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COURT HOUSE
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

6 Attorneys for Plaintiffs

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF SACRAMENTO**

10 JANE HO DOE, an adult, and JANE KA DOE,
11 by and through her Guardian ad Litem,
12 JANE K DOE,

12 Plaintiffs,

13 v.

14 MELL LAVALLEY, MFT, TOMMY GENE
15 DANIELS, BRENDA DANIELS, and ROES 1
16 through 25 inclusive,

16 Defendants.

CASE NO.

COMPLAINT FOR DAMAGES

1. Negligence
2. Negligent Failure to Warn, Train or Educate Plaintiffs
3. Negligence Per Se
4. Negligence
5. Negligence Per Se
6. Sexual Battery: Civil Code §1708.5
7. Intentional Infliction of Emotional Distress

18 **GENERAL ALLEGATIONS**

19 1. PLAINTIFFS are using fictitious names in this Complaint under rights to privacy
20 granted by the Constitution of the State of California due to the sensitive nature of this case. If,
21 for any reason, Defendant cannot accurately determine the identity of the PLAINTIFFS, their
22 attorney can contact plaintiffs' attorney at the number on the face sheet of the Complaint, and the
23 name of the plaintiffs will be provided.

24 2. PLAINTIFFS JANE HO DOE and JANE KA DOE are natural persons who at all
25 relevant times mentioned herein were residents of the County of Sacramento, State of California.

26 3. Plaintiff JANE HO DOE's date of birth is May 15, 1994 and she was a minor at all
27 relevant times mentioned in this Complaint.

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1 4. Plaintiff JANE KA DOE's date of birth is October 26, 1996, and she was a minor
2 at all relevant times mentioned in this Complaint.

3 5. JANE K DOE is the adopted mother of Plaintiff JANE KA DOE and has been
4 appointed Guardian ad Litem for JANE KA DOE. JANE K DOE is also the adopted mother of
5 Plaintiff JANE HO DOE.

6 6. Defendant MELL LAVALLEY, MFT (hereinafter referred to as "LAVALLEY") is
7 a natural person who is believed to be a resident of the County of Placer, State of California.

8 7. At all relevant times hereinafter mentioned in this Complaint, Defendant MELL
9 LAVALLEY, MFT was a marriage and family therapist, licensed by the Board of Behavioral
10 Sciences, and held herself out as possessing that degree of care, skill, ability, training and learning
11 common to marriage and family therapists in the community. Further, at all relevant times
12 mentioned in this Complaint, Defendant LAVALLEY maintained a private practice holding
13 herself out as specializing in treating children who were purportedly suffering from Reactive
14 Attachment Disorder or "RAD."

15 8. RAD is a serious condition in which babies and young children fail to establish
16 healthy bonds with parents and caregivers. Many such children have histories of severe neglect and
17 often reside in foster care or adoptive homes.

18 9. Defendant TOMMY GENE DANIELS (hereinafter referred to as
19 "PERPETRATOR") is a natural person who was believed to have been a resident of the County of
20 Sacramento, State of California at all relevant times hereinafter mentioned in this Complaint.
21 Defendant PERPETRATOR was an ordained Baptist minister at all relevant times mentioned in
22 this Complaint and served as the pastor of Rio Linda Baptist Church.

23 10. Defendant BRENDA DANIELS (hereinafter referred to as "BRENDA
24 DANIELS") is a natural person. Defendant BRENDA DANIELS was the wife of
25 PERPETRATOR and a resident of the County of Sacramento, State of California at all relevant
26 times hereinafter mentioned in this Complaint. Defendant BRENDA DANIELS held herself out
27 as the youth minister for the Rio Linda Baptist Church at all relevant times mentioned herein.

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1 11. Defendant BRENDA DANIELS was licensed by the state in 1989 to operate a
2 family child care home with up to 12 children. In 1997, Defendant BRENDA DANIELS also was
3 certified by a nonprofit foster family agency to provide foster care. Defendants PERPETRATOR
4 and BRENDA DANIELS operated a foster care home at 7975 Wapiti Place in Citrus Heights that
5 was visited by state, county and foster agency workers, following up on complaints about lack of
6 supervision, mistreatment of a distraught foster child and children biting and hitting each other.

7 12. Upon information and belief, PLAINTIFFS allege that in or around 2000,
8 Defendant LAVALLEY met Defendants PERPETRATOR and BRENDA DANIELS through her
9 work as a licensed marriage and family therapist who held herself out as an expert in the treatment
10 of RAD. Upon information and belief, PLAINTIFFS allege that Defendants PERPETRATOR and
11 BRENDA DANIELS hired Defendant LAVALLEY to render professional services to themselves
12 and children in their care.

13 13. Subsequent to the initial hiring of Defendant LAVALLEY by Defendants
14 PERPETRATOR and BRENDA DANIELS, in or around 2001, Defendant LAVALLEY formed a
15 personal and business relationship with said Defendants. LAVALLEY began referring young
16 clients from her practice, diagnosed with RAD to live in the home of Defendants PERPETRATOR
17 and BRENDA DANIELS for "respite care" for months at a time.

18 14. Defendants PERPETRATOR AND BRENDA DANIELS, at all relevant times
19 mentioned herein owned and operated a "respite care" business in their home.

20 15. PLAINTIFFS are ignorant of the true names and capacity of Defendants sued
21 herein as ROES or of the factors linking them to the causes of action stated herein and therefore
22 sue such Defendants by such fictitious names. PLAINTIFFS will amend their Complaint to
23 allege the true names and capacities of ROES when ascertained. PLAINTIFFS are informed and
24 believe and thereon allege that each of the ROE defendants are responsible in some manner for the
25 events and happenings hereinafter referred to, thereby proximately causing injury and damage to
26 the PLAINTIFFS as herein alleged. Each Plaintiff was diagnosed as suffering from RAD by
27 Defendant LAVALLEY.

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1 16. PLAINTIFFS are informed and believe and thereon allege that at all times herein
2 mentioned, Defendants and each of them were the agents, servants, employees and/or joint
3 venturers of their co-Defendants and were, as such, acting within the scope, course, and authority
4 of said agency and/or joint venture and that each and every Defendant, as aforesaid, ratified and
5 approved of the acts of his or her agent.

6 17. In 2002 and 2003, JANE K DOE sought and received the professional services of
7 Defendant LAVALLEY for her two daughters, Plaintiffs JANE HO DOE and JANE KA DOE.

8 18. PLAINTIFFS are filing this Complaint pursuant to Civil Code of Procedure section
9 340.1.

10 19. At least some of the wrongful acts mentioned herein occurred in Sacramento
11 County; therefore, venue is properly placed in Sacramento County.

12 **FIRST CAUSE OF ACTION**

13 **(Negligence - LAVALLEY)**

14 20. PLAINTIFFS incorporate herein by reference all General Allegations as though
15 fully set forth herein and with the same force and effect.

16 21. Defendant LAVALLEY was retained by Plaintiff JANE HO DOE's mother to
17 evaluate PLAINTIFF in the summer of 2002. Defendant LAVALLEY diagnosed Plaintiff JANE
18 HO DOE to be suffering from Reactive Attachment Disorder.

19 22. Defendant LAVALLEY commenced rendering weekly therapy for Plaintiff JANE
20 HO DOE on August 16, 2002. In or around November 2002, Defendant LAVALLEY suggested
21 that Plaintiff JANE HO DOE be placed out of her family home for "more intensive treatment."
22 As a result of Defendant LAVALLEY's direction, Plaintiff JANE HO DOE was placed in what
23 Defendant LAVALLEY characterized as "a therapeutic foster home with Tom and Brenda
24 Daniels." Plaintiff JANE HO DOE was subsequently subjected to what was characterized as
25 weekly therapy with Defendant LAVALLEY, PLAINTIFF's parents and Defendants
26 PERPETRATOR and BRENDA DANIELS in a bedroom in the Daniels' home. Defendant
27 LAVALLEY told PLAINTIFF's parents that for "therapeutic 'respite' to have lasting effects once
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1 their child returned home required 6-12 months. Defendant LAVALLEY characterized the
2 Daniels' residence as providing a "24-hour therapeutic milieu."

3 23. In or around June 2003, Defendant LAVALLEY contracted with the parents of
4 Plaintiff JANE KA DOE to provide professional services. Defendant LAVALLEY diagnosed
5 Plaintiff JANE KA DOE as suffering from an Oppositional Defiant Disorder and Reactive
6 Attachment Disorder. On July 14, 2003, Defendant LAVALLEY asserted that without ongoing
7 interventions, Defendant LAVALLEY predicted Plaintiff JANE KA DOE would end up acting out
8 in antisocial or criminal ways as Plaintiff JANE KA DOE grew older.

9 24. Plaintiff JANE HO DOE was placed in DANIELS' respite and child care home in
10 August 2003. Plaintiff JANE KA DOE was placed in DANIELS' respite and child care home in
11 November 2003. The mother of PLAINTIFFS, on the recommendation of Defendant
12 LAVALLEY, placed her children in respite care with Defendant PERPETRATOR and BRENDA
13 DANIELS. The mother of PLAINTIFFS paid PERPETRATOR and BRENDA DANIELS
14 approximately \$30,000 to house her two daughters for slightly more than a year.

15 25. PLAINTIFFS allege that Defendant LAVALLEY was negligent in her
16 recommendation and placement of PLAINTIFFS in the respite care home for the following
17 reasons:

- 18 a. Defendant BRENDA DANIELS' daycare license was revoked in
19 2003;
- 20 b. Defendant BRENDA DANIELS' application for licensure as a
21 foster care home was denied in 2003;
- 22 c. Defendant PERPETRATOR made threats against a foster care
23 agency that blocked his attempt to adopt a baby boy;
- 24 d. PLAINTIFFS were required to take cold showers and sleep in wet
25 clothing by Defendant PERPETRATOR if they talked out of turn;
- 26 e. PLAINTIFFS were required to stand on their heads with their feet
27 against the wall if they misbehaved, as determined by
28 PERPETRATOR.
- f. An 18-month-old foster child was removed from the Daniels' home.

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1 33. Defendant LAVALLEY knew or should have known that her failure to exercise
2 reasonable care, as discussed above, would cause PLAINTIFFS severe emotional distress and
3 physical injury. Because of the foreseeability and likelihood of sexual assaults by Defendant
4 PERPETRATOR against PLAINTIFFS and other children, Defendant LAVALLEY breached her
5 duty of care to PLAINTIFFS and other children who were left in the custody and control of
6 Defendant PERPETRATOR.

7 34. As a result of the conduct herein alleged, PLAINTIFFS were harmed as set forth
8 below.

9 **THIRD CAUSE OF ACTION**
10 **(Negligence Per Se - LAVALLEY)**

11 35. PLAINTIFFS reallege and incorporate by reference as though fully set forth herein
12 each and every allegation of the Second Cause of Action of the Complaint, as if said allegations
13 were fully set forth herein and with the same force and effect.

14 36. In or around December 2003, Plaintiff JANE KA DOE disclosed to Defendant
15 BRENDA DANIELS and Defendant LAVALLEY that Defendant PERPETRATOR had molested
16 her. As a result of the disclosure of Plaintiff JANE KA DOE that she had been inappropriately
17 touched by Defendant PERPETRATOR, Defendant LAVALLEY convened a meeting to
18 "investigate" PLAINTIFF's allegation of child sexual abuse against Defendant PERPETRATOR,
19 who was a friend and business associate of Defendant LAVALLEY.

20 37. Defendant LAVALLEY called PLAINTIFF into a bedroom in the home of
21 Defendants PERPETRATOR and BRENDA DANIELS where Defendant LAVALLEY rendered
22 therapy to PLAINTIFF. Defendant LAVALLEY included PLAINTIFF KA DOE, PLAINTIFF's
23 mother and Defendant BRENDA DANIELS in the investigation meeting.

24 38. During Defendant LAVALLEY's investigation of PLAINTIFF's report of child
25 sexual abuse, Defendant LAVALLEY never asked PLAINTIFF how she had been touched by
26 Defendant PERPETRATOR. Defendant LAVALLEY scheduled the investigative session with
27 the belief that PLAINTIFF had lied and fabricated the child sex abuse allegation against
28 PERPETRATOR. Defendant LAVALLEY allowed Defendant BRENDA DANIELS, wife of

1 Defendant PERPETRATOR, who had been accused of child sex abuse by PLAINTIFF, to
2 participate in said investigative session. Defendant LAVALLEY never took a note or
3 memorialized her investigation of child sex abuse claims against Defendant PERPETRATOR.

4 39. By engaging in the aforementioned negligent and unprofessional acts, Defendant
5 LAVALLEY violated various sections of the Penal Code, including but not limited to sections
6 11166, *et seq.* Defendant was a mandated reporter pursuant to the Child Abuse Reporting Act.
7 Further, said violations caused PLAINTIFFS harm more fully set forth below. Moreover,
8 PLAINTIFFS were within the class of persons specifically designed to be protected by the
9 aforementioned code sections, and her injuries resulted from an occurrence of the nature which the
10 statute was designed to prevent.

11 40. Notwithstanding the above information that was provided to Defendant
12 LAVALLEY, and Defendant LAVALLEY's status as a mandated reporter pursuant to the Child
13 Abuse Reporting Act, Defendant LAVALLEY failed to file a Child Protective Services Report
14 pursuant to Penal Code section 11166, *et seq.*

15 41. As a result of Defendant LAVALLEY's failure to file said report, PERPETRATOR
16 continued to molest PLAINTIFFS after Plaintiff JANE KA DOE's report to Defendant
17 LAVALLEY of child sex abuse against Defendant PERPETRATOR.

18 42. As a result of the foregoing conduct of Defendant, PLAINTIFFS were harmed as
19 set forth below.

20 **FOURTH CAUSE OF ACTION**

21 **(Negligence - PERPETRATOR and BRENDA DANIELS)**

22 43. PLAINTIFFS reallege and incorporate by reference as though fully set forth herein
23 each and every General Allegation as if said allegations were fully set forth herein and with the
24 same force and effect.

25 44. During the course of the respite and child care of PLAINTIFFS rendered by
26 Defendants, Defendants agreed to care for PLAINTIFFS' emotional problems, and to do all things
27 necessary and proper in connection therewith, thus establishing the relationship of
28 respite/childcare worker/facility and patient between said Defendants and PLAINTIFFS.

1 45. Respite care was and is sometimes used by adoptive parents of troubled children.
 2 A home offering respite care is supposed to provide temporary child care to families needing a
 3 break or a breather during emergencies.

4 46. California respite care providers must have a current foster care license if they were
 5 working with children who are dependents of the Court, such as foster children. Respite providers
 6 who work with biological or adoptive children are not required to possess a license.

7 47. During the course of said professional relationship, Defendants generally rendered
 8 ineffective and substandard respite care and treatment. Such negligent and careless treatment
 9 included, but was not limited to:

- 10 a. Failed to refer the PLAINTIFFS to an independent licensed
- 11 mental health provider due to the Defendant's business and
- 12 personal relationship with Defendant LAVALLEY;
- 13 b. Failed to obtain minimal education and training to engage in
- 14 respite care;
- 15 c. Failed to seek consultation and supervision.
- 16 d. PLAINTIFFS were required to take cold showers and sleep in
- 17 wet clothing by Defendant PERPETRATOR if they talked out of
- 18 turn;
- 19 e. PLAINTIFFS were required to stand on their heads with their
- 20 feet against the wall if they misbehaved, as determined by
- 21 PERPETRATOR.

22 48. The above allegations are not exhaustive are only examples of Defendants'
 23 negligent conduct when PLAINTIFFS resided in their home.

24 49. As a result of the foregoing conduct of Defendant, PLAINTIFFS were harmed as
 25 set forth below.

26 FIFTH CAUSE OF ACTION

27 (Negligence Per Se - BRENDA DANIELS)

28 50. PLAINTIFFS reallege and incorporate by reference as though fully set forth herein
 each and every allegation of the Fourth Cause of Action of the Complaint, as if said allegations
 were fully set forth herein and with the same force and effect.

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1 51. In or around December 2003, Plaintiff JANE KA DOE disclosed to Defendant
2 BRENDA DANIELS that Defendant PERPETRATOR had molested her. As a result of the
3 disclosure of Plaintiff JANE KA DOE that she had been inappropriately touched by Defendant
4 PERPETRATOR, Defendant LAVALLEY convened a meeting to “investigate” PLAINTIFF’s
5 allegation of child sexual abuse.

6 52. Defendant LAVALLEY called PLAINTIFF into a bedroom in the home of
7 Defendants PERPETRATOR and BRENDA DANIELS where Defendant LAVALLEY rendered
8 therapy to PLAINTIFF. Defendant LAVALLEY included PLAINTIFF KA DOE, PLAINTIFF’s
9 mother and Defendant BRENDA DANIELS in the investigation meeting.

10 53. During Defendant LAVALLEY’s investigation on PLAINTIFF’s report of child
11 sexual abuse, neither Defendant LAVALLEY nor Defendant BRENDA DANIELS ever asked
12 PLAINTIFF how she had been touched by Defendant PERPETRATOR. Defendants
13 LAVALLEY and BRENDA DANIELS scheduled the investigative session with the belief that
14 PLAINTIFF had lied and fabricated the child sex abuse allegation against PERPETRATOR.
15 Defendant LAVALLEY allowed Defendant BRENDA DANIELS, wife of Defendant
16 PERPETRATOR, who had been accused of child sex abuse by PLAINTIFF, to participate in said
17 investigative session.

18 54. By engaging in the aforementioned negligent and unprofessional acts, Defendant
19 BRENDA DANIELS violated various sections of the Penal Code, including but not limited to
20 sections 11166, *et seq.* Defendant was a mandated reporter pursuant to the Child Abuse Reporting
21 Act. Further, said violations caused PLAINTIFFS harm more fully set forth below. Moreover,
22 PLAINTIFFS were within the class of persons specifically designed to be protected by the
23 aforementioned code sections, and her injuries resulted from an occurrence of the nature which the
24 statute was designed to prevent.

25 55. Notwithstanding the above information of child sexual abuse of PLAINTIFFS, and
26 Defendant BRENDA DANIELS’s status as a mandated reporter pursuant to the Child Abuse
27 Reporting Act, Defendant failed to file a Child Protective Services Report pursuant to Penal Code
28 section 11166, *et seq.*

1 56. As a result of Defendant BRENDA DANIELS's failure to file said report,
2 PERPETRATOR continued to molest PLAINTIFFS after Plaintiff JANE KA DOE's report to
3 Defendant BRENDA DANIELS of child sex abuse against Defendant PERPETRATOR.

4 57. As a result of the foregoing conduct of Defendant, PLAINTIFFS were harmed as
5 set forth below.

6 **SIXTH CAUSE OF ACTION**

7 **(Sexual Battery CA Civil Code §1708.5 – PERPETRATOR)**

8 58. PLAINTIFFS incorporate herein by reference each and every General Allegation as
9 if fully set forth herein and with the same force and effect.

10 59. Between August 2003 and December 2004, PERPETRATOR sexually molested
11 each Plaintiff over 30 times.

12 60. PERPETRATOR also required each Plaintiff to take off their clothes, lie down on
13 the floor in a closed room and apply substances to their bodies while he sat in a chair and watched.

14 61. Defendant did the aforementioned acts with the intent to cause a harmful or
15 offensive contact with an intimate part of PLAINTIFFS' persons, that would offend a reasonable
16 sense of personal dignity. Further, said acts did cause a harmful or offensive contact with an
17 intimate part of PLAINTIFFS' persons that would offend a reasonable sense of personal dignity.

18 62. Because of Defendant PERPETRATOR's position of authority over PLAINTIFFS
19 and PLAINTIFFS' mental and emotional state, and PLAINTIFFS' young ages under the age of
20 consent, PLAINTIFFS were unable to and did not give meaningful consent to such acts.

21 63. In subjecting PLAINTIFFS to the criminal sexual child abuse herein described,
22 Defendant acted willfully and maliciously with the intent to harm PLAINTIFFS and in conscious
23 disregard of PLAINTIFFS' rights so as to constitute malice and/or oppression under California
24 Civil Code Section 3294. PLAINTIFFS are informed and believed and on that basis allege that
25 the willful, malicious and/or oppressive acts as alleged herein above, were ratified by the officers,
26 directors and/or managing agents of the Defendants. PLAINTIFFS are therefore entitled to assert
27 a claim for the recovery of punitive damages, in an amount to be determined by the Court, against
28 this Defendant. PLAINTIFFS reserve their right to pursuant to California Code of Civil Procedure

1 Section 425.14 to seek leave of Court to pursue an award of punitive damages in a sum to be
2 shown according to proof.

3 64. PERPETRATOR was sentenced to 158 years to life in prison on March 2, 2012 for
4 sexually abusing PLAINTIFFS and three other minor girls who had been placed in the respite and
5 child care operations he and Defendant BRENDA DANIELS ran out of their home.

6 65. As a result of the conduct herein alleged, PLAINTIFFS have been harmed as more
7 fully set forth below.

8 **SEVENTH CAUSE OF ACTION**

9 **(Intentional Infliction of Emotional Distress – ALL DEFENDANTS)**

10 66. PLAINTIFFS incorporate herein by reference the Third, Fifth and Sixth Causes of
11 Action as though fully set forth herein, and with the same force and effect.

12 67. All of the acts of Defendant PERPETRATOR listed above in the Sixth Cause of
13 Action were done and committed with the intent to cause PLAINTIFFS severe emotional distress
14 and/or were of such an outrageous character as to be beyond all bounds of decency and to shock
15 the conscience of a reasonable person. In doing the despicable acts complained of herein,
16 Defendant PERPETRATOR acted with oppression, fraud, malice and conscious disregard of the
17 safety and welfare of PLAINTIFFS. Defendant PERPETRATOR knew that his acts would expose
18 PLAINTIFFS to a foreseeable risk of serious and grievous harm, and PLAINTIFFS were injured
19 as a result of said conduct as more fully set forth below.

20 68. All of the acts of Defendant LAVALLEY listed above in the Third Cause of Action
21 were done and committed with the intent to cause PLAINTIFFS severe emotional distress and/or
22 were of such an outrageous character as to be beyond all bounds of decency and to shock the
23 conscience of a reasonable person. In doing the despicable acts complained of herein, Defendant
24 LAVALLEY acted with oppression, fraud, malice and conscious disregard of the safety and
25 welfare of PLAINTIFFS. Defendant LAVALLEY knew that her acts would expose PLAINTIFFS
26 to a foreseeable risk of serious and grievous harm, and PLAINTIFFS were injured as a result of
27 said conduct as more fully set forth below.

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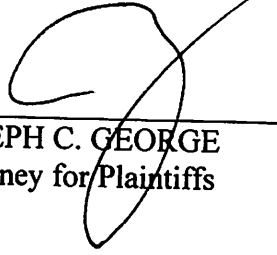
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WHEREFORE, PLAINTIFFS pray for judgment against Defendants, and each of them, as follows:

- (1) For damages for past and future medical and related expenses according to proof at the time of trial;
- (2) For general damages for physical, mental pain and suffering, and emotional distress in a sum to be proven at the time of trial;
- (3) For damages for past and future lost wages and loss of earning capacity according to proof at the time of trial;
- (4) For punitive damages for the Sixth and Seventh Causes of Action;
- (5) For prejudgment interest pursuant to statute;
- (6) For attorney's fees; and
- (7) For such other and further relief as the court deems just and proper.

Dated: June 23, 2014

LAW OFFICES OF JOSEPH C. GEORGE, Ph.D.

By: 

JOSEPH C. GEORGE
Attorney for Plaintiffs