



Attorneys for Plaintiff:

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\$7,000,010 VERDICT – PERSONAL NEGLIGENCE – SEXUAL ASSAULT – PLAINTIFF WAS SEXUALLY ABUSED NUMEROUS TIMES BY ANOTHER OLDER SCOUT – VIOLATION OF CONNECTICUT'S UNFAIR TRADE PRACTICES ACT.

Waterbury County, Connecticut

In this matter, the plaintiff former boy scout alleged that he was sexually abused on several occasions by an older scout. The plaintiff alleged that the defendant organization was aware of a problem and history of sexual abuse dating back to the 1920s, and failed to take any action to educate scouts, parents, and leaders and report instances of sexual abuse. The plaintiff maintained that the defendants acted recklessly and caused him to suffer emotional distress. The defendants denied the allegations and disputed liability and damages.

The male plaintiff was a boy scout with the defendants in the 1970s. During that time, he was sexually assaulted on several occasions by another scout who was three years older than the plaintiff. The plaintiff contended that as a result of the sexual abuse, he endured severe emotional distress. The plaintiff brought suit against the defendant local council and the national organization, alleging that it was negligent and reckless in its conduct. The plaintiff maintained that the Boy Scouts of America were well aware of the widespread sexual abuse, including boy-to-boy sexual abuse, such as the one occurred in this matter.

The plaintiff supported that the organization had hundreds of files dating back to the 1920s documenting this abuse, and yet did nothing to educate children, adults, and leaders of the existence of the sexual abuse, and ways to recognize and report it. Additionally, the plaintiff brought a claim alleging that the defendants had violated the Connecticut Unfair Trade Practices Act by its actions of collecting monies from young scouts, and failing to advise and warn them of the widespread sexual abuse that was happening within the organization.

The plaintiff presented evidence of the intentional infliction of emotional distress. The defendants denied the allegations, and maintained that it was not negligent or reckless, and conceded the existence of the secret files, but argued that these files were maintained to make sure that if someone was accused of sexual misconduct that individual would not be allowed to re-register in another council or state. The defendant contended that the maintenance of such files was done in the exercise of reasonable care, and there was no obligation on the defendants' part to do anything further with that information. The defendants also argued that the abuse did not happen due to the significant length of time (35 years) prior to the plaintiff reporting the abuse.

The defendants pointed to the plaintiff's history of drug abuse and his arrest, record maintaining that any emotional distress he alleged was due to his poor life choices and not because of negligence on the

part of the defendants. The matter proceeded to trial over a period of seven days. At the conclusion of the trial, the jury deliberated for seven hours and returned its verdict in favor of the plaintiff on the claim of negligence, and negligent infliction of emotional distress.

The jury also determined that the defendant national organization acted recklessly, and punitive damages were to be awarded as determined by the court. The jury found in favor of the plaintiff on the claim of violation of Connecticut's Unfair Trade Practices Act, and awarded the plaintiff a total of \$7,000,010 in damages, consisting of \$4,000,000 for negligence, \$3,000,000 for negligent infliction of emotional distress, and \$10 in damages for the defendant's violation of the Unfair Trade Practices Act. The jury declined to find any liability on behalf of the local defendant council.

REFERENCE

JOHN DOE VS. FAIRFIELD COUNTY COUNCIL OF BOY SCOUTS OF AMERICA, INC. ET AL.. CASE NO. CV12-5016431-S; JUDGE SALVATORE AGATI, 12-12-14.

ATTORNEY FOR PLAINTIFF: PAUL SLAGER AND JENNIFER COHEN GOLDSTEIN OF SILVER GOLUB & TEITELL, LLP IN STAMFORD, CT.

COMMENTARY

The unscrupulous and deceptive trade practices claim under the connecticut unfair trade practices act was a unique claim that was brought for the first time in the state by the plaintiff's counsel. The plaintiff alleged that by collecting monies for uniforms and scout programs without disclosing the secret fact that there was widespread sexual abuse within the organization constituted unscrupulous and deceptive trade practices on the part of the defendants. Under the language of the statute, the plaintiff was only entitled to recoup economic damages. the only economic damages incurred by the plaintiff was the \$10 that the plaintiff paid for uniforms and programs. The plaintiff's attorney remarked that while only \$10 the symbolic finding by the jury and award of damages was incredibly emotionally and psychologically significant to the plaintiff.

The defendants attempted to argue that the plaintiff's claim under the unfair trade practices act was barred by the statute of



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limitations; however, Connecticut has a separate statute of limitations for child abuse cases, which was the statute applied to this matter, thereby negating that argument. This case is reported to be the largest compensatory verdict against the Boy Scouts Of America to date.

The parties agreed that in the event that the jury made a recklessness determination, the amount of punitive damages in the form of attorney fees and costs would be decided at a later date by the court. In addition to the punitive damage award that will come from the court, since there was an offer to compromise, the plaintiff will also be entitled to pre-judgment interest from the date of the filing of the complaint.

The defendants in this matter never made any pre-trial settlement offer. the defendant did make a small settlement offer for nuisance value when the jury was selected, which the plaintiff rejected.