

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION**

CLIFTON COLWELL

PLAINTIFF

VS.

NO: 2:20-cv-02157-PKH

**WESTARK AREA COUNCIL, INC.,
BOY SCOUTS OF AMERICA**

DEFENDANT

COMPLAINT

COMES NOW the Plaintiff, Clifton Colwell, by and through his attorneys, Green & Gillispie, Attorneys at Law, and Crew Janci LLP (pro hac vice applications forthcoming), and for his cause of action against the above-named Defendant, states the following:

JURISDICTION AND VENUE

1. Jurisdiction of this court is invoked pursuant to 28 U.S.C.S. § 1332 and 28 U.S.C.S. §1367. Plaintiffs also request that this Court assume supplemental jurisdiction over their state law claims arising under Arkansas state law.

2. Venue is proper in the Western District of Arkansas by reason of title 28 U.S.C. § 1391, as the acts or omissions complained of in this Complaint occurred in the Western District of Arkansas and the Defendant has its principal place of business in the Western District of Arkansas.

PARTIES

3. Plaintiff hereby incorporates by reference all previous paragraphs as if fully set forth herein.

4. Plaintiff Clifton Colwell is an adult resident of the State of Colorado. At all times relevant to the tortious conduct alleged in this Complaint, Plaintiff was an unemancipated minor,

residing in Arkansas, who was invited to participate in meetings, events, and activities run and sponsored by Defendant in Arkansas.

5. Westark Area Council Incorporated of the Boy Scouts of America (hereinafter “Westark Area Council” or “Defendant”) is a nonprofit corporation organized under the laws of the state of Arkansas and with its principal place of business and registered agent located at 1401 Old Greenwood Road, Fort Smith, Arkansas 72901.

6. The Boy Scouts of America is a vertically integrated organization. The national organization (“BSA”) sits at the top. It sets the goals of the national organization and relies on the lower levels to implement those goals. The lower levels include the local Councils, including Defendant Westark Area Council, as well as the local scout leaders and troop committees. The national Boy Scouts organization controls the local Councils, including Defendant Westark Area Council, charging them with carrying out the purposes of the Boy Scouts of America at the local level. Local Councils, including Defendant Westark Area Council, maintain the standard and policies of the Boy Scouts of America, as well as provide adequate leadership and finances. The local Councils, including Defendant Westark Area Council, are the proverbial “boots on the ground.” As explained by one past BSA executive, the local Councils are the “eyes and ears” for the national organization. At all times relevant to this Complaint, Westark Area Council managed and controlled a Scout “District” in Sebastian County, which included operations in Fort Smith, Arkansas and the surrounding area.

7. Defendant owns and operates scouting programs which invite and seek out the participation of children. Defendant, through their agents and officials, have control over those activities involving children. Defendant has the power to appoint, supervise, monitor, restrict and fire each person working with children within the Defendant’s scouting programs.

FACTS

8. Plaintiff hereby incorporates by reference all previous paragraphs as if fully set forth herein.

9. At all times relevant to this Complaint, Defendant (with the BSA) jointly operated programs collectively known as “Boy Scouts” or “Scouting” for adolescent boys, including Plaintiff.

10. At all times relevant to this Complaint, Defendant (with the BSA) jointly operated the Boy Scout troop or troops to which Plaintiff belonged.

11. Defendant approved selection of all adult Boy Scout leaders (known as “Scoutmasters” or “Assistant Scoutmasters”) and retained the right to remove any such Scoutmaster from posts within its area of operation. In the course of operating Plaintiff’s Boy Scout troop, Defendant had the right to control the physical details, means, and methods of Scoutmasters’ and Assistant Scoutmasters’ interactions with the Boy Scouts in its care, as well as the Scoutmasters’ performance of their duties on behalf of the Defendant. Defendant exercised this control in part by enforcing the rules and regulations of Scouting, including those contained within detailed handbooks for Scoutmasters, Assistant Scoutmasters, and Boy Scouts.

12. In performing duties on behalf of the Defendant, the individual Scoutmasters and Assistant Scoutmasters were acting in the time and space limits of their agency with Defendant, were motivated at least in part by a desire to serve Defendant, and these actions were of a type that they were required to do on behalf of Defendant.

13. At all times relevant to this Complaint, Defendant selected, accepted, and/or approved an adult male named Francis Joe McCourt (hereinafter “Mccourt”) as an Assistant Scoutmaster. McCourt was an Assistant Scoutmaster from 1999 through 2001, the time period

of Plaintiff's abuse. McCourt's role as a Scout leader was to educate, mentor, befriend and train young people – including Plaintiff – in morality, patriotism, community service and various life skills. At all times relevant to this Complaint, Plaintiff's Scout troop was officially sanctioned by Defendant. Defendant selected, accepted, and/or approved McCourt despite the fact that McCourt was already a convicted felon.

14. Defendant organized Scouting into units called "Troops" at the local level. Defendant operated Troop 16 in Fort Smith, Arkansas. Troop 16 was an officially sanctioned troop that participated in activities such as group meetings, camping, hiking, and earning "Merit Badges." Plaintiff was a member of Troop 16.

15. Defendant selected, accepted, and/or approved, trained, supervised, and maintained the right of control, actual control, and apparent control over adult Scout volunteers (including Scoutmasters and Assistant Scoutmasters) and paid Scout employees.

16. Defendant selected and approved McCourt as an adult volunteer Assistant Scoutmaster for Troop 16, Plaintiff's troop. At all times material, McCourt was an actual or apparent agent of Defendant.

17. Defendant recruited and accepted McCourt as an Assistant Scoutmaster without undertaking reasonable efforts to check his background for suitability for serving in a role that allowed him to exercise leadership authority and supervision over minor children, including Plaintiff.

18. At all times relevant to this Complaint, Defendant failed to properly train and supervise McCourt such that he was allowed complete and uncontrolled access to minor children, including Plaintiff, and was allowed to unilaterally set policies, rules, and activities within Troop 16, all to the detriment of Plaintiff.

19. Instead of taking any reasonable efforts to supervise, monitor, or evaluate McCourt's exercise of his duties as an Assistant Scoutmaster, the Defendant ceded authority and control to McCourt to operate in his role as Scout leader as he saw fit, all to the further detriment of minor children, including Plaintiff.

20. Defendant empowered McCourt to perform all duties of an Scout leader, including but not limited to the power to provide instruction, counseling, moral guidance, and physical supervision to adolescent boys who participated in Boy Scouts programs and activities, the power to enforce the rules governing the youths' participation, and the power to order and instruct these youths, including Plaintiff, to comply with McCourt's instructions. Defendant knew that as part of his duties as an Assistant Scoutmaster, McCourt would be in a position of trust, confidence, and authority over the youth involved, including Plaintiff.

21. While performing his duties as an Scout leader, and for the purpose of furthering the duties required in that role, McCourt befriended Plaintiff and his family; gained the trust and confidence of Plaintiff and his family as an instructor, guide, mentor, counselor, and authority figure; and gained the permission, acquiescence, and support of Plaintiff's parents to spend substantial periods of time alone with Plaintiff. As a result, Plaintiff was conditioned to trust McCourt, to comply with his directions, and to respect McCourt as a person of authority. This course of conduct is referred to in this Complaint as "grooming." McCourt also performed agency duties on behalf of Defendant that gave him authorized access to Plaintiff, and Defendant authorized McCourt to spend time alone with Plaintiff as a part of Scouting.

22. McCourt's grooming of Plaintiff (and/or his actions toward Plaintiff) was within the scope of his agency and was: (1) committed in direct connection and for the purposes of fulfilling his duties and agency with the Defendant; (2) committed within the time and space

limits of his agency as an Assistant Scoutmaster; (3) done initially, and at least in part, from the desire to serve the interests of Defendant; (4) done directly in the performance of his duties as an Assistant Scoutmaster; (5) done in a way that was, generally, consistent with actions which were of a kind and nature McCourt was required to perform as an Assistant Scoutmaster; (6) done at the direction of, and pursuant to, the power vested in him by Defendant; and (7) done using the principles and guidelines of scouting developed by Defendant and BSA.

23. McCourt's authorized duties and activities as Assistant Scoutmaster for Troop 16 led to and resulted in McCourt sexually abusing Plaintiff when Plaintiff was 15 and 16 years old. McCourt led Plaintiff and other Scouts in Scouting activities, including troop meetings, swimming, hiking, and camping trips. Before, during or after Scouting activities, McCourt sexually molested Plaintiff. His molestation and abuse of Plaintiff included incidents of McCourt taking nude photos of Plaintiff, molesting Plaintiff's genitals, forcing Plaintiff to touch his genitals, and forcing the Plaintiff to engage in oral sex on at least three different occasions. The abuse occurred at Erbie Campground, near Harrison, Arkansas; Cavers Camp, near Harrison, Arkansas; Fitton Cave, on the Buffalo National River; Camp Orr, near Jasper, Arkansas; and Philmont Scout Ranch, in Cimarron, New Mexico.

24. By virtue of McCourt's involvement in the Defendant's organizational structure in Arkansas and Defendant's knowledge that they had ceded unsupervised control over Scouting functions to McCourt, Defendant knew or reasonably should have known about the serious risks McCourt posed to minor participants in the Scouts, including Plaintiff.

25. Defendant knew or should have had knowledge, particularly by 1999, that Scout leader and volunteer positions were being used by predatory child molesters to gain access to and victimize children. On information and belief, Defendant also knew or should have known that

the national organization, Boy Scouts of America, had an institution-wide or systemic child abuse problem. On information and belief, Plaintiff alleges that prior to the abuse of Plaintiff by McCourt, Defendant Westark Area Council received multiple reports of other adult male Scout Leaders using their positions of trust and authority to groom and abuse boy scouts. Furthermore, on information and belief, Plaintiff alleges that Defendant had knowledge that McCourt had groomed and assaulted boy scouts while acting as Scout leader.

26. At all times relevant to this Complaint, Defendant invited Plaintiff to participate in the Scouting program that they jointly administered and controlled, promoting its program as safe and beneficial for youth, including Plaintiff. This invitation created a special, fiduciary relationship wherein Plaintiff and his parents relied upon Defendant's expertise and judgment in selecting morally upright Scoutmasters and Assistant Scoutmasters and handed Defendant authority to act *in loco parentis* over Plaintiff and others. Defendant also invited Plaintiff to enter into a commercial relationship by joining Scouting in exchange for paying dues, fees, and required purchases.

27. Defendant created a danger to Plaintiff when they failed to warn his parents of the risk of child molestation inherent to the Scouting program, failed to implement child sex abuse policies, and failed to change its process for selecting and monitoring Scout leaders (hereinafter referred to as Defendant's "institutional negligence"). Defendant knew or had reason to know that such failures would reasonably lead to at least some number of youths to be sexually abused by adult scoutmasters while participating in Scouting. Plaintiff was a member of the class of individuals to be protected by a warning about Scouting's dangers, by alternative child abuse policies, and by screening and/or monitoring of Scoutmasters and Assistant Scoutmasters.

28. Beginning as early as 1920, the Boy Scouts of America (BSA) regularly received reports and information from its local Councils and agents of adult Scouting volunteers and professional Scouters sexually abusing Scouts. Based on these reports, BSA created a file system then known as the “Red Flag” files – now known as the “Ineligible Volunteer” files (“IV files”) or “Volunteer Screening” files – to attempt to track a variety of transgressions by adult volunteers, including volunteers that sexually abused Scouts. BSA categorized IV files according to the type of transgressions committed, labeling IV files that contained allegations of child sexual abuse as “Perversion” files. The number of IV Perversion files that still exists significantly underrepresents the actual number of IV Perversion files and of adult Scoutmasters that molested Scouts for many reasons, including that BSA destroyed many of the IV files created before Plaintiff was abused, and because many children did not report their sexual abuse. The IV files can generally consist of newspaper articles; court filings; police reports; correspondence between BSA employees and volunteers; statements from Scouts and their parents; BSA memoranda; and other documents, all which can contain detailed factual information about the circumstances under which child sexual abuse occurred in Scouting.

29. On information and belief, Defendant was aware of the existence of the IV Perversion files system and the underlying problem leading to the abuse of scouts.

30. On information and belief, Defendant knew or should have known that child molesters like McCourt were using Scouting to gain access to and gain the trust of Scouts, including Plaintiff, in order to molest them. Defendant knew or should have known that Scouting employees and volunteers were committing unlawful conduct toward minor Scouts, and knew or had reason to know that such unlawful conduct would continue because Defendant took no

meaningful actions and implemented no meaningful preventative policies or procedures to address the problem prior to and during Plaintiff's abuse.

31. Defendant's institutional negligence was a substantial contributing and causal factor to the abuse of Plaintiff. Because of the duration and consistency of child sexual abuse in Scouting, Defendant's knowing failure to warn, implement child abuse policies, or change screening or monitoring procedures created a foreseeable risk of harm to the safety of children in the care of Defendant, including Plaintiff. If warnings had been issued, or if more comprehensive child sexual abuse or leader-monitoring policies had been in place, Plaintiff would have been protected from some or all of the sexual abuse.

32. On information and belief, because of the preexisting institutional knowledge that youth were suffering abuse at the hands of Scoutmasters and Assistant Scoutmasters each and every year, McCourt's sexual abuse of Plaintiff was a foreseeable outcome of the Scouting program itself. Defendant's institutional negligence was thus a direct, proximate, and foreseeable cause of Plaintiff's sexual abuse and damages as alleged herein.

33. As a result of McCourt's sexual abuse, as well as his betrayal of his role as Scout leader, role model and authority figure, Plaintiff suffered bodily harm at the time of the abuse and continues to suffer debilitating and severe physical, mental and emotional injury – including pain and suffering – as well as permanent psychological damage distinct from that suffered at the time of the abuse. Plaintiff has also incurred and will incur future costs for counseling, psychiatric and psychological medical treatment.

34. Under Arkansas Code Annotated § 16-56-130, Plaintiff's claims are ripe for review and meet the statute of limitations requirements for filing.

COUNT ONE – SEXUAL BATTERY OF A CHILD/Respondent Superior

35. Plaintiff hereby realleges and incorporates by reference all paragraphs above.

36. McCourt, while acting within the course and scope of his agency with Defendant, and using his authority and position of trust as an Assistant Scoutmaster for the Defendant – through the grooming process, and/or as a result of the performance of his agency duties in Scouting for the Defendant – engaged in activities with the minor Plaintiff as a means to obtain his own sexual gratification.

37. McCourt's acts of intentional sexual abuse constituted harmful and offensive touching to which Plaintiff could not consent as a matter of law.

38. McCourt used the grooming process and/or the performance of his agency duties on behalf of Defendant to accomplish his acts of sexual abuse of Plaintiff.

39. As a result of McCourt's sexual battery, Plaintiff has suffered damages described herein.

COUNT TWO – TORT OF OUTRAGE/Respondent Superior

40. Plaintiff hereby realleges and incorporates by reference all paragraphs above.

41. McCourt, while engaging in the grooming process and/or as a result of the performance of his agency duties, knowingly and intentionally caused severe emotional distress to Plaintiffs when he sexually battered and abused Plaintiffs as described above.

42. McCourt knew or should have known it was reasonably foreseeable that Plaintiffs would suffer, and did in fact suffer, severe emotional distress as a result of this sexual abuse. The sexual touching and forced oral sex of minor children by a trusted authority figure is far beyond the bounds of decency and was utterly intolerable in a civilized community.

43. McCourt's actions were the direct cause of Plaintiff's distress and the emotional distress sustained by the Plaintiff is so severe that no reasonable person could be expected to endure it.

44. As a result of McCourt's outrageous conduct, Plaintiff has suffered damages described herein.

**COUNT THREE – NEGLIGENT HIRING, TRAINING, SUPERVISION, AND
RETENTION**

45. Plaintiff hereby realleges and incorporates by reference all paragraphs above.

46. On information and belief, Defendant knew, had reason to know, or was otherwise on notice of any unlawful sexual conduct by McCourt as a volunteer and agent of Defendant, and Defendant failed to take reasonable steps to prevent future acts of unlawful sexual conduct.

47. Defendant had a duty to thoroughly investigate McCourt's background and character and failed to do so by failing to perform any background check or to investigate McCourt's character prior to his appointment as an Assistant Scoutmaster.

48. Defendant breached its duty to properly train and supervise McCourt in the performance of his duties as Assistant Scoutmaster. Defendant breached this duty by failing to properly train McCourt in the rules and regulations of the Boy Scouts regarding appropriate interactions with Scout members, by failing to provide oversight of McCourt's activities as an Assistant Scoutmaster, and by failing to review McCourt's performance and the appropriateness of his actions as an Assistant Scoutmaster. Defendant's breach occurred despite widespread institutional knowledge of sexual abuse by existing Scoutmasters and Assistant Scoutmasters.

49. Defendant's negligent hiring, training, supervision, and retention of McCourt were thus a direct, proximate, and foreseeable cause of Plaintiff's sexual abuse and damages.

COUNT FOUR – NEGLIGENCE – SPECIAL RELATIONSHIP

50. Plaintiff hereby realleges and incorporates by reference all paragraphs above.

51. Defendant had a special relationship with Plaintiff created by and through the Scouting program described above in which Defendant owns and operates scouting programs which invite and seek out the participation of children. Defendant, through their agents and officials, have control over those activities involving children and have the power to appoint, supervise, monitor, restrict and fire each person working with children within the Defendant's scouting programs.

52. Defendant had a special relationship with Plaintiff created by Defendant's control and custody over Plaintiff while the Plaintiff engaged in routine activities with McCourt at the Defendant's invitation and with the consent of Defendant.

53. Defendant had a special relationship with Plaintiff created by the Defendant's and its agents' standing *in loco parentis* to Plaintiff while Plaintiff engaged in routine activities with McCourt.

54. The special relationship between the Defendant and Plaintiff created a duty to protect Plaintiff from harm, including a duty to protect Plaintiff from harm as the result of intentional misconduct. This duty included, but is not limited to, the duty to warn Plaintiff of known dangers, duty to inform Plaintiff of known risks, and the duty to protect Plaintiff while participation in Defendant's program.

55. Defendant breached its duty to Plaintiff by failing to take the necessary actions to protect Plaintiff. Defendant failed to warn Plaintiff or his parents of the risk of sexual abuse in

the Scouting program and failed to implement any changes to the program despite knowing that the sexual abuse by adult Scoutmasters was a consistent, recurring problem in Scouting.

Defendant also failed in its duty to protect Plaintiff by failing to implement procedures that would have prevented McCourt from isolating and sexually abusing Plaintiff. Defendant failed to take such actions even though Defendant knew to a moral certainty that such failures would reasonably lead to youths being sexually abused by adult Scout leaders while participating in Scouting.

56. Defendant's negligence in failing to protect Plaintiff pursuant to its duty created by the special relationship between the parties was a direct, proximate, and foreseeable cause of Plaintiff's sexual abuse and damages.

COUNT FIVE – NEGLIGENCE – FAILURE TO WARN

57. Plaintiff hereby realleges and incorporates by reference all paragraphs above.

58. Defendant had a duty to warn Plaintiff of a reasonably foreseeable dangers arising from his involvement in the Scouts program.

59. Defendant breached its duty to warn Plaintiff, his parents, and the community about the known propensity of Scoutmasters and Assistant Scoutmasters to commit sexual abuse against Scout members, despite the fact that Defendant knew that such failures to warn would reasonably lead to youths being sexually abused by adult Scoutmasters and Assistant Scoutmasters while participating in Scouting.

60. Defendant's negligence in failing to warn Plaintiff and his parents of the inherent risks of sexual abuse in Scouting programs was a direct, proximate, and foreseeable cause of Plaintiff's sexual abuse and damages.

COUNT SIX – FRAUD

61. Plaintiff realleges and incorporates by reference all paragraphs above.

62. Defendant misrepresented and failed to disclose, and/or actively concealed the dangers and incidence of child molesters in Scouting. Defendant instructed scouts to obey leaders such as McCourt by requiring scouts to recite an oath at every meeting, thereby representing that McCourt was trustworthy and to be obeyed. Similarly, by use of the Scout Handbook, Defendant represented that the Scoutmaster and Assistant Scoutmaster are trustworthy and to be obeyed. On information and belief, Defendant knew that a significant number of Scoutmasters and Assistant Scoutmasters had abused Scouts, and therefore, knew that not all Scoutmasters and Assistant Scoutmasters were trustworthy or safe. No warning was given in the Handbook or in any other manner.

63. Defendant's knowledge of the dangers and prevalence of child molesters in Scouting constituted a material fact because Plaintiff would not have entered into a relationship with Defendant, McCourt, or other agents of Defendant had they been aware of such dangers. On information and belief, despite its knowledge of the use of Scouting by child molesters, Defendant knowingly failed to change the Scouting program, further concealed the fact that safeguards to protect children were not in place and failed to give appropriate warnings.

64. Defendant knew that the representations and omissions described above were false or made the representations and omissions with reckless disregard for the truth. Defendant made the representations and omissions with the intent of inducing Plaintiff, Plaintiff's parents, and the community at large to rely on the representations and omissions, and thereby continue to trust McCourt and other Scoutmasters, and continue to participate in Scouting.

65. Plaintiff and his parents relied on the representations and omissions in allowing Plaintiff to engage in a trust relationship with McCourt. The reliance of Plaintiff and his parents

was justified because they did not know, nor could they have known, that Defendant had a known history of child molesters using Scouting to obtain victims.

66. Plaintiff and his parents justifiably and reasonably relied on the representations and omissions by Defendant, as well as Defendant's conduct in maintaining the same rules for the Scouting program over time, and reasonably believed that Scouting did not pose a known danger to Scouts.

67. Plaintiff did not discover, and could not reasonably have discovered that the Defendant's representations and omissions were both false and/or a causal factor in his abuse until they learned that the Boy Scouts Ineligible Volunteer files contained records on thousands of child molesters over the course of several decades that were involved in Scouting, including many within Arkansas.

68. As a direct consequence and result of Plaintiff's reliance upon Defendant's representations and omissions regarding the danger to Scouts posed by Scoutmasters, Plaintiff suffered the abuse and damages described herein.

COUNT SEVEN – CONSTRUCTIVE FRAUD

69. Plaintiff realleges and incorporates by reference all paragraphs above.

70. Alternatively, if Defendant did not commit actual fraud, Defendant committed constructive fraud by failing to disclose to Plaintiff material facts and/or making misrepresentations concerning the risks posed by child molesters involved in Scouting with no regard for the truth of those representations.

71. Defendant's failure to disclose material facts and/or misrepresentations created a situation whereby Plaintiff was misled to their prejudice and damage.

72. As a direct and proximate result of Defendant's constructive fraud, Plaintiff suffered the abuse and damages described herein.

COUNT EIGHT – MALICE AND/OR RECKLESS DISREGARD – PUNITIVE

DAMAGES

73. Plaintiff realleges and incorporates by reference all paragraphs above.

74. Defendant is guilty of actual malice and reckless disregard of the consequences of its actions pursuant to Arkansas Code Annotated § 16-55-206.

75. Defendant is guilty of actual malice as they had knowledge of facts, or intentionally disregarded facts, that created a high probability of injury and disregarding those facts did actually cause injury to Plaintiff. Defendant deliberately proceeded to act in conscious or intentional disregard of the high probability of injury and Defendant also proceeded to act with indifference to the high probability of injury to Plaintiff.

76. Defendant's malice is shown by its direct knowledge of sexual abuse of Scout members by Scoutmasters and Assistant Scoutmasters and the Defendant's failure to take the necessary steps to prevent the high probability of injury to Plaintiff from sexual abuse. Despite Defendant's knowledge of sexual abuse by Scoutmasters and Assistant Scoutmasters, Defendant failed to take the necessary, available, and reasonable steps to prevent continued sexual abuse of Scouts. Defendant, without implementing safeguards to prevent sexual abuse, continued to sanction the appointment of new Assistant Scoutmasters, such as McCourt, and continued to create new Scout groups with conscious or intentional disregard to the known problem of sexual abuse.

77. Defendant exhibited reckless disregard when it, or its agents, made representations of the safety of engaging in Scouting activities and the moral character of

Scoutmasters, such as McCourt, without any prior vetting or implementation of safeguards to prevent the type of injury sustained by the Plaintiff. These representations were made despite the Defendant's actual knowledge that Scouting involved the known risk of sexual abuse for Scout members and Defendant's actual knowledge that some of its Scoutmasters were sexual predators.

78. Because Defendant is guilty of malice and/or reckless disregard as defined by A.C.A. § 16-55-206, punitive damages should be assessed in an amount sufficient to punish and educate Defendant, and other persons or entities similarly situated, that such conduct will *not* be allowed by the Courts and the people of Arkansas.

JURY DEMAND

Plaintiff respectfully demands a trial by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, by and through his attorneys, Joshua D. Gillispie of Green & Gillispie, Attorneys at Law, and Crew Janci LLP, respectfully requests recovery for all damages previously pled herein, and for compensatory and punitive damages for the reasons previously pled and in an amount previously prayed for and/or allowed by common law or by statute, in an amount left to the sound discretion of the jury, but in an amount necessary to satisfy the jurisdictional limits of this Court or any other Court, unless said damages are set, in whole or in part, by statute, for his attorney fees and all costs herein expended, and for all other relief to which Plaintiff is justifiably entitled.

Respectfully submitted by:

/s/ Joshua D. Gillispie
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