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ALAMEDA COUNTY

September 08, 2021

CLERK OF
THE SUPERIOR COURT
By Cheryl Clark, Deputy

CASE NUMBER:
HG21112559

B. ROBERT ALLARD (#175592)
MARK J. BOSKOVICH (#298688)
CORSIGLIA MCMAHON & ALLARD LLP
96 North Third Street, Suite 620
San Jose, California 95112
(408) 289-1417
Fax: (408) 289-8127
rallard@cmalaw.net
mboskovich@cmalaw.net

Attorneys for Plaintiff

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

A.H., an individual,

Plaintiff,

vs.

USA SWIMMING, INC., a Colorado corporation; PACIFIC SWIMMING, a California corporation; SAN RAMON VALLEY AQUATICS, a California corporation; and DOES 1 through 15, inclusive,

Defendants.

Case No.

COMPLAINT FOR DAMAGES

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

Plaintiff A.H., an individual alleges against USA SWIMMING, INC., a Colorado corporation; PACIFIC SWIMMING, a California corporation; SAN RAMON VALLEY AQUATICS, a California corporation and DOES 1 through 15, inclusive, as follows:

COMMON ALLEGATIONS

1. For years, USA SWIMMING, INC. and PACIFIC SWIMMING enabled their member swim coach, Andrew King, to use his position of authority to manipulate and sexually assault over a dozen minor female swimmers over a thirty (30) year period, including plaintiff. Both organizations could have taken action to stop this serial pedophile coach from harming children but chose to look the other way. USA SWIMMING, INC. and PACIFIC SWIMMING placed the profits and reputations of their organizations above the safety of their young,

1 vulnerable female athletes. As a result, plaintiff has suffered from serious, life-long symptoms
2 of emotional and psychological trauma.

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

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

1 clubs and more than 16,000 swimmers. It currently oversees the operations of eighteen (18) USA
2 SWIMMING member swim clubs in Alameda County. PACIFIC SWIMMING is bound by USA
3 SWIMMING's rules governing safety of its members. All of PACIFIC SWIMMING's
4 administrators, employees and/or board directors are mandated reporters under California Penal
5 Code §11165.7(a)(7) or (8), and are thereby required to report any reasonable suspicion of sexual
6 assault upon a child.

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

14 5. Andrew King ["King"] was, at all relevant times, a USA SWIMMING and
15 PACIFIC SWIMMING approved, certified and/or registered swim coach, entrusted with the care
16 and safety of its female, minor members, including plaintiff.

17 6. Plaintiff A.H. [DOB: August 3, 1970] was, at all relevant times, a California
18 resident and a member of USA SWIMMING and PACIFIC SWIMMING. Due to the sensitive
19 nature of the childhood sexual abuse allegations contained in this complaint A.H. has elected to
20 sue under her initials.

21 7. In or about 1980, SRV AQUATICS hired King to be its head swim coach. By that
22 point in his career, King had coached several swim clubs and was successful in developing a
23 number of elite swimmers.

24 8. Before arriving at SRV AQUATICS, King groomed a nationally acclaimed
25 swimmer, Diane Turner, while coaching at a local USA SWIMMING/PACIFIC SWIMMING
26 member swim club located about fourteen (14) miles north of SRV AQUATICS. King began
27 having an intimate relationship with Turner when she was 17 years old and married her when she
28 was 19 years old.

1 9. While coaching at SRV AQUATICS, King engaged in highly inappropriate
2 behavior with the club's young female swimmers. He performed hot oil rubdowns on them
3 wherein he massaged their upper thighs and lower back. He would help shave their legs. He held
4 their hands and hugged them on the pool deck. He placed them on his lap and massaged their
5 shoulders. He fraternized with them outside of swimming practices and events. He drove them
6 to and from swim practices alone. He had dinner and lunches with them alone. He had swimmers
7 sleep at his house the evening before big swimming events.

8 10. Debra Grodensky became an athlete member of SRV AQUATICS on or around
9 1977 when she was 8 years old. She began training under King in or about 1980 when she was
10 11 years old.

11 11. Starting in 1980, King used his coaching position to groom Grodensky in
12 preparation for his future sexual advances. King told Grodensky that her body was curvy, sexy
13 and that she had blossomed early. King gave her extra attention and affection, showed her
14 favoritism, gave her gifts related to her favorite cartoon character, engaged in personal
15 conversations with her, had dinner with her and her family, treated her to lunches between swim
16 events, drove her alone to and from practices in his vehicle. As Grodensky grew to trust King,
17 he began to psychologically alienate her from her friends and family.

18 12. King began sexually assaulting Grodensky when she was 12 years old. The sexual
19 assaults quickly escalated in their nature and frequency. He began by giving her intimate rubdown
20 massages of her body. He then fondled her breasts and vagina. Later, King digitally penetrated
21 her vagina and orally copulated her. Many of the sexual assaults occurred at or around PACIFIC
22 SWIMMING and USA SWIMMING events. At travel meets, King often isolated Grodensky in
23 hotel rooms and in his vehicle to perform sexual acts on her.

24 13. In or about 1984 (while Grodensky was a minor), information circulated amongst
25 the SRV AQUATICS community of King having an intimate relationship with Grodensky. That
26 information eventually spread far beyond the SRV AQUATICS community to the point where
27 Grodensky's competitors would raise the issue with her.

28

1 14. Under King’s tutelage, Grodensky quickly became an elite All America swimmer.
2 In Summer of 1984, 15-year-old Grodensky qualified for a USA SWIMMING Nationals
3 competition in Fort Lauderdale, Florida. Grodensky was the only female athlete on her team
4 under the age of 18 who qualified for the event. Grodensky traveled with her SRV AQUATICS
5 swim team to the weeklong competition. King was the chaperone for the trip. On said trip, King
6 performed full body rubdowns on Grodensky in the bleachers adjacent to the pool deck and in his
7 hotel room. King spent time alone with Grodensky in her hotel room and his hotel room. During
8 said trip, King had sexual intercourse with Grodensky for the first time.

9 15. On her 16th birthday, King asked Grodensky to marry him. Grodensky became
10 very concerned and quit the sport of swimming for a period of time.

11 16. Plaintiff A.H. is informed and believes and thereon allege that by March 1985,
12 USA SWIMMING, PACIFIC SWIMMING, and SRV AQUATICS knew, had reason to know,
13 or was otherwise on notice that King had engaged in highly inappropriate grooming behavior and
14 sexual misconduct with his minor female athletes, and that he previously had an intimate
15 relationship with nationally acclaimed swimmers, Diane Turner and Debra Grodensky.

16 17. Plaintiff A.H. became an athlete member of SRV AQUATICS in or about 1977-
17 1978 when she was 7-8 years old. She dreamed of becoming an Olympic swimmer.

18 18. Like his misconduct with Grodensky, King used his coaching position to groom
19 plaintiff in preparation for his future sexual advances. King began grooming plaintiff in or about
20 1982 when plaintiff was about 12 years old. King’s grooming behavior gradually escalated over
21 time. King groomed plaintiff in the following ways: (1) he made sexual inappropriate comments
22 to plaintiff; (2) King placed her on his lap at swim practices; (3) King gave her slight touches on
23 the buttocks at practices and swim meets; (4) King gave her inappropriate winks and glances; (5)
24 King drove plaintiff to and from swim practices alone; (6) King transported plaintiff alone to a
25 USA SWIMMING Junior Olympics event in San Jose, California in August of 1984; (7) King
26 isolated plaintiff in his office at SRV AQUATICS; (8) King took plaintiff out for meals; (9) King
27 called plaintiff often and talked to her about how mature she was for her age and their possible
28 future together; (10) King generally gave plaintiff special attention; and (11) King gave her gifts

1 [e.g. new swimsuit].

2 19. In March of 1985, plaintiff was doing very well in swimming. To reward her,
3 King took plaintiff out to dinner, as was his custom with other swimmers. That evening King
4 kissed and groped plaintiff in his vehicle. The following day, King told plaintiff to come to his
5 apartment. Per his instruction, plaintiff rode her bicycle to King's apartment after swim practice.
6 At his apartment, King told plaintiff [who was 14 years old] to orally copulate him. King then
7 proceeded to have sexual intercourse with plaintiff. Plaintiff was a virgin at the time. Thereafter,
8 King continued to have a sexual relationship with plaintiff for approximately three (3) months.
9 Some of the sexual assaults transpired in King's office at SRV AQUATICS. In June of 1985,
10 plaintiff could no longer withstand the abuse and as a result she quit the sport of swimming.

11 20. In or about Summer of 1985, SRV AQUATICS did not renew King's employment
12 contract with the club due in part to the affair he was having with Debra Grodensky. That same
13 year, King went on to form Chabot Aquatics in Hayward, California and acted as head coach for
14 said club.

15 21. While coaching at Chabot Aquatics, King continued to engage in highly
16 inappropriate behavior with minor female swimmers. He frequently hosted parties on his sailboat
17 residence with no parents, chaperones, or other adult supervision present. He allowed his female
18 swimmers to borrow and drive his car. He performed rubdowns on them wherein he massaged
19 their upper thighs and lower back. He held their hands and hugged them on the pool deck. He
20 placed them on his lap and massaged their shoulders. He fraternized with them outside of
21 swimming practices and events. He drove them to and from swim practices alone. He had dinner
22 and lunches with them alone.

23 22. Plaintiff is informed and believes and thereon allege that while coaching SRV
24 AQUATICS and Chabot Aquatics, King sexually assaulted at least ten (10) young female
25 swimmers under defendants' control. King impregnated one underage swimmer, resulting in her
26 undergoing an abortion.

27 23. The disturbingly inappropriate conduct of King was widely known throughout the
28 swimming community, including amongst those people at PACIFIC SWIMMING and USA

1 SWIMMING. Swimmer Katie Kelly overheard a conversation during practice between PACIFIC
2 SWIMMING representatives wherein one of them openly acknowledged King was a “pedophile,”
3 and/or “child molester” and was sleeping with his swimmers. Plaintiff is informed and believes
4 and thereon allege that neither of these individuals took any action to protect female swimmers
5 from King.

6 24. Plaintiff is informed and believe and thereon allege that in or about the Summer
7 of 1993 King abruptly left the Bay Area, amid extensive allegations of sexual misconduct, and
8 was hired to serve as a swim coach in Oak Harbor, Washington at a swim club which was also a
9 member of USA SWIMMING. At this time, King remained a coach member in good standing
10 with USA SWIMMING.

11 25. Allegations of King engaging in sexual misconduct with a young female swimmer
12 circulated within the Oak Harbor community. At least two (2) women reported King’s sexual
13 misconduct to the police prompting an investigation by the Oak Harbor Police Department.

14 26. In or about June of 1997, on the eve of a public meeting wherein allegations of
15 King’s inappropriate behavior with respect to young swimmers was to be openly discussed, King
16 abruptly resigned from his swim coach position.

17 27. In or about 1998, SOS hired King to be the head coach for its swim team, SOS
18 Swim Team, a member club under the jurisdiction of USA SWIMMING and PACIFIC
19 SWIMMING. While coaching SOS Swim Team, King openly engaged in highly inappropriate
20 behavior with minor female swimmers. He performed rubdowns on them wherein he massaged
21 their upper thighs and lower back. He held their hands and hugged them on the pool deck. He
22 placed them on his lap and massaged their shoulders. He fraternized with them outside of
23 swimming practices and events. He drove them to and from swim practices alone. He had dinner
24 and lunches with them alone. He would caress their buttocks and touch them in other
25 inappropriate ways. On at least two occasions, he entered the women’s locker room and
26 conversed with female athletes while they were changing and showering.

27 28. Plaintiff is informed and believes and thereon allege that while coaching SOS,
28 King sexually assaulted at least one young female swimmer under defendants’ control.

1 29. In or about late 2001, King became a swim coach at San Jose Aquatics, a local
2 swim club under the jurisdiction of USA SWIMMING and PACIFIC SWIMMING.

3 30. In or around September of 2002, a parent from the swim club in Oak Harbor,
4 Washington made a complaint to USA SWIMMING’s Executive Director, Chuck Wielgus, in
5 which she notified Wielgus that her daughter had been sexually abused by Andy King at her local
6 swim club. Wielgus told the parent that USA SWIMMING would conduct an internal
7 investigation into the matter. However, USA SWIMMING never conducted this investigation.

8 31. On or around January 20, 2003, Katie Kelly submitted a written complaint to
9 PACIFIC SWIMMING representatives about King’s past inappropriate behavior. Specifically,
10 she advised PACIFIC SWIMMING that King forced her and another swimmer under his control,
11 to kiss in front of him and the swim team for at least 30 seconds, under the penalty of a more
12 rigorous swim practice session. Kelly said King was a “terribly abusive coach” who sexually
13 harassed and verbally abused his swimmers. She said King at times would call his female
14 swimmers “stupid bitch”.

15 32. PACIFIC SWIMMING forwarded Kelly’s complaint to USA SWIMMING’s
16 Executive Director, Chuck Wielgus, and its Secretary/General Counsel, B. Wells O’Brien. USA
17 SWIMMING and PACIFIC SWIMMING did not take any action against King in response to
18 Kelly’s complaint nor did they conduct any investigation into King. Despite receiving at least
19 two complaint concerning King from two different clubs, Wielgus ordered a PACIFIC
20 SWIMMING representative not to take any action and to keep Kelly’s complaint “confidential”.
21 PACIFIC followed USA SWIMMING’s instructions.

22 33. Beginning in or about May of 2008, through March of 2009, King used his head
23 coach position at San Jose Aquatics to sexually assault another underage female swimmer. In or
24 about March of 2009, said swimmer notified her youth pastor of her abuse who thereon reported
25 it to the authorities.

26 34. On April 2, 2009, the San Jose Police Department arrested King. King was
27 charged with multiple violations of Penal Code §288 (molestation of a child). In September of
28 2009, King was convicted of three (3) counts of Penal Code §288(c) and seventeen (17) counts

1 of §288(a). As a result, King was sentenced to 40 years in state prison.

2 35. In December of 2009, Wielgus denied under penalty of perjury that USA
3 SWIMMING had any prior knowledge of claims of abuse against Andy King. Wielgus repeated
4 this claim on national television in April of 2010 when he told ESPN's "Outside the Lines" that
5 "it's hard to point a finger at a victim but victims have got to report these crimes and we didn't
6 hear of Andy King until April of 2009."

7 36. The true names and/or capacities, whether individual, corporate, associate, or
8 otherwise, of defendants named herein as DOES 1 through 15, inclusive are unknown to plaintiff
9 at this time, and plaintiff therefore sues said defendants by such fictitious names. Plaintiff will
10 seek leave to amend this Complaint to allege their true names and capacities when the same have
11 been ascertained. Plaintiff is informed and believes and thereon allege that each of the defendants
12 designated herein as a DOE is responsible in some manner or is otherwise legally liable to plaintiff
13 for the injuries complained of herein.

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

20 38. Plaintiff A.H. is over the age of 39. Her action is one for damages as a result of
21 childhood sexual assault for which the statute of limitations has been extended pursuant to Code
22 of Civil Procedure §340.1(q). Plaintiff has complied with the provisions of Code of Civil
23 Procedure §340.1(f), (g) and (h). Plaintiff's counsel executed certificates of merit as to all
24 defendants, which are attached hereto as **Exhibit 1**. A licensed mental health practitioner
25 executed a certificate of merit as to plaintiff's action which are attached hereto as **Exhibit 2**.

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1 **FIRST CAUSE OF ACTION**

2 **SEXUAL ASSAULT OF A MINOR**

3 As and for a First Cause of Action, plaintiff A.H. alleges against defendants USA
4 SWIMMING, INC., PACIFIC SWIMMING and DOES 1 through 5 as follows:

5 39. Plaintiff hereby incorporate all paragraphs of the Common Allegations, as though
6 set forth in full herein.

7 40. As minors entrusted to the care of defendants, a special relationship existed by
8 which defendants were obligated to protect plaintiff from harm.

9 41. King used his position of trust and authority as a USA SWIMMING and PACIFIC
10 SWIMMING approved swim coach to groom plaintiff for his sexual advances and thereafter
11 committed lewd and lascivious acts upon plaintiff and/or sexually abused, molested, harassed
12 and/or improperly touched plaintiff.

13 42. USA SWIMMING and PACIFIC SWIMMING ratified King's conduct by failing
14 to repudiate his predatory behavior and/or sexual assaults by, *inter alia*, by allowing King to
15 continue coaching its minor members after numerous allegations arose against him including
16 those involving plaintiff, failing to report his sexual misconduct with minors to the authorities,
17 and concealing his predatory behavior from the public and the swimming community.

18 43. As a legal result of the foregoing, plaintiff was injured in health, strength and
19 activity, sustaining bodily injuries and shock and injury to their nervous systems and persons, all
20 of which caused and continue to cause plaintiff great mental, physical and nervous pain and
21 suffering; plaintiff has thereby sustained damages in an amount in excess of the minimum
22 jurisdictional limits of this court.

23 44. As a further legal result of the conduct of the defendants, and each of them,
24 plaintiff required to and did employ physicians and counselors for examination, treatment and
25 care, and incurred, and will continue in the future to incur, medical and incidental expenses,
26 including counseling costs, the exact amount of which is unknown to plaintiffs at this time.

27 45. The acts of USA SWIMMING and PACIFIC SWIMMING perpetrated upon
28 plaintiff were fraudulent, malicious and/or oppressive within the meaning of Civil Code §3294

1 in, *inter alia*, concealing King's known predatory behavior from the swimming community,
2 plaintiff and/or her parents, disregarding complaints about King's misconduct, refusing to notify
3 legal authorities of a reasonable suspicion of child abuse in violation of statute, and/or engaging
4 in acts designed to conceal King's sexual abuse of plaintiff when she was a minor.

5 **SECOND CAUSE OF ACTION**

6 **NEGLIGENCE**

7 As and for a Second Cause of Action, plaintiff A.H. alleges against defendants USA
8 SWIMMING, INC., PACIFIC SWIMMING, SAN RAMON VALLEY AQUATICS, and DOES
9 6 through 15, inclusive, as follows:

10 46. Plaintiff A.H. hereby incorporates all paragraphs contained in her Common
11 Allegations and First Cause of Action as though set forth in full herein.

12 47. Due to the special relationship between A.H. and defendants, said defendants, and
13 each of them, owed A.H. a duty to, *inter alia*, protect her from sexual assault by this approved
14 coach, retain and/or supervise suitable coaches to whom her care was entrusted, warn of all
15 knowable dangers presented by the coach so retained, institute and enforce appropriate policies,
16 procedures, rules, regulations, and requirements necessary to prevent inappropriate sexual
17 conduct by coaches, to report to the legal authorities any reasonable suspicion of child abuse, to
18 implement reasonable safeguards to avoids acts of childhood sexual assault, and/or to otherwise
19 conduct themselves with due care so as to avoid injuring A.H.

20 48. Said defendants, and each of them, breached said duties by, *inter alia*, failing to
21 properly screen King before he began coaching at SRV AQUATICS, failing to properly supervise
22 A.H. and King, failing to appropriately train coaches and volunteers on inappropriate behaviors
23 between adult coaches and minor members, failing to implement and/or enforce proper policies
24 and procedures for the protection of minor swimmers, failing to report inappropriate behaviors to
25 the authorities for proper investigation, failing to intervene on A.H.'s behalf, failing to ban King
26 from the sport of swimming, and/or failing to notify A.H. and others in the swimming community
27 of the risk King posed to young female swimmers.

1 49. As a legal result of defendants' acts and/or omissions, GRODENSKY sustained
2 injuries 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 defendants USA SWIMMING, and PACIFIC
8 SWIMMING;
- 9 4. For prejudgment interest, as allowed by law;
- 10 5. For costs of suit herein; and,
- 11 6. For such other and further relief as the court may deem fit and proper.

12
13 Dated: September 8, 2020

CORSIGLIA, MCMAHON & ALLARD LLP


14
15 By: 
16 _____
17 B. ROBERT ALLARD
18 MARK J. BOSKOVICH
19 Attorneys for Plaintiff

EXHIBIT 1

1 **B. ROBERT ALLARD (#175592)**
2 **MARK J. BOSKOVICH (#298688)**
3 **CORSIGLIA MCMAHON & ALLARD LLP**
4 96 North Third Street, Suite 620
5 San Jose, California 95112
6 (408) 289-1417
7 Fax: (408) 289-8127
8 rallard@cmalaw.net
9 mboskovich@cmalaw.net

10 Attorneys for Plaintiff

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

A.H., an individual,

Plaintiff,

vs.

USA SWIMMING, INC., a Colorado corporation; PACIFIC SWIMMING, a California corporation; SAN RAMON VALLEY AQUATICS, a California corporation; and DOES 1 through 15, inclusive,

Defendants.

Case No. RG20063350

**ATTORNEY CERTIFICATE OF MERIT
RE: PLAINTIFF A.H.'S CLAIM
AGAINST DEFENDANT USA
SWIMMING, INC.**

[CCP §340.1(f)]

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

1. I am the attorney for plaintiff in the above-entitled action.
2. I have reviewed the facts of the case filed on behalf of plaintiff A.H. against defendant USA Swimming, Inc.
3. I have consulted with Dr. Calvin Colarusso about this case. Dr. Colarusso is a mental health practitioner licensed to practice in California and is not a party to this lawsuit. I reasonably believe Dr. Colarusso 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. Colarusso, I believe that there is reasonable and meritorious cause for filing plaintiff A.H.'s 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: September 8, 2021

CORSIGLIA, MCMAHON & ALLARD LLP

By: 
MARK J. BOSKOVICH
Attorneys for Plaintiff

1 **B. ROBERT ALLARD (#175592)**
2 **MARK J. BOSKOVICH (#298688)**
3 **CORSIGLIA MCMAHON & ALLARD LLP**
4 96 North Third Street, Suite 620
5 San Jose, California 95112
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10 Attorneys for Plaintiff

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

A.H., an individual,
Plaintiff,

vs.

USA SWIMMING, INC., a Colorado corporation; PACIFIC SWIMMING, a California corporation; SAN RAMON VALLEY AQUATICS, a California corporation; and DOES 1 through 15, inclusive,

Defendants.

Case No.

**ATTORNEY CERTIFICATE OF MERIT
RE: PLAINTIFF A.H.'S CLAIM
AGAINST DEFENDANT PACIFIC
SWIMMING**

[CCP §340.1(f)]

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

1. I am the attorney for plaintiff in the above-entitled action.
2. I have reviewed the facts of the case filed on behalf of plaintiff A.H. against defendant Pacific Swimming.
3. I have consulted with Dr. Calvin Colarusso about this case. Dr. Colarusso is a mental health practitioner licensed to practice in California and is not a party to this lawsuit. I reasonably believe Dr. Colarusso 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. Colarusso, I believe that there is reasonable and meritorious cause for filing plaintiff A.H.'s 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: September 8, 2021

CORSIGLIA, MCMAHON & ALLARD LLP

By: 
MARK J. BOSKOVICH
Attorneys for Plaintiff

1 **B. ROBERT ALLARD (#175592)**
2 **MARK J. BOSKOVICH (#298688)**
3 **CORSIGLIA MCMAHON & ALLARD LLP**
4 96 North Third Street, Suite 620
5 San Jose, California 95112
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10 Attorneys for Plaintiff

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

A.H., an individual,

Plaintiff,

vs.

USA SWIMMING, INC., a Colorado corporation; PACIFIC SWIMMING, a California corporation; SAN RAMON VALLEY AQUATICS, a California corporation; and DOES 1 through 15, inclusive,

Defendants.

Case No.

**ATTORNEY CERTIFICATE OF MERIT
RE: PLAINTIFF A.H.'S CLAIM
AGAINST 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 in the above-entitled action.
2. I have reviewed the facts of the case filed on behalf of plaintiff A.H. against defendant San Ramon Valley Aquatics.
3. I have consulted with Dr. Calvin Colarusso about this case. Dr. Colarusso is a mental health practitioner licensed to practice in California and is not a party to this lawsuit. I reasonably believe Dr. Colarusso 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. Colarusso, I believe that there is reasonable and meritorious cause for filing plaintiff A.H.'s action against defendant San Ramon Valley Aquatics.

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

Dated: September 8, 2021

CORSIGLIA, MCMAHON & ALLARD LLP

By: 
MARK J. BOSKOVICH
Attorneys for Plaintiff

EXHIBIT 2

1 **B. ROBERT ALLARD (#175592)**
2 **MARK J. BOSKOVICH (#298688)**
3 **CORSIGLIA MCMAHON & ALLARD LLP**
4 96 North Third Street, Suite 620
5 San Jose, California 95112
6 (408) 289-1417
7 Fax: (408) 289-8127
8 rallard@cmalaw.net
9 mboskovich@cmalaw.net

10 Attorneys for Plaintiff

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

A.H., an individual,

Plaintiff,

vs.

USA SWIMMING, INC., a Colorado corporation; PACIFIC SWIMMING, a California corporation; SAN RAMON VALLEY AQUATICS, a California corporation; and DOES 1 through 15, inclusive,

Defendants.

Case No. RG20063350

**LICENSED MENTAL HEALTH
PRACTITIONER CERTIFICATE OF
MERIT RE: PLAINTIFF A.H.
[CCP §340.1(f)]**

I, CALVIN A. COLARUSSO, 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 the plaintiff in this case.
4. I interviewed plaintiff A.H. and I have a general knowledge of the relevant facts and issues raised in this particular lawsuit.

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5. In my professional opinion, based on my knowledge of the relevant facts and issues raised in this particular lawsuit and my interview of the plaintiff, there is a reasonable basis to believe that plaintiff A.H. was subjected to childhood sexual abuse by Andrew King.

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 August 30, 2021, at La Jolla, California.

Calvin A. Colarusso M.D.
CALVIN A. COLARUSSO M.D.