

06-03-20;01:26PM;

;1-408-000-0000 # 5/ 41

FILED BY FAX
ALAMEDA COUNTY
June 03, 2020
CLERK OF
THE SUPERIOR COURT
By Gina Fu, Deputy
CASE NUMBER:
RG20063377

B. ROBERT ALLARD (#175592)
MARK J. BOSKOVICH (#298688)
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Attorneys for Plaintiff

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

SUZETTE MORAN,

Plaintiff,

vs.

USA SWIMMING, INC., a Colorado corporation; PACIFIC SWIMMING, a California corporation; SAN RAMON VALLEY AQUATICS, a California corporation; TERRAPINS SWIM TEAM, a California corporation; MITCHELL IVEY, an individual; and DOES 1 through 25, inclusive,

Defendants.

Case No.

COMPLAINT FOR DAMAGES

- (1) Sexual Assault of a Minor
- (2) Negligence

Plaintiff SUZETTE MORAN alleges against USA SWIMMING, INC., a Colorado corporation; PACIFIC SWIMMING, a California corporation; SAN RAMON VALLEY AQUATICS, a California corporation; TERRAPINS SWIM TEAM, a California corporation; MITCHELL IVEY, an individual; and DOES 1 through 25, inclusive, as follows:

COMMON ALLEGATIONS

1. Plaintiff SUZETTE MORAN was groomed for sexual abuse by swim coach, MITCHELL IVEY from the time she was 14 years old. IVEY began sexually assaulting plaintiff at the age of 16 years, and thereafter kept her in a dominated relationship after she reached the age of majority.

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

SUZETTE MORAN,

Plaintiff,

vs.

USA SWIMMING, INC., a Colorado corporation; PACIFIC SWIMMING, a California corporation; SAN RAMON VALLEY AQUATICS, a California corporation; TERRAPINS SWIM TEAM, a California corporation; MITCHELL IVEY, an individual; and DOES 1 through 25, inclusive,

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COMMON ALLEGATIONS

1. Plaintiff SUZETTE MORAN was groomed for sexual abuse by swim coach, MITCHELL IVEY from the time she was 14 years old. IVEY began sexually assaulting plaintiff at the age of 16 years, and thereafter kept her in a dominated relationship after she reached the age of majority.

1 2. Defendant USA SWIMMING, INC. [“USA SWIMMING”] is a Colorado
2 corporation with its principal place of business in Colorado Springs, Colorado. At all times
3 mentioned herein, USA SWIMMING was doing business in California, including the County of
4 Alameda, collecting membership dues from participating swimmers in this County. USA
5 SWIMMING was originally known as The Competitive Swimming Committee of the AAU, Inc.
6 It was incorporated on May 4, 1977 for the purposes of promoting and improving amateur
7 swimming in the United States, to develop interest and participation in amateur swimming
8 throughout the United States, and to provide competitive swimming opportunities for all ages,
9 sexes, and levels of ability, including international competition. In 1978, as a result of the passage
10 of the Amateur Sports Act, also known as the Ted Stevens Act, USA SWIMMING became the
11 National Governing Body [“NGB”] for competitive swimming in the United States. As NGB for
12 the sport of swimming, USA SWIMMING is responsible for the conduct and administration of
13 the sport in the United States. At the local level, there are approximately fifty-nine (59) Local
14 Swimming Committees [“LSC”] that administer USA SWIMMING activities for designated
15 regions in the United States. USA SWIMMING formulates rules and implements policies and
16 procedures for the LSCs. All of USA SWIMMING’s administrators, employees and/or board
17 directors are mandated reporters under California Penal Code §11165.7(a)(7) or (8), and are
18 thereby required to report any reasonable suspicion of sexual assault upon a child.

19 3. Defendant PACIFIC SWIMMING is a California corporation with its principal
20 place of business in the City of Concord, State of California. At all times mentioned herein,
21 PACIFIC SWIMMING was doing business in the County of Alameda. PACIFIC SWIMMING
22 is one of the fifty-nine (59) LSCs within USA SWIMMING and is bound by USA SWIMMING’s
23 rules, policies, and procedures. It serves the greater San Francisco Bay Area, the coastal counties
24 of California from Monterey County north to the Oregon border, the Stockton-Modesto area in
25 the state’s Central Valley, and the Reno-Lake Tahoe area on the California-Nevada border.
26 PACIFIC SWIMMING is the third largest USA SWIMMING LSC with approximately 120 swim
27 clubs and more than 16,000 swimmers. It currently oversees the operations of eighteen (18) USA
28 SWIMMING member swim clubs in Alameda County. PACIFIC SWIMMING is bound by USA

1 SWIMMING's rules governing safety of its members. All of PACIFIC SWIMMING's
2 administrators, employees and/or board directors are mandated reporters under California Penal
3 Code §11165.7(a)(7) or (8), and are thereby required to report any reasonable suspicion of sexual
4 assault upon a child.

5 4. Defendant SAN RAMON VALLEY AQUATICS ["SRV AQUATICS"] is a
6 California corporation with its principal place of business in the City of San Ramon, State of
7 California. SRV AQUATICS was, at all relevant times, a local swim club bound by the rules,
8 policies, and procedures of PACIFIC SWIMMING and USA SWIMMING. All of SRV
9 AQUATICS' administrators, employees and/or board directors are mandated reporters under
10 California Penal Code §11165.7(a)(7) or (8), and are thereby required to report any reasonable
11 suspicion of sexual assault upon a child.

12 5. Defendant TERRAPINS SWIM TEAM is a California corporation with its
13 principal place of business in the City of Concord, State of California. TERRAPINS SWIM
14 TEAM was incorporated in or around April of 1987 under the name Lamorinda Aquatic Club. In
15 or about 1989, Lamorinda Aquatic Club merged its operations with a local swim club by the name
16 of Concord Pleasant Hill Swim Club and changed its name to CPH-LAMO Aquatics. Plaintiff is
17 informed and believes and thereon alleges that through the merger, Lamorinda Aquatic Club (now
18 known as TERRAPINS SWIM TEAM) assumed the liabilities of Concord Pleasant Hill Swim
19 Club.

20 6. Concord Pleasant Hill Swim Club ["CPH Swim Club"] was, at all relevant times,
21 a local swim club bound by the rules, policies, and procedures of PACIFIC SWIMMING and
22 USA SWIMMING. All of CPH Swim Club's administrators, employees and/or board directors
23 are mandated reporters under California Penal Code §11165.7(a)(7) or (8), and are thereby
24 required to report any reasonable suspicion of sexual assault upon a child.

25 7. Defendant MITCHELL IVEY ["IVEY"] was, at all relevant times, a USA
26 SWIMMING approved, certified and/or registered swim coach, entrusted with the care and safety
27 of its female, minor members, including plaintiff.

28

1 8. IVEY was a famous Olympic swimmer specializing in the backstroke. In his early
2 years as a member of the Santa Clara Swim Club he won three Amateur Athletic Union National
3 Championships. In his college years, he won the 200-yard backstroke at the NCAA Men's
4 Swimming and Diving Championships. He competed in the 1968 and 1972 Olympic games and
5 medaled in each.

6 9. IVEY later became a prominent swimming coach. From 1974 to 1979, he was the
7 head coach of the Santa Clara Swim Club, one of the best swim clubs in the world. Three of his
8 Santa Clara swimmers qualified for the 1976 Summer Olympics.

9 10. While IVEY coached at Santa Clara Swim Club, he quickly gained a reputation
10 for making inappropriate sexual advances towards his young, female swimmers. In or about
11 1975, IVEY openly pursued 15-year-old, female swimmer, Noel Moran Quilici. Around said
12 time, Ms. Quilici gained national recognition for becoming the fastest American swimmer in the
13 200-meter breaststroke. In or about 1977, IVEY impregnated Ms. Quilici when she was 17 years
14 old. IVEY married Ms. Quilici when she turned 18 while he was still coaching her. Plaintiff is
15 informed and believes, and thereon alleges that soon thereafter, Ms. Quilici divorced IVEY
16 because she caught him having sex with an underage, female swimmer.

17 11. Plaintiff is informed and believes and thereon alleges that Santa Clara Swim Club
18 terminated IVEY's employment with the club in or around 1979 because of his sexual misconduct
19 with the club's young, female swimmers.

20 12. Plaintiff is informed and believes and thereon alleges that by 1981, USA
21 SWIMMING, PACIFIC SWIMMING, SRV AQUATICS, and CPH Swim Club knew, had reason
22 to know, or was otherwise on notice that IVEY had engaged in highly inappropriate grooming
23 behavior and sexual misconduct with his minor female athletes, and that he had married one of
24 his swimmers shortly after she reached the age of 18.

25 13. Plaintiff is informed and believes and thereon alleges that USA SWIMMING and
26 PACIFIC SWIMMING made a concerted effort to hide evidence relating to IVEY's sexual
27 assaults upon minors at Santa Clara Swim Club from the swimming community, including
28 plaintiff and her parents.

1 14. CPH Swim Club hired IVEY as its head coach in or about 1981.

2 15. Plaintiff SUZETTE MORAN [DOB: September 20, 1966] was, at all relevant
3 times, a California resident and a member of USA SWIMMING and PACIFIC SWIMMING.

4 16. When plaintiff was 14 years old she was an athlete member of SRV AQUATICS,
5 under its head coach, Andy King. Andy King is a convicted child molester. In 2009, he was
6 sentenced to 40 years in prison after several swimmers came forward with allegations of
7 childhood sexual abuses against him. In the early 1980s, IVEY was good friends with Coach
8 King.

9 17. During the 1980-1983 period, SRV AQUATICS and CPH Swim Club would
10 sometimes share swim facilities for their practices. IVEY would often be present at SRV
11 AQUATICS practices. During said practices, IVEY groomed plaintiff in preparation for his
12 future sexual advances. Coach King often witnessed IVEY's grooming behavior.

13 18. In March of 1983, plaintiff competed with her SRV AQUATICS team at a
14 PACIFIC SWIMMING sanctioned swim meet in Pacifica, California where IVEY was present.
15 Coach King was the team chaperone for said event. After the event, IVEY drove plaintiff alone
16 to a location where he later kissed her. Plaintiff was 16 years old at the time.

17 19. In April of 1983, plaintiff was one the few members on her team to qualify for
18 USA SWIMMING's Nationals competition in Indianapolis, Indiana. Plaintiff traveled to the
19 competition with a small group of teammates and Coach King. Coach King was the chaperone
20 for said event. During the event, IVEY went into plaintiff's hotel room alone and had sexual
21 intercourse her.

22 20. After the Nationals competition, IVEY's sexual assaults quickly escalated in their
23 nature and frequency. Many of the sexual assaults occurred at or around PACIFIC SWIMMING
24 and USA SWIMMING events, and at or around SRV AQUATICS facilities. Many of the sexual
25 assaults occurred after or before swim practices at IVEY's home in Alameda County. IVEY
26 would occasionally drive plaintiff alone to or from practices and swim meets.

27 21. SRV AQUATICS knew, had reason to know, or was otherwise on notice that
28 IVEY was engaged in an intimate relationship with plaintiff. Despite knowing this, SRV

1 AQUATICS took no measure to protect plaintiff and failed to notify Child Protective Services or
2 law enforcement that IVEY was engaged in an intimate relationship with a minor.

3 22. On or around September of 1983, plaintiff joined CPH Swim Club to train under
4 IVEY. CPH Swim Club was concerned about plaintiff joining the team due to her unusually close
5 relationship with IVEY. IVEY used his trusted position as head swim coach to further manipulate
6 and control plaintiff.

7 23. CPH Swim Club knew, had reason to know, or was otherwise on notice that IVEY
8 was engaged in an intimate relationship with plaintiff. Despite knowing this, CPH Swim Club
9 took no measure to protect plaintiff and failed to notify Child Protective Services or law
10 enforcement that IVEY was engaged in an intimate relationship with a minor.

11 24. IVEY impregnated plaintiff on or around December of 1983 when she was still a
12 minor. When plaintiff notified IVEY of the pregnancy, he said it was her problem to deal with
13 it. Plaintiff had an abortion. As a result, plaintiff could not swim for eight (8) weeks. The physical
14 and emotional toll of the abortion and her relationship with IVEY made it extremely difficult for
15 her to train for the 1984 Summer Olympics in Los Angeles, California. As a result, plaintiff did
16 not qualify for the 1984 Summer Olympics, which was devastating for her.

17 25. While plaintiff was 17 years old and a member of CPH Swim Club, IVEY and
18 plaintiff were engaged to be married. When plaintiff was a freshman in college, she broke off the
19 engagement with IVEY in part because he lied to her about having a relationship with another
20 female swimmer.

21 26. Due to IVEY's position of power and control over plaintiff, and the psychological
22 effects imposed upon her by childhood sexual abuse, it took years for plaintiff to realize she was
23 betrayed by her trusted coach.

24 27. By late 1987, USA SWIMMING and PACIFIC SWIMMING knew IVEY had
25 engaged in an intimate relationship with plaintiff when she was a minor. Despite this knowledge
26 neither organization took any action to ban IVEY from coaching or to warn minor female
27 swimmers and their parents that IVEY posed a threat to them.

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1 28. In or about 1988, IVEY left CPH Swim Club on his own volition to coach an elite
2 swim club in Toronto, Canada.

3 29. In the Summer of 1988, USA SWIMMING hired IVEY to serve as an assistant
4 coach for its swim team at the 1988 Summer Olympics.

5 30. In or around October of 1993, ESPN's *Outside the Lines* broadcasted a televised
6 story about IVEY's sexual abuse of Ms. Moran, plaintiff, and other female swimmers. Ms. Moran
7 and plaintiff gave filmed interviews for said story in which they stated that IVEY engaged in
8 sexual conduct with them when they were under the age of consent.

9 31. In response to ESPN's nationally broadcasted story, the University of Florida
10 terminated IVEY from his coaching position at the university. However, USA SWIMMING did
11 not discipline IVEY in any manner or ban him from the sport. USA SWIMMING did not
12 investigate the matter or reach out to Ms. Moran or plaintiff concerning their allegations. As a
13 result, IVEY continued to be a member in good standing within USA SWIMMING and went on
14 to coach a USA SWIMMING member swim club in Jacksonville, Florida from approximately
15 2003 through 2006.

16 32. USA SWIMMING did not take any action against IVEY until the national media
17 highly criticized the organization for its failures with respect to IVEY. It took a negative media
18 onslaught for USA SWIMMING to officially banned IVEY from the sport in November of 2013.
19 Through the process of banning IVEY, USA SWIMMING found that IVEY had frequent sexual
20 relations with plaintiff when she was a minor and that "the evidence is clear that [IVEY] used his
21 control and imbalance of power and authority over numerous underage females who swam with
22 him which resulted in inappropriate sexual and romantic relationships."

23 33. The true names and/or capacities, whether individual, corporate, associate, or
24 otherwise, of defendants named herein as DOES 1 through 25, inclusive are unknown to plaintiff
25 at this time, and plaintiff therefore sues said defendants by such fictitious names. Plaintiff will
26 seek leave to amend this Complaint to allege their true names and capacities when the same have
27 been ascertained. Plaintiff is informed and believes and thereon alleges that each of the
28 defendants designated herein as a DOE is responsible in some manner or is otherwise legally

1 liable to plaintiff for the injuries complained of herein.

2 34. At all times herein mentioned, some or all of the defendants was an agent, servant,
3 employee, partner, alter ego, joint venture, franchisee, aider and abettor, and/or co-conspirator,
4 and engaged in a common or common enterprises with each of the remaining defendants herein,
5 and was at all relevant times acting within the course and scope of said agency, service,
6 employment, partnership, joint venture, franchise, unlawful enterprise, conspiracy and/or other
7 lawful or unlawful conduct as herein alleged.

8 35. Plaintiff is now 53 years of age. Plaintiff's action is one for damages as a result
9 of childhood sexual assault for which the statute of limitations has been extended pursuant to
10 Code of Civil Procedure §340.1(q). Plaintiff has complied with the provisions of Code of Civil
11 Procedure §340.1(f), (g) and (h). Plaintiff's counsel executed certificates of merit as to all
12 defendants, which are attached hereto as **Exhibit 1**. A licensed mental health practitioner
13 executed a certificate of merit as to plaintiff's action which is attached hereto as **Exhibit 2**.

14 **FIRST CAUSE OF ACTION**

15 **Sexual Assault of a Minor**

16 As and for a First Cause of Action, Plaintiff alleges against defendants MITCHELL IVEY,
17 USA SWIMMING, INC., and DOES 1 through 5 as follows:

18 36. Plaintiff hereby incorporates all paragraphs of the Common Allegations, as though
19 set forth in full herein.

20 37. As a minor entrusted to the care of defendants, a special relationship existed by
21 which defendants were obligated to protect her from harm.

22 38. IVEY used his position of trust and authority as a swim coach to groom plaintiff
23 for his sexual advances and thereafter committed lewd and lascivious acts upon plaintiff and/or
24 sexually abused, molested, and/or improperly touched plaintiff.

25 39. USA SWIMMING ratified IVEY's conduct by failing to repudiate his predatory
26 behavior and/or sexual assaults by, *inter alia*, selecting IVEY to be on its Olympic team after it
27 knew IVEY had engaged in sexual relationships with two minor female swimmers, by failing to
28 discipline or ban IVEY from the sport after ESPN's "Outside the Lines" story, by allowing IVEY

1 to continue coaching its minor members after numerous allegations arose against him including
2 those involving plaintiff, failing to report his sexual misconduct with minors to the authorities,
3 and/or concealing his predatory behavior from the public and the swimming community.

4 40. As a legal result of the foregoing, plaintiff was injured in health, strength and
5 activity, sustaining bodily injuries and shock and injury to her nervous system and person, all of
6 which caused and continue to cause plaintiff great mental, physical and nervous pain and
7 suffering; plaintiff has thereby sustained damages in an amount in excess of the minimum
8 jurisdictional limits of this court.

9 41. As a further legal result of the conduct of the defendants, and each of them,
10 plaintiff was required to and did employ physicians and counselors for examination, treatment
11 and care, and incurred, and will continue in the future to incur, medical and incidental expenses,
12 including counseling costs, the exact amount of which is unknown to plaintiff at this time.

13 42. The acts of IVEY perpetrated upon plaintiff were malicious and/or oppressive,
14 entitling plaintiff to punitive damages against said defendant pursuant to Civil Code §3294.

15 43. The acts of USA SWIMMING perpetrated upon this minor plaintiff were
16 fraudulent, intentional, malicious and/or oppressive within the meaning of Civil Code §3294 in,
17 *inter alia*, concealing IVEY's known predatory behavior from the swimming community,
18 plaintiff and/or her parents, disregarding complaints about IVEY's misconduct, refusing to notify
19 legal authorities of a reasonable suspicion of child abuse in violation of statute, and/or engaging
20 in acts designed to conceal IVEY's sexual abuse of plaintiff as a minor. Said defendant's actions
21 constitute a "cover up" resulting in her ultimate sexual assaults within the meaning of Code of
22 Civil Procedure §340.1(b)(1), entitling plaintiff to treble damages.

23 **SECOND CAUSE OF ACTION**

24 **Negligence**

25 As and for a Second Cause of Action, plaintiff alleges against defendants MITCHELL
26 IVEY, USA SWIMMING, INC., PACIFIC SWIMMING, SAN RAMON VALLEY
27 AQUATICS, TERRAPINS SWIM TEAM, and DOES 6 through 25, inclusive, as follows:
28

1 44. Plaintiff hereby incorporates all paragraphs contained in her Common Allegations
2 and First Cause of Action as though set forth in full herein.

3 45. Due to the special relationship between plaintiff and defendants, said defendants,
4 and each of them, owed plaintiff a duty to, *inter alia*, protect her from sexual assault by her coach,
5 retain suitable coaches to whom her care was entrusted, warn of all knowable dangers presented
6 by the coach so retained, institute and enforce appropriate policies, procedures, rules, regulations,
7 and requirements necessary to prevent inappropriate sexual conduct by coaches, to report to the
8 legal authorities any reasonable suspicion of child abuse, to implement reasonable safeguards to
9 avoid acts of childhood sexual assault, and/or to otherwise conduct themselves with due care so
10 as to avoid injuring plaintiff.

11 46. Said defendants, and each of them, breached said duties by, *inter alia*, failing to
12 properly screen IVEY before he began coaching at CPH Swim Club, failing to properly supervise
13 plaintiff and IVEY, failing to appropriately train coaches and volunteers on inappropriate
14 behaviors between adult coaches and minor members [such as driving alone with a minor to and
15 from events], failing to implement and/or enforce proper policies and procedures for the
16 protection of minor swimmers, failing to report inappropriate behaviors to the authorities for
17 proper investigation, failing to intervene on plaintiff's behalf, failing to ban IVEY from the sport
18 of swimming, and/or, failing to notify plaintiff and others in the swimming community of the risk
19 IVEY posed to young female swimmers.

20 47. The acts of PACIFIC SWIMMING perpetrated upon this minor plaintiff were
21 fraudulent, intentional, malicious and/or oppressive within the meaning of Civil Code §3294 in,
22 *inter alia*, concealing IVEY's known predatory behavior from the swimming community,
23 plaintiff and/or her parents, disregarding complaints about IVEY's misconduct, refusing to notify
24 legal authorities of a reasonable suspicion of child abuse in violation of statute, and/or engaging
25 in acts designed to conceal IVEY's sexual abuse of plaintiff as a minor. Said defendant's actions
26 constitute a "cover up" resulting in her ultimate sexual assaults within the meaning of Code of
27 Civil Procedure §340.1(b)(1), entitling plaintiff to treble damages.

28

1 48. As a legal result of defendants' acts and/or omissions, plaintiff sustained injuries
2 and damages as hereinbefore alleged.

3 **PRAYER**

4 WHEREFORE, Plaintiff prays for judgment as follows:

- 5 1. For all special and all other economic damages according to proof;
- 6 2. For general damages and other non-economic relief, according to proof;
- 7 3. For punitive damages against USA SWIMMING, PACIFIC SWIMMING and
8 IVEY;
- 9 4. For treble damages under Code of Civil Procedure §340.1(b) against USA
10 SWIMMING and PACIFIC SWIMMING;
- 11 5. For prejudgment interest, as allowed by law;
- 12 6. For costs of suit herein; and,
- 13 7. For such other and further relief as the court may deem fit and proper.

14
15 Dated: June 3, 2020

CORSIGLIA, MCMAHON & ALLARD LLP


16
17 By: 
18 B. ROBERT ALLARD
19 MARK J. BOSKOVICH
20 Attorneys for Plaintiff

EXHIBIT 1

1 **B. ROBERT ALLARD (#175592)**
2 **LAUREN A. CERRI (#282524)**
3 **MARK J. BOSKOVICH (#298688)**
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12 Attorneys for Plaintiff

13 SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

14 SUZETTE MORAN,

15 Plaintiff,

16 vs.

17 USA SWIMMING, INC., a Colorado
18 corporation; PACIFIC SWIMMING, a
19 California corporation; SAN RAMON
20 VALLEY AQUATICS, a California
21 corporation; TERRAPINS SWIM TEAM, a
22 California corporation; MITCHELL IVEY,
23 an individual; and DOES 1 through 25,
24 inclusive,

25 Defendants.

Case No.

**ATTORNEY CERTIFICATE OF MERIT
RE: DEFENDANT USA SWIMMING,
INC. [CCP §340.1(f)]**

26 I, MARK J. BOSKOVICH, do hereby declare and certify:

27 1. I am the attorney for plaintiff Suzette Moran in the above-entitled action.

28 2. I have reviewed the facts of the case filed on behalf of plaintiff against
defendant USA Swimming, Inc.

3. I have consulted with Dr. Steven Elig about this case. Dr. Elig is a mental
health practitioner licensed to practice in California and is not a party to this lawsuit. I
reasonably believe Dr. Elig is knowledgeable of the relevant facts and issues involved in this
particular action.

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4. Based on my review of the facts of this case and my consultation with Dr. Elig, I believe that there is reasonable and meritorious cause for filing the action against defendant USA Swimming, Inc.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: June 3, 2020

CORSIGLIA, MCMAHON & ALLARD LLP

By: 
MARK J. BOSKOVICH
Attorneys for Plaintiff

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

SUZETTE MORAN,

Plaintiff,

vs.

USA SWIMMING, INC., a Colorado corporation; PACIFIC SWIMMING, a California corporation; SAN RAMON VALLEY AQUATICS, a California corporation; TERRAPINS SWIM TEAM, a California corporation; MITCHELL IVEY, an individual; and DOES 1 through 25, inclusive,

Defendants.

Case No.

**ATTORNEY CERTIFICATE OF MERIT
RE: DEFENDANT PACIFIC
SWIMMING [CCP §340.1(f)]**

I, MARK J. BOSKOVICH, do hereby declare and certify:

1. I am the attorney for plaintiff Suzette Moran in the above-entitled action.
2. I have reviewed the facts of the case filed on behalf of plaintiff against defendant Pacific Swimming.
3. I have consulted with Dr. Steven Elig about this case. Dr. Elig is a mental health practitioner licensed to practice in California and is not a party to this lawsuit. I reasonably believe Dr. Elig is knowledgeable of the relevant facts and issues involved in this particular action.

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4. Based on my review of the facts of this case and my consultation with Dr. Elig, I believe that there is reasonable and meritorious cause for filing the action against defendant Pacific Swimming.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: June 3, 2020

CORSIGLIA, MCMAHON & ALLARD LLP

By: 
MARK J. BOSKOVICH
Attorneys for Plaintiff

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

SUZETTE MORAN,

Plaintiff,

vs.

USA SWIMMING, INC., a Colorado corporation; PACIFIC SWIMMING, a California corporation; SAN RAMON VALLEY AQUATICS, a California corporation; TERRAPINS SWIM TEAM, a California corporation; MITCHELL IVEY, an individual; and DOES 1 through 25, inclusive,

Defendants.

Case No.

**ATTORNEY CERTIFICATE OF MERIT
RE: DEFENDANT SAN RAMON
VALLEY AQUATICS [CCP §340.1(f)]**

I, MARK J. BOSKOVICH, do hereby declare and certify:

1. I am the attorney for plaintiff Suzette Moran in the above-entitled action.

2. I have reviewed the facts of the case filed on behalf of plaintiff against defendant San Ramon Valley Aquatics.

3. I have consulted with Dr. Steven Elig about this case. Dr. Elig is a mental health practitioner licensed to practice in California and is not a party to this lawsuit. I reasonably believe Dr. Elig is knowledgeable of the relevant facts and issues involved in this particular action.

1 4. Based on my review of the facts of this case and my consultation with Dr. Elig,
2 I believe that there is reasonable and meritorious cause for filing the action against defendant
3 San Ramon Valley Aquatics.

4 I declare under penalty of perjury under the laws of the State of California that the
5 foregoing is true and correct.

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7 Dated: June 3, 2020

CORSIGLIA, MCMAHON & ALLARD LLP

8
9 By: 
10 _____
11 MARK J. BOSKOVICH
12 Attorneys for Plaintiff

1 **B. ROBERT ALLARD (#175592)**
2 **MARK J. BOSKOVICH (#298688)**
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10 Attorneys for Plaintiff

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

SUZETTE MORAN,

Plaintiff,

vs.

USA SWIMMING, INC., a Colorado corporation; PACIFIC SWIMMING, a California corporation; SAN RAMON VALLEY AQUATICS, a California corporation; TERRAPINS SWIM TEAM, a California corporation; MITCHELL IVEY, an individual; and DOES 1 through 25, inclusive,

Defendants.

Case No.

**ATTORNEY CERTIFICATE OF MERIT
RE: DEFENDANT TERRAPINS SWIM
TEAM [CCP §340.1(f)]**

I, MARK J. BOSKOVICH, do hereby declare and certify:

1. I am the attorney for plaintiff Suzette Moran in the above-entitled action.

2. I have reviewed the facts of the case filed on behalf of plaintiff against defendant Terrapins Swim Team.

3. I have consulted with Dr. Steven Elig about this case. Dr. Elig is a mental health practitioner licensed to practice in California and is not a party to this lawsuit. I reasonably believe Dr. Elig is knowledgeable of the relevant facts and issues involved in this particular action.

1 4. Based on my review of the facts of this case and my consultation with Dr. Elig,
2 I believe that there is reasonable and meritorious cause for filing the action against defendant
3 Terrapins Swim Team.

4 I declare under penalty of perjury under the laws of the State of California that the
5 foregoing is true and correct.

6
7 Dated: June 3, 2020

CORSIGLIA, MCMAHON & ALLARD LLP

8
9 By: 
10 _____
11 MARK J. BOSKOVICH
12 Attorneys for Plaintiff

1 **B. ROBERT ALLARD (#175592)**
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10 Attorneys for Plaintiff

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

SUZETTE MORAN,

Plaintiff,

vs.

USA SWIMMING, INC., a Colorado corporation; PACIFIC SWIMMING, a California corporation; SAN RAMON VALLEY AQUATICS, a California corporation; TERRAPINS SWIM TEAM, a California corporation; MITCHELL IVEY, an individual; and DOES 1 through 25, inclusive,

Defendants.

Case No.

**ATTORNEY CERTIFICATE OF MERIT
RE: DEFENDANT MITCHELL IVEY
[CCP §340.1(f)]**

I, MARK J. BOSKOVICH, do hereby declare and certify:

1. I am the attorney for plaintiff Suzette Moran in the above-entitled action.
2. I have reviewed the facts of the case filed on behalf of plaintiff against defendant Mitchell Ivey.
3. I have consulted with Dr. Steven Elig about this case. Dr. Elig is a mental health practitioner licensed to practice in California and is not a party to this lawsuit. I reasonably believe Dr. Elig is knowledgeable of the relevant facts and issues involved in this particular action.

1 4. Based on my review of the facts of this case and my consultation with Dr. Elig,
2 I believe that there is reasonable and meritorious cause for filing the action against defendant
3 Mitchell Ivey.

4 I declare under penalty of perjury under the laws of the State of California that the
5 foregoing is true and correct.

6
7 Dated: June 3, 2020

CORSIGLIA, MCMAHON & ALLARD LLP

8
9 By: 
10 _____
11 MARK J. BOSKOVICH
12 Attorneys for Plaintiff

EXHIBIT 2

1 **B. ROBERT ALLARD (#175592)**
2 **MARK J. BOSKOVICH (#298688)**
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10 Attorneys for Plaintiff

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

SUZETTE MORAN,

Plaintiff,

vs.

USA SWIMMING, INC., a Colorado corporation; PACIFIC SWIMMING, a California corporation; SAN RAMON VALLEY AQUATICS, a California corporation; TERRAPINS SWIM TEAM, a California corporation; MITCHELL IVEY, an individual; and DOES 1 through 25, inclusive,

Defendants.

Case No.

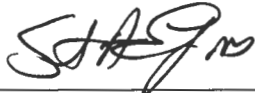
**LICENSED MENTAL HEALTH
PRACTITIONER CERTIFICATE OF
MERIT [CCP §340.1(f)]**

I, STEVEN A. ELIG, M.D., do hereby declare and certify:

1. I am a California licensed mental health care practitioner. I currently practice in the state of California.
2. I am not a party to this lawsuit.
3. I am not currently treating, nor have I ever treated, plaintiff.
4. I have interviewed plaintiff Suzette Moran and I have general knowledge of the relevant facts and issues raised in this particular lawsuit.

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I declare under penalty of perjury, and pursuant to the laws of the state of California,
that the foregoing is true and correct and that the certificate was executed on May 26, 2020, at
La Jolla, California.



STEVEN A. ELIG, M.D.