



STAFF REPORT

Report To: Board of Supervisors **Meeting Date:** November 19, 2020

Staff Contact: Nancy Paulson, City Manager

Agenda Title: For Possible Action: Discussion and possible action regarding a proposed settlement agreement in the amount of \$125,000, payable by Carson City to Grace Doe on behalf of minor Jane Doe for certain state and federal claims arising from alleged injuries sustained by the minor as the result of her participation and enrollment in the City's Parks and Recreation Camp Carson in the summer of 2016. (Nancy Paulson, npaulson@carson.org)

Staff Summary: This agenda item is for the Board of Supervisors ("Board") to consider entering into a settlement agreement with claimant Grace Doe, who has threatened to bring legal action against Carson City and a former Carson City employee on behalf of minor Jane Doe. The threatened litigation involves a number of allegations of state and federal law violations arising from the minor's participation and enrollment in a summer recreational program overseen by the City's Department of Parks, Recreation and Open Space in 2016. The proposed settlement, if approved, releases the City from any further obligations in this matter with regard to Jane Doe.

Agenda Action: Formal Action / Motion **Time Requested:** 5 mins

Proposed Motion

I move to authorize the City Manager to enter into the settlement agreement on behalf of the City as proposed and authorize the District Attorney's Office to proceed with all necessary action to finalize the settlement.

Board's Strategic Goal

Efficient Government

Previous Action

At its meeting on November 21, 2019, the Board approved a settlement of federal and state claims asserted by a different minor relating to that minor's participation and enrollment in the same summer recreational program in 2016.

Background/Issues & Analysis

On June 26, 2020, a settlement demand ("demand") was sent from attorney Andre Lagomarsino to the Carson City District Attorney's Office. Mr. Lagomarsino represents a female child (referred to hereinafter as Jane Doe) and the child's mother (referred to hereinafter as Grace Doe). Jane Doe was enrolled in Carson City's Camp Carson in the summer of 2016, overseen by the City's Department of Parks, Recreation and Open Space. During the minor's enrollment in the program, she participated in various camp activities at the City's Community Center and Aquatic Center. During that period of time, Carson City utilized volunteers to assist paid personnel with the administration of camp activities. One such volunteer was a minor boy who was involved with activities of Jane Doe's camp group.

According to her demand, Jane Doe claims she was touched inappropriately by the volunteer on four separate occasions between July 5 and August 3, 2016. The demand includes several attachments, including video surveillance recordings of the alleged incidents. Mr. Lagomarsino demanded payment of \$600,000 in exchange for Jane Doe's release of claims for the inappropriate touching.

On October 1, 2020, a mediation was held concerning Jane Doe's demand. Robert Enzenberger conducted the mediation. Mr. Lagomarsino and Grace Doe attended on behalf of Jane Doe. City Manager Nancy Paulson and District Attorney Jason Woodbury attended on behalf of Carson City. After several hours of negotiations, the parties reached an agreement. Mr. Lagomarsino and Grace Doe agreed to accept a payment totaling \$125,000 for settlement and release of all Jane Doe's claims. The settlement sum would be paid in two installments: (1) \$65,000 to be paid within 30 days of approval of the settlement by Carson City and execution of Jane Doe's release of claims; and (2) \$60,000 to be paid on July 1, 2021. City Manager Paulson and District Attorney Woodbury agreed to recommend approval of those settlement terms by the Board. If Jane Doe proceeds with litigation, it is anticipated she would allege both federal and state claims against Carson City and its former employee. Because such litigation would involve federal claims, Nevada's statutory cap of \$100,000 in damages against a governmental entity pursuant to NRS 41.035 is not applicable.

Based on a review of the merits of the case, the anticipated fees and costs necessary to defend the threatened litigation, and the possibility of a higher monetary damages award to Jane Doe if this matter proceeds to jury trial and verdict, it is the recommendation of the City Manager and the District Attorney that the Board approve the proposed settlement for the amount of \$125,000, payable as set forth above.

Applicable Statute, Code, Policy, Rule or Regulation

NRS 241.0357

Financial Information

Is there a fiscal impact? Yes

If yes, account name/number: Insurance Fund/Claims Expense 5900745-500413.

Is it currently budgeted? Yes

Explanation of Fiscal Impact: Carson City's insurance carrier has denied coverage with respect to Jane Doe's demand. While Carson City has objected to the carrier's coverage denial and expects to challenge it in the future, at present, no insurance funds are available to cover or contribute to the proposed settlement. As such, Carson City is obligated to fund the entire settlement amount of \$125,000, \$65,000 within 30 days and \$60,000 on July 1, 2021. The available Claims Budget for FY 2021 is \$440,592; if the proposed settlement is approved, staff will budget appropriately in FY 2022.

Alternatives

Accept the settlement offer or do not accept the settlement offer, and/or provide alternative direction.

Attachments:

[Settlement demand.pdf](#)

Board Action Taken:

Motion: _____	1) _____	Aye/Nay
	2) _____	_____

(Vote Recorded By)



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SETTLEMENT DEMAND

June 26, 2020

VIA EMAIL AND FED-EX

Jason Woodbury, Esq.
Carson City District Attorney
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Carson City, NV 89701
E: jwoodbury@carson.org

**RE: My Client: [REDACTED]
Dates of Incidents: July 5 & 6, 2016; July 25, 2016; and August 3, 2016**

INADMISSIBLE SETTLEMENT COMMUNICATION PURSUANT TO NRS 48.105 & FRE 408

Dear Mr. Woodbury:

This correspondence serves to present the facts of this claim on behalf of our client in the above referenced matter. This correspondence shall serve as a formal settlement demand and Plaintiff's opening offer to settle this matter.

The following materials are enclosed with this letter:

1. Photos of [REDACTED];
2. Carson City Community Center Video Surveillance Clips Outside of the Restroom;
3. Carson City Community Center Video Surveillance Clip of the Gymnasium;
4. Carson City Aquatic Center Video Surveillance Clips;
5. The Gold Dust West Casino Bowling Alley Surveillance Video Clips;
6. Carson City Sheriff's Office Incident Report and Time Stamps and Review of Video Surveillance of The Gold Dust West Bowling Alley, Community Center, and Aquatic Center;
7. Deposition of Jaye Phillips;
8. Deposition of Megan Soracco;
9. [REDACTED] Timeline of School Misbehavior;
10. Failure to Report Police Report;
11. Nick Marano Email to Jennifer Budge;
12. Nick Marano Deposition;
13. [REDACTED] Incident Reports from Carson City Parks and Recreation;

14. Research Regarding Settlements and Verdicts in Sexual Abuse Cases (Exs. 14-24); and
15. Expert Opinion regarding Carson City's Recreation Program (Ex. 25).

INTRODUCTION

Prior to the numerous extremely troubling incidents of sexual touching and grooming¹ perpetrated against her, ██████ was a normal, fun-loving, and healthy little girl who enjoyed being around other children, friends, and her family. *See Exhibit 1, Photos of ██████* As result of the appalling sexual abuse she endured while attending Camp Carson, ██████ suffered serious physical, emotional, and psychological trauma. ██████ with the aide and support of her mother, has had to work through this trauma and the emotions she experienced from these heinous acts. She has had to revisit these acts to learn how to recognize the grooming and wrongful sexual acts that take place among child molesters. These incidents have affected all facets of ██████ life, especially as she now faces lifelong emotional and psychiatric trauma.

In July 2016, ██████ a five (5) year old at the time, was enrolled into Camp Carson, Wagoneers Group, an eight (8) week summer program for children, arranged by The Carson City Parks and Recreation Department. Camp Carson included "fun games and activities" and optional "free swim" classes for its minor-aged participants.

On or about July 5, 2016, ██████ a fifteen (15) year old Camp Carson volunteer assigned to ██████ group, accompanied ██████ and other young children to a restroom at the Carson City Community Center. Prior to coming out of the women's restroom, ██████ along with other young girls, were inappropriately touched, grabbed, and groomed by ██████ inside the doorway of the women's restroom at various times prior to being allowed to leave. ██████ repeated this behavior for roughly thirty (30) minutes as he accompanied ██████ and other young children to the restroom alone.

A day later, on or about July 6, 2016, ██████ again accompanied ██████ and other young children enrolled at Camp Carson to the same restroom at the Carson City Community Center. Prior to ██████ entering the restroom to change into her bathing suit, ██████ again touched ██████, tapping her on the head as she entered the restroom.

On or about July 25, 2016, while participating in a Camp Carson activity in the gymnasium at the Carson City Community with other minor children, ██████ repeatedly sexually assaulted ██████ in plain sight with his foot.

Less than two (2) weeks later, on or about August 3, 2016, ██████ sexually molested ██████ while she was participating in a "free swim" class at Camp Carson. During this specific class, ██████ sexually molested ██████ in the swimming pool on two (2) different occasions.

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¹ "Grooming" is the tactic of gradually and methodically building trust with a child and the adults around them to gain increased access and alone time with their future victim. *See* <https://www.childmolestationvictims.com/the-grooming-process-how-sexual-predators-con-you-and-your-child/>

What is even more troubling is [REDACTED] was not the [REDACTED] only victim at Camp Carson. In fact, on or about July 21, 2016, [REDACTED] repeatedly molested other young children attending Camp Carson while on a field trip at the bowling alley located at The Gold Dust West. While at the bowling alley, [REDACTED] who was assigned to assist in supervising the young children's group, repeatedly sexually assaulted multiple young children in plain sight of Camp Carson staff and Gold Dust West employees. The following day, a parent notified Jaye Phillips, the Parks and Recreation Program Supervisor, that [REDACTED] had "checked" her daughter's under pants to see if she had an accident at the bowling alley. Jaye Phillips merely counseled [REDACTED] about the incident and allowed him to continue work as a volunteer at Camp Carson. Both Jaye Phillips and Megan Soracco, the Parks and Recreation Program Specialist, failed to report this incident to the proper authorities despite being mandatory reporters. Had they complied with Nevada's mandatory reporting laws and reported [REDACTED] sexual assaults, or at the very least suspended [REDACTED] pending an investigation into his conduct, it would have ultimately prevented [REDACTED] from repeatedly sexually assaulting [REDACTED] on numerous occasions.

In addition to the blatant misconduct associated with failing to report [REDACTED] after the bowling alley incident and remove him from Camp Carson altogether, [REDACTED] was also hired by Jaye Phillips and Meagan Soracco as a volunteer despite their knowledge about numerous prior behavioral issues that provided sufficient notice of [REDACTED] disqualifying inability to be a volunteer in the program. Specifically, [REDACTED] had a lifetime of impulse control issues which included cursing, stealing, acting out, violent conduct, and inappropriate touching of other children.

FACTS OF THE INCIDENTS

Video surveillance from the Carson City Community Center depicts roughly thirty (30) minutes of [REDACTED] inappropriately touching, grabbing, and grooming our client and four (4) other young girls inside the doorway of one of the women's restroom on July 5, 2016, after he accompanied each one of young girls alone to the women's restroom. Video surveillance footage from these incidents depict [REDACTED] standing in the doorway of the women's restroom, leaning and peaking inside while our client and each of the other young girls use the restroom prior to inappropriately touching, grabbing, and grooming them inside the doorway before allowing them to exit the restroom. During this time a female staff member briefly depicted in the video went into the restroom when [REDACTED], [REDACTED], and other the minor children were not present and then exited the restroom and surrounding area while [REDACTED] was outside the women's restroom doorway alone with a minor child. The staff member did nothing to stop [REDACTED] from being left alone with the minor child. Then, once [REDACTED] had finished accompanying [REDACTED] and the other minor girls to restroom, he entered the women's restroom himself and comes out moments later wiping his hands with a paper towel. Additionally, on July 6, 2016, [REDACTED] again accompanies [REDACTED] along with other minor children to the restroom. Video Surveillance depicts [REDACTED] standing in the front of the women's restroom and grooming [REDACTED] by tapping her on the head as she entered the restroom to change into her bathing suit. **See Exhibit 2, Carson City Community Center Video Surveillance Clips Outside of the Restroom.**

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On or about July 25, 2016, video surveillance from the gymnasium of the Carson City Community Center depicts [REDACTED] (i) repeatedly sexually molesting [REDACTED] while playing in a circle with other minor children; (ii) making highly inappropriate and repeated sexual contact with [REDACTED]; and (iii) hovering over [REDACTED] and repeatedly shoving his foot under [REDACTED] buttocks. [REDACTED] can be seen sitting with three (3) other children in the first group from the left, herself facing away from the video and towards the wall that says "Wagoneers" throughout [REDACTED] sexual molestation and groom behaviors. *See Exhibit 3, Carson City Community Center Video Surveillance Clip of the Gymnasium.*

On or about August 3, 2016, video surveillance from the Carson City Aquatic Center depicts [REDACTED] in constant pursuit and contact with [REDACTED] while in the swimming pool with her during a "free swim" class at Camp Carson. Video surveillance footage from these incidents depict [REDACTED] on three (3) separate occasions pursuing and making contact with [REDACTED] in the swimming pool. On one (1) of those instances [REDACTED] grabs [REDACTED] and pins her up against the side of the pool for multiple seconds. In an interview with Carson City Sheriff's Office, [REDACTED] informed the officer conducting the interview that [REDACTED] touched her in her vagina twice during the "free swim" class. *See Exhibit 4, Carson City Aquatic Center Video Surveillance Clips.*

Prior to the July 25, 2016 and August 3, 2016 incidents, [REDACTED] repeatedly sexually assaulted other minor children attending Camp Carson while on a field trip at a bowling alley. Video surveillance from the Gold Dust West bowling center depicts over thirty (30) instances of [REDACTED] making highly inappropriate sexual contact with other minor children on July 21, 2016. Video surveillance footage from these incidents depict [REDACTED] repeatedly violating young children by (i) putting his hands on, and in between, their legs in their groin area, (ii) putting his hands inside the backside of their pants, (iii) putting his hand in front of their groin area while making a rapid jerking motion, (iv) putting the children on his lap and pointing his right hand downward to their groin area, (v) attempting to spread their legs apart and put his hand down their pants, (vi) and pulling up their shirts, exposing their abdomen and chest, and pulling down the backside of their pants, exposing their bare buttocks. [REDACTED] rampant sexual assault on these children began less than five (5) minutes from entering the bowling alley. *See Exhibit 5, The Gold Dust West Casino Bowling Alley Surveillance Video Clips; See also Exhibit 6, Carson City Sheriff's Office Incident Report and Review of Video Surveillance of The Gold Dust West Bowling Alley, Community Center, and Aquatic Center.*

These horrendous and highly inappropriate acts, which included a number of other minor children, took place over the course of approximately one (1) month at Camp Carson. During this time, other Camp Carson staff members chose to ignore several Camp Carson policies. Specifically, the staff members who allowed [REDACTED] to be alone with [REDACTED] and the other young children chose to ignore the policy that volunteers were supposed to be accompanied by other staff members at all times, which allowed [REDACTED] to repeatedly sexually assault, violate, and inappropriately touch our client and other minor children. In addition, the staff members who were present, and in close proximity to these acts, also chose to ignore a number of Camp Carson policies. Specifically, Camp Carson staff ignored the hands-off policy for all children, which also allowed [REDACTED] to repeatedly sexually assault and violate our client and other minor children. *See Exhibit 2, Carson City Community Center Video Surveillance Clips Outside of the Restroom; See also Exhibit 3, Carson City Community Center Video Surveillance Clip of the*

Gymnasium; Exhibit 4, Carson City Aquatic Center Video Surveillance Clips; and Exhibit 5, The Gold Dust West Casino Bowling Alley Surveillance Video Clips.

Equally troubling is that the sexual assaults on ██████ that occurred on July 25, 2016 and August 3, 2016 could have been prevented had both Jaye Phillips (“Phillips”), the Parks and Recreation Program Supervisor, and Meagan Soracco (“Soracco”), the Parks and Recreation Program Specialist, not covered up their misconduct by failing to report ██████ to the proper authorities despite being mandatory reporters. Specifically, ██████ (parent to another child in the program) approached Phillips on July 22, 2016, the day after the incidents at the bowling alley, informing Phillips that ██████ had seen down her daughter’s under pants after “checking them” at the bowling alley the day prior. Instead of reporting this to the proper authorities, Phillips only chose to report the conversation to his direct supervisor, Soracco. *See Exhibit 7, Jaye Phillips Deposition 97:8-11.* Soracco advised Phillips to “monitor the information, [and] document it” to know what Phillips’ “thought process was” and what he “saw as the appropriate actions.” *See Exhibit 7, Jaye Phillips Deposition 97:8-11.* Phillips, in response to the allegation and conversation with Soracco, sat ██████ down, “went over the roles and responsibilities of a volunteer, and had him complete a statement.” *See Exhibit 8, Meagan Soracco Deposition 96:9-15.*

Notably, regarding Soracco, she did not report ██████ behavior to anyone else after Phillips told her about what occurred with the child. *See Exhibit 8, Meagan Soracco Deposition 98:4-6.* When asked if she took any steps personally to investigate the allegations as to what occurred at the bowling alley in July of 2016, she replied “no.” *See Exhibit 8, Meagan Soracco Deposition 24:23--25:4.*

Further, Phillips ignored ██████ history and record of misbehavior in his decision to ultimately hire ██████ as a volunteer at Camp Carson. Phillips said during a deposition that the process he undertook for hiring ██████, to determine whether ██████ could be a volunteer, was “his behavior the last months in middle school.” *See Exhibit 7, Jaye Phillips Deposition 36:14-18.* Phillips stated that he did not look at the “deeper half of ██████ file with parks and rec[reation],” prior to making the decision to make him a volunteer and only looked at his “monthly progression from the last year.” *See Exhibit 7, Jaye Phillips Deposition 36:19-23.* He added that the reason he did not go back past 2013 in reviewing ██████ entire file is because it was a “judgment call when judging character at that point.” *See Exhibit 7, Jaye Phillips Deposition 37:24-25.* Phillips testified that ██████ behavioral issues consisted of “problems with his peers,” which “usually entailed acting a fool,” “acting out to get attention,” and “wanting to be the one that was followed within the group.” *See Exhibit 7, Jaye Phillips Deposition 35:4-12.* However, ██████ complete file with Carson City Parks and Recreation contained an extensive list of behavioral problems that entailed a history of violence, insubordination, and inappropriate touching, which should have been considered (and not ignored) prior to allowing ██████ to be a volunteer.

Moreover, Phillips also acknowledged that he made no attempt to contact ██████ school to find out about his behavioral record despite being aware that ██████ once made a “gun, a firearm” threat at his school, which resulted in the school having to be evacuated. *See Exhibit 7, Jaye Phillips Deposition 40:2-3, 42:20-22.* Had Phillips done an inquiry into ██████ school behavior it would have revealed ██████ long list of insubordination and behavioral issues. *See Exhibit 9,*

█████ **Timeline of School Misbehavior.** The only behavioral issues about █████ that Jaye Phillips did discuss prior to making his decision for █████ to become a volunteer was with Soracco, where they discussed “listening, following through, and showing professionalism for the actual craft itself.” *See Exhibit 7, Jaye Phillips Deposition 41:13-16.*

Lastly, after Phillips made the decision to make █████ a volunteer, █████ failed to complete the forty (40) hour training week. *See Exhibit 8, Meagan Soracco Deposition 55:4-7.* Specifically, █████ only completed twenty-seven and a half (27½) hours of the training. *See Exhibit 8, Meagan Soracco Deposition 70:25-71:10.*

There were two police reports filed and investigated by Carson City Sheriff’s Office in regard to bowling alley incident, one (1) for the failure to report on behalf of Carson City’s employees Jaye Phillips and Meagan Soracco and the other for all inappropriate contact made by █████ on approximately five (5) girls in Camp Carson. *See Exhibit 10, Failure to Report Police Report; See also Exhibit 6, Carson City Sheriff’s Office Incident Report and Review of Video Surveillance of The Gold Dust West Bowling Alley, Community Center, and Aquatic Center.*

A year prior to these incidents, Carson City had another incident where children were inappropriately touched by another volunteer in their program named █████. *See Exhibit 7, Jaye Phillips Deposition 28:12-15.* Specifically, in regard to this incident, a volunteer lifted the shirt of a younger child and pushed on his belly. *See Exhibit 8, Meagan Soracco Deposition 22:2-3.* In addition, one of the staff members for the program saw █████ touch the genital area of one of the participants during open play. *See Exhibit 7, Jaye Phillips Deposition 28:24-25.* Nick Marano, the then City manager, wrote in an email stating that he was “amazed that we didn’t take this simple lesson to heart: our primary purpose as staff is to ensure a safe program for the children. Period.” *See Exhibit 11, Marano Email to Jennifer Budge.* Marano also admitted that the priorities at the time of these incidents were “fun first, safety second” in regard to young volunteers. *See Exhibit 12, Nick Marano Deposition 51:10-14.*

There were two police reports filed and investigated by Carson City Sheriff’s Office in regard to this matter, one (1) for the interviews of █████ and her mother regarding the sexual molestation █████ was subjected to and one (1) for a review of the video surveillance from the bowling alley, Carson City Community Center, and Carson City Aquatic Center. *See Exhibit 10, Failure to Report Police Report.; See also Exhibit 6, Carson City Sheriff’s Office Incident Report and Review of Video Surveillance of The Gold Dust West Bowling Alley, Community Center, and Aquatic Center.*

PRESENT AND FUTURE EMOTIONAL AND PSYCHOLOGICAL DAMAGES

It is well known that childhood sexual trauma causes devastating life changes, altering personality development and corrupting personal relationships over a lifetime. Our client went from a happy, bubbly, and functional child to having to deal with serious physical, emotional, and psychological trauma shortly after being sexually assaulted at Camp Carson. Victims of sexual trauma are affected by both short-term and long-term psychological issues. Short-term effects include concentration difficulties, loss of interest in activities, and changes in one’s behavior.

The effects of our client's traumatic experience at Camp Carson have already negatively affected our client's life. For example, Plaintiff, with the aide and support of her mother, has had to work through the emotions she experienced from these heinous acts and she has been forced to revisit these acts to learn how to recognize the grooming and wrongful sexual acts child molesters, such as [REDACTED], employ.

[REDACTED] now potentially faces a lifelong emotional and psychiatric injury resulting from the sexual trauma suffered while at Camp Carson. These long-term effects of sexual abuse include depression, anxiety, hostility, impaired relationships, and suicidal ideation. In addition, eighty percent (80%) of abused children meet the diagnostic criteria for at least one psychiatric disorder by age twenty-one (21). Victims of sexual abuse are over three and a half times (3½) more likely to develop drug addictions (Administration for Children & Families of US Department of Health and Human Services, "Child Maltreatment Report, 2003; National Institute on Drug Abuse 2000 Report).

EXPERTS

The undersigned will hire two (2) experts who will opine on liability and damages in the instant case. In regard to the liability expert's opinions, the liability expert will opine that the volunteer supervision standards in Carson City's Parks and Recreation department were grossly inadequate and deliberately indifferent to the safety and well-being of the children. In a prior case involving Carson City, this opinion was already rendered. *See Exhibit 25, Expert Report.*

Next, regarding the damage expert, a psychiatrist will perform a psychiatric evaluation of [REDACTED] to assess the psychological and emotional damage she sustained and will opine to the damages she suffered in the instant case. Much of the damage of childhood sexual abuse only becomes apparent when the child reaches puberty, becomes aware of her own sexuality, and has a much more disruptive perspective on the sexual assault. A number of serious problems commonly arise and continue to arise during various times in their life cycle. Memories are reawakened, and the negative impact of sexual abuse increases throughout various life events including puberty, a first physical relationship, marriage, having children, and having children who reach dating age.

SUMMARY OF PLAINTIFF'S CLAIMS AGAINST CARSON CITY

As detailed above, Phillips continued to ignore reports of [REDACTED] highly inappropriate behavior even after he was told by police that a parent ([REDACTED]) notified him earlier that one of the children attending Camp Carson reported that [REDACTED] had "checked" her pants to see if she had an accident at the bowling alley. Phillips informed police that he counseled [REDACTED] about his duties as a volunteer and had [REDACTED] write a statement on his duties as a volunteer. It is apparent that [REDACTED] highly inappropriate behavior was a clear violation of the Department of Parks and Recreation's Employee Work Rules and Regulations, yet [REDACTED] was not immediately discharged from the volunteer program. Further, Camp Carson never reported his actions to the proper authorities, which allowed [REDACTED] the ability to continue to sexually assault and inappropriately touch [REDACTED] and other minor children. In failing to report this incident to the proper authorities and allowing [REDACTED] to continue to be a volunteer around young and vulnerable children, Carson

City was deliberately indifferent to our client's constitutional rights. *See Exhibit 10, Failure to Report Police Report.*

Carson City also disregarded [REDACTED] long history of dangerous behavior within its own agency. Carson City has records of [REDACTED] history of inappropriate behavior at the community center in his Parks and Recreation file. In September 2006, while enrolled at Carson City's Parks and Recreation program, [REDACTED] touched other children in places where they did not want to be touched and gave a child a wedgy at snack time. *See Exhibit 13, [REDACTED] Incident Reports.* During that same period, [REDACTED] also purposely tripped another child and stepped on a child's finger after he was already given a final warning that day. *See Exhibit 13, [REDACTED] Incident Reports.* In addition, while [REDACTED] was riding in the van from school to latch key, he assaulted a counselor by kicking the counselor's arm. *See Exhibit 13, [REDACTED] Incident Reports.* [REDACTED] then proceeded to tell the counselor to "open the dumb door" twice. *See Exhibit 13, [REDACTED] Incident Reports.*

In October 2006, [REDACTED] choked another boy until the boy's face turned red. When asked why he choked the boy, [REDACTED] replied that there was no reason. *See Exhibit 13, [REDACTED] Incident Reports.* In November 2006, [REDACTED] was reported for kicking the soda machine extremely hard in the gym of the community center for no reason, stealing lunches, and having trouble keeping his hands to himself. *See Exhibit 13, [REDACTED] Incident Reports.* Also, in November of 2006, [REDACTED] pushed another child, used a pencil to write on the boy's bathroom wall, and was suspended from the community center Parks and Recreation program at Carson City. *See Exhibit 13, [REDACTED] Incident Reports.*

In April of 2013, [REDACTED] was written up for punching another child in the throat. In September of 2014, he was written up for threatening to kill another child. In June of 2015, he was written up for slapping a staff member in the face. *See Exhibit 13, [REDACTED] Incident Report.* Despite [REDACTED] robust behavioral history and record, Carson City allowed [REDACTED] to volunteer at Camp Carson. Carson City disregarded its knowledge of [REDACTED] dangerous behavior. *See Exhibit 13, [REDACTED] Incident Reports.* In allowing [REDACTED] to be around young and vulnerable children, Carson City was deliberately indifferent to our client's constitutional rights and safety.

Camp Carson's failure to adequately hire, train, and supervise its staff members and volunteers is a direct cause of our client's trauma and forever continued emotional pain and suffering. As detailed above, Carson City's training and supervision of its staff members and volunteers was grossly inadequate and amounted to deliberate indifference by Carson City, causing Fourth and Fourteenth Amendment constitutional violations against our client. In addition, Camp Carson created a hostile educational environment in violation of Title IX of the Education Amendments of 1972, 20 U.S.C. § 1983, because our client was a member of a protected class and subjected to sexual harassment created by Carson City's failure to address highly inappropriate sexual conduct by one of its volunteers.

Carson City's background check policies prove inadequate to prevent unfit minor-aged volunteers from being hired. The policy requires all individuals who provide volunteer services to Carson City, and who are eighteen (18) years of age or older, to obtain a background check prior to volunteering if the individual will work with children under the age of eighteen (18). However, there is no background check requirement for individuals under 18 and no policy in place that requires a

specific procedure to be followed by its employees when hiring a volunteer under the age of eighteen (18). This inadequate hiring policy for Camp Carson created a hostile educational environment for our client as any reasonable inquiry into the background of [REDACTED] (or its own documentation in control and possession of Carson City) would have revealed a number of behavioral issues that would have identified him as unfit to volunteer and supervise minor-aged children. Jaye Phillips and Meagan Soracco completely failed to make any reasonable inquiry into the [REDACTED] background prior to the decision to hire him as a volunteer for Camp Carson.

The surveillance footage clearly shows Camp Carson employees not present while [REDACTED] is left alone with [REDACTED] and other minor children. It also shows employees turning a blind eye to [REDACTED] blatant sexual misconduct and grooming practices.

On August 3, 2016, the same day that [REDACTED] was sexually assaulted twice by [REDACTED] in the swimming pool at the Carson City Aquatic Center, police went to the Carson City Community Center and spoke with Phillips after a parent reported that [REDACTED] put his hands down the pants of another minor child enrolled at Camp Carson at Mills Park. Phillips told police that a parent ([REDACTED]) notified him earlier that one of the children attending Camp Carson reported that [REDACTED] had "checked" her pants to see if she had an accident at the bowling alley. As stated above, Phillips informed police that he counseled [REDACTED] about his duties as a volunteer and had [REDACTED] write a statement on his duties as a volunteer. It is apparent that [REDACTED] highly inappropriate behavior was a clear violation of The Department of Parks and Recreation's Employee Work Rules and Regulations, yet [REDACTED] was not immediately discharged from the volunteer program. Furthermore, his actions were not reported to proper authorities by either Phillips or Soracco, which allowed [REDACTED] to continue to sexually molest and inappropriately touch [REDACTED] and other minor children. There were two police reports in this matter, one of which found that there was a failure to report on behalf of Carson City's employees Jaye Phillips and Meagan Soracco. **See Exhibit 10, Failure to Report Police Report.**

Further, in regard to the [REDACTED] incident as detailed above, Carson City previously had a volunteer inappropriately touching a child roughly a year before these incidents at the bowling alley. Nick Marano, a Carson City manager, highlighted this in an email that stated he was "amazed" that they did not take to heart last year the lesson that "our primary purpose as staff is to ensure a safe program for the children. Period." He also testified that Camp Carson was more focused on fun with young volunteers instead of safety.

Carson City's practice of acquiescing to inappropriate sexual contact with minor-aged children demonstrates deliberate indifference to known acts of discrimination in violation of Title IX of the Education Amendments of 1972 and our client's constitutional rights under 42 U.S.C. § 1983.

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**AWARD OF ATTORNEY FEES ON THE 42 USC § 1983 CLAIM
AND COSTS UNDER ANY CLAIM**

This is an important factor for Carson City in considering this settlement offer, which includes attorneys' fees and costs. Should Plaintiff recover any amount of damages under 42 USC § 1983, she will be entitled to an award of attorney and paralegal fees. Plaintiff anticipates that attorney fees will approach one million (\$1,000,000.00) dollars by conclusion of trial. Plaintiff's counsel's most recent billable hour award was at \$450 per hour and paralegals bill at \$150 per hour.

By time of trial, Plaintiff estimates that costs, including expert fees, will exceed \$150,000.00. Plaintiff would likewise be awarded her costs in the event that she prevails on any claim in this case.

SETTLEMENTS FOR CHILD ABUSE AND MOLESTATION

Government entities and juries heavily compensate child victims of sexual abuse. Jury verdicts and settlements often reach far into the millions. The following table delineates how juries and government entities across the country compensated young plaintiffs who had been subjected to sexual abuse and molestation.

YEAR	MUNICIPAL	AMOUNT	EXHIBIT
2009	LA Unified School District	\$6,900,000 (Six million nine hundred thousand dollars) [One claimant]	14
2012	Carlsbad Unified School District	\$4,500,000 (Four million five hundred thousand dollars) [One claimant]	15
2013	Lodi Unified School District	\$4,750,000 (Four million seventy-five hundred thousand dollars) [One claimant]	16
2016	City of Las Cruces	\$3,000,000 (Three million dollars) [One claimant]	17
2016	Panoma Unified School District	\$8,000,000 (Eight million dollars) [One claimant]	18
2017	Morgan Hill Unified School District	\$8,250,000 (Eight million two hundred fifty thousand dollars) [Three claimants]	19
2018	Willow Creek Community Church	\$3,025,000 (Three million twenty-five thousand dollars) [Two claimants]	20
2019	San Ramon Valley Unified School District and Church of Alamo	\$1,550,000 (One million five hundred fifty thousand dollars) [One claimant]	21

2019	City of Sacramento and Sacramento Unified School District	\$12,500,000 (Twelve million five hundred thousand dollars) [One claimant]	22
2019	The Archdiocese of Los Angeles	\$8,000,000 (Eight million dollars) [One claimant]	23
2019	NV- Clark County School District	\$5,000,000 (Five million dollars) [Two claimants]	24

DEMAND


In light of the surveillance footage; Phillips and Sorrao's decision to hire [REDACTED]; their failure to report and discharge [REDACTED] after the bowling alley incident, which allowed [REDACTED] to remain a volunteer at Camp Carson and repeatedly sexual assault our client and other minor children; and testimony that clearly shows Camp Carson employees turning a blind eye to blatant sexual misconduct, a jury would undoubtedly find that Carson City's acquiescence and authorization of such conduct resulted in violations of our client's Fourth and Fourteenth Amendment rights and created a hostile educational environment for our client in violation of Title IX of the Education Amendments of 1972, 20 U.S.C. § 1983.

As a result, our client offers to accept \$600,000.00 from Carson City to resolve this case prior to litigation. If Carson City is not inclined to accept this offer or negotiate, Plaintiff alternatively offers to mediate this case with Robert F. Enzenberger.

This offer shall remain open for fourteen (14) days from receipt of this demand. Should you have any questions or wish to discuss these further, please do not hesitate to contact me. My client reserves all rights.

Very truly yours,

LAGOMARSINO LAW


Andre M. Lagomarsino, Esq.

Encl: a/s
AML/cf