

**IN THE CIRCUIT COURT FOR THE TWENTIETH JUDICIAL CIRCUIT  
ST. CLAIR COUNTY, ILLINOIS**

JOHN DOE 06, by and through his  
next friends JOHN DOE and MARY  
DOE, and JOHN DOE AND MARY  
DOE, on their own behalf,

Plaintiffs,

v.

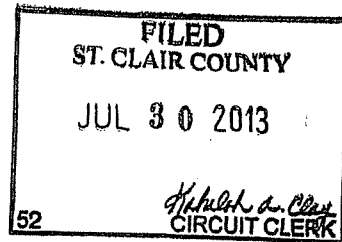
THREE TIGERS MARTIAL ARTS,  
LLC; 3T BELLEVILLE EAST, LLC,  
GAP CONSULTING RESOURCES,  
CHRISTOPHER HORTON, and KEVIN  
GAUGLER

Defendants.

Case No. 13 L 397

JURY TRIAL DEMANDED

Not Subject to Mandatory Arbitration



COMPLAINT

Plaintiff, John Doe 06, by and through his parents and next friends John Doe and Mary Doe, and John Doe and Mary Doe on their own behalf, for their complaint against Defendants Three Tigers Martial Arts, LLC, 3T Belleville East, LLC, Gap Consulting Resources, Christopher Horton, and Kevin Gaughler, allege as follows:

Plaintiffs bring this lawsuit in order to hold the Defendants responsible for the injuries they have caused relating to sexual abuse of Plaintiff John Doe 06 and to protect other children from the pain of childhood sexual abuse.

JURISDICTION AND VENUE

1. This action is brought in St. Clair County, Illinois pursuant to 735 ILCS 5/2-101 because this cause of action arose out of events that occurred in Belleville, Illinois which is located within St. Clair County, Illinois.

2. Defendants Three Tigers Martial Arts, LLC, 3T Belleville East, LLC, and Gap Consulting Resources, LLC, are Illinois registered companies authorized to do business in Illinois.

3. At all times relevant to this lawsuit, Defendants were operating and doing business in St. Clair County, Illinois.

4. Defendant Kevin Gaugler is the registered agent and manager of 3T Belleville East, LLC. He resides in Illinois.

5. Defendant Christopher Horton is a resident of Illinois who currently resides in Federal custody awaiting trial in a Federal criminal case involving Plaintiff and others for sexual exploitation in case number 13-CV-30042-DRH in United States District Court, Southern District of Illinois.

6. This Court has jurisdiction over the cause of action asserted herein and over the parties to this action.

7. Plaintiff asserts claims under Illinois common law and under the Illinois Child Sexual Abuse Statute (“CSAA”) (735 ILCS 5/13-202.2).

8. Plaintiff John Doe 06 is a 7 year old male born in 2006, who at all times relevant to the allegations in this Complaint, was an unemancipated minor who was invited to participate in martial arts activities promoted, sponsored, and/or run by Defendants and/or agents of the Defendants. He resides in Illinois with his parents and next friends, John and Mary Doe.

#### **FACTS PERTINENT TO ALL COUNTS**

9. At all times relevant to the allegations in this Complaint, Defendants—by themselves or through their agents—invited participation of minors, including Plaintiff John Doe

06, in their martial arts activities and summer camp, and selected adults to serve as martial arts instructors and camp counselors. The class of positions within 3T martial arts encompassing Master, Sensei, Sempai, will be referred to throughout this Complaint as “Martial Arts instructors” or “instructors.”

10. At all times relevant to the allegations in this Complaint, Defendants selected, accepted, or approved Christopher Horton (“Horton”) for the position of a martial arts instructor, or in a similar capacity, for the Martial Arts training location to which Plaintiff belonged, Three Tigers Martial Arts in Belleville, Illinois.

11. As a martial arts instructor, Horton’s role was to educate, mentor, care for, befriend, counsel, and train young boys in martial arts, morality, discipline, manners, and various life skills.

12. During summer camp martial arts classes, Horton’s role was to do all of the above, and provide day care type services for minors.

13. Defendants empowered Horton to perform all duties of martial arts instructors and camp counselors including but not limited to:

- a. the power to provide instruction, and moral guidance;
- b. physically supervise young children participating in martial arts programs and activities; and
- c. the power to enforce the rules governing participation in the activities.

14. Defendants knew that as part of his duties as a martial arts instructor, Horton would be in a position of trust, confidence, respect, and authority over the minors involved in martial arts, including Plaintiff John Doe 06.

15. Defendants retained the right to control the means and methods used by Horton and other martial arts instructors and camp counselors in fulfilling his duties as an employee.

16. While performing duties as a martial arts instructor and camp counselor, and for the purpose of furthering his duties required in those roles, Horton befriended Plaintiff John Doe 06; gained the trust and confidence of Plaintiff John Doe 06 and his parents as an instructor, mentor, friend, and authority figure; and gained the permission, acquiescence, and authority of Plaintiff John Doe 06's family to spend substantial periods of time with Plaintiff John Doe 06. As a result, Plaintiff John Doe 06 was conditioned to trust Horton, to comply with his directions, and to respect him as a person of authority. This course of conduct is referred to in this Complaint as "Grooming."

17. Using his authority and position of trust as martial arts instructor/camp counselor, and through the Grooming process, Horton induced and directed Plaintiff John Doe 06 to engage in various sexual acts with him on the Martial Arts studio premises in Belleville, Illinois. Horton's grooming and his authorized actions as a martial arts instructor/camp counselor led to and resulted in the sexual abuse of Plaintiff John Doe 06, discussed below.

18. Horton's Grooming and his authorized actions and the subsequent abuse were (1) committed in direct connection and for the purposes of fulfilling his employment and agency with the other Defendants; (2) committed within the time and space limits of his agency as a martial arts instructor/camp counselor; (3) done initially and at least in part from a desire to serve the interests of the other Defendants; (4) done directly in the performance of his duties as a martial arts instructor/camp counselor; (5) consisted generally of actions of a kind and nature which Horton was required to perform as a martial arts instructor/camp counselor; and (6) done

at the direction of, and pursuant to, the power vested in him by the other Defendants.

Defendants, through their agents, had a right to control Horton's Grooming of children in their martial arts studio as a martial arts instructor/camp counselor and his interactions with those children as a martial arts instructor/camp counselor.

19. Horton's actions resulted in one or more of the following effects: physical injury, mental injury, rape, childhood sexual abuse, and/or sexual abuse of Plaintiff John Doe 06 as those terms are used in the Illinois Child Sexual Abuse Statute ("CSAA") (735 ILCS 5/13-202.2). Horton sexually abused and molested Plaintiff John Doe 06 multiple times and filmed the activities. This happened on or between May 1, 2012 and February 9, 2013. Specifically, Horton performed sex acts on Plaintiff John Doe 06 and forced him to perform sex acts upon Horton. Following seizure of Horton's telephone, multiple videos recovered depict Horton engaged in sexual contact with Plaintiff John Doe 06. All of the videos of the sexual acts were recorded inside Three Tigers Martial Arts studio in Belleville, Illinois.

20. After a confidential citizen informant (who was not associated with Defendants) saw images of Horton's sex acts with minors on Horton's cellular telephone, Horton was arrested. He confessed to abusing minors, including plaintiff, and was indicted on March 3, 2013, in Federal Court in the Southern District of in case number 13-CV-30042-DRH. The indictment charges Horton with four counts of sexual exploitation of a minor, and one count of attempted sexual exploitation of a minor.

21. As a result of Horton's sexual abuse, battery, child exploitation, and breach of authority, trust, and position as a martial arts instructor, Plaintiff John Doe 06 suffered and/or will likely suffer in the future the following physical injuries: trouble sleeping, substance abuse,

panic attacks, and anxiety. He has had to undergo testing for sexually transmitted diseases. He suffers further anxiety because he must live the rest of his life wondering if any of the images of his exploitation were posted on the internet or in the public realm. In conjunction with or in addition to the aforementioned injuries, and as a further result of the sexual and physical battery by Horton, Plaintiff John Doe 06 has suffered and will likely suffer in the future: severe and debilitating mental emotional injury, including pain and suffering; emotional trauma; depression; anger issues; anxiety; posttraumatic stress disorder; trust and other relationship issues; and permanent psychological damage. As an additional result and consequence of Horton's psychological, physical, and sexual abuse, all Plaintiffs have incurred and will incur in the future: costs for counseling and psychiatric and psychological medical treatment all to their economic damages.

22. Because Plaintiff John Doe 06 is still a minor, he is well within the statute of limitations for filing this lawsuit.

**COUNT I**  
(Against Defendant Horton)  
CHILD SEXUAL ABUSE STATUTE ("CSAA") (735 ILCS 5/13-202.2)

23. Plaintiffs reallege and incorporate by reference all paragraphs in this Complaint.

24. Horton sexually abused Plaintiff John Doe 06. In doing so, he intended to cause and did cause a harmful contact with plaintiff's person.

25. Plaintiff John Doe 06 was under the age of 18 at the time of the abuse and did not and could not consent to Horton's acts.

26. Justice and the public good require an award of punitive or exemplary damages in such sum which will serve to punish Defendant and to deter like conduct.

**WHEREFORE**, Plaintiffs pray for judgment against Defendant Horton, in an amount in excess of \$50,000, for non-economic damages, economic damages, punitive damages, disbursements, reasonable attorney's fees, costs and for any other relief this Court deems just and equitable.

**COUNT II**

(Against Defendants Three Tigers Martial Arts, LLC; 3T Belleville East, LLC; Gap Consulting Resources; and Kevin Gaugler)

SEXUAL ABUSE/VICARIOUS LIABILITY

CHILD SEXUAL ABUSE STATUTE ("CSAA") (735 ILCS 5/13-202.2)

27. Plaintiffs reallege and incorporate by reference all paragraphs in this Complaint.

28. Horton sexually abused Plaintiff John Doe 06. In doing so, he intended to cause and did cause a harmful contact with plaintiff's person.

29. Plaintiff John Doe 06 was under the age of 18 at the time of the abuse and did not and could not consent to Horton's acts.

30. While grooming and sexually abusing Plaintiff John Doe 06, Horton was acting in the course and scope and with the authority of his agency for Defendants. Moreover, the Martial arts studio stood *in loco parentis* to plaintiff and other minors by encouraging parents to leave their children at the studio for significant periods of time.

31. Despite being acutely aware of the risks, Defendants' willful and wanton conduct in doing nothing to protect against childhood sexual abuse within their ranks and further facilitating it by providing abusers, like Horton, with the tools, instrumentalities and authority to abuse is repugnant to society. Furthermore, Defendants acted with malice or a reckless and outrageous indifference to a highly unreasonable risk of harm and with a conscious indifference to the health, safety and welfare of Plaintiff John Doe 06.

32. Justice and the public good require an award of punitive or exemplary damages in such sum which will serve to punish Defendants and to deter like conduct.

**WHEREFORE**, Plaintiffs pray for judgment against Defendants, and each of them, in an amount in excess of \$50,000, for non-economic damages, economic damages, punitive damages, disbursements, reasonable attorney's fees, costs and for any other relief this Court deems just and equitable.

**COUNT III**  
(Against Defendant Horton)  
BATTERY

33. Plaintiffs reallege and incorporate by reference all paragraphs in this Complaint.

34. Horton sexually abused Plaintiff John Doe 06. In doing so, he intended to cause and did cause a harmful contact with plaintiff's person.

35. Plaintiff John Doe 06 did not and could not consent to any of the sexual contact.

36. Justice and the public good require an award of punitive or exemplary damages in such sum which will serve to punish Defendant and to deter like conduct.

**WHEREFORE**, Plaintiffs pray for judgment against Defendant Horton, in an amount in excess of \$50,000, for non-economic damages, economic damages, punitive damages, disbursements, reasonable attorney's fees, costs and for any other relief this Court deems just and equitable.

**COUNT IV**  
(Against Defendants Three Tigers Martial Arts, LLC; 3T Belleville East, LLC; Gap Consulting Resources; and Kevin Gaughler)  
BATTERY/VICARIOUS LIABILITY

37. Plaintiffs reallege and incorporate by reference all paragraphs in this Complaint.



38. Horton sexually abused Plaintiff John Doe 06. In doing so, he intended to cause and did cause a harmful contact with plaintiff's person.

39. Plaintiff John Doe 06 did not and could not consent to any of the sexual contact.

40. While grooming and sexually abusing Plaintiff John Doe 06, Horton was acting in the course and scope and with the authority of his agency for Defendants. Moreover, the Martial arts studio stood *in loco parentis* to plaintiff and other minors by encouraging parents to leave their children at the studio for significant periods of time.

41. Defendants did nothing to protect against childhood sexual abuse within their ranks and further facilitated it by providing abusers, like Horton, with the tools, instrumentalities and authority to abuse. Furthermore, Defendants acted with malice or a reckless and outrageous indifference to a highly unreasonable risk of harm and with a conscious indifference to the health, safety and welfare of Plaintiff John Doe 06.

42. Justice and the public good require an award of punitive or exemplary damages in such sum which will serve to punish Defendants and to deter like conduct.

**WHEREFORE**, Plaintiff prays for judgment against Defendants, and each of them, in an amount in excess of \$50,000, for non-economic damages, economic damages, punitive damages, disbursements, reasonable attorney's fees, costs and for any other relief this Court deems just and equitable.

**COUNT V**  
(Against Defendant Horton)  
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

43. Plaintiffs reallege and incorporate by reference all paragraphs in this Complaint.

44. Defendant Horton knowingly and intentionally caused severe emotional distress to Plaintiff John Doe 06 when he sexually abused Plaintiff John Doe 06.

45. Plaintiff John Doe 06 did in fact suffer severe emotional distress as a result of this abuse, and the sexual abuse of a child by a trusted adult is beyond the bounds of all socially tolerable conduct.

46. Justice and the public good require an award of punitive or exemplary damages in such sum which will serve to punish Defendant Horton and to deter like conduct.

**WHEREFORE**, Plaintiffs pray for judgment against Defendant Horton, in an amount in excess of \$50,000, for non-economic damages, economic damages, punitive damages, disbursements, reasonable attorney's fees, costs and for any other relief this Court deems just and equitable.

#### **COUNT VI**

(Against Defendants Three Tigers Martial Arts, LLC; 3T Belleville East, LLC; Gap Consulting Resources; and Kevin Gaugler)

#### **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

48. Plaintiffs reallege and incorporate by reference all paragraphs in this Complaint.

49. While acting in the course and scope of his agency for Defendants, Horton knowingly and intentionally caused severe emotional distress to Plaintiff John Doe 06 when he sexually abused Plaintiff John Doe 06.

50. Plaintiff John Doe 06 did in fact suffer severe emotional distress as a result of this abuse, and the sexual abuse of a child by a trusted adult is beyond the bounds of all socially tolerable conduct.

51. Justice and the public good require an award of punitive or exemplary damages in such sum which will serve to punish Defendants and to deter like conduct.

**WHEREFORE**, Plaintiffs pray for judgment against Defendants, and each of them, in an amount in excess of \$50,000, for non-economic damages, economic damages, punitive damages, disbursements, reasonable attorney's fees, costs and for any other relief this Court deems just and equitable.

**COUNT VII**

(Against Defendants Three Tigers Martial Arts, LLC; 3T Belleville East, LLC; Gap Consulting Resources; and Kevin Gaughler)

**NEGLIGENT FAILURE TO SUPERVISE EMPLOYEE**

52. Plaintiffs reallege and incorporate by reference all paragraphs in this Complaint.

53. Defendants failed to properly supervise their employees, including Horton.

Defendants have a non-delegable duty to ensure that their employees are safe and that they are not able to abuse children. Defendants assured Plaintiffs John Doe and Mary Doe that multiple employees would be watching their child at all times and that their employees were ethical, safe, disciplined mentors. However, they did not supervise their employees to ensure that this happened.

54. Defendant Horton, while working for Defendants, was able to get Plaintiff John Doe 06 and other minors alone in a small martial arts studio for long periods. Defendants were supposed to be supervising Horton during the time that he was abusing children, including Plaintiff John Doe 06 and filming the abuse on the business premises.

55. The harm of sexual abuse to Plaintiff John Doe 06 and other martial arts students through failing to supervise employees was reasonably foreseeable in that the Defendants had a very small studio with a single private room. Somehow, Defendants allowed Horton to spend

significant periods of time alone with minors in the private room. The abuse happened during hours when more than one instructor should have been present. All businesses that offer child care, as this one does in the form of “summer camp” are aware of the potential dangers of child abuse. Defendants held themselves out as providing a safe environment. Despite Defendants’ knowledge of the child sexual abuse dangers inherent in employing people to care for children and its duty of protection owed to Plaintiff, Defendants breached that duty by failing to undertake adequate reasonable measures to supervise their employees in order to avoid child abuse in one or more of the following ways:

a. In failing to educate employees regarding the risk of child molestation in child care and about signs of inappropriate conduct by martial arts instructors/camp counselors, including Grooming;

b. In failing to adequately institute, implement, and enforce adequate child sexual abuse protections and policies within the business, including failing to enforce its own child sexual abuse prevention policies already in place;

c. In failing to adequately revise their process for selecting and monitoring martial arts instructors; and

d. In failing to provide adequate training and education to all of Defendants’ employees, and managers, regarding the signs that a child is being abused or that an employee is an abuser.

56. Any or all of Defendants’ failures described above were substantial contributing and causal factors to Plaintiff’s abuse and damages.

57. Defendants knew that such failures would reasonably lead to at least some number of children being sexually abused while participating in Martial arts classes and summer camp.

58. Because of the duration and consistency of child molestation in child care, Defendants' failures created a foreseeable risk of harm to the safety of children in the care of Defendants, including Plaintiff.

59. Plaintiff was a member of the class of individuals to be protected by the reasonable child abuse prevention policies described above. Such policies and procedures would have protected Plaintiff from some or all of his abuse.

60. Defendants' negligence was a direct and foreseeable cause of Plaintiff's molestation and damages.

61. Justice and the public good require an award of punitive or exemplary damages in such sum which will serve to punish Defendants and to deter like conduct.

**WHEREFORE**, Plaintiff prays for judgment against Defendants, and each of them, in an amount in excess of \$50,000, for non-economic damages, economic damages, punitive damages, disbursements, reasonable attorney's fees, costs and for any other relief this Court deems just and equitable.

**COUNT VIII**

(Against Defendants Three Tigers Martial Arts, LLC; 3T Belleville East, LLC; Gap Consulting Resources; Kevin Gaughler and Christopher Horton)  
**NEGLIGENT FAILURE TO SUPERVISE CHILDREN**

62. Plaintiff incorporates all paragraphs of this Petition as if fully set forth herein.

63. Defendants had a duty to protect children attending Defendants' programs and camps. Defendants encouraged parents to leave their children with Defendants and their agents for martial arts classes and summer camp. In doing so, Defendants were holding themselves out to be caretakers of minor children, including Plaintiff, during martial arts classes and summer camp hours.

64. It is a well-known and foreseeable risk within the field and profession of child care that some child care providers, including martial arts instructors and summer camp counselors, will attempt to have sexual contact with students. As a well-known risk involved with operating a summer camp and athletic facility for children, the Defendants had the duty to protect its students from damaging sexual contact by instructors and counselors by implementing sufficient policies, procedures and training to prevent sexual contact between minors and instructors/camp counselors and/or detect when a instructors/camp counselor has sexual contact with a minor attendee and/or a minor athlete. In addition, Defendants had the duty to supervise its instructors/camp counselors to avoid situations where a teacher or coach can isolate the student making him or her vulnerable to the sexual advances of the teacher or coach. Defendant School breached its duty to Plaintiff by:

- a. Failing to have in effect and/or failing to enforce, effective policies, procedures and training prohibiting sexual contact between instructors/camp counselors and minor attendee and/or minor athletes.
- b. Failing to have in effect and/or failing to enforce effective policies, procedures and training instructing staff on the signs of sexual abuse of a student by instructors/camp counselors.

- c. Failing to have in effect and/or failing to enforce effective policies, procedures and training instructing employees and staff about the steps to be followed if employees or staff suspects that an instructor/camp counselor is having sexual contact with a minor who attends their programs.
- d. Failing to have in effect and/or failing to enforce effective a policies, procedures and training regarding appropriate physical contact between instructors and minors at the time.
- e. Failing to have in effect and/or failing to enforce effective policies, procedures and training instructing minors about the steps to be followed when a minor suspects that an instructor/camp counselor is having sexual contact with a minor.
- f. Failing to have in effect and/or failing to enforce effective policies, procedures and training instructing minors about the steps to be followed if an instructor/camp counselor is being sexually inappropriate with them.
- g. Failing to properly supervise Defendant Horton whereby Defendant Horton was able to isolate Plaintiff in a martial arts room and have sexual contact with him.
- h. Failing to use reasonable care in hiring Defendant Horton, failing to use reasonable care in investigating Defendant Horton, failing to properly supervise Defendant Horton at other times when Defendant Horton was able to have sexual contact with Plaintiff, and failing to provide adequate warning to Plaintiff and his family of Defendant Horton's dangerous propensities.

65. In the alternative to his claims against Defendant Horton in Counts I, III, and V Plaintiff alleges that Defendant Horton was negligent or reckless and breached his duty to protect

Plaintiff in that he engaged in the sexual abuse as alleged herein without fully understanding the nature and impact upon Plaintiff of his conduct.

**WHEREFORE**, Plaintiff prays for judgment against Defendants, and each of them, in an amount in excess of \$50,000, for non-economic damages, economic damages, punitive damages, disbursements, reasonable attorney's fees, costs and for any other relief this Court deems just and equitable.

**COUNT IX**

(Against Defendants Three Tigers Martial Arts, LLC; 3T Belleville East, LLC; Gap Consulting Resources; Kevin Gaughler and Christopher Horton)  
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

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

65. While acting in the course and scope of his agency for Defendants, Horton knowingly and intentionally caused severe emotional distress to Plaintiff when he sexually abused Plaintiff.

66. Plaintiff did in fact suffer severe emotional distress as a result of this abuse, and the sexual abuse of a child by a trusted adult is beyond the bounds of all socially tolerable conduct.

67. Defendants negligently caused emotional distress to plaintiff by failing to supervise employees and failing to protect children entrusted to them.

**WHEREFORE**, Plaintiff prays for judgment against Defendants, and each of them, in an amount in excess of \$50,000, for non-economic damages, economic damages, punitive damages, disbursements, reasonable attorney's fees, costs and for any other relief this Court deems just and equitable.

**JURY TRIAL DEMANDED**



Plaintiff demands a trial by jury on all issues triable in this case.

WHEREFORE, Plaintiff asks that this Court award judgment against Defendants as follows:

(a) Awarding damages in favor of Plaintiff against Defendants for damages sustained as a result of the wrongdoings of Defendants, including punitive damages, together with interest thereon;

(b) Awarding Plaintiff his costs and expenses incurred in this action, including reasonable allowance of fees for Plaintiff's attorneys, experts, and reimbursement of Plaintiff's and counsel's expenses;

(c) Granting such other and further relief as the Court deems appropriate and just.

Dated: July 30, 2013

Respectfully submitted,



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*ATTORNEYS FOR PLAINTIFFS*