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IN THE CIRCUIT COURT OF FRANKLIN COUNTY, MISSOURI

JANE DOE,

Plaintiff,

v. **CASE NO. _____**

CHILDREN OF MEXICO, INC.,
Serve Registered Agent:
Crystal Koster
519 Grandview Road
St. Clair, MO 63077

STEVEN ROSS,
Serve at:
[redacted]

MICK OHANAHAN,
Serve at:
[redacted]

TERRY STINE,
Serve at:
[redacted]

SETH THOMAS,
Serve at:
[redacted]

DANIEL RANGEL,
Serve at:
[redacted]

and

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ROBERT WIDEMAN
Serve at: [redacted]

Defendants.

PETITION

COMES NOW Plaintiff, by and through counsel, Strong Law, P.C., and for her cause of action against Defendants Children of Mexico, Inc., Steven Ross, Mick Ohanahan, Terry Stine, Seth Thomas, Daniel Rangel, and Robert Wideman, states and alleges as follows:

PARTIES

1. Plaintiff is a resident of Mexico. At all times relevant hereto, Plaintiff was in the care, custody, and/or control of Defendants while residing at one of Children of Mexico, Inc.'s residential homes in Mexico.

2. Defendant Children of Mexico, Inc. ("Children of Mexico") is, and at all relevant times was, a Missouri nonprofit corporation organized and existing under the laws of the State of Missouri, with its principal place of business located at 410 South Oak Street, Union, Missouri 63084. Children of Mexico may be served through its registered agent, Crystal Koster, at its registered office in Franklin County, Missouri, 519 Grandview Road, Saint Clair, Missouri, 63077.

3. At all times relevant herein, Children of Mexico owned, operated, managed, directed, funded, supervised, controlled, and/or otherwise exercised substantial authority,

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control, and/or the right or ability to control, over a network of residential children's homes located in Mexico, including the children's homes where Plaintiff resided.

4. Defendant Steven Ross ("Steve Ross" or "Ross"), is, and at all relevant times was, a resident of Missouri. Steve Ross served as the Executive Director of Children of Mexico from approximately 2012 until its closure. Defendant, at all relevant times, was an employee, agent, officer, administrator, supervisor, and/or representative of Defendant Children of Mexico and acted within the course and scope of his employment and/or agency, for whose acts and omissions Children of Mexico is vicariously liable for. Defendant also owed independent duties to Jane Doe.

5. Defendant Mick Ohanahan ("Ohanahan"), is, and at all relevant times was, a resident of Missouri. Ohanahan served as the Developmental Director of Children of Mexico from approximately 2001 until its closure. Defendant, at all relevant times, was an employee, agent, officer, administrator, supervisor, and/or representative of Defendant Children of Mexico and acted within the course and scope of his employment and/or agency, for whose acts and omissions Children of Mexico is vicariously liable for. Defendant also owed independent duties to Jane Doe.

6. Defendant Terry Stine ("Stine") was at all relevant times a resident of Missouri and/or maintained sufficient minimum contacts with the State of Missouri. Stine served as the Executive Director of Children of Mexico from approximately 1987 until 2007. Defendant, at all relevant times, was an employee, agent, officer, administrator, supervisor, and/or representative of Defendant Children of Mexico and acted within the

course and scope of his employment and/or agency, for whose acts and omissions Children of Mexico is vicariously liable. Defendant also owed independent duties to Jane Doe.

7. Seth Thomas ("Thomas") was at all relevant times a resident of Missouri and/or maintained sufficient minimum contacts with the State of Missouri. Thomas served as the Executive Director of Children of Mexico from approximately 2007 until 2012. Defendant, at all relevant times, was an employee, agent, officer, administrator, supervisor, and/or representative of Defendant Children of Mexico and acted within the course and scope of his employment and/or agency, for whose acts and omissions Children of Mexico is vicariously liable. Defendant also owed independent duties to Jane Doe.

8. Daniel Rangel ("Rangel") was at all relevant times a resident of Missouri and/or maintained sufficient minimum contacts with the State of Missouri. Rangel served as the Field Director of Children of Mexico from approximately 2006 until 2012. Defendant, at all relevant times, was an employee, agent, officer, administrator, supervisor, and/or representative of Defendant Children of Mexico and acted within the course and scope of his employment and/or agency, for whose acts and omissions Children of Mexico is vicariously liable. Defendant also owed independent duties to Jane Doe.

9. Robert Wideman ("Wideman"), is, and at all relevant times was, a resident of Missouri. Wideman served as a board member, Vice President, and/or President of Children of Mexico from approximately 2015 until its closure. Defendant, at all relevant times, was an employee, agent, officer, administrator, supervisor, and/or representative of Defendant Children of Mexico and acted within the course and scope of his employment

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and/or agency, for whose acts and omissions Children of Mexico is vicariously liable. Defendant also owed independent duties to Jane Doe.

10. The residential children's homes in which Plaintiff resided were located in Mexico. Plaintiff's residence, care, supervision, and custody all occurred in Mexico.

11. All acts of negligence, sexual abuse, sexual assault, and other tortious conduct inflicted upon Plaintiff described herein occurred in Mexico while Plaintiff resided in Children of Mexico's residential child-care facility. The employee and agent who perpetrated the abuse, Javier Colosia Lopez ("Colosia"), worked in Mexico, was assigned to perform his duties in Mexico, and interacted with Plaintiff in Mexico. Plaintiff's physical injuries and the initial manifestation of Plaintiff's emotional and psychological injuries occurred in Mexico as a direct result of the abuse sustained there.

JURISDICTION AND VENUE

12. Jurisdiction and venue are proper in this Court pursuant to Section 508.010, RSMo, because Children of Mexico is a Missouri corporation, maintains its principal place of business within the State of Missouri, and maintains its registered agent in Franklin County, Missouri. Plaintiff is a resident of Mexico. Defendants Steve Ross, Ohanahan, and Wideman are residents of Missouri. Some or all of the relevant acts and/or omissions occurred in, originated in, were precipitated in, and/or were effectuated in Missouri.

13. Defendant Stine maintained sufficient minimum contacts with the State of Missouri at all times relevant herein. Specifically, Stine resided in Missouri and/or maintained a mailing address in Missouri at various times from 2003 through 2024 and

engaged in tortious acts and omissions giving rise to Plaintiff's claims which caused or contributed to cause Plaintiff's damages while residing in and/or while present in Missouri. Plaintiff's claims arise directly from those Missouri contacts.

14. Defendant Thomas maintained sufficient minimum contacts with the State of Missouri at all times relevant herein. Specifically, Thomas resided in Missouri and/or maintained a mailing address in Missouri at various times from 2004 until 2018 and engaged in tortious acts and omissions giving rise to Plaintiff's claims which caused or contributed to cause Plaintiff's damages while residing in and/or while present in Missouri. Plaintiff's claims arise directly from those Missouri contacts.

15. Defendant Rangel maintained sufficient minimum contacts with the State of Missouri at all times relevant herein. Specifically, Rangel resided in Missouri and/or maintained a mailing address in Missouri from 2006 through 2012 and engaged in tortious acts and omissions giving rise to Plaintiff's claims which caused or contributed to cause Plaintiff's damages while residing in and/or while present in Missouri. Plaintiff's claims arise directly from those Missouri contacts.

FACTS COMMON TO ALL COUNTS

A. Children of Mexico

16. Children of Mexico was organized in or around 1967 to establish, operate, oversee, finance, and/or administer residential children's homes for vulnerable children residing in Mexico.

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17. In or around 1977, Children of Mexico established an office in Union, Missouri to administer communications with supporters in the United States, coordinate fundraising activities, manage donor relations, and/or oversee administrative functions supporting the children's homes.

18. The children's homes existed as part of an organizational system, operating under the direction and oversight of Children of Mexico, also known as Ninos de Mexico. At all times pertinent herein, Children of Mexico operated approximately nine (9) children's homes.

19. At all relevant times, Children of Mexico exercised substantial authority, control, and/or the right or ability to control, over the operation of its residential children's homes.

20. Children of Mexico continuously solicited financial support from donors throughout Missouri and the United States for the operation of its residential children's homes. Children of Mexico represented that donated funds were used for the care, housing, education, supervision, medical care, and/or general welfare of children residing within the homes.

21. Children of Mexico maintained a Board of Directors responsible for the governance of the organization. The Board of Directors exercised authority over, control of, and/or the right or ability to control significant organizational decisions affecting the operation of the residential homes.

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22. Children of Mexico employed and/or retained executive leadership responsible for overseeing operations within both the United States and Mexico. Executive leadership communicated with both the Missouri corporation and personnel operating the residential homes.

23. Children of Mexico maintained organizational authority concerning administration, budgeting, fundraising, leadership, operational policies, and/or oversight of the residential homes.

24. Beginning in or around 2012 and at all relevant times herein, David Hernandez ("Hernandez") served as the Field Director for Children of Mexico. At all relevant times, Veronica de la Riva Valdes ("Valdes") served as the Coordinator of the Psychology Area for Children of Mexico. Hernandez and/or Valdes received reports of minors being harmed, including but not limited to Plaintiff. Despite knowledge of the harm, Hernandez and/or Valdes, individually, alternatively, and/or in combination, failed to adequately supervise the children entrusted to their care, failed to take action to stop the harm, failed and refused to investigate reports concerning harm, and/or took affirmative steps to conceal the harm, thereby subjecting children, including but not limited to Plaintiff, to repeated harm.

25. The individuals responsible for operating, overseeing, and/or managing the residential homes and/or resident children, including but not limited to Defendants Steve Ross, Ohanahan, Stine, Thomas, Rangel, and Wideman, and Hernandez and Valdes, acted

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on behalf of, reported to, or otherwise functioned within the organizational structure established by Children of Mexico.

B. Operation of the Residential Children's Homes

26. The residential homes housed minor children on a full-time basis.

27. Children residing within the homes depended upon the organization for food, clothing, shelter, education, medical care, supervision, transportation, and/or other necessities of daily life.

28. Each home had a "house parent" who lived in the home and acted as the children's parental figure, assuming responsibility for their care, supervision, and well-being. Resident children lived with and/or were supervised by house parents, administrators, employees, and/or other adults assigned responsibilities within the residential system.

29. Because of their age, dependency, prior adverse life circumstances, living circumstances, lack of parental protection, and/or the power imbalance between resident children and house parents, Defendants and David Hernandez and Veronica de la Riva Valdes knew or should have known that resident children were particularly vulnerable to harm by those entrusted with their care.

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C. Information Known to Organizational Leadership Before Plaintiff's Injury

30. Plaintiff has since learned that the harm she experienced occurred within a broader pattern of harm affecting children residing within Children of Mexico's residential system since or near its inception.

31. Prior to Plaintiff's abuse, allegations concerning sexual misconduct and/or harm involving adults associated with Children of Mexico's residential homes had been communicated to individuals occupying leadership positions within Children of Mexico, including but not limited to Defendants Ross, Ohanahan, Stine, Thomas, Rangel, and Wideman, and David Hernandez and Veronica de la Riva Valdes.

32. Prior to Plaintiff's abuse, Children of Mexico's organizational leadership, including but not limited to Defendants Ross, Ohanahan, Stine, Thomas, Rangel, and Wideman, and David Hernandez and Veronica de la Riva Valdes, received reports concerning inappropriate sexual conduct, sexual abuse, boundary violations, grooming behavior, harm, and other misconduct involving adults who maintained access to resident children.

33. Prior to Plaintiff's harm, residents, staff members, volunteers, and/or other individuals familiar with the operation of the homes communicated concerns regarding the safety of children residing within Children of Mexico to Children of Mexico's organizational leadership, including but not limited to Defendants Steve Ross, Ohanahan, Stine, Thomas, Rangel, and Wideman, and David Hernandez and Veronica de la Riva Valdes.

34. Children of Mexico and Defendants Ross, Ohanahan, Stine, Thomas, Rangel, and Wideman, and David Hernandez and Veronica de la Riva Valdes, failed to adequately investigate and/or remedy safety concerns and failed to take reasonable action to protect the children entrusted to their care.

35. Children of Mexico and Defendants Ross, Ohanahan, Stine, Thomas, Rangel, and Wideman, and David Hernandez and Veronica de la Riva Valdes created and fostered a culture in which sexual abuse was encouraged, concealed, and/or permitted to proliferate, thereby causing and/or contributing to Plaintiff's abuse, as more fully described below.

36. Children of Mexico and Defendants Ross, Ohanahan, Stine, Thomas, Rangel, and Wideman, and David Hernandez and Veronica de la Riva Valdes failed to properly supervise the minors in their custody, care, and/or control or right to control over them.

D. Plaintiff's Residency

37. Plaintiff entered Children of Mexico's residential child-care system as a minor.

38. During Plaintiff's residency, Children of Mexico exercised custody, supervision, and/or control, or had the right to control, over Plaintiff's daily living environment.

39. Plaintiff depended upon Children of Mexico and those acting on Children of Mexico's behalf for supervision, housing, food, clothing, education, supervision, medical care, emotional support, and/or protection.

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40. Plaintiff became a resident of one or more of Children of Mexico's residential children's homes.

41. In or around 2012, when Plaintiff was approximately nine (9) years old through the time she was twelve (12), Plaintiff was admitted to Children of Mexico's "Genesis House," with physical, emotional and mental abuse lasting throughout her stay, including but not limited to physical assaults on Plaintiff, torturous discipline like holding huge rocks over her head toward the sky, and being placed in confinement in dark rooms.

42. In or about 2015, when Plaintiff was approximately twelve (12) years old, she was admitted to reside at another Ninos de Mexico home, Bethel House, where she lived until approximately age eighteen (18). During Plaintiff's residency, Children of Mexico permitted Colosia to occupy a position as a "house parent" of the Bethel House, that provided access to Plaintiff.

43. From approximately age fourteen (14) through seventeen (17), Plaintiff was repeatedly raped, subjected to sexual abuse, physical abuse, and emotional abuse at Bethel House with said sexual, physical and mental abuse being directly engaged in by Colosia, and the refusal to investigate, and attempts to conceal and undermine any sunshine on the criminal activity, being directly attributable to Steve Ross, David Hernandez, Veronica de la Vera as leaders and representatives of Children of Mexico, for which Children of Mexico is vicariously liable.

44. Due to Defendants' failure to properly supervise and/or monitor resident children, including but not limited to Plaintiff, Plaintiff was harmed from approximately

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age nine (9) through seventeen (17) while residing at Children of Mexico's residential homes.

45. By at least 2017, allegations of child abuse and sexual abuse were reported to David Hernandez and Steve Ross. David Hernandez, Steve Ross, and Children of Mexico neglected to investigate and/or take action to remedy the problems and failed to take action to protect the children, to properly supervise the children, and/or took steps to cover up the misconduct and thwart investigation.

46. By at least 2018, an intern of Children of Mexico had reported safety concerns to Steve Ross, but Steve Ross and/or others at Children of Mexico neglected to investigate and/or take action to remedy the safety problems and failed to take action to protect the children and/or took affirmative steps to cover up the misconduct and thwart investigation.

47. By at least 2019, numerous victims and witnesses reported to Children of Mexico administration, including but not limited to Steve Ross, David Hernandez, and Veronica de la Riva, misconduct, sexual touching, battery and physical mistreatment by Colosia. Children of Mexico failed to take action to protect the children, and/or supervise the children, and/or took affirmative steps to cover up the misconduct and thwart investigation.

48. By at least 2019, numerous victims and witnesses reported to Children of Mexico administration, including but not limited to Steve Ross, David Hernandez, and Veronica de la Riva, harm to the resident children. Children of Mexico failed to take action

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to protect the children, and/or supervise the children, and/or took affirmative steps to cover up the misconduct and thwart investigation.

49. Children of Mexico administration, managers, and/or directors received numerous reports of the children not being properly supervised and/or protected, and/or of Colosia sexually abusing children, threatening children, undermining their self-esteem, entering the bathrooms while girls were showering, and/or abusing residential children in their bedrooms. Children of Mexico, and Steve Ross, David Hernandez, and Veronica de la Vera, as leaders and representatives of Children of Mexico for whom Children of Mexico is vicariously liable for, recklessly failed to supervise the children within their care, and/or took no action to stop Colosia's misconduct, failed and refused to investigate, and took affirmative steps to conceal the misconduct, further subjecting children including but not limited to Plaintiff to repeat sexual abuse, physical harm, mental and emotional harm.

50. David Hernandez and Children of Mexico attempted to hinder the criminal investigation of Colosia's actions, including but not limited to telling residential children not to say anything, making eye contact to intimidate the girls, and/or denying the allegations.

51. Steve Ross and Children of Mexico engaged in an active effort to conceal prior knowledge and mishandling of allegations of harm, by instructing staff to destroy documents and/or video footage.

52. Javier Colosia Lopez was charged, prosecuted and convicted of aggravated rape of Jane Doe.

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COUNT I

NEGLIGENCE

COMES NOW Plaintiff, by and through counsel, and for her cause of action set forth as Count I of her Petition against Defendant Children of Mexico, directly and vicariously, and Defendants Steve Ross, Mick Ohanahan, Terry Stine, Seth Thomas, Daniel Rangel, and Robert Wideman, individually and in their capacities as employees and/or agents of Children of Mexico, states and alleges as follows:

53. Plaintiff restates and realleges all paragraphs of this Petition and incorporates them as though fully set forth herein, individually, independently, alternatively, and/or in combination.

54. At all relevant times, Children of Mexico, its employees, agents, and/or administrators, including but not limited to Defendants Steve Ross, Mick Ohanahan, Terry Stine, Seth Thomas, Daniel Rangel, and Robert Wideman, and David Hernandez and Veronica de la Riva Valdes, and each of them, owed Plaintiff a duty to exercise ordinary and reasonable care in the ownership, operation, governance, management, administration, supervision, and/or oversight of its residential children's homes.

55. Children of Mexico, its employees, agents, and/or administrators, including but not limited to Defendants Steve Ross, Mick Ohanahan, Terry Stine, Seth Thomas, Daniel Rangel, and Robert Wideman, and David Hernandez and Veronica de la Riva Valdes, and each of them, had a duty to supervise and/or protect children under their care from unreasonable risks of harm and/or harm from failure to supervise the children under

their care, because it was reasonably foreseeable that a failure to supervise and/or protect the children would result in harm to the children entrusted to their care.

56. Children of Mexico is vicariously liable for the negligence of its employees, agents, and/or administrators, acting within the course and scope of their employment, including but not limited to Defendants Steve Ross, Mick Ohanahan, Terry Stine, Seth Thomas, Daniel Rangel, and Robert Wideman, and David Hernandez and Veronica de la Riva Valdes.

57. Children of Mexico, its employees, agents, and/or administrators, including but not limited to Defendants Steve Ross, Mick Ohanahan, Terry Stine, Seth Thomas, Daniel Rangel, and Robert Wideman, and David Hernandez and Veronica de la Riva Valdes, knew, or through the exercise of ordinary care should have known, that children residing in their residential homes were vulnerable to sexual abuse by adults entrusted with their care and supervision.

58. Defendant Children of Mexico, directly and vicariously through its employees, agents, and/or administrators, including but not limited to Defendants Steve Ross, Mick Ohanahan, Terry Stine, Seth Thomas, Daniel Rangel, and Robert Wideman, and David Hernandez and Veronica de la Riva Valdes, and Defendants Steve Ross, Mick Ohanahan, Terry Stine, Seth Thomas, Daniel Rangel, and Robert Wideman, individually and acting as employees and/or agents of Children of Mexico, were negligent, careless, reckless and/or breached their duty of care they owed Plaintiff in at least one or more of the following respects either separately, in the alternative and/or in combination:

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a. Failing to provide a reasonably safe residential environment for minor children, including but not limited to Plaintiff;

b. Creating, fostering, and/or maintaining a culture in which sexual abuse was encouraged, concealed, and/or permitted to continue and proliferate;

c. Failing to adequately oversee the operation of its residential homes;

d. Failing to recognize and address foreseeable risks of child sexual abuse;

e. Permitting corporal punishment;

f. Failing to respond to information concerning inappropriate sexual conduct involving adults with access to children, including but not limited to Plaintiff;

g. Failing to maintain adequate institutional oversight of child safety;

h. Failing to implement institutional safeguards designed to protect resident children;

i. Failing to implement a reliable and effective security camera system;

j. Permitting its security camera system to contain blind spots;

k. Placing surveillance cameras where they compromised the privacy and safety of resident children, including but not limited to in girls' bathrooms and bedrooms;

l. Destroying documentation related to abuse and/or suspected abuse of resident children, including but not limited to Plaintiff;

m. Failing to implement comprehensive care plans and formal documentation related to the care and supervision of resident children;

n. Permitting adult males to reside within, or maintain unrestricted access to, facilities housing minor girls;

o. Permitting adults to occupy positions providing unsupervised or isolated access to minor children;

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p. Failing to maintain adequate separation between adult males and minor female residents;

q. Failing to provide resident children with reasonable means to safely report abuse;

r. Failing to adequately monitor interactions between adults and resident children;

s. Failing to adequately screen, investigate, and/or evaluate adults entrusted with the care, custody, supervision, and/or access to minor children;

t. Overriding a formal screening process;

u. Failing to have policies in place for adequate screening and/or failing to enforce those policies;

v. Failing to adequately train house parents on identifying and responding to abuse, understanding trauma, and/or crisis management;

w. Failing to adequately supervise adults entrusted with the care, custody, supervision, and/or access to minor children;

x. Failing to adequately train house parents, employees, volunteers, and other individuals with access to children regarding the prevention, recognition, reporting, and response to child sexual abuse;

y. Failing to adopt policies and procedures designed to prevent, detect, investigate, and/or respond to child sexual abuse, and failing to implement, follow, and enforce such policies and procedures;

z. Failing to promptly remove children from known or suspected dangerous conditions or individuals;

aa. Failing to have a policy addressing psychological safety or trauma-informed de-escalation;

bb. Mismanaging and/or misusing resources and/or funds intended for the safety and well-being of resident children;

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cc. Failing to adequately educate resident children about sexuality, sexual abuse, and/or misconduct;

dd. Failing to cooperate with judicial proceedings and law enforcement regarding sexual abuse and/or suspected sexual abuse of resident children;

ee. Failing to implement a formal and adequate sexuality education program for resident children;

ff. Failing to promptly remove or restrict the access of adults reasonably suspected of posing a danger to resident children;

gg. Failing to adequately document, communicate, and/or follow up on reports or concerns regarding child sexual abuse;

hh. Implementing an internal-only reporting of abuse funnel;

ii. Failing to report known or suspected child sexual abuse to appropriate authorities or otherwise take reasonable action to protect Plaintiff;

jj. Failing to have a policy in place requiring immediate external reporting of suspected abuse to law enforcement;

kk. Failing to warn and/or protect Plaintiff after becoming aware of facts indicating that Plaintiff was at risk of sexual abuse and/or was being sexually abused;

ll. Creating, permitting, and/or tolerating an institutional environment in which child sexual abuse could occur undetected and/or unreported;

mm. Failing to remove, discipline, reassign, and/or terminate employees, volunteers, house parents, or other adults after learning, or having reason to know, that they posed an unreasonable risk of sexual abuse to resident children;

nn. Failing to terminate the employment of Colosia upon learning facts tending to show that he posed a serious threat of sexual abuse to Plaintiff;

oo. Failing to adequately train Colosia on proper interactions between himself and resident children;

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pp. Failing to take necessary steps to monitor contact between Colosia and Plaintiff;

qq. Failing to adequately train house parents, employees, agents, caregivers, administrators, and/or supervisors concerning child sexual abuse prevention, recognition, reporting, and intervention;

rr. Failing to adequately supervise adults entrusted with the care of resident children;

ss. Failing to monitor the conduct of adults possessing access to children;

tt. Failing to investigate complaints or allegations concerning employees, agents, volunteers, caregivers, administrators, or other adults entrusted with children;

uu. Failing to develop adequate child protection policies;

vv. Failing to implement adequate child protection policies;

ww. Failing to enforce child protection policies;

xx. Failing to establish adequate abuse reporting procedures;

yy. Failing to establish adequate investigative procedures for allegations of child sexual abuse;

zz. Failing to implement reasonable screening procedures for adults entrusted with children;

aaa. Failing to implement adequate policies governing adult access to resident children;

bbb. Failing to implement adequate digital safeguarding policies;

ccc. Failing to implement adequate policies governing housing arrangements for minor children;

ddd. Failing to implement adequate policies governing supervision of children;

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eee. Failing to implement adequate policies governing supervision of employees, caregivers, administrators, and other adults entrusted with children;

fff. Failing to implement adequate policies governing supervision of residential children;

ggg. Failing to implement adequate training and/or policies concerning child sexual abuse prevention, recognition, reporting, and/or response;

hhh. Failing to implement adequate training and/or policies concerning corporal punishment;

iii. Failing to implement adequate procedures designed to identify grooming behavior and boundary violations;

jjj. Failing to maintain reasonable systems for documenting and responding to allegations of abuse;

kkk. Failing to periodically review and improve child protection policies despite information demonstrating deficiencies in child safety;

lll. Continuing to permit adults posing foreseeable risks to maintain access to vulnerable children; and

mmm. In any other ways learned through discovery.

59. Defendants' actions and failures described in the paragraphs above were reckless, either individually, in combination and/or in the alternative, and were done with deliberate and flagrant disregard for the safety of others and were done with complete indifference toward and/or with conscious disregard for the safety of others, including but not limited to Plaintiff and other children in Defendants' care. Accordingly, Defendants

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are liable for moral damages[1] and/or punitive damages to deter such conduct, to punish such conduct, and to deter Defendants and others from like conduct in the future.

60. As a direct and proximate result of Defendants' negligence, Plaintiff sustained moral injuries and damages, and physical and emotional injuries and damages, including physical injuries to her body consistent with the abuse, emotional distress, pain and suffering, embarrassment, humiliation, damage to her reputation, diminution in earnings capacity, loss of income, emotional harm, mental anguish, emotional suffering, loss of self-esteem, nightmares, anxiety, depression, insomnia, and stress. Her relationships have been affected and harmed. She has been rendered nervous by the incidents and abuse, has suffered anxiety of body and mind, and has suffered emotional upset and loss of enjoyment of life. She has suffered all of the above injuries, continues to suffer from these injuries presently, and will continue to suffer from said injuries into the future.

[1] Moral damages as provided for in Article 1916 of Mexico City's Civil Code. Article 1916. Moral damages shall mean the harm suffered by a person with respect to his or her feelings, affections, beliefs, dignity, honor, reputation, private life, physical appearance and characteristics, or the esteem in which such person is held by others. Moral damages shall be presumed to have occurred whenever a person's freedom or physical or psychological integrity is unlawfully violated or impaired.

Whenever an unlawful act or omission causes moral damages, the person responsible shall be obligated to compensate such damages by means of a monetary indemnification, regardless of whether material damages have also been caused, whether arising from contractual or extra-contractual liability. The same obligation to compensate moral damages shall apply to any person who incurs strict liability pursuant to Article 1913, as well as to the State and its public servants pursuant to Articles 1927 and 1928, respectively, of this Code.

The cause of action for compensation may not be transferred to third parties by an *inter vivos* act and shall pass to the victim's heirs only when the victim commenced the action during his or her lifetime.

The amount of the indemnification shall take into consideration the rights infringed, the degree of responsibility, the financial circumstances of the responsible party and of the victim, as well as all other circumstances of the case.

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61. By reason of her injuries and the harms suffered as a result of Defendants' conduct and abuse, Plaintiff has paid, or become obligated to pay for, and will in the future pay or become obligated to pay for, items of expense in obtaining and receiving counseling, medical care and treatment.

WHEREFORE, Plaintiff prays for judgment against Defendants, for such sums as are reasonable and necessary to compensate Plaintiff for her personal injuries and damages resulting from the incident described in this Petition, costs incurred, moral damages and/or punitive damages, and for other such relief as this Court deems just and proper.

COUNT II

NEGLIGENT HIRING, RETENTION, TRAINING, AND SUPERVISION OF EMPLOYEES, AGENTS, CAREGIVERS, AND OTHERS ENTRUSTED WITH THE CARE OF MINOR CHILDREN

COMES NOW Plaintiff, by and through counsel, and for her cause of action set forth as Count II of her Petition against Defendant Children of Mexico, directly and vicariously, and Defendants Steve Ross, Mick Ohanahan, Terry Stine, Seth Thomas, Daniel Rangel, and Robert Wideman, individually and in their capacities as employees and/or agents of Children of Mexico, states and alleges as follows:

62. Plaintiff restates and realleges all paragraphs of this Petition and incorporates them as though fully set forth herein, individually, independently, alternatively, and/or in combination.

63. Children of Mexico and its employees, agents, and/or administrators, including but not limited to Defendants Steve Ross, Mick Ohanahan, Terry Stine, Seth Thomas, Daniel Rangel, and Robert Wideman, and David Hernandez and Veronica de la

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Riva Valdes, owed a duty of reasonable care in enacting and enforcing rules and policies related to the supervision, hiring, retention, training, and/or monitoring of those interacting with resident children and other employees to ensure the safety of the children.

64. Children of Mexico is vicariously liable for the negligence of its employees, agents, and/or administrators acting within the course and scope of their employment or agency, in the performance of their jobs working for Children of Mexico, including but not limited to Defendants Steve Ross, Mick Ohanahan, Terry Stine, Seth Thomas, Daniel Rangel, and Robert Wideman, and David Hernandez and Veronica de la Riva Valdes.

65. Defendants and David Hernandez and Veronica de la Riva Valdes knew, or through the exercise of ordinary care should have known, of complaints, reports, allegations, warning signs, inappropriate conduct, grooming behavior, boundary violations, and/or other information indicating that one or more such individuals posed a foreseeable danger to minor children.

66. Defendants and David Hernandez and Veronica de la Riva Valdes knew, or through the exercise of ordinary care should have known, that appropriate child protection policies and procedures were necessary to protect vulnerable children from sexual abuse and/or harm.

67. Defendant Children of Mexico, directly and vicariously through its employees, agents, and/or administrators, and Defendants Steve Ross, Mick Ohanahan, Terry Stine, Seth Thomas, Daniel Rangel, and Robert Wideman, individually and acting as employees and/or agents of Children of Mexico, were negligent, careless, reckless and/or

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breached their duty of care they owed Plaintiff in at least one or more of the following respects either separately, in the alternative and/or in combination

a. Failing to remove, discipline, reassign, and/or terminate employees, volunteers, house parents, or other adults after learning, or having reason to know, that they posed an unreasonable risk of sexual abuse to resident children;

b. Creating, fostering, and/or maintaining a culture in which sexual abuse was encouraged, concealed, and/or permitted to continue and proliferate;

c. Failing to terminate the employment of Colosia upon learning facts tending to show that he posed a serious threat of sexual abuse to Plaintiff;

d. Failing to adequately train Colosia on proper interactions between himself and resident children;

e. Failing to take necessary steps to monitor contact between Colosia and Plaintiff;

f. Failing to exercise ordinary care in retaining individuals entrusted with minor children;

g. Failing to adequately investigate the backgrounds and/or qualifications of individuals entrusted with resident children;

h. Overriding its formal screening process concerning individuals entrusted with resident children;

i. Failing to adequately train house parents, employees, agents, caregivers, administrators, and/or supervisors concerning child sexual abuse prevention, recognition, reporting, and intervention;

j. Failing to adequately supervise adults entrusted with the care of resident children;

k. Failing to monitor the conduct of adults possessing access to children;

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l. Failing to investigate complaints or allegations concerning employees, agents, volunteers, caregivers, administrators, or other adults entrusted with children;

m. Failing to develop adequate child protection policies;

n. Failing to implement adequate child protection policies;

o. Failing to enforce child protection policies;

p. Failing to establish adequate abuse reporting procedures;

q. Failing to establish adequate investigative procedures for allegations of child sexual abuse;

r. Failing to implement reasonable screening procedures for adults entrusted with children;

s. Failing to have a policy addressing psychological safety or trauma-informed de-escalation;

t. Failing to implement adequate policies governing adult access to resident children;

u. Failing to implement adequate digital safeguarding policies;

v. Failing to implement adequate policies governing housing arrangements for minor children;

w. Failing to implement adequate policies governing supervision of children;

x. Failing to implement adequate policies governing supervision of employees, caregivers, administrators, and other adults entrusted with children;

y. Failing to implement adequate policies governing supervision of residential children;

z. Failing to implement adequate training and/or policies concerning child sexual abuse prevention, recognition, reporting, and/or response;

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aa. Failing to implement adequate training and/or policies concerning corporal punishment;

bb. Failing to have a policy in place requiring immediate external reporting of suspected abuse to law enforcement;

cc. Failing to implement adequate procedures designed to identify grooming behavior and boundary violations;

dd. Failing to maintain reasonable systems for documenting and responding to allegations of abuse;

ee. Failing to periodically review and improve child protection policies despite information demonstrating deficiencies in child safety;

ff. Continuing to permit adults posing foreseeable risks to maintain access to vulnerable children; and

gg. In any other ways learned through discovery.

68. Defendants' actions and failures described in the paragraphs above were reckless, either individually, in combination and/or in the alternative, and were done with deliberate and flagrant disregard for the safety of others and were done with complete indifference toward and/or with conscious disregard for the safety of others, including but not limited to Plaintiff and other children in Defendants' care. Accordingly, Defendants are liable for moral damages and/or punitive damages to deter such conduct, to punish such conduct, and to deter Defendants and others from like conduct in the future.

69. As a direct and proximate result of Defendants' negligence, Plaintiff sustained moral injuries and damages, and physical and emotional injuries and damages, including physical injuries to her body consistent with the abuse, emotional distress, pain and suffering, embarrassment, humiliation, damage to her reputation, diminution in

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earnings capacity, loss of income, emotional harm, mental anguish, emotional suffering, loss of self-esteem, nightmares, anxiety, depression, insomnia, and stress. Her relationships have been affected and harmed. She has been rendered nervous by the incidents and abuse, has suffered anxiety of body and mind, and has suffered emotional upset and loss of enjoyment of life. She has suffered all of the above injuries, continues to suffer from these injuries presently, and will continue to suffer from said injuries into the future.

70. By reason of her injuries and the harms suffered as a result of Defendants' conduct and abuse, Plaintiff has paid, or become obligated to pay for, and will in the future pay or become obligated to pay for, items of expense in obtaining and receiving counseling, medical care and treatment.

WHEREFORE, Plaintiff prays for judgment against Defendants, for such sums as are reasonable and necessary to compensate Plaintiff for her personal injuries and damages resulting from the incident described in this Petition, costs incurred, moral damages and/or punitive damages, and for other such relief as this Court deems just and proper.

COUNT III
NEGLIGENT SUPERVISION AND PROTECTION OF MINOR CHILDREN

COMES NOW Plaintiff, by and through counsel, and for her cause of action set forth as Count III of her Petition against Defendant Children of Mexico, directly and vicariously, and Defendants Steve Ross, Mick Ohanahan, Terry Stine, Seth Thomas,

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Daniel Rangel, and Robert Wideman, individually and in their capacities as employees and/or agents of Children of Mexico, states and alleges as follows:

71. Plaintiff restates and realleges paragraphs 1-10, 12-30, 33-34, 36-40, 44, 46, 48, and 51 of this Petition and incorporates them as though fully set forth herein, individually, independently, alternatively, and/or in combination.

72. At all relevant times, Children of Mexico accepted responsibility for the custody, care, supervision, and/or protection of Plaintiff and other minor children residing within its residential homes.

73. Children of Mexico, its employees, agents, and/or administrators, including but not limited to Defendants Steve Ross, Mick Ohanahan, Terry Stine, Seth Thomas, Daniel Rangel, and Robert Wideman, and David Hernandez and Veronica de la Riva Valdes, and each of them, owed Plaintiff a duty to exercise ordinary care in supervising and protecting children residing within its facilities, and it was reasonably foreseeable that failure to supervise children, including but not limited to Plaintiff, would lead to harm.

74. Children of Mexico, its employees, agents, and/or administrators, including but not limited to Defendants Steve Ross, Mick Ohanahan, Terry Stine, Seth Thomas, Daniel Rangel, and Robert Wideman, and David Hernandez and Veronica de la Riva Valdes, and each of them, had a duty to protect children under their care from unreasonable risks of harm.

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75. Children of Mexico is vicariously liable for the negligence of its employees, agents, and/or administrators, acting within the course and scope of their employment, including but not limited to Defendants Steve Ross, Mick Ohanahan, Terry Stine, Seth Thomas, Daniel Rangel, and Robert Wideman, and David Hernandez and Veronica de la Riva Valdes.

76. Defendant Children of Mexico, directly and vicariously through its employees and/or agents, and Defendants Steve Ross, Mick Ohanahan, Terry Stine, Seth Thomas, Daniel Rangel, and Robert Wideman, individually and acting as employees and/or agents of Children of Mexico, were negligent, careless, reckless and/or breached their duty of care they owed Plaintiff in at least one or more of the following respects either separately, in the alternative and/or in combination

a. Failing to adequately supervise minor children entrusted to its care;

b. Failing to ensure there was no harmful contact between others and Plaintiff;

c. Ignoring reports of misconduct;

d. Ignoring recommendations for changes that needed to be made to protect resident children;

e. Refusing to investigate complaints of harm;

f. Covering up, ignoring, and/or destroying evidence regarding harm to children;

g. Failing to ensure that all interactions between minor children like Plaintiff were properly monitored;

h. Failing to protect resident children from foreseeable harm;

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i. Permitting resident children to remain in situations where they were not supervised;

j. Failing to adequately monitor resident children;

k. Failing to maintain adequate staffing and supervision necessary to supervise and/or protect resident children;

l. Failing to implement reasonable procedures to ensure the safety of children residing within its facilities;

m. Failing to timely intervene when circumstances indicated that resident children were exposed to unreasonable risks of harm;

n. Failing to protect Plaintiff from reasonably foreseeable harm; and

o. In any other ways learned through discovery.

77. As a direct and proximate result of Defendants' negligence, Plaintiff sustained moral injuries and damages, and physical and emotional injuries and damages, including physical injuries, emotional distress, pain and suffering, embarrassment, humiliation, damage to her reputation, diminution in earnings capacity, loss of income, emotional harm, mental anguish, emotional suffering, loss of self-esteem, nightmares, anxiety, depression, insomnia, and stress. Her relationships have been affected and harmed. She has been rendered nervous by the harm, has suffered anxiety of body and mind, and has suffered emotional upset and loss of enjoyment of life. She has suffered all of the above injuries, continues to suffer from these injuries presently, and will continue to suffer from said injuries into the future.

78. By reason of her injuries and the harms suffered as a result of Defendants' conduct, Plaintiff has paid, or become obligated to pay for, and will in the future pay or

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become obligated to pay for, items of expense in obtaining and receiving counseling, medical care and treatment.

WHEREFORE, Plaintiff prays for judgment against Defendants, for such sums as are reasonable and necessary to compensate Plaintiff for her personal injuries and damages resulting from the harm described in this count, costs incurred, moral damages, and for other such relief as this Court deems just and proper.

COUNT IV

VICARIOUS LIABILITY FOR NEGLIGENCE OF COLOSIA

COMES NOW Plaintiff, by and through counsel, and for her cause of action set forth as Count IV of her Petition against Defendant Children of Mexico, states and alleges as follows:

79. Plaintiff restates and realleges all paragraphs of this Petition and incorporates them as though fully set forth herein, individually, independently, alternatively, and/or in combination.

80. At all relevant times, Javier Colosia Lopez was employed by and/or acting on behalf of Children of Mexico as a house parent assigned to supervise minor female residents at the Bethel House, including but not limited to Plaintiff.

81. At all relevant times, Colosia was acting as Children of Mexico's employee, servant, agent, and/or representative and occupied a position of trust, authority, and responsibility over Plaintiff by virtue of his employment with Children of Mexico.

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82. Children of Mexico placed Colosia in a position that provided him with access to Plaintiff and other minor children residing within Children of Mexico's residential homes.

83. At all times relevant herein, Colosia owed Plaintiff a duty not to place her and others in danger of harm or abuse.

84. Colosia breached this duty to Plaintiff and was negligent in each of the following ways, either individually, in combination and/or in the alternative:

a. Failing to exercise ordinary care for Plaintiff's safety and well-being;

b. Failing to protect Plaintiff from foreseeable harm;

c. Failing to warn family members and/or governmental entities of his sexual thoughts and desires toward young children, including but not limited to Plaintiff;

d. Assuming positions overseeing young children and young girls when he knew or should have known he had a predisposition to sexually abuse;

e. Assuming positions where he was alone and/or likely to be alone with Plaintiff and other resident children while knowing of his desire and/or disposition to abuse, rape and molest;

f. Refusing to seek counseling on issues relating to his sexually deviant desires and/or propensity to abuse;

g. Failing to maintain appropriate professional boundaries with Plaintiff;

h. Failing to act in Plaintiff's best interests while entrusted with her care and supervision;

i. Failing to report known or suspected child abuse or otherwise take reasonable steps to protect Plaintiff;

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j. Creating or permitting circumstances that exposed Plaintiff to an unreasonable risk of harm;

k. Failing to comply with applicable policies, procedures, and standards governing the care and protection of minor children; and

l. In all other ways learned through discovery.

85. Colosia's authority over Plaintiff, access to Plaintiff, and ability to isolate Plaintiff arose directly from the duties, responsibilities, authority, and trust conferred upon him by Children of Mexico.

86. At all relevant times, Colosia's acts were committed while he was performing duties assigned by Children of Mexico, while present at Children of Mexico's facilities, and/or while entrusted with responsibilities arising from his employment. Colosia's negligence is directly attributable to Children of Mexico, as Children of Mexico's employee, agent, servant, apparent agent, and/or representative in the course and scope of his employment, agency and/or duties and responsibilities.

87. Children of Mexico is vicariously liable for the tortious conduct of its employee, agent, and/or representative.

88. Colosia's actions and failures described in the paragraphs above were reckless, either individually, in combination and/or in the alternative, and were done with deliberate and flagrant disregard for the safety of others and were done with complete indifference toward and/or with conscious disregard for the safety of others, including but not limited to Plaintiff and other children. Accordingly, Defendant is liable for moral

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damages and/or punitive damages to deter such conduct, to punish such conduct, and to deter Defendant and others from like conduct in the future.

89. As a direct and proximate result of Colosia's negligence for which Children of Mexico is vicariously liable for, Plaintiff sustained moral injuries and damages, and physical and emotional injuries and damages, including physical injuries to her body consistent with the abuse, emotional distress, pain and suffering, embarrassment, humiliation, damage to her reputation, diminution in earnings capacity, loss of income, emotional harm, mental anguish, emotional suffering, loss of self-esteem, nightmares, anxiety, depression, insomnia, and stress. Her relationships have been affected and harmed. She has been rendered nervous by the incidents and abuse, has suffered anxiety of body and mind, and has suffered emotional upset and loss of enjoyment of life. She has suffered all of the above injuries, continues to suffer from these injuries presently, and will continue to suffer from said injuries into the future.

90. By reason of her injuries and the harms suffered as a result of Defendant's negligence, Plaintiff has paid, or become obligated to pay for, and will in the future pay or become obligated to pay for, items of expense in obtaining and receiving counseling, medical care and treatment.

WHEREFORE, Plaintiff prays for judgment against Children of Mexico, for such sums as are reasonable and necessary to compensate Plaintiff for her personal injuries and damages resulting from the incident described in this Petition, costs incurred, moral

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damages and/or punitive damages, and for other such relief as this Court deems just and proper.

COUNT V

RECKLESS/NEGLIGENT VIOLATION OF THE PRINCIPLE OF "THE BEST INTEREST OF THE CHILD" AS PROVIDED BY MEXICAN FEDERAL LAW AND BINDING JUDICIAL PRECEDENT ESTABLISHED BY THE SUPREME COURT OF JUSTICE OF THE NATION

COMES NOW Plaintiff, by and through counsel, and for her cause of action set forth as Count V of her Petition against Defendant Children of Mexico, directly and vicariously, and Defendants Steve Ross, Mick Ohanahan, Terry Stine, Seth Thomas, Daniel Rangel, and Robert Wideman, individually and in their capacities as employees and/or agents of Children of Mexico, states and alleges as follows:

91. Plaintiff restates and realleges all paragraphs of this Petition and incorporates them as though fully set forth herein, individually, independently, alternatively, and/or in combination.

92. Children of Mexico and its employees, agents, and/or administrators, including but not limited to Defendants Steve Ross, Mick Ohanahan, Terry Stine, Seth Thomas, Daniel Rangel, and Robert Wideman, and David Hernandez and Veronica de la Riva Valdes, owed a heightened duty of care to Plaintiff according to the Principle of the Best Interest of the Child provided by Mexican law, requiring that every parent, guardian and caregiver give primary consideration to the protection, care, and assistance necessary to ensure that children and adolescents are raised and develop within an environment of family stability, social well-being, and personal dignity and integrity.

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93. Children of Mexico, individually, independently, alternatively, and/or in combination, is vicariously liable for the actions and negligent omissions of its employees, agents, servants and/or administrators acting within the course and scope of their employment or agency, in the performance of their jobs working for Children of Mexico, including but not limited to Defendants Steve Ross, Mick Ohanahan, Terry Stine, Seth Thomas, Daniel Rangel, and Robert Wideman, and David Hernandez and Veronica de la Riva Valdes.

94. Defendants and David Hernandez and Veronica de la Riva Valdes recklessly and/or negligently violated the Principle of the Best Interest of the Child by failing to give primary consideration to the protection, care, and assistance necessary to ensure that Plaintiff be raised and develop within an environment of family stability, social well-being, and personal dignity and integrity.

95. Defendants and David Hernandez and Veronica de la Riva Valdes, independently, individually, alternatively, and/or in combination, knew, or through the exercise of heightened care should have known, of complaints, reports, allegations, warning signs, inappropriate conduct, grooming behavior, boundary violations, and/or other information indicating that one or more such individuals posed a foreseeable danger to minor children.

96. Defendants and David Hernandez and Veronica de la Riva Valdes knew, or through the exercise of heightened care should have known, that child protection policies and procedures should have carefully met the standards of Articles 13, 15, 43, 46, 47 and

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76 of the General Law on the Rights of Girls, Boys and Adolescents, and failed to appropriately enforce that law in order to protect vulnerable children.

97. Defendants and David Hernandez and Veronica de la Riva Valdes, independently, individually, alternatively, and/or in combination, knew, or through the exercise of heightened care should have known, that child protection policies and procedures should have carefully met the standards of Articles 13, 15, 43, 46, 47 and 76 of the General Law on the Rights of Girls, Boys and Adolescents, and failed to appropriately enforce that law in order to protect vulnerable children from all forms of violence and sexual abuse.

98. Defendant Children of Mexico, directly and vicariously through its employees, agents, and/or administrators, and Defendants Steve Ross, Mick Ohanahan, Terry Stine, Seth Thomas, Daniel Rangel, and Robert Wideman, individually and acting as employees and/or agents of Children of Mexico, were negligent, careless, reckless and/or breached their heightened duty of care they owed Plaintiff in at least one or more of the following respects either separately, in the alternative and/or in combination:

a. Failing to recognize and enforce the right of Plaintiff and other children to live under conditions of well-being and to achieve a healthy development;

b. Failing to recognize and enforce the right of Plaintiff and other children to personal integrity and to live free from all forms of violence;

c. Failing to recognize and enforce the right of Plaintiff and other children to privacy;

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d. Failing to recognize and enforce the right of Plaintiff and other children to enjoy a full life under conditions of dignity that ensure their integral development;

e. Failing to recognize and enforce the right of Plaintiff and other children to live in a healthy environment under conditions that promote well-being and healthy, harmonious physical, mental, material, spiritual, ethical, cultural and/or social development;

f. Failing to recognize and enforce the right of Plaintiff and other children to the protection of their image, name, honor and/or reputation;

g. Failing to maintain appropriate security, protection, and/or supervision measures to ensure the comfort, hygiene, and/or adequate living conditions of the girls, boys, and/or adolescents housed therein, considering their age, sex, and physical and/or mental condition, while providing a nurturing environment free from violence;

h. Failing to provide housing to girls, boys, and/or adolescents according to their age and sex in separate sleeping quarters, which shall not be shared with adults except when assistance by an adult is medically or otherwise reasonably necessary;

i. Failing to maintain facilities specifically designated for each activity in which the girls, boys, and/or adolescents participate;

j. Failing to comply with all applicable requirements established by the Mexico governmental authorities responsible for civil protection, public health, and social assistance;

k. Failing to provide an environment that promotes the inclusion of girls, boys, and/or adolescents with disabilities within their community; and

l. In any other ways learned through discovery.

99. Actions and omissions all of which directly violated Article 108, Sections IV through VIII of the General Law on the Rights of Girls, Boys and Adolescents enacted by

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Mexican Federal Congress and as a consequence are illicit as a matter of law, consequently triggering civil liability.

100. Defendants' actions and failures described in the paragraphs above were negligent and/or reckless, either individually, in combination and/or in the alternative, and were done with deliberate and flagrant disregard for applicable law in force, the safety of others, including but not limited to Plaintiff and other children in Defendants' care. Accordingly, Defendant is liable for moral damages as provided for in Article 1916 of Mexico City's Civil Code. Additionally, Defendant is liable for punitive damages as provided for by Mexican Supreme Court binding case law, to deter such conduct, to punish such conduct, and to deter Defendant and others from like conduct in the future.

101. As a direct and proximate result of Defendants' actions and negligence, Plaintiff sustained moral injuries and damages, and physical and emotional injuries and damages, including physical injuries to her body consistent with the abuse, emotional distress, pain and suffering, embarrassment, humiliation, damage to her reputation, diminution in earnings capacity, loss of income, emotional harm, mental anguish, emotional suffering, loss of self-esteem, nightmares, anxiety, depression, insomnia, and stress. Her relationships have been affected and harmed. She has been rendered nervous by the incidents and abuse, has suffered anxiety of body and mind, and has suffered emotional upset and loss of enjoyment of life. She has suffered all of the above injuries, continues to suffer from these injuries presently, and will continue to suffer from said injuries into the future.

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102. By reason of her injuries and the harms suffered as a result of Defendants' conduct and abuse, Plaintiff has paid, or become obligated to pay for, and will in the future pay or become obligated to pay for, items of expense in obtaining and receiving counseling, medical care and treatment.

WHEREFORE, Plaintiff prays for judgment against Defendants, for such sums as are reasonable and necessary to compensate Plaintiff for her personal injuries and damages resulting from the incident described in this Petition, costs incurred, moral damages, punitive damages, and for other such relief as this Court deems just and proper.

COUNT VI

DIRECT LIABILITY AND VICARIOUS LIABILITY FOR HARM NEGLIGENTLY, RECKLESSLY, AND/OR INTENTIONALLY INFLICTED BY COLOSIA

COMES NOW Plaintiff, by and through counsel, and for her cause of action set forth as Count VI of her Petition against Defendant Children of Mexico, states and alleges as follows:

103. Plaintiff restates and realleges all paragraphs of this Petition and incorporates them as though fully set forth herein, individually, independently, alternatively, and/or in combination.

104. At all relevant times, Javier Colosia Lopez was employed by and/or acting on behalf of Children of Mexico as a house parent assigned to supervise minor female residents at the Bethel House, including but not limited to Plaintiff.

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105. At all relevant times, Colosia was acting as Children of Mexico's employee, servant, agent, executive, and/or representative and occupied a position of trust, authority, and responsibility over Plaintiff by virtue of his employment with Children of Mexico. As such, Colosia retained and ordinarily exercised authority equivalent to an empowered legal representative of Children of Mexico as provided for by Mexican laws.

106. Children of Mexico placed Colosia in a position that provided him with access to Plaintiff and other minor children residing within Children of Mexico's residential homes.

107. At all times relevant herein, and pursuant to Mexican law, Colosia owed Plaintiff a duty to respect her and not to abuse and/or harm her in any form.

108. Children of Mexico, individually, independently, alternatively, and/or in combination, is vicariously liable to Plaintiff under Mexican law[2] because Colosia negligently, recklessly, intentionally, deliberately, flagrantly and/or repeatedly raped Plaintiff, subjected her to sexual abuse, physical abuse, general harm, and/or emotional abuse at Bethel House with said sexual, physical and mental abuse and/or harm being directly engaged in by Colosia.

109. Colosia's authority over Plaintiff, access to Plaintiff, and ability to isolate Plaintiff arose directly from the duties, responsibilities, authority, and trust conferred upon him by Children of Mexico.

[2] Articles 1910, 1915, 1916, 1917, 1918, 1925 and 1928 of the Mexico City Civil Code.

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110. Children of Mexico negligently, recklessly, and/or intentionally failed to supervise, prevent, or otherwise protect Plaintiff from that conduct.

111. At all relevant times, individually, independently, alternatively, and/or in combination, Colosia's reckless, negligent, and/or intentional and deliberate actions were committed while he was performing duties assigned by Children of Mexico, while present at Children of Mexico's facilities, and/or while entrusted with responsibilities arising from his employment. Individually, independently, alternatively, and/or in combination, Colosia's negligent, reckless, and/or intentional infliction of physical and sexual abuse and/or emotional distress and/or harm on Plaintiff is vicariously attributable to Children of Mexico, individually, independently, alternatively, and/or in combination, as Colosia was acting within his capacity as Children of Mexico's employee, agent, servant, executive, apparent agent, and/or representative in the course and scope of his employment, agency and/or duties and responsibilities.

112. Children of Mexico is, individually, independently, alternatively, and/or in combination, vicariously liable for the negligent, reckless, and/or intentional tortious conduct of its employee, agent, and/or representative, and directly liable for its failure to supervise, prevent, or otherwise protect Plaintiff from that conduct.

113. Children of Mexico's and Colosia's actions and failures described in the paragraphs above were negligent, reckless, and/or intentional, either individually, in combination and/or in the alternative, and were done with deliberate and flagrant disregard for the safety of others and were done with complete indifference toward and/or with

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conscious disregard for the safety of others, including but not limited to Plaintiff and other children. Accordingly, Defendant is liable for moral damages as provided for in Article 1916 of Mexico City's Civil Code. Additionally, Defendant is liable for punitive damages as provided for by Mexican Supreme Court binding case law, to deter such conduct, to punish such conduct, and to deter Defendant and others from like conduct in the future.

114. As a direct and proximate result of Children of Mexico's and/or Colosia's negligent, reckless, and/or deliberate actions for which Children of Mexico is vicariously liable for, either individually, alternatively, and/or in combination, Plaintiff sustained moral injuries and damages, and physical and emotional injuries and damages, including physical injuries to her body consistent with the abuse, emotional distress, pain and suffering, embarrassment, humiliation, damage to her reputation, diminution in earnings capacity, loss of income, emotional harm, mental anguish, emotional suffering, loss of self-esteem, nightmares, anxiety, depression, insomnia, and stress. Her relationships have been affected and harmed. She has been rendered nervous by the incidents and abuse, has suffered anxiety of body and mind, and has suffered emotional upset and loss of enjoyment of life. She has suffered all of the above injuries, continues to suffer from these injuries presently, and will continue to suffer from said injuries into the future.

115. By reason of her injuries and the harms suffered as a result of Children of Mexico's and/or Colosia's negligence, recklessness, and/or intentional conduct, for which Children of Mexico is vicariously liable for, Plaintiff has paid, or become obligated to pay for, and will in the future pay or become obligated to pay for, items of expense in obtaining and receiving counseling, medical care and treatment.

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WHEREFORE, Plaintiff prays for judgment against Children of Mexico, for such sums as are reasonable and necessary to compensate Plaintiff for her personal injuries and damages resulting from the incident described in this Petition, costs incurred, moral damages, punitive damages, and for other such relief as this Court deems just and proper.

JURY TRIAL DEMAND

Plaintiff demands a jury trial for this matter.

Respectfully submitted,

STRONG LAW, P.C.

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