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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **FOR THE COUNTY OF SAN DIEGO**  
11 **NORTH COUNTY JUDICIAL DISTRICT**

12 Drew Belnap, Individually, )

Case No:

13 Plaintiff, )

**COMPLAINT FOR DAMAGES:**

14 v. )

- 15 **1. NEGLIGENCE;**
- 16 **2. NEGLIGENT SUPERVISION /**
- 17 **FAILURE TO WARN;**
- 18 **3. NEGLIGENT HIRING /**
- RETENTION;**
- 4. NEGLIGENT FAILURE TO**
- WARN, TRAIN OR EDUCATE**
- PLAINTIFF**

16 Defendant Doe 1, Scouting Organization; )  
17 Defendant Doe 2, Council; and Does 3 )  
18 through 100, inclusive, )

Defendants. )

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20  
21 **[Filed Contemporaneously with**  
**Certificates of Merit]**

22 **[Demand for Jury Trial]**  
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1 Based upon information and belief available to Plaintiff, Drew Belnap, at the time of the  
2 filing of this Complaint for Damages, Plaintiff makes the following allegations:

3 **PARTIES**

4 1. Plaintiff, Drew Belnap, is an adult male. Plaintiff was born on April 11, 1974, and was a  
5 minor at the time of the sexual abuse alleged herein.

6 2. Defendant Doe 1, Scouting Organization, (“Defendant Scouting Organization”) is a  
7 Congressionally Chartered Corporation authorized to conduct business and conducting business  
8 in the State of California, Counties of Orange and San Diego. At all times relevant, Defendant  
9 Scouting Organization operated a youth program for boys, and invited the participation of boys,  
10 including Plaintiff.  
11

12 3. Defendant Doe 2, Council (“Defendant Council”), is a California Corporation authorized  
13 to conduct business and conducting business in the State of California, Counties of Orange and  
14 San Diego, with its principal place of business in Orange County, California. Defendant  
15 Council is a regional subsidiary corporation under the actual control and direction of Defendant  
16 Scouting Organization. Defendant Council implements the youth programs offered by  
17 Defendant Scouting Organization. During all times relevant, Defendant Council owned,  
18 maintained, operated, staffed, and controlled Lost Valley Scout Reservation (“Lost Valley”),  
19 located in an unincorporated portion of San Diego County near Warner Springs, California.  
20

21 4. John Atwood (“Atwood”), is an individual who was employed, controlled or supervised  
22 by Defendants Doe 1 and Doe 2. Atwood was, at the time of the sexual abuse of Plaintiff,  
23 associated with a scouting troop offered by Defendant Council, and additionally worked as a  
24 staff member at Lost Valley Scout Reservation. In each capacity Atwood was subject to the  
25 direction, control and supervision of Does 1 and 2.  
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1 5. Defendant Does 3 through 100, inclusive, are individuals and/or business or corporate  
2 entities incorporated in and/or doing business in California whose true names and capacities are  
3 unknown to Plaintiff who therefore sues such defendants by such fictitious names, and who will  
4 amend the Complaint to show the true names and capacities of each such Doe Defendant when  
5 ascertained. Each such Defendant Doe is legally responsible in some manner for the events,  
6 happenings and/or tortious and unlawful conduct that caused the injuries and damages alleged in  
7 this Complaint. Defendant Scouting Organization, Defendant Council, and Does 3 through 100  
8 are sometimes hereinafter referred to as the “Defendants.”  
9

10 6. Each Defendant is the agent, servant and/or employee of other Defendants, and each  
11 Defendant was acting within the course and scope of his, her or its authority as an agent, servant  
12 and/or employee of the other Defendants. Defendants, and each of them, are individuals,  
13 corporations, partnerships and other entities which engaged in, joined in and conspired with the  
14 other wrongdoers in carrying out the tortious and unlawful activities described in this  
15 Complaint.  
16

17 **BACKGROUND FACTS APPLICABLE TO ALL COUNTS**

18 7. At all times relevant to this complaint Defendants operated a youth scouting program  
19 and invited the participation of boys, including Plaintiff, in the scouting program. As part of the  
20 scouting program offered by Defendants, boys were invited to participate in camping and other  
21 activities at Lost Valley. Lost Valley was administered by paid staff and / or volunteers that  
22 were selected, approved and maintained by Defendants’ leaders and operational agents in the  
23 scouting program. Defendants accepted these paid staff and / or volunteers as agents.  
24

25 8. On site administration of Lost Valley was accomplished by a Camp Director. The Camp  
26 Director was appointed by Defendant Council and lived at the Lost Valley. During all times  
27 relevant, the Camp Director at Lost Valley was Al Adler. Subordinate to the Camp Director  
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1 were a number of employees and volunteers including adults over the age of 21, adults under  
2 the age of 21, and minors (cumulatively “staff”). Each staff member was required to maintain  
3 membership with Defendant Scouting Organization.

4 9. For a period of time beginning in or before 1976, and continuing into August of 1991,  
5 Atwood was a senior staff member at Lost Valley. Atwood was selected and / or approved by  
6 Defendants to serve in that position, and during the time that he held such position, Atwood  
7 acted as the agent of Defendants subject to Defendants’ supervision and control.

8  
9 10. By selecting Atwood to a staff position with Lost Valley, Defendants empowered  
10 Atwood to perform all duties attendant to such a position, including but not limited to the  
11 responsibility and authority to provide instruction, counseling, and physical supervision of boys  
12 participating in Lost Valley’s programs and activities, to educate young boys such as Plaintiff in  
13 morality, patriotism, and various life skills, to mentor and befriend them, and to enforce rules  
14 governing the boys’ participation in activities at Lost Valley and scouting generally.  
15 Defendants knew that as part of these duties, Atwood would be in a position of trust,  
16 confidence, and authority over the boys involved. Defendants retained the right to control the  
17 means, methods and physical details of the performance by Lost Valley staff of all of the above  
18 duties for Defendants. Defendants maintained the right to refuse positions at Lost Valley or  
19 membership in scouting, and to remove agents, volunteers and participants in scouting for any  
20 reason.  
21

22 11. Prior to the molestation of Plaintiff, Defendants were aware that scouting presented an  
23 opportunity for the molestation of children by authority figures.  
24

25 12. For decades Defendant Scouting Organization has maintained extensive files pertaining  
26 to employees, agents and scouting volunteers who have been accused of sexually abusing  
27 children. These “ineligible volunteer files” date back to at least the 1940s and continue to detail  
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1 abuse occurring in the 2000s. There are thousands of such files maintained by Defendant  
2 Scouting Organization. Plaintiff is informed and believes and on that basis alleges that an  
3 unknown additional number of ineligible volunteer files were destroyed by Defendant Scouting  
4 Organization.

5 13. The ineligible volunteer files include instances of child sexual abuse by employees,  
6 agents or volunteers associated with Defendant Council, including events occurring in  
7 connection with Lost Valley.  
8

9 14. In addition to Defendants' vast institutional knowledge of the risks and prevalence of  
10 childhood sexual abuse in scouting, the environment at Lost Valley was conducive to the abuse  
11 of minors by adult authority figures.

12 15. During the 1980s and early 1990s Defendants permitted alcohol on the premises of Lost  
13 Valley. While use of alcohol was ostensibly to be limited to adults over the age of twenty-one  
14 in defined areas, during the late 1980s and early 1990s, it was common for staff members that  
15 were over 21 to aid younger staff members and scouts in bringing alcohol on to the premises.  
16 This practice was widely known and permitted by adult staff members, including the Camp  
17 Director.  
18

19 16. The premises at Lost Valley include several cabins, including one occupied by the Camp  
20 Director. At times, minors, including Plaintiff, were required to share cabins in one-on-one  
21 situations with adults. Additionally, minors sometimes stayed the night in the unoccupied  
22 bedrooms of the Camp Director's cabin.  
23

24 17. Also disturbing and risky was the arrangement of the showers. The showers at Lost  
25 Valley were arranged such that a pole rose from the ground with multiple heads extending from  
26 the pole in different directions. There were neither individual shower stalls, nor were the  
27 showers scheduled in such a way that minors and adults showered at separate times. Instead,  
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1 the showers were communal; whereby naked minors were routinely exposed to naked adult men  
2 showering at the same time.

3 18. Prior to or during the abuse of Plaintiff, Defendants knew, had reason to know, or were  
4 otherwise on notice of unlawful sexual conduct by Atwood. Defendants failed to take  
5 reasonable steps and failed to implement reasonable safeguards to avoid acts of unlawful sexual  
6 conduct in the future by Atwood, including, but not limited to, preventing or avoiding  
7 placement of Atwood in functions or environments in which contact with children was an  
8 inherent part of those functions or environments.  
9

10 19. A.H. became involved with Lost Valley in approximately 1976, when he was a minor,  
11 and came to know Atwood, who was older, at that time. From 1976 through 1991, A.H. and  
12 Atwood both worked at Lost Valley during the summers. A.H. worked on the maintenance  
13 crew.  
14

15 20. During approximately 1981 or 1983, A.H., Atwood and others from the maintenance  
16 crew rented a hotel room for an evening away from Lost Valley. This occurred occasionally as  
17 a means for the staff at Lost Valley to escape from the camp food and camp lifestyle. A.H.,  
18 Atwood, and another staff member, shared the bed in the hotel room, while others slept on the  
19 floor. During the night, A.H. woke to find that Atwood was sexually assaulting him by fondling  
20 and groping A.H.'s genitals without the consent of A.H. A.H. rolled away from Atwood and  
21 the incident ended.  
22

23 21. Following the unlawful sexual assault by Atwood, A.H. and Atwood both continued to  
24 serve as volunteers for Scouting Organization and Council.  
25

26 22. A.P. began attending Lost Valley in approximately 1985 or 1986 when he was a minor.  
27 He advanced from being a junior staff member at Lost Valley (i.e. a minor), to becoming a  
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1 senior staff member in 1988 or 1989. At times he held oversight responsibility for the archery  
2 range, the lake / watersports area, and the craft area.

3 23. On an occasion in approximately 1987, there was a gathering in the home of the Camp  
4 Director. Minors and underage adults were present and drinking alcohol. A minor, A.P.,  
5 observed a younger boy becoming heavily intoxicated. That boy retired to a sleeping room in  
6 the back of the Camp Director's home.

7 24. A.P. observed Atwood wait a few minutes and then follow the boy to the sleeping room  
8 claiming that he was going to check on the boy. After several minutes had passed, possibly  
9 more than twenty, A.P. became concerned that Atwood had not returned, and continued to be  
10 alone with the heavily intoxicated minor. A.P. believed the behavior of Atwood to be  
11 questionable and risky.

12 25. A.P. went in search of Atwood, and found him exiting the sleeping room. A.P. observed  
13 that the boy was passed out on the bed in the room that Atwood was exiting. Atwood informed  
14 A.P. that the boy had too much to drink and was not feeling well, and that A.P. should let him  
15 sleep it off. The next morning, A.P. approached the boy and asked what had happened with  
16 Atwood. The boy informed A.P. he had passed out drunk and had no recollection.

17 26. Plaintiff is informed and believes and on that basis alleges that during 1990, when B.S.  
18 was a minor, he was sexually abused by Atwood in the Camp Director's home at Lost Valley on  
19 multiple occasions. Plaintiff is further informed and believes and on that basis alleges that in  
20 1991, prior to the sexual abuse of Plaintiff by Atwood, B.S. reported his own abuse by Atwood  
21 during a telephone call to the Camp Director.

22 27. Plaintiff was born on April 11, 1974. During various times, including the years 1989-  
23 1991, Plaintiff lived in Orange County, California and was involved in scouting.  
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1 Plaintiff became involved with scouting through programs offered by Defendants Scouting  
2 Organization and Defendant Council at the approximate age of six, and continued through  
3 becoming an Eagle Scout during 1991.

4 28. Beginning in approximately 1989, Plaintiff first attended Lost Valley. Through this  
5 association with Lost Valley, Plaintiff first came into contact with Atwood in 1989 or 1990.  
6 From the time that Plaintiff met Atwood through August 2, 1991, Atwood appeared to be a  
7 respected staff member at Lost Valley and Plaintiff had frequent contact with Atwood.  
8

9 29. On August 2, 1991, Atwood arranged to pick-up Plaintiff and another boy, R.P., and  
10 transport them to Lost Valley. At the last minute, R.P.'s father forbade him from going on the  
11 overnight trip. Plaintiff and Atwood continued alone.

12 30. Rather than proceeding directly to Lost Valley, Atwood took Plaintiff to a desert camp  
13 site in San Diego County near Lost Valley. Atwood provided alcohol to Plaintiff and Plaintiff  
14 became intoxicated. During the night Atwood sexually assaulted Plaintiff on several occasions.  
15

16 31. The next day, Atwood took Plaintiff to Lost Valley. Plaintiff reported the sexual  
17 assaults by Atwood to A.H. After being informed of Atwood's actions, A.H. assigned Plaintiff  
18 to a location that would keep him away from Atwood for the duration of his stay at Lost Valley,  
19 and arranged alternate transportation home for Plaintiff the next day. A.H. informed Plaintiff he  
20 would immediately inform the Camp Director of the abuse, but actually delayed in reporting.

21 32. Upon returning from Lost Valley, Plaintiff disclosed his abuse to R.P., who informed  
22 Plaintiff that he had also been molested by Atwood. On approximately August 8 or August 9,  
23 1991, Plaintiff and R.P. ran away from home. On August 10, 1991, the boys returned home and  
24 informed their parents of the conduct by Atwood.  
25

26 33. Plaintiff's father reported the abuse to law enforcement and Atwood was criminally  
27 prosecuted for the abuse of Plaintiff and R.P.  
28



1 34. Atwood is presently a registered sex offender. Atwood is also listed in Defendant  
2 Scouting Organization's ineligible volunteer files.

3 35. Plaintiff entered active duty in the United States Army in June of 2000, and has  
4 continuously remained on active duty since that date.

5 36. Effective January 1, 2003, the California State Legislature revived the otherwise time-  
6 barred claims of childhood sexual abuse victims, such as Plaintiff's claim.

7 37. By virtue of Plaintiff's active duty military service, the statute of limitations on his  
8 revived claim has been tolled at all times since January 1, 2003, by the Servicemembers' Civil  
9 Relief Act, 50 U.S.C. App. 501, et seq. Plaintiff's action was timely commenced.  
10

11 38. The sexual abuse of Plaintiff and the circumstances under which it occurred caused  
12 Plaintiff to develop psychological coping mechanisms that reasonably prevented him from  
13 understanding the damages resulting from the abuse.

14 39. As a direct result of the wrongful conduct alleged herein, Plaintiff has suffered, and  
15 continues to suffer great pain of mind and body, shock, emotional distress, physical  
16 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation,  
17 and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and  
18 will continue to be prevented from performing Plaintiff's daily activities and obtaining the full  
19 enjoyment of life; has sustained and continues to sustain loss of earnings and earning capacity;  
20 and/or has incurred and will continue to incur expenses for medical and psychological  
21 treatment, therapy, and counseling.  
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23 40. On August 2, 1991, Atwood engaged in unpermitted, harmful and offensive sexual  
24 conduct and contact upon the person of Plaintiff, thereby satisfying the requirements of  
25 California Code of Civil Procedure § 340.1. Said conduct was undertaken while Atwood was  
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1 an employee, volunteer, representative, and/or agent of Defendant Scouting Organization,  
2 Defendant Council and Does 3 through 100.

3 41. Defendant Scouting Organization, Defendant Council and Does 3 through 100 acted  
4 intentionally, willfully, maliciously and in conscious disregard of the rights and well-being of  
5 Plaintiff by permitting the sexual abuse to occur despite knowledge of Atwood's dangerous  
6 propensities and unfitness.

7 **FIRST CAUSE OF ACTION**

8 **NEGLIGENCE**

9 **(Against All Defendants)**

10  
11 42. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

12 43. Defendant Scouting Organization, Defendant Council and Does 3 through 100 had a  
13 duty to protect the minor Plaintiff when he was entrusted to their care by Plaintiff's parents.  
14 Plaintiff's care, welfare, and/or physical custody were temporarily entrusted to Defendant  
15 Scouting Organization, Defendant Council and Does 3 through 100. Defendant Scouting  
16 Organization, Defendant Council and Does 3 through 100 voluntarily accepted the entrusted  
17 care of Plaintiff. As such, Defendant Scouting Organization, Defendant Council and Does 3  
18 through 100 owed Plaintiff, a minor child, a special duty of care, in addition to a duty of  
19 ordinary care, and owed Plaintiff the higher duty of care that adults dealing with children owe to  
20 protect them from harm.

21  
22 44. Defendant Scouting Organization, Defendant Council and Does 3 through 100, by and  
23 through their agents, volunteers, servants and employees, knew or reasonably should have  
24 known of Atwood's dangerous and exploitive propensities and/or that Atwood was an unfit  
25 agent. It was foreseeable that if Defendants did not adequately exercise or provide the duty of  
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1 care owed to children in their care, including but not limited to Plaintiff, the children entrusted  
2 to Defendants' care would be vulnerable to sexual abuse by Atwood.

3 45. Defendants breached their duty of care to the minor Plaintiff by allowing Atwood to  
4 come into contact with the minor Plaintiff without supervision; by failing to adequately hire,  
5 supervise, or retain Atwood who they permitted and enabled to have access to Plaintiff; by  
6 failing to investigate or otherwise confirm or deny such facts about Atwood; by failing to tell or  
7 concealing from Plaintiff, Plaintiff's parents, guardians, or law enforcement officials that  
8 Atwood was or may have been sexually abusing minors; by failing to tell or concealing from  
9 Plaintiff's parents, guardians, or law enforcement officials that Plaintiff was or may have been  
10 sexually abused after Defendants knew or had reason to know that Atwood may have sexually  
11 abused Plaintiff, thereby enabling Plaintiff to continue to be endangered and sexually abused,  
12 and/or creating the circumstance where Plaintiff was less likely to receive medical/mental health  
13 care and treatment, thus exacerbating the harm done to Plaintiff; and/or by holding out Atwood  
14 to the Plaintiff and his parents or guardians as being in good standing and trustworthy.  
15 Defendants cloaked within the facade of normalcy Defendants' and/or Atwood's contact and/or  
16 actions with the Plaintiff and/or with other minors who were victims of Atwood, and/or  
17 disguised the nature of the sexual abuse and contact.

18 46. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer  
19 great pain of mind and body, shock, emotional distress, physical manifestations of emotional  
20 distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of  
21 life; has suffered and continues to suffer spiritually; was prevented and will continue to be  
22 prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life;  
23 has sustained and will continue to sustain loss of earnings and earning capacity; and/or has  
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1 incurred and will continue to incur expenses for medical and psychological treatment, therapy,  
2 and counseling.

3 **SECOND CAUSE OF ACTION**

4 **NEGLIGENT SUPERVISION/FAILURE TO WARN**

5 **(Against All Defendants)**

6 47. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

7  
8 48. Defendants had a duty to provide reasonable supervision of Atwood; to use reasonable  
9 care in investigating Atwood; and to provide adequate warning to the Plaintiff, the Plaintiff's  
10 family, and minor scouts of Atwood's dangerous propensities and unfitness.

11 49. Defendants, by and through their agents, volunteers, servants, representatives and  
12 employees, knew or reasonably should have known of Atwood's dangerous and exploitive  
13 propensities and/or that Atwood was an unfit agent. Despite such knowledge, Defendants  
14 negligently failed to supervise Atwood in the position of trust and authority as a scout master,  
15 instructor, counselor, teacher, surrogate parent, spiritual mentor, emotional mentor, and/or other  
16 authority figure, where he was able to commit the wrongful acts against the Plaintiff.  
17

18 Defendants failed to provide reasonable supervision of Atwood, failed to use reasonable care in  
19 investigating Atwood, and failed to provide adequate warning to Plaintiff and Plaintiff's family  
20 of Atwood's dangerous propensities and unfitness. Defendants further failed to take reasonable  
21 measures to prevent future sexual abuse.

22 50. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer  
23 great pain of mind and body, shock, emotional distress, physical manifestations of emotional  
24 distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of  
25 life; has suffered and continues to suffer spiritually; was prevented and will continue to be  
26 prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life;  
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1 has sustained and will continue to sustain loss of earnings and earning capacity; and/or has  
2 incurred and will continue to incur expenses for medical and psychological treatment, therapy,  
3 and counseling.

4 **THIRD CAUSE OF ACTION**  
5 **NEGLIGENT HIRING/RETENTION**

6 **(Against All Defendants)**

7 51. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

8 52. Defendants had a duty to not hire and/or retain Atwood, and other employees, agents,  
9 volunteers, and other representatives, given Atwood's dangerous and exploitive propensities.

10 53. Defendants, by and through their agents, servants and employees, knew or reasonably  
11 should have known of Atwood's dangerous and exploitive propensities and/or that Atwood was  
12 an unfit agent. Despite such knowledge, Defendants negligently hired and/or retained Atwood  
13 in the position of trust and authority as a scout master, instructor, counselor, teacher, surrogate  
14 parent, spiritual mentor, emotional mentor, and/or other authority figure, where he was able to  
15 commit the wrongful acts against the Plaintiff. Defendants failed to use reasonable care in  
16 investigating Atwood and failed to provide adequate warning to Plaintiff and Plaintiff's family  
17 of Atwood's dangerous propensities and unfitness. Defendants further failed to take reasonable  
18 measures to prevent future sexual abuse.

19 54. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer  
20 great pain of mind and body, shock, emotional distress, physical manifestations of emotional  
21 distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of  
22 life; has suffered and continues to suffer spiritually; was prevented and will continue to be  
23 prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life;  
24 has sustained and will continue to sustain loss of earnings and earning capacity; and/or has  
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1 incurred and will continue to incur expenses for medical and psychological treatment, therapy,  
2 and counseling.

3 **FOURTH CAUSE OF ACTION**

4 **NEGLIGENT FAILURE TO WARN, TRAIN, OR EDUCATE PLAINTIFF**

5 **(Against All Defendants)**

6 55. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

7 56. Defendants breached their duty to take reasonable protective measures to protect  
8 Plaintiff and other minor scouts and/or students from the risk of childhood sexual abuse by  
9 Atwood, such as the failure to properly warn, train, or educate Plaintiff and other minor  
10 parishioners and/or students about how to avoid such a risk, pursuant to *Juarez v. Boy Scouts of*  
11 *America, Inc.*, 97 Cal. Rptr. 2d 12, 81 Cal. App. 4th 377 (2000).

12 57. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer  
13 great pain of mind and body, shock, emotional distress, physical manifestations of emotional  
14 distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of  
15 life; has suffered and continues to suffer spiritually; was prevented and will continue to be  
16 prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life;  
17 has sustained and will continue to sustain loss of earnings and earning capacity; and/or has  
18 incurred and will continue to incur expenses for medical and psychological treatment, therapy,  
19 and counseling.

20 WHEREFORE, Plaintiff prays for damages; punitive damages against all Defendants;  
21 costs; interest; statutory/civil penalties according to law; and such other relief as the court  
22 deems appropriate and just.  
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**JURY DEMAND**

Plaintiff demands a jury trial on all issues so triable.

THE ZALKIN LAW FIRM, P.C.

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Irwin M. Zalkin  
Attorney for Plaintiff

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