and that he cared for them.

5.43. When Minor Plaintiffs were only approximately 13-14 years old, Plaintiffs would also see Harris at various competitions throughout the country, including at least three competitions within the State of Texas. Harris would attend these competitions in his capacity as a coach, athlete, agent, judge, and/or representative with CAI and Rogers, as a member of USASF as well as an agent and representative of Varsity.

5.44. At these competitions, in plain view of other CAI coaches and administrators such as

Rogers, as well as Varsity administrators and USASF officials, Harris would repeatedly hug and hold Minor Plaintiffs.

5.45. Harris' grooming, harassment and molestation of Minor Plaintiffs soon progressed, as Harris exploited the fact that Minor Plaintiffs were openly gay.

5.46. At or about the time that Minor Plaintiffs were 13 years of age, Harris began sending sexually explicit messages to Minor Plaintiffs. Among the messages, Harris would demand that Minor Plaintiffs "send nudes," expressly demand that these young boys send Harris child pornography, including pictures of their naked bodies, penises and buttocks.

5.47. Harris would manipulate Minor Plaintiffs, repeatedly and persistently demanding that Minor Plaintiffs comply with Harris' demands for photos to prove that Plaintiffs loved Harris, to the point of harassing and badgering Plaintiffs. Harris would further manipulate Minor Plaintiffs, including among other things, suggesting that Harris could increase Minor Plaintiffs' social media presence with a message or a post from Harris on Minor Plaintiffs' social media, but only in exchange for Minor Plaintiffs sending nude photos of themselves to Harris. Minor Plaintiffs were so manipulated that they believed they could impress their friends, teammates and other families with their personal interactions with Harris, which Harris provided in exchange for Harris's relentless demands for Minor Plaintiffs sending nude photos of themselves to Harris.

5.48. Due to the manipulation and Minor Plaintiffs' trust in Harris as their mentor, Minor Plaintiffs often reluctantly complied with Harris' demands, sending photos of themselves to Harris.

5.49. Harris would also send sexually explicit photos and videos of himself to Minor Plaintiffs, including, but not limited to photographs of Harris' penis and body as well as videos of Harris masturbating himself.

5.50. Harris' messages were not limited to electronic harassment and abuse. Harris persistently attempted to make Minor Plaintiffs meet Harris in secluded locations at various competitions,

soliciting sexual conduct with these boys. Harris's harassment of Minor Plaintiffs was so relentless that Minor Plaintiffs would dread attending competitions and would be distracted in their own performances.

5.51. As just one example, while at a competition, on May 3, 2019, Harris texted John HC Doe: "Hey btw I found a place for us to do stuff it's actually pretty good." *See* Exhibit A hereto.

5.52. On other occasions, Harris would expressly ask Minor Plaintiffs if they wanted to engage in sexual contact with Harris, texting: "Would you ever want to ****." *See* Exhibit B hereto.

5.53. Harris' attempts to seclude and corner Minor Plaintiffs became a reality.

5.54. In February of 2019, Minor Plaintiffs were competing at the ACA Nationals Competition, which was held at the Fort Worth Convention Center. During the ACA Nationals and other competitions, the cheer athletes and coaches congregate between performances in the convention center halls, often without any supervision by other administrators, officials, or directors from Varsity or USASF.

5.55. In February of 2019, while at the ACA Nationals competition at the Fort Worth Convention Center, Harris seized upon the opportunities to prey upon children, without supervision.

5.56. Among other sexually harassing and exploitative conduct, Harris told John HC Doe to follow him to a secluded bathroom away from the other participants within the Fort Worth Convention Center. John HC Doe reluctantly complied to avoid making a scene in front of other athletes and coaches.

5.57. Harris led John HC Doe away from the group, down a deserted hallway to a distant bathroom. After Harris required that John HC Doe join Harris in the bathroom, Harris closed himself in a stall with John HC Doe.

5.58. Harris proceeded to sexually harass and molest John HC Doe and started demanding and begging that John HC Doe perform oral sex on Harris. Despite John HC Doe refusing to submit to

Harris' demands, Harris continued to plead with John HC Doe for oral sex.

5.59. Because they were in the bathroom for a significant period of time, John HC Doe started getting notifications on his phone from text messages and phone calls from teammates and his twin brother (John HS Doe), asking where John HC Doe and Harris were.

5.60. Eventually, because Harris would not stop demand oral sex, John HC Doe ran out of the bathroom and rejoined the rest of his teammates. Later that day, John HC Doe told his brother John HS Doe what had happened.

5.61. Even after this harassing and abusive encounter in Fort Worth, Harris' sexual messaging and texting to Plaintiffs continued. Harris would continue to harass and abuse Plaintiffs via social media messages.

5.62. In April 2020, when Plaintiff John HC Doe was only 14 years old, Plaintiff John HC Doe posted a photograph on his Snap Chat account depicting John HC Doe engaging in a skillful flexibility maneuver known as the "needle" pose. Evidencing John HC Doe's young age and innocence, clearly shown in the background of the photograph was one of John HC Doe's stuffed animals. *See Exhibit C hereto.*

5.63. In response to that posting, Harris messaged John HC Doe on Snap Chat and revoltingly demanded that John HC Doe: "Do it naked and take a video and show me [winking emoticon]." *See Exhibit D hereto.*

5.64. On this same night that Harris sent this exploitative message, Minor Plaintiffs learned that they were not alone and that Harris has multiple victims of his sexual exploitations throughout the cheer community.

5.65. Harris' sexual harassment, exploitation, abuse of Minor Plaintiffs was ongoing and incessant. In or around February of 2020, Parent Plaintiff discovered various messages on Minor Plaintiffs' cell phones and social media, including some of the above-described sexually explicit

messages, images and videos.

5.66. After learning that Minor Plaintiffs were not the only victims of Harris, Parent Plaintiff took action to report Harris to USASF, Varsity and CAI, including Rogers by providing evidentiary proof of the manipulation, sexual harassment and exploitation that her sons had suffered.

5.67. Upon information and belief, despite those reports and submission of proof, as of the date of Plaintiffs' Original Petition, Harris continued to have a "green light" to serve as a coach, mentor, representative, and agent of Entity Defendants and Rogers and therefore continued to have access to children into the month of September 2020.

5.68. Parent Plaintiff also took action to report Harris to law enforcement, including reporting Harris to Fort Worth Police Department on July 10, 2020. Parent Plaintiff also filed a report with the Federal Bureau of Investigation ("FBI") on August 8, 2020. As of the date of this First Amended Petition, as discussed herein, there exist open police and FBI investigations of Harris and Defendants.

5.69. As a result of the above-described conduct, Plaintiffs have suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress including stress, anxiety, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; have suffered and continues to suffer and was prevented and will continue to be prevented from performing daily activities and obtaining the full enjoyment of life; will sustain loss of earnings and earning capacity, and/or have incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

5.70. Upon information and belief, USASF, Varsity, CAI, and Rogers knew or should have known that Harris was communicating with minors, including Minor Plaintiffs, via text messages and various social media platforms.

5.71. Upon information and belief, directors, administrators, officials and representatives of USASF, Varsity and CAI, including, but not limited to, Rogers knew or should have known that Harris would repeatedly hug, inappropriate touch, and hold minors, including Minor Plaintiffs.

5.72. Upon information and belief, prior to the aforementioned sexually harassment, exploitation and abuse of Minor Plaintiffs by Harris, USASF, Varsity, CAI, and Rogers knew or should have known of Harris' prurient interest in children and that Harris had a dangerous propensity to engage in sexual misconduct with children, including various individuals within the cheer community having knowledge that Harris had a particular interest in very young male athletes.

5.73. Upon information and belief, Defendants refused to and/or failed to remove Harris from having access to children and/or failed to timely report Harris to child protective agencies in violation of their duties as mandated reporters.

5.74. As a direct result of the sexual harassment, exploitation abuse and molestation of Minor Plaintiffs by Defendant Harris, Minor Plaintiffs have had difficulty in meaningfully interacting with others, including those in positions of authority over Plaintiffs including teachers, and supervisors. Minor Plaintiffs have been limited in their ability to meaningfully interact with others due to the trauma of childhood sexual abuse. This inability to interact creates conflict with Minor Plaintiffs' values of trust and confidence in others, and has caused Minor Plaintiffs substantial emotional distress, anxiety, nervousness and fear. As a direct result of the sexual harassment, exploitation, abuse and molestation by Defendant Harris, Minor Plaintiffs have experienced difficulties in their personal and academic life. Almost immediately following the abuse, Minor Plaintiffs began to withdraw from their family and friends and Plaintiffs' motivation diminished drastically.

5.75. As a further direct and proximate result of Defendants' wrongful actions, as herein alleged, Plaintiffs have been hurt in their health, strength and activity. Plaintiffs have sustained permanent

and continuing injuries, which have caused and continue to cause great mental, physical and nervous pain, suffering, fright, upset, grief, worry and shock in an amount according to proof at trial but in no event less than the jurisdictional minimum requirements of this Court.

CRIMINAL PROSECUTION AGAINST HARRIS

5.76. On or about September 14, 2020, the FBI executed a search warrant at Harris' home in Naperville, Illinois. On that same date, Harris was interviewed by law enforcement.

5.77. On September 17, 2020, the United States Attorney's Office filed a Criminal Complaint against Harris asserting that Harris violated Title 18, U.S.C. Section 2251(a) which is described as Harris: "knowingly employed, used, persuaded, induced, enticed, and coerced a minor, namely Minor 1, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, which visual depiction defendant knew and had reason to know would be transported and transmitted using any means and facility of interstate and foreign commerce, and which visual depiction was transported and transmitted using any means and facility of interstate and foreign commerce."

5.78. The Criminal Complaint reflects the September 14, 2020 interview of Harris by law enforcement wherein Harris made the following material admissions (among other statements):

- a. Harris admitted to soliciting and receiving child pornography on Snapchat from at least between 10 to 15 other individuals (aside from John HC Doe and John HS Doe) he knew were minors.
- b. HARRIS admitted to engaging in anal and oral sex with a 15-year-old minor (Minor 3) at a cheer event in 2019.
- c. Harris admitted to sending a message to John HC Doe, asking John HC Doe to send him photographs of his "booty" immediately after learning that John HC Doe was 13 years old;
- d. Harris admitted to engaging in continuous Snapchat conversations with John HC Doe between December 2018 and March 2020 in which Harris repeatedly asked with John HC Doe to send Harris naked photographs of John HC Doe, including photographs of his penis and buttocks, which John HC Doe was force to send.
- e. Harris admitted that he received images and/or videos from John HC Doe in response to

his requests at least approximately once a month throughout the duration of their Snapchat discussion.

- f. Harris admitted to sending John HC Doe photographs of Harris' penis over Snapchat.
- g. Harris admitted to attempting to entice John HC Doe to perform oral sex on Harris in a bathroom at a Texas cheerleading event.
- h. Harris admitted to texting John HC Doe while Harris and John HC Doe were at a cheerleading event in Florida, attempting to entice John HC Doe to meet Harris at a secluded bathroom where Harris intended to engage in oral sex with John HC Doe.
- i. Harris admitted to sending John HS Doe a text message inquiring if John HS Doe was interested in engaging in sexual acts with Harris, specifically that he used the four **** symbols to mean the word "fuck."

5.79. Via the criminal proceeding, Plaintiffs have therefore learned that Harris has not only exploited and violated Minor Plaintiffs, but he has sexually exploited and/or abused at least ten other minor boys.

5.80. Via the criminal proceeding, Plaintiffs have also learned that Harris' crimes were not just limited to the internet. By his own admission, Harris attempted to meet all of his minor victims in person and sexually assaulted at least one minor boy, in an unlocked public bathroom, at a public event that was attended by other adults in the cheer community.

5.81. And, perhaps most disturbingly, via the criminal proceeding, Plaintiffs have learned that, months before his arrest, Harris was "tipped off" regarding a possible investigation into his crimes.

5.82. Upon information and belief, Rogers was the person that notified Harris of the impending investigation into Harris' conduct.

5.83. Upon information and belief, Rogers "tipped off" Harris of the forthcoming investigation in an attempt to: (a) help Harris deny and attempt to abscond prior to public dissemination of the allegations, and (b) encourage and/or facilitate Harris's hiding and destruction of evidence.

5.84. Upon information and belief, Rogers warned Harris of the investigation into his sexual assault and exploitation of children, yet Rogers failed to report Harris to appropriate authorities,

failed to remove Harris from having access to minors within the Cheer community, and failed to ensure that Harris was no longer permitted to access gyms and Cheer facilities throughout the country and State of Texas.

5.85. As of the date of this First Amended Petition, Harris remains detained by law enforcement at the Metropolitan Corrections Center in Chicago, pending trial.

VI. CAUSES OF ACTION

6.1. Plaintiffs incorporate and adopt by reference the factual allegations above for all causes of actions and claims for damages set forth below. Whenever it is alleged herein that Defendants committed an act or omission, it includes the acts and/or omissions of the agents, servants, and/or employees of Defendants while engaged in the course and scope of their employment and/or agency for Defendants.

NEGLIGENCE

[ALL PLAINTIFFS AGAINST ALL DEFENDANTS EXCEPT HARRIS]

6.2. Plaintiffs re-allege and incorporate by reference herein each and every allegation contained herein above as though fully set forth and brought in this cause of action.

6.3. Prior to and after the first incident of Defendant Harris sexual harassment, molestation and abuse of Plaintiffs, through the present, Defendants, knew or should have known that Defendant Harris had and was capable of sexually, physically, and mentally abusing, exploiting and harassing Minor Plaintiffs or other victims.

6.4. Defendants and each of them had special duties to protect the Plaintiffs as well as other minor athletes, when such minors were entrusted to Defendants' care by their parents. Minor Plaintiffs' care, welfare and physical custody was entrusted to Defendants. Defendants voluntarily accepted the entrusted care of Minor Plaintiffs. As such, Defendants owed Minor Plaintiffs a special duty of care that adults dealing with children owe to protect them from harm as well as a

duty to properly train their employees, agents and representatives. The duty to protect and warn arose from the special, trusting, confidential, and fiduciary relationship between Defendants and Plaintiffs.

6.5. Because of the relationship between Plaintiffs and Defendants, Defendants also had an obligation and duty under the law not to hide material facts and information about Defendant Harris' past, and his deviant sexual behavior and propensities. Additionally, Defendants had an affirmative duty to inform, warn, and institute appropriate protective measures to safeguard minors who were reasonably likely to come in contact with Defendant Harris. Defendants willfully refused to notify, give adequate warning and implement appropriate safeguards, thereby creating the peril that ultimately damaged Plaintiffs.

6.6. Plaintiffs are informed and believe, and on that basis allege, that Defendants knew or should have known that Defendant Harris had engaged in unlawful sexually-related conduct in the past, and/or was continuing to engage in such conduct. Defendants had a duty to disclose these facts to Minor Plaintiffs, Parent Plaintiff, others, but negligently and/or intentionally suppressed, concealed or failed to disclose this information. The duty to disclose this information arose by the special, trusting, confidential, fiduciary relationship between Defendants and Plaintiffs.

6.7. Defendants breached their duties of care to the Plaintiffs by allowing Defendant Harris to come into contact with the Minor Plaintiffs and other minor athletes, without supervision; by failing to adequately train their employees, agents, representatives and members; by failing to adequately hire, supervise and/or retain Defendant Harris who they permitted and enabled to have access to Plaintiffs; by concealing from Plaintiffs, and law enforcement that Defendant Harris was sexually harassing, exploiting, molesting and abusing minors, including Minor Plaintiffs; and by holding Defendant Harris out to Plaintiffs as being of high moral and ethical repute, in good standing and trustworthy.

6.8. Defendants breached their duties to Plaintiffs by failing to investigate or otherwise confirm or deny such facts of sexual exploitation, harassment and abuse by Defendant Harris, failing to reveal such facts to Plaintiffs, their parents, the community and law enforcement agencies, and by placing Defendant Harris into a position of trust and authority, holding his out to Plaintiffs, their parents, and the public as being in good standing and trustworthy.

6.9. Defendants breached their duty to Plaintiffs by failing to adequately monitor and supervise Defendant Harris and failing to prevent Defendant Harris from committing wrongful sexual acts with minors including Plaintiffs. Upon information and belief, Defendants' past records of sexual misconduct by Defendant Harris caused Defendants to know, or gave them reason to know, of Defendant Harris' incapacity to serve as a teacher, counselor, mentor, coach, and/or judge, charged with teaching, tutoring, mentoring, and supervising children while with Defendants.

6.10. Under Texas Mandatory Reporting Laws, Defendants, by and through their employees and agents, were child care custodians and were under a statutory duty to report known or suspected incidents of sexual harassment, molestation or abuse of minors to a child protective agency, pursuant to Texas Family Code section 261.01, et seq., and not to impede the filing of any such report.

6.11. Defendants knew or should have known that Defendant Harris, their coach, counselor, trainer, judge, agent, and/or representative had sexually molested, harassed, exploited, abused, or caused touching, battery, harm, and other injuries to minors, including Plaintiffs, giving rise to a duty to report such conduct under Texas Family Code section 261.01, et seq. Defendants also knew, or should have known, in the exercise of reasonable diligence, that an undue risk to minors, including Plaintiffs, existed because Defendants did not comply with Texas's mandatory reporting requirements.

6.12. By failing to report the continuing molestations and abuse, and by ignoring the fulfillment of the mandated compliance with the reporting requirements provided under Texas Family Code section 261.01, et seq., Defendants created the risk and danger contemplated by the Texas Mandatory Reporting Laws, and as a result, unreasonably and wrongfully exposed Minor Plaintiffs and other minors to sexual exploitation, molestation and abuse.

6.13. Plaintiffs were members of the class of persons for whose protection Texas Family Code section 261.01, et seq. was specifically adopted to protect.

6.14. Had Defendants adequately reported the molestation of Minor Plaintiffs and other minors as required by Texas Family Code section 261.01, et seq., further harm to Minor Plaintiffs and other minors would have been avoided.

6.15. As a proximate result of Defendants' failure to abide by their duties and breach thereof, and Defendants' failure to follow the mandatory reporting requirements of Texas Family Code section 261.01, et seq., Defendants wrongfully denied Minor Plaintiffs and other minors the intervention of child protection services. Such public agencies would have changed the then-existing arrangements and conditions that provided the access and opportunities for the molestation of Minor Plaintiffs by Defendant Harris.

6.16. The physical, mental, and emotional damages and injuries resulting from the sexual harassment, exploitation, and molestation of Minor Plaintiffs by Defendant Harris, were the type of occurrence and injuries that Texas Mandatory Reporting Law was designed to prevent.

6.17. As a result, Defendants' failure to comply with the mandatory reporting requirements of Texas Family Code section 261.01, et seq. also constituted a per se breach of Defendants' duties to Plaintiffs.

6.18. As a result of the above-described conduct, Plaintiffs have suffered and continue to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional

distress including embarrassment, loss of self-esteem, disgrace, humiliations, and loss of enjoyment of life; have suffered and continues to suffer and were prevented and will continue to be prevented from performing daily activities and obtaining the full enjoyment of life; will sustain loss of earnings and earning capacity, and has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

NEGLIGENT SUPERVISION

[ALL PLAINTIFFS AGAINST ALL DEFENDANTS EXCEPT HARRIS]

6.19. Plaintiffs re-allege and incorporate by reference herein each and every allegation contained herein above as though fully set forth and brought in this cause of action.

6.20. By virtue of Plaintiffs' special relationship with Defendants, and Defendants' relation to Defendant Harris, Defendants owed Plaintiffs a duty to provide reasonable supervision of Defendant Harris, to use reasonable care in investigating Defendant Harris' background, and to provide adequate warning to Plaintiffs, Plaintiffs' family, and minor athletes of Defendant Harris' dangerous propensities and unfitness.

6.21. As representatives of Defendant Harris, where many of the athletes thereof are vulnerable minors entrusted to Defendant Harris, Defendants' principals, managing administrators, coaches, representatives and agents expressly and implicitly represented that their coaches, counselors, mentors and trainers, including Defendant Harris, were not a sexual threat to children and others who would fall under Defendant Harris' influence, control, direction, and guidance.

6.22. Defendants, by and through their respective agents, servants and employees, knew or had reason to know of Defendant Harris' dangerous and exploitive propensities and that Defendant Harris was an unfit agent. Despite such knowledge, Defendants negligently failed to supervise Defendant Harris in his position of trust and authority as a coach, counselor, trainer, judge, and

authority figure over children, where he was able to commit wrongful acts of sexual misconduct against the Plaintiffs.

6.23. Defendants failed to provide reasonable supervision of Defendant Harris, failed to use reasonable care in investigating Defendant Harris, and failed to provide adequate warning to Minor Plaintiffs, Parent Plaintiff, and Plaintiffs' family of Defendant Harris' dangerous propensities and unfitness. Defendants further failed to take reasonable steps to ensure the safety of minors, including Plaintiffs, from sexual harassment, exploitation, molestation and abuse.

6.24. At no time during the periods of time alleged did Defendants have in place a reasonable system or procedure to investigate, supervise and monitor coaches, counselors, and trainers, including Defendant Harris, to prevent pre-sexual grooming and sexual harassment, molestation and abuse of children, nor did they implement a system or procedure to oversee or monitor conduct toward minors and others in Defendants' care.

6.25. Defendants were aware or should have known of how vulnerable children were to sexual harassment, exploitation, molestation and abuse by members, staff, and other persons of authority within Defendants' entities.

6.26. Defendants were put on notice, knew or should have known that Defendant Harris had previously engaged and was continuing to engage in unlawful sexual conduct with minors, and had committed other felonies, for his own personal sexual gratification, and that it was foreseeable that he was engaging, or would engage in illicit sexual activities with Minor Plaintiffs, and others, under the cloak of the authority, confidence, and trust, bestowed upon him through Defendants.

6.27. Defendants were placed on actual or constructive notice that Defendant Harris had molested other minors and athletes during his employment and/or agency with Defendants. Defendants were informed of harassment, exploitation, and molestations of minors committed by Defendant Harris prior to Minor Plaintiffs' sexual harassment and abuse, and of conduct by

Defendant Harris that would put a reasonable person on notice of such propensity to molest and abuse children.

6.28. Even though Defendants knew or should have known of these illicit sexual activities by Defendant Harris, Defendants did not reasonably investigate, supervise or monitor Defendant Harris to ensure the safety of the minor athletes.

6.29. Defendants' conduct was a breach of their duties to Plaintiffs.

6.30. Defendants, and each of them, breached their duty to Plaintiffs by, inter alia, by failing to adequately monitor and supervise Defendant Harris and stop Defendant Harris from committing wrongful sexual acts with minors including Minor Plaintiffs.

6.31. As a result of the above-described conduct, Plaintiffs have suffered and continue to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress including embarrassment, loss of self-esteem, disgrace, humiliations, and loss of enjoyment of life; have suffered and continue to suffer and were prevented and will continue to be prevented from performing daily activities and obtaining the full enjoyment of life; will sustain loss of earnings and earning capacity, and/or have incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

NEGLIGENT HIRING/RETENTION

[ALL PLAINTIFFS AGAINST ALL DEFENDANTS EXCEPT HARRIS]

6.32. Plaintiffs re-allege and incorporate by reference herein each and every allegation contained herein above as though fully set forth and brought in this cause of action.

6.33. By virtue of Plaintiffs' special relationship with Defendants, and Defendants' relation to Defendant Harris, Defendants owed Plaintiff a duty to not hire or retain Defendant Harris, given his dangerous and exploitive propensities, which Defendants knew or should have known about

had they engaged in a reasonable, meaningful, and adequate investigation of his background prior to his hiring or retaining his in subsequent positions of employment and/or agency.

6.34. Defendants expressly and implicitly represented that the coaches, trainers, and mentors, including Defendant Harris, were not a sexual threat to children and others who would fall under Defendant Harris' influence, control, direction, and guidance.

6.35. At no time during the periods of time alleged did Defendants have in place a reasonable system or procedure to investigate, supervise and monitor counselors, coaches, mentors, representatives, agents, and managing administrators, including Defendant Harris, to prevent pre-sexual grooming or sexual harassment, exploitation, molestation and abuse of children, nor did they implement a system or procedure to oversee or monitor conduct toward minors, athletes and others in Defendants' care.

6.36. Defendants were aware or had reason to be aware and understand how vulnerable children were to sexual harassment, exploitation, molestation and abuse by coaches, mentors, and other persons of authority within the control of Defendants prior to Minor Plaintiffs' sexual harassment, exploitation and abuse by Defendant Harris.

6.37. Defendants were put on notice, and should have known that Defendant Harris had previously engaged and continued to engage in unlawful sexual conduct with minors and was committing other felonies, for his own personal gratification, and that it was, or should have been foreseeable that he was engaging, or would engage in illicit sexual activities with Plaintiffs, and others, under the cloak of his authority, confidence, and trust, bestowed upon his through Defendants.

6.38. Defendants were placed on actual or constructive notice that Defendant Harris had molested or was molesting minors and athletes, both before his employment, membership and/or agency within Defendants, and during that employment, membership and/or agency. Defendants

had knowledge of inappropriate conduct and molestations committed by Defendant Harris before and during his employment, membership and/or agency, yet chose to allow his to remain unsupervised where he sexually harassed, exploited, and abused Plaintiffs.

6.39. Even though Defendants knew or should have known of these sexually illicit activities by Defendant Harris, Defendants failed to use reasonable care in investigating Defendant Harris and did nothing to stop, remove or terminate Defendant Harris to ensure the safety of the minor athletes.

6.40. Defendants' conduct was a breach of their duties to Plaintiffs.

6.41. As a result of the above-described conduct, Plaintiffs have suffered and continue to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress including embarrassment, loss of self-esteem, disgrace, humiliations, and loss of enjoyment of life; has suffered and continue to suffer and were prevented and will continue to be prevented from performing daily activities and obtaining the full enjoyment of life; will sustain loss of earnings and earning capacity, and/or have incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

PREMISES LIABILITY

[MINOR PLAINTIFFS AGAINST VARSITY AND USASF AND DOES 1-100]

6.42. Plaintiffs re-allege and incorporate by reference herein each and every allegation contained herein above as though fully set forth and brought in this cause of action.

6.43. At all relevant times herein, Minor Plaintiffs were invitees to the Fort Worth Convention Center, located at 1201 Houston St., Fort Worth, TX 76102, for the purposes of competing at ACA Nationals Competition in February of 2019.

6.44. At all relevant times herein, upon information and belief, Defendants Varsity, USASF and DOES 1-100 operated, leased, and controlled the property of the Fort Worth Convention Center,

where the ACA Nationals Competition was held and, similarly, sponsored and/or sanctioned by Varsity and USASF.

6.45. Defendants Varsity and USASF, and each of them, were negligent in the use, maintenance and management of the Fort Worth Convention Center in that they permitted and allowed a known dangerous condition and individual, Harris, to have unfettered and unsupervised access to young children, including Minor Plaintiffs, on said property and allowed Harris to sexually harass, exploit, molest and abuse Minor Plaintiffs on said property.

6.46. Minor Plaintiffs were among the class of persons who were foreseeable and to whom a duty was owed by Defendants Varsity, USASF and DOES 1-100.

6.47. Based upon their prior knowledge, Defendants and each of them, knew Harris to be a dangerous condition and risk of said property and presented an unreasonable risk of harm to minors, including Plaintiffs.

6.48. Harris was a direct cause of the injuries to Minor Plaintiffs at the subject property.

6.49. Defendants had a duty to control Harris on the subject property, due to Defendants' prior notice and knowledge of Harris' propensity and disposition to engage in sexual misconduct with minors before he sexually harassed, exploited, abused and molested Minor Plaintiffs.

6.50. As a result of the above-described conduct, Minor Plaintiffs have suffered and continue to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress including embarrassment, loss of self-esteem, disgrace, humiliations, and loss of enjoyment of life; has suffered and continue to suffer and were prevented and will continue to be prevented from performing daily activities and obtaining the full enjoyment of life; will sustain loss of earnings and earning capacity, and/or have incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

NEGLIGENT MISREPRESENTATION

[ALL PLAINTIFFS AGAINST ALL DEFENDANTS EXCEPT HARRIS]

6.51. Plaintiffs re-allege and incorporate by reference herein each and every allegation contained herein above as though fully set forth and brought in this cause of action.

6.52. Plaintiffs are informed and believe, and thereon allege, that the Entity Defendants, Rogers and DOES 1-100 each affirmatively represented to Plaintiffs and their family that their facilities, competitions, events, programs, agents and representatives provided safe environments for children.

6.53. Plaintiffs are further informed and believe, and thereon allege, that the Entity Defendants, Rogers, and DOES 1-100 each affirmatively represented to Plaintiffs and their family that Defendants had sufficient policies and procedures in place to ensure that children were safe in their facilities, competitions, events, and programs.

6.54. Plaintiffs are further informed and believe, and thereon allege, that the Entity Defendants, Rogers, and DOES 1-100 each affirmatively represented to Plaintiffs and their family that Defendant Harris did not have a history of abusing, harassing, exploiting and/or molesting children, that the Entity Defendants and Rogers did not know or suspect that Defendant Harris had a history of molesting, harassing and exploiting children and/or that the Entity Defendants and Rogers did not know that Defendant Harris was a danger to children.

6.55. Each representation was material and false.

6.56. In addition to the representations being made directly to Minor Plaintiffs and Parent Plaintiff, the Entity Defendants, through their officials, and Rogers by the very nature of their businesses, made these representations with knowledge and intent that they would be communicated to the Plaintiffs.

6.57. The Entity Defendants and Rogers also had reason to believe that the representations would influence the amount and type of time Minor Plaintiffs spent in close proximity with Defendant Harris within the Defendants' sponsored and/or sanctioned events, competitions, and programs, Defendant Harris' access to Minor Plaintiffs, and Defendant Harris' ability to harass, exploit, abuse, and molest Minor Plaintiffs.

6.58. Based on information and belief, Defendant Harris had a history of harassing, exploiting and molesting children, and was openly and notoriously grooming and abusing Minor Plaintiffs during the relevant time frame. Entity Defendants and Rogers knew and/or should have known that Defendant Harris had a history of sexually harassing, exploiting and molesting children and/or that he posed an obvious and ongoing danger to children, specifically Minor Plaintiffs.

6.59. Plaintiffs justifiably relied upon the misrepresentations of Entity Defendants and Rogers, which caused Plaintiffs to suffer harassment, molestation, and sexual abuse by Defendant Harris, as well as suffer other damages described herein.

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

[ALL PLAINTIFFS AGAINST ALL DEFENDANTS]

6.60. Plaintiffs re-allege and incorporate by reference herein each and every allegation contained herein above as though fully set forth and brought in this cause of action.

6.61. A reasonable person would not expect or tolerate the sexual harassment, exploitation, molestation and abuse of Plaintiffs by Harris, and Defendants' knowledge and callous indifference thereof.

6.62. A reasonable person would not expect or tolerate Defendants putting Defendant Harris, who, upon information and belief, was known to Defendants to have physically and sexually harassed, exploited and abused other minors, with unfettered and unsupervised access to children, including Minor Plaintiffs, which enabled Harris so that he could commit wrongful sexual acts,

including the conduct described herein, with minors, including Minor Plaintiffs. Plaintiffs had great trust, faith and confidence in Defendants, which, by virtue of Defendants' wrongful conduct, turned to fear.

6.63. Further, a reasonable person would not expect or tolerate the Defendants and their agents to be incapable of supervising and/or stopping members, coaches, agents and representatives of Defendants, including Defendant Harris, from committing wrongful sexual acts with minors, including Minor Plaintiffs. Plaintiffs had great trust, faith and confidence in Defendants, which, by virtue of Defendants' wrongful conduct, turned to fear.

6.64. Defendants' conduct toward Plaintiffs, as described herein, was outrageous and extreme.

6.65. Defendants' conduct described herein was intentional and reckless and done for the purpose of causing or with the substantial certainty that Plaintiffs would suffer humiliation, mental anguish, and emotional and physical distress.

6.66. As a result of the above-described conduct, Plaintiffs have suffered and continue to suffer great pain of mind and body, shock, severe emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; have suffered and continue to suffer and were prevented and will continue to be prevented from performing daily activities and obtaining the full enjoyment of life; will sustain loss of earnings and earning capacity, and/or have incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

6.67. Based on the above-described outrageous, malicious, or otherwise morally culpable conduct by Defendants, Plaintiffs specifically plead for the recovery of exemplary damages under TEX. CIV. PRAC. & REM. CODE §§41.001(5) and 41.003.

6.68. Defendants' actions were done with the specific intent to cause substantial injury or harm to Plaintiffs. As such, those actions give rise to an award of exemplary and punitive damages against Defendants, and each of them.

SEXUAL HARASSMENT

[MINOR PLAINTIFFS AGAINST ALL DEFENDANTS]

6.69. Plaintiffs re-allege and incorporate by reference herein each and every allegation contained herein above as though fully set forth and brought in this cause of action.

6.70. During Minor Plaintiffs' time as minor athletes at and/or under Defendants' watch and/or supervision, Defendant Harris intentionally, recklessly and wantonly made sexual advances, solicitations, requests, demands for sexual compliance of a hostile nature based on Minor Plaintiffs' gender that were unwelcome, pervasive and severe, including but not limited to: Defendant Harris demanding that Minor Plaintiffs comply with Harris' demands for photos to prove that Minor Plaintiffs loved Harris; Harris demanding and requiring Minor Plaintiffs send nude photos of themselves to Harris; and Harris sending sexually explicit photos and videos of himself to Minor Plaintiffs, including, but not limited to photographs of Harris' penis and body as well as videos of Harris masturbating himself, all under the supervision of Defendants, who were acting in the course and scope of their agency with Defendants and each of them.

6.71. The incidents of harassment, exploitation and abuse outlined herein above took place while Minor Plaintiffs were under the control of Defendants, as well as the staff of Defendants, including Rogers, , in their capacity and position as gym owners, coaches, trainers, counselors, supervisors and administrators at Entity Defendants and DOES 1 through 100 and while acting specifically on behalf of Entity Defendants.

6.72. During Minor Plaintiffs' time as minor athletes while Minor Plaintiffs were under the control of Defendants, as well as the staff of Defendants, Defendant Harris intentionally, recklessly and wantonly did acts which resulted in harmful and offensive conduct that required offensive contact with intimate parts of Minor Plaintiffs' person, including but not limited to, using his

position of authority and age to force Minor Plaintiffs to give into Defendant Harris' sexual suggestions.

6.73. Because of Minor Plaintiffs' relationship with Defendants and Minor Plaintiffs' young ages as minor athletes, Plaintiffs were unable to easily terminate the relationship they had with the Defendants.

6.74. Because of Minor Plaintiffs' relationship with Defendants, as minor athletes training and competing at events, programs, and competitions with Defendants, and Minor Plaintiffs' young ages as minor athletes, Plaintiffs were unable to easily terminate the mentor-athlete relationship they had with Defendants. Indeed, Minor Plaintiffs were prohibited from participating in any All-Star Cheer events, including competitions, without maintaining a membership with USASF and Varsity.

6.75. Because of Defendant Harris' age and position of authority, physical and virtual seclusion of the Minor Plaintiffs, Minor Plaintiffs' mental and emotional states, and Minor Plaintiffs' young ages under the age of consent, Minor Plaintiffs were unable to, and did not, give meaningful consent to such acts.

6.76. Even though Defendants knew or should have known of these activities by Defendant Harris, Defendants did nothing to investigate, supervise or monitor Defendant Harris to ensure the safety of the minor athletes.

6.77. Principles of ratification apply when the principal ratifies the agent's originally unauthorized harassment, as is alleged to have occurred herein.

6.78. Defendants' conduct (and the conduct of their agents) was a breach of their duties to Minor Plaintiffs.

6.79. As a result of the above-described conduct, Minor Plaintiffs have suffered and continue to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional

distress including embarrassment, loss of self-esteem, disgrace, humiliations, and loss of enjoyment of life; has suffered and continue to suffer and were prevented and will continue to be prevented from performing daily activities and obtaining the full enjoyment of life; will sustain loss of earnings and earning capacity, and/or have incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

6.80. Based on the above-described outrageous, malicious, or otherwise morally culpable conduct by Defendants, Minor Plaintiffs specifically plead for the recovery of exemplary damages under TEX. CIV. PRAC. & REM. CODE §§41.001(5) and 41.003.

6.81. Defendants' actions were done with the specific intent to cause substantial injury or harm to Minor Plaintiffs. As such, those actions give rise to an award of exemplary and punitive damages against Defendants, and each of them.

CIVIL ASSAULT

[JOHN HC DOE AGAINST HARRIS ONLY]

6.82. Plaintiffs re-allege and incorporate by reference herein each and every allegation contained herein above as though fully set forth and brought in this cause of action.

6.83. Harris acted intentionally and knowingly assaulted Plaintiff John HC Doe at ACA Nationals, including physically secluding Plaintiff John HC Doe, demanding and threatening that John HC Doe perform oral sex on Harris.

6.84. In so acting, Harris knew that Plaintiff John HC Doe did not want to be touched, yet Harris continued to intentionally and knowingly threaten John HC Doe with imminent physical bodily injury without Plaintiff John HC Doe's consent.

6.85. When Harris did so, he knew or reasonably should have believed that John HC Doe would regard the contact as offensive or provocative. Not only did John HC Doe indicate his desire to not touch Harris and for Harris not to touch him in any way with words, John HC Doe also

indicated the same with his body language. Moreover, John HC Doe's response to Harris' previous sexual advances, messages, and comments throughout the day made Harris very aware that John HC Doe did not want any physical touching by or with Harris.

6.86. Despite John HC Doe's response that he did not want to submit to Harris' sexual advances, harassment, messages, and demands for sexual contact, Harris continued to threaten to touch John HC Doe's body without John HC Doe's consent.

6.87. As a result of the above-described conduct, John HC Doe has suffered and continue to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress including embarrassment, loss of self-esteem, disgrace, humiliations, and loss of enjoyment of life; has suffered and continue to suffer and was prevented and will continue to be prevented from performing daily activities and obtaining the full enjoyment of life; will sustain loss of earnings and earning capacity, and/or have incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

6.88. Based on the above-described outrageous, malicious, or otherwise morally culpable conduct by Defendant Harris, John HC Doe specifically pleads for the recovery of exemplary damages under TEX. CIV. PRAC. & REM. CODE §§41.001(5) and 41.003.

6.89. Defendants' actions were done with the specific intent to cause substantial injury or harm to John HC Doe. As such, those actions give rise to an award of exemplary and punitive damages against Defendants, and each of them.

FALSE IMPRISONMENT

[JOHN HC DOE AGAINST HARRIS ONLY]

6.90. Plaintiffs re-allege and incorporate by reference herein each and every allegation contained herein above as though fully set forth and brought in this cause of action.

6.91. Harris willfully detained Plaintiff John HC Doe at ACA Nationals, when Harris demanded that John HC Doe to follow him to a secluded bathroom away from the other participants within the Fort Worth Convention Center and required that John HC Doe join Harris in the bathroom, with Harris closed himself in a stall with John HC Doe.

6.92. Harris' detention of Plaintiff John HC Doe was without authority of law and without John HC Doe's lawful consent, as John HC Doe was under the age of 18 and could not lawfully consent to any detention or sexual conduct.

6.93. As a result of the above-described conduct, John HC Doe has suffered and continue to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress including embarrassment, loss of self-esteem, disgrace, humiliations, and loss of enjoyment of life; has suffered and continue to suffer and was prevented and will continue to be prevented from performing daily activities and obtaining the full enjoyment of life; will 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.

6.94. Based on the above-described outrageous, malicious, or otherwise morally culpable conduct by Defendant Harris, John HC Doe specifically pleads for the recovery of exemplary damages under TEX. CIV. PRAC. & REM. CODE §§41.001(5) and 41.003.

6.95. Defendant Harris' actions were done with the specific intent to cause substantial injury or harm to John HC Doe. As such, those actions give rise to an award of exemplary and punitive damages against Defendant Harris.

VII. VICARIOUS LIABILITY

7.1. At all times relevant to this suit, Entity Defendants and DOES 1-100 are liable for the conduct of Defendants Rogers and Harris under the doctrine of respondeat superior because Defendants Rogers and Defendant Harris, at all relevant times, were acting within the course and

scope of their employment and/or agency for Entity Defendants and DOES 1-100.

VIII. DAMAGES

8.1. As a result of the incident made the basis of this lawsuit described in the preceding paragraphs, Plaintiffs have sustained significant damages.

8.2. Plaintiffs respectfully request that the trier of fact determine the amount of their damages and losses that they have incurred as a result of Defendants' actions, as well as the monetary value of these damages, which include, but are not limited to:

- a. Mental anguish;
- b. Physical pain and suffering;
- c. Physical impairment;
- d. Humiliation, shame, and fright;
- e. Damage to their reputation;
- f. Loss of earning capacity;
- g. Attorney's fees;
- h. Consequential damages;
- i. Exemplary damages;
- j. Loss of consortium;
- k. Court costs;
- l. Prejudgment and post-judgment interest; and,
- m. All other relief, both in law and in equity, to which Plaintiffs may be entitled.

8.3. Because of all the above and foregoing, Plaintiffs have suffered actual damages in excess of the minimum jurisdictional limits of the Court for which damages Plaintiffs now brings suit.

IV. RULE 193.7 NOTICE

9.1. Pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, Plaintiffs hereby gives actual

notice to Defendants that any and all documents produced may be used against the Defendants producing the document at any pretrial proceeding and/or at the trial of this matter without the necessity of authenticating the documents.

X. REQUEST FOR DISCLOSURE

10.1. Pursuant to Rule 194, request is made that Defendants disclose, within fifty (50) days of service of this request, the information or material described in Texas Rule of Civil Procedure 194.2 (a)-(l). Defendants must serve a written response to these Requests for Disclosure on Plaintiffs within fifty (50) days after the service of this request. Failure to timely respond shall constitute an abuse of discovery pursuant to Texas Rule of Civil Procedure 215.

XI. JURY DEMAND

11.1. Plaintiffs hereby demand a trial by jury.

XII. PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray, that upon final trial and hearing hereof, that Plaintiffs recover damages in accordance with the evidence, that Plaintiffs recover costs of court herein expended, that Plaintiffs recover interest to which Plaintiffs are justly entitled under the law, and for such other further relief, both general and special, both in law and in equity, to which Plaintiffs may be justly entitled.

Dated: October 19, 2020

Respectfully submitted,

/s/ Morgan A. Stewart

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ATTORNEYS FOR PLAINTIFFS

Dated: October 19, 2020

Respectfully submitted,

/s/ Susan Hutchison

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ATTORNEYS FOR PLAINTIFFS

EXHIBIT A

9:23 ↗



< 394



jerry harris >

Fri, May 3, 6:19 PM

Hey btw I found a place for us to do stuff it's actually pretty good haha

Fri, May 3, 7:39 PM

lol

So?

i cant sorry

Ok

maybe another time

There won't be but it's ok I still wanna hangout w you

okayyyyyy

:)))

wyd

I'm at Disney springs rn



iMessage



EXHIBIT B



Would you ever want to ****



Send a chat



Send a chat

EXHIBIT C

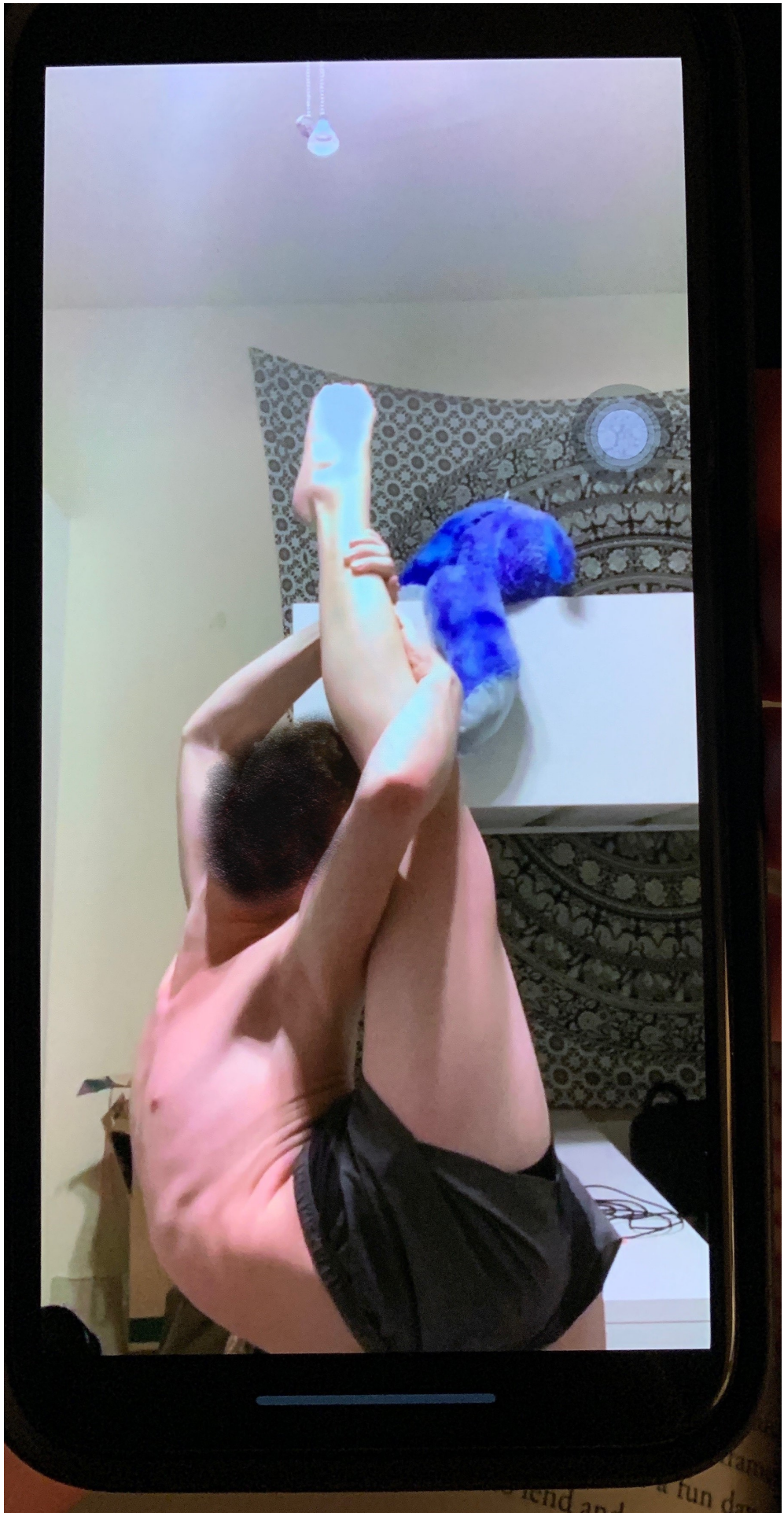


EXHIBIT D



5 months ago

8:17



.jerry harris

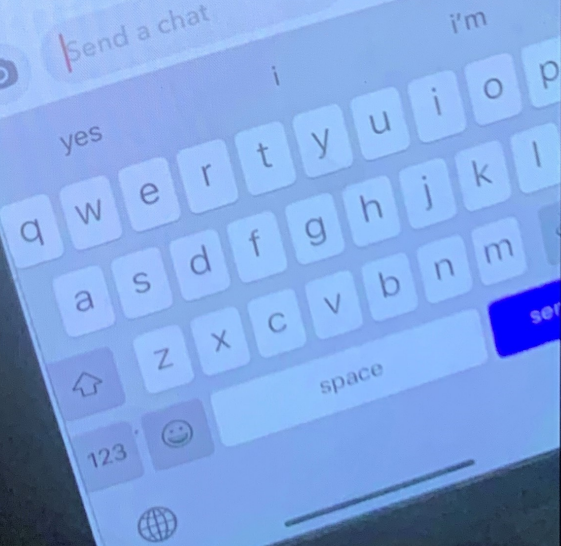
TODAY

JERRY

the simple life

Do it naked and take a video and show me 😊

Send a chat



Send a chat