

Court of Common Pleas of Philadelphia County
Trial Division
Civil Cover Sheet

For Prothonotary Use Only (Docket Number)
FEBRUARY 2016
E-Filed Number: 1602041513
002416

PLAINTIFF'S NAME K F	DEFENDANT'S NAME YOUNG MEN'S CHRISTIAN ASSOC. OF PHILADELPHIA AND YORK COUNTY, PA
PLAINTIFF'S ADDRESS C/O ANDREOZZI & ASSOCIATES 111 NORTH FRONT STREET HARRISBURG PA 17101	DEFENDANT'S ADDRESS 264 WEST MARKET STREET YORK PA 17401

PLAINTIFF'S NAME JOHN DOE	DEFENDANT'S NAME NATIONAL COUNCIL OF YOUNG MEN'S CHRISTIAN ASSOCS OF THE US, ALIAS: YMCA OF THE USA
PLAINTIFF'S ADDRESS C/O ANDREOZZI & ASSOCIATES 111 NORTH FRONT STREET HARRISBURG PA 17101	DEFENDANT'S ADDRESS 101 N. WACKER DRIVE SUITE 1600 CHICAGO IL 60606

PLAINTIFF'S NAME	DEFENDANT'S NAME
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS

TOTAL NUMBER OF PLAINTIFFS 2	TOTAL NUMBER OF DEFENDANTS 2	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Petition Action <input type="checkbox"/> Transfer From Other Jurisdictions <input type="checkbox"/> Notice of Appeal
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AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input checked="" type="checkbox"/> Jury <input type="checkbox"/> Non-Jury <input type="checkbox"/> Other:	MASS ACTION <input type="checkbox"/> Savings Action <input type="checkbox"/> Petition	COMMERCE <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Statutory Appeals	SETTLEMENT <input type="checkbox"/> Minors <input type="checkbox"/> W/D/Survival
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CASE TYPE AND CODE
20 - PERSONAL INJURY - OTHER

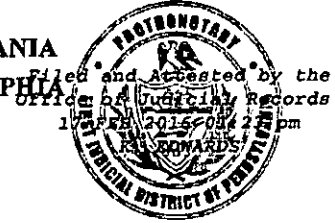
STATUTORY BASIS FOR CAUSE OF ACTION

RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)	<p>FILED PRO PROTHY FEB 17 2016 K. EDWARDS</p>	<p>IS CASE SUBJECT TO COORDINATION ORDER? YES NO</p> <p>2016 SEP - 1 AM 11:08 JUDICIAL CENTER YORK, PA</p> <p>OFFICE OF PROTHONOTARY</p>
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TO THE PROTHONOTARY:
Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: K F, JOHN DOE
Papers may be served at the address set forth below.

NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY BENJAMIN D. ANDREOZZI	ADDRESS 111 NORTH FRONT STREET HARRISBURG PA 17101
PHONE NUMBER (717) 525-9124	FAX NUMBER (717) 525-9143
SUPREME COURT IDENTIFICATION NO. 89271	E-MAIL ADDRESS ben@victimscivilatton
SIGNATURE OF FILING ATTORNEY OR PARTY BENJAMIN ANDREOZZI	DATE SUBMITTED Wednesday, February 17, 2016, 01:23 pm Case ID: 160202416

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF PHILADELPHIA**



K.F., on behalf of John Doe, a Minor

Plaintiff

v.

Young Men's Christian Association of York and York
County, Pennsylvania, and National Council
of Young Men's Christian Associations of The
United States of America d/b/a YMCA of the USA

Defendants

Civil Action - Law

No.

Jury Trial Demanded

Thursday, September 1, 2016 10:59 AM

2016-SU-002316-74

NOTICE TO DEFEND

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Philadelphia Bar Association
Lawyer Referral
and Information Service
One Reading Center
Philadelphia, Pennsylvania 19107
(215) 238-6333
TTY (215) 451-6197

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta ascender una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

Lleve esta demanda a un abogado inmediatamente. Si no tiene abogado o si no tiene el dinero suficiente de pagar tal servicio. Vaya en persona o llame por telefono a la oficina cuya direccion se encuentra escrita abajo para averiguar donde se puede conseguir asistencia legal.

Asociacion De Licenciados
De Filadelfia
Servicio De Referencia E
Informacion Legal
One Reading Center
Filadelfia, Pennsylvania 19107
(215) 238-6333
TTY (215) 451-6197

2016 SEP -1 AM 11:02

JUDICIAL CENTER
YORK, PA

Thursday, September 1, 2016 10:59 AM

2016-SU-002316-74

ANDREOZZI & ASSOCIATES, P.C.
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K.F., on behalf of JOHN DOE, a minor	:	IN THE COURT OF COMMON
	:	PLEAS OF PHILADELPHIA
Plaintiff,	:	COUNTY
	:	
vs.	:	CIVIL ACTION - LAW
	:	
YOUNG MEN'S CHRISTIAN	:	
ASSOCIATION OF YORK AND YORK	:	No.
COUNTY, PENNSYLVANIA and	:	
NATIONAL COUNCIL OF YOUNG	:	
MEN'S CHRISTIAN ASSOCIATIONS OF	:	
THE UNITED STATES OF AMERICA d/b/a	:	
YMCA OF THE USA	:	
	:	
Defendants.	:	JURY TRIAL DEMANDED

COMPLAINT

AND NOW, comes the Plaintiff, K.F., on behalf of John Doe, a minor, through her attorneys, Andreozzi & Associates, P.C., who files her Complaint against the Defendants, the Young Men's Christian Association of York and York County, Pennsylvania (the "York YMCA") and the National Council of Young Men's Christian Associations of the United States of America d/b/a the YMCA of the USA (the "National YMCA"), and avers the following:

PARTIES

1. The Plaintiff, K.F., is an adult resident of York County, Pennsylvania, and the mother and legal guardian of John Doe, her six-year-old son. Her initials and a pseudonym are

used to protect her son's identity because this case involves his childhood sexual abuse, and their identities are known to the Defendants.

2. The Defendant, the Young Men's Christian Association of York and York County, Pennsylvania, is a Pennsylvania non-profit corporation with a registered address of 264 West Market Street, York, PA 17401.

3. The Defendant, the National Council of Young Men's Christian Associations of the United States of America d/b/a the YMCA of the USA, is an Illinois non-profit corporation with a registered address of 101 N. Wacker Drive, Suite 1600, Chicago, IL 60606.

4. The National YMCA is the YMCA's national office, which governs more than 2,700 YMCAs with approximately 19,000 fulltime staff and 600,000 volunteers in 10,000 communities across the country, including the York YMCA and multiple Philadelphia Y locations.

VENUE

5. Venue is proper in Philadelphia County as the York YMCA regularly conducts business in Philadelphia and enters into contracts and agreements for Philadelphia based services.

6. One such agreement is the "My Y is Every Y" program by which York YMCA members pay dues in exchange for access and use of various facilities in Philadelphia, and various Philadelphia Y members pay dues in exchange for access and use of facilities at York YMCA.

7. Venue is proper in Philadelphia County as the National YMCA regularly conducts business in Philadelphia, which includes, but is not limited to:

a) collecting substantial dues from its Philadelphia Y locations, including those at 2108 Cecile B. Moore Avenue, Philadelphia, PA 19120; 1724 Christian Street, Philadelphia, PA 19146; 11088 Knights Road, Philadelphia, PA 19154; 7201 Ridge Avenue, Philadelphia, PA 19128; 1400 N. Broad Street, Philadelphia, PA 19121; and 5120 Chestnut Street, Philadelphia, PA 19139; and,

b) enforcing strict requirements and standards for the above Philadelphia Y locations.

FACTS

8. Every summer for many years the York YMCA operated Camp Spirit in York County, a large summer camp for children ages five to fifteen.

9. At all times relevant, including the summers of 2014 and 2015, the York YMCA advertised Camp Spirit as a safe place for children to build "self-esteem, develop communication skills and create lasting friendships."

10. The York YMCA also advertised that Camp Spirit was supervised by "well trained staff."

11. The York YMCA further advertised that Camp Spirit staff received a "child abuse clearance" and "[p]re-camp training including child abuse prevention."

12. Likewise, the National YMCA advertised Y camps and child care as "quality" and "safe, stimulating environments" where children "develop healthy, trusting relationships."

13. Given the National YMCA's and York YMCA's representations, and unaware of any danger to her son in attending Camp Spirit, K.F. registered John Doe for Camp Spirit for the 2015 summer through the York YMCA and paid the camp's registration fee.

14. Unfortunately, when K.F. registered John Doe for Camp Spirit, she was tragically unaware that a dangerous thirteen-year-old camper, B.G., would also be at Camp Spirit that summer.

15. Prior to the 2015 summer, the York YMCA was aware, or should have been aware, that B.G. posed a serious risk of harm to other campers.

16. In fact, before he even attended Camp Spirit, the York YMCA was instructed that B.G. had a troubled past, including being involved in sexual misconduct.

17. Additionally, at the 2014 Camp Spirit, B.G. was discovered by a camp counselor sexually abusing a special needs male camper in the woods during a camp outing.

18. It is believed and therefore averred, the counselor informed Chelsea Pritchett, Camp Spirit's Director, of B.G.'s sexually abusive conduct with the special needs camper.

19. It is believed and therefore averred, Pritchett then reported B.G.'s conduct to the York YMCA's President and Chief Executive Officer, Larry Richardson.

20. It is believed that neither Richardson nor Pritchett reported B.G.'s conduct to the authorities in violation of Pennsylvania's law regarding the mandatory reporting of suspected child abuse, 23 Pa. C.S. § 6311, *et seq.*

21. At no point did the York YMCA inform other campers, their parents, or anyone outside the York YMCA that B.G. posed a severe risk of harm to other children.

22. If K.F. had been aware of B.G.'s conduct, she never would have allowed John Doe to attend the camp with B.G.

23. Despite all that the York YMCA knew about B.G., no one at the organization implemented any precautions during his time at Camp Spirit in 2014 or 2015.

24. When the summer of 2015 began, the YMCA gave B.G. unfettered access to other campers, including John Doe.

25. Then, on July 3, 2015, a Camp Spirit counselor caught B.G. sexually abusing five-year-old John Doe under a wooden play structure during a camp outing.

26. B.G. was inexplicably able to get John Doe alone, away from other campers, despite the York YMCA's awareness of B.G.'s past abusive conduct.

27. The camp counselor tasked with supervising B.G. and John Doe at the time of the abuse, Kelsey Martin, was utterly unfit to supervise children.

28. In fact, despite the York YMCA's representations to the contrary, Martin did not have a Pennsylvania child abuse clearance.

29. It is believed, and therefore averred, that Martin did not have a child abuse clearance because she was then under investigation for a crime involving her own child.

30. This investigation involved an incident on April 10, 2015 where Martin was found to have placed her dead infant's body in a shoebox.

31. For her conduct, Martin was charged with concealing the death of a child under 18 Pa. C.S. § 430 (York Docket No. MJ-19201-CR-0000053-2016).

32. After John Doe's abuse, Camp Spirit's Director and counselors informed K.F. that B.G. sexually abused John Doe.

33. K.F. reported B.G.'s conduct to the police, despite Camp Spirit's Director's objections.

34. Only after K.F. reported B.G.'s sexual abuse of John Doe to the police did the York YMCA report B.G.'s 2014 sexual abuse of J.M., the special needs camper, to the police.

35. As a result of B.G.'s sexual abuse, John Doe has suffered severe psychological injuries, including, but not limited to, nightmares, anxiety, depression, and social withdrawal.

COUNT I

Negligence and Gross Negligence

Plaintiff, K.F., on behalf of John Doe, a minor v. Defendant Young Men's Christian Association of York and York County, Pennsylvania

36. The allegations throughout this Complaint are incorporated as if set forth at length.

37. At all times relevant, the York YMCA owned and/or operated Camp Spirit where John Doe and B.G. were registered campers.

38. The York YMCA had a duty to protect John Doe from unreasonable bodily harm, including sexual abuse by B.G., and the York YMCA violated its duties and was otherwise negligent, careless, reckless, and grossly negligent in the following manner:

- a) failing to reasonably screen, interview, hire, and train employees/volunteers fit to supervise children;
- b) failing to reasonably train employees/volunteers with regard to child abuse prevention;
- c) failing to reasonably and adequately supervise John Doe;
- d) failing to adopt, implement, and/or enforce adequate policies and procedures related to the supervision of children;
- e) failing to warn K.F. that Camp Spirit was unsafe for John Doe;
- f) failing to warn K.F. of B.G.'s history of sexual abuse;
- g) making false representations regarding the safety of children entrusted to the York YMCA's youth programs, including Camp Spirit;

h) failing to reasonably investigate sexual abuse by B.G. despite an awareness of his inappropriate conduct; and,

i) failing to contact the authorities upon discovery of sexual abuse by B.G.

39. As a direct and proximate cause of the York YMCA's actions and omissions, and breach of the duties of reasonable care, John Doe was sexually abused, resulting in damages as set forth above.

WHEREFORE, K.F., on behalf of John Doe claims of the Defendants jointly and severally, damages, including punitive damages, in excess of the mandatory arbitration limits, in addition to any other fees or costs that this Honorable Court deems appropriate.

COUNT II

Negligence Per Se

Plaintiff, K.F., on behalf of John Doe, a minor v. Defendant Young Men's Christian Association of York and York County, Pennsylvania

40. The allegations throughout this Complaint are incorporated as if set forth at length.

41. At all times relevant, the York YMCA owned and/or operated Camp Spirit where John Doe and B.G. were registered campers.

42. The York YMCA had a duty to abide by relevant Pennsylvania law in operating Camp Spirit, including Pennsylvania's law regarding the mandatory reporting of suspected child abuse, 23 Pa. C.S. § 6311, *et seq.*

43. Title 23 Pa. C.S. § 6311, *et seq.*, was enacted to protect children like John Doe from sexual abuse, and John Doe is among the class of persons that the statute is intended to protect.

44. As a direct and proximate cause of the York YMCA's actions and omissions that violated 23 Pa. C.S. § 6311, *et seq.*, and breach of the duties of reasonable care, John Doe was sexually abused, resulting in damages as set forth above.

WHEREFORE, K.F., on behalf of John Doe claims of the Defendants jointly and severally, damages, including punitive damages, in excess of the mandatory arbitration limits, in addition to any other fees or costs that this Honorable Court deems appropriate

COUNT III

Negligence

Plaintiff, K.F., on behalf of John Doe, a minor v. Defendant National Council of Young Men's Christian Associations of the United States of America d/b/a the YMCA of the USA

45. The allegations throughout this Complaint are incorporated as if set forth at length.

46. At all times relevant, the National YMCA was responsible for implementing and enforcing strict standards, policies, and practices with regard to the supervision of children at member Ys.

47. In addition, the National YMCA was responsible for ensuring compliance with the aforementioned standards, policies, and practices.

48. The National YMCA had a duty to protect John Doe from unreasonable bodily harm, including sexual abuse by B.G., and the National YMCA violated its duties and was otherwise negligent, careless, and reckless in following manner:

- a) failing to reasonably implement policies and/or procedures related to the supervision of children at member Ys, including the York YMCA;
- b) failing to reasonably enforce compliance with policies and/or procedures related to the supervision of children at member Ys, including the York YMCA;

c) failing to reasonably implement policies and/or procedures related to the identification, investigation, and reporting of child sexual abuse at member Ys, including the York YMCA;

d) failing to reasonably enforce policies and/or procedures related to the identification, investigation, and reporting of child sexual abuse at member Ys, including the York YMCA;

e) failing to warn YMCA members, including K.F. and John Doe, that the York YMCA was non-compliant with National YMCA policies and/or procedures related to the supervision of children, and/or policies and/or procedures related to the identification, investigation, and reporting of child sexual abuse; and,

f) making false representations regarding the safety of children entrusted to YMCA youth programs, including Camp Spirit.

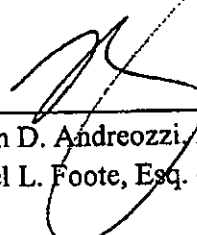
49. As a direct and proximate cause of the National YMCA's actions and omissions, and breach of the duties of reasonable care, John Doe was sexually abused, resulting in damages as set forth above.

WHEREFORE, K.F., on behalf of John Doe claims of the Defendants jointly and severally, damages, including punitive damages, in excess of the mandatory arbitration limits, in addition to any other fees or costs that this Honorable Court deems appropriate.

Respectfully Submitted,

ANDREOZZI & ASSOCIATES, P.C.

Date: February 17, 2016



Benjamin D. Andreozzi, Esq. (PA ID #89271)
Nathaniel L. Foote, Esq. (PA ID #318998)

VERIFICATION

I verify that the statements made in the foregoing document are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

Dated:

KJ. 02-15-16