

IN THE UNITED STATES DISTRICT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

W.L., IV, AS NEXT FRIEND §
OF W.L., V, A MINOR, §
§
Plaintiffs, §
§
V. § NO. _____
§
SCOTT ASH JAMES ZIRUS, §
CAMP STEWART FOR BOYS, INC. §
AMERICAN INSTITUTE FOR FOREIGN §
STUDY, INC., and CAMP AMERICA §
§
Defendants. §

PLAINTIFFS' ORIGINAL COMPLAINT AND JURY DEMAND

COME NOW, Plaintiffs W.L., IV. as Next Friend of W.L., V., a minor, and Defendants Scott Ash James Zirus, Camp Stewart for Boys, Inc., American Institute for Foreign Study, Inc., and Camp America, as follows:

A. Parties

1. Plaintiffs W.L., IV., as Next Friend of W.L., V., a minor, are residents of Fort Worth, Tarrant County, Texas.
2. Defendant, Scott Ash James Zirus, is an individual currently incarcerated in the Texas Department of Corrections. This Defendant may be served with process via certified mail, return receipt requested at Texas Department of Corrections, Robertson Unit, 12071 FM 3522, Abilene, Texas 79601, SID No. 08432563.
3. Defendant Camp Stewart for Boys, Inc., is incorporated under the laws of the State of Texas. Defendant has its principal place of business in Texas. Defendant may be served with process by serving its President, Silas B. Ragsdale, Jr., at 612 FM 1340, Hunt, Texas 78024-3024.
4. Defendant, American Institute for Foreign Study, Inc. d/b/a Camp America ("Camp America"), is incorporated under the laws of the State of Delaware. Defendant has its corporate headquarters in Connecticut. Defendant may be served with process by serving its registered agent for Texas, Prentice Hall Corporation System, 211 E. 7th Street, Suite 620, Austin, Texas 78701-3218.

B. Jurisdiction

5. This Court has federal question jurisdiction under 28 U.S.C. § 1331 for the causes of action asserted against Defendant Zirus pursuant to 18 U.S.C. §§ 2241(c), 2255(a). Because the state law causes of action asserted against the other Defendants arise out of the same operative facts, this Court has supplemental jurisdiction over the pendent state law claims pursuant to 28 U.S.C. §1367(a).

C. Venue

6. Venue is proper in this district because this civil action is brought where a defendant may be found and a substantial part of the events or omissions giving rise to the claim occurred in this district. *See* 28 U.S.C. § 1391(b).

D. Facts

W.L.

7. W.L. attended Camp Stewart during the Summer of 2009. He was assigned to a cabin in which Scott Zirus was the lead counselor. During his stay, W.L. was sexually abused by Zirus on several occasions. W.L. reported Zirus would crawl into his bed during the night or have him join Zirus in his own bunk. While there, Zirus would touch W.L.'s genitals and whisper that he loved him. W.L. reported that Zirus would often masturbate while he was holding him.
8. These charges are similar to those made by several other boys who shared the cabin with Zirus that summer.
9. W.L. was 7 years old at the time of the sexual abuse. Due to his young age, he did not fully understand the nature of the abuse and why he had been targeted by Zirus. However, as W.L. matured and reached puberty, he struggled with the memories of the sexual abuse and tried to understand why he had been selected for it. This emotional turmoil confused his budding sexuality and caused him to have flashbacks and question his own sexual identity. This emotional turmoil impacted his relationship with his parents and friends, his ability to concentrate and his school work. W.L. has been struggling with depression and psychological trauma as a result of Zirus' sexual abuse.
10. W.L. has suffered the effects of sexual abuse noted by numerous medical and crime victim organizations. As noted by the National Centers for Victims of Crime, W.L. has experienced feelings of being powerless, ashamed and developed a deep mistrust of others. And, as

a victim of child sexual abuse, W.L. will remain at risk that he in turn will abuse children for the rest of his life. His abuse has triggered anger at the adults in his life who he feels could have avoided the abuse and betrayed by the fact an adult in which he placed trust caused him harm. W.L. also struggles with thoughts that he has been stigmatized by the abuse and that something inherent in his own personality is responsible for Zirus selecting him as a victim.

Scott Zirus

11. Scott Zirus is currently serving a 40-year sentence after pleading guilty to charges he sexually molested 5 and 6-year old boys while working at Camp Stewart in 2009. Zirus is an Australian citizen. He came to Texas from Australia to work at the camp through a job placement program operated by Camp America.

12. Zirus is currently under 10 criminal indictments in Australia for sexually abusing at least four young boys in that country. When he completes his Texas sentence, Zirus will be returned to Australia to face those charges.

13. Zirus was arrested in the San Antonio airport after law enforcement received reports that he molested two other boys who had attended the camp at the same summer as W.L. Investigators confiscated his lap top computer and camera equipment. Tests showed that the computer contained numerous images of child pornography featuring young boys. Zirus' camera also contained numerous photographs he took of young boys in various state of undress. Investigators also found Zirus had taken identification cards and information about several boys who had been in his cabin that summer. These documents included materials pertaining to W.L.

14. Zirus told investigators that he had received medical treatment for his attraction to young boys during a two-year period while he lived in Australia. He told them he was receiving medication to control sexual urges he had for young boys.

15. Records show Zirus was unemployed and homeless while living in Australia. His only work experience listed described a business he ran taking disadvantaged young boys on camping trips. Australian authorities have filed charges against him there for molesting at least four boys during these camping trips.

16. Prior to coming to Texas, Zirus had blogged extensively about a new religion he had created, Shadoran, and the religious teachings about love between adults and children. These postings reflected a dangerous attitude towards sexual attraction to young boys. Zirus' manifesto was posted on numerous websites including MySpace and he blogged regularly about his newly-created religion prior to his trip to Texas.

17. A Google internet search of Zirus' writings revealed his beliefs. They included statements that it was "a fact that 8 out of 10 boys are bisexual but only 2 out of these 8 will ever admit it." Zirus also wrote "I am a Shadoran and we have a special 'sexuality' called 'neltia' (r'neltia for male and l'neltia for female) – this 'sexuality' is unique because it has no boundries (sic). You are open to love from ANY age, race or gender . . . I will love whom ever I love."

18. While Zirus denied molesting children in Australia when interrogated by Texas law enforcement officers, he admitted that he thought it would be "less risky" to do so in Texas because he would be returning to Australia when the summer ended.

19. Zirus was sued in Federal court by two of his prior victims. The Court determined that there was evidence Zirus had crossed state lines with the intent to sexually abuse and molest minors.

Camp Stewart

20. Camp Stewart's marketing materials touted its safety and claimed the people working there were carefully selected for their outstanding character to serve as role models for young boys. But the truth is that it employed people with criminal arrest histories, some who searched the internet for sex with "younger looking guys" and outsourced much of its hiring to outside companies that did little to vet applicants.

21. In lawsuits filed after Zirus was arrested, evidence showed Camp Stewart ignored its own policies and procedures designed to keep campers safe from pedophiles like him. First, there was evidence that Camp Stewart ignored its written policies requiring any camp counselor to provide three written references and that those sponsoring the references be checked before a counselor could be hired. Zirus, for example, provided only two references (one of which was unsigned) and there was no evidence anyone bothered to verify that they were authentic.

22. Camp Stewart also violated its policies and procedures regarding the safety of the cabins where young boys slept. It failed to enforce policies that prevented counselors from creating hidden areas within the cabins and failed to enforce rules requiring adult counselors from being left alone and unsupervised with children in the cabins. Zirus hung flags around his bunk area which effectively prevented other counselors from seeing him. Zirus admitted to investigators that the sexual abuse took place in this area and was facilitated by the fact he knew other counselors could not see what he was doing. The evidence in the other cases showed that camp managers were informed about Zirus' suspicious activity but they took no effective steps to protect the young boys in his cabin.

23. Despite its claims that Camp Stewart employees were selected to be good role models, it employed men with criminal histories of sexually-related crimes in key management positions. For example, Roy Spears was a Camp Stewart employee in charge of hiring and managing the counselors. Spears had a history of arrests for prostitution, pimping and indecent exposure related to seeking anonymous sex with men in public places. Court records show Spears pleaded guilty to prostitution in 1993 and no contest to indecent exposure in 2002 after he was caught masturbating in public. Camp Stewarts owners were aware of Spear's criminal activity but did not fire him. Spears resigned from the camp and was replaced by Thomas Cochran. He left the camp after it was revealed he had been posting nude pictures of himself on internet sex search sites. Cochran's profile indicated he was searching for sex with "younger looking guys, frat boys" while he was director of Camp Stewart's male camp counselors.

24. Evidence in the earlier cases showed the camp owner, Jeeper Ragsdale, also has an extensive history of criminal arrests. Between 1989 and 1991, Ragsdale was charged with a variety of crimes including reckless conduct, resisting arrest, possession of drug paraphernalia and driving while intoxicated.

69. Camp Stewart for Boys' multiple misrepresentations about the qualities of their counselors, the steps taken to screen them and the protected environment in place at the camp directly induced parents send their children to the camp and pay for their services. Camp Stewart for Boys' misrepresentations allowed them to increase their profits by failing to actually provide the services it claimed it would deliver and perform the thorough screening services they promised, instead relying on ill-trained and inexperienced former counselors to do their hiring. This unjustly enriched the Defendants as the risk of creating a dangerous environment for the young boys attending the camp.

Negligence Claims Based on Hiring or Supervising Employees

70. Defendant Camp Stewart for Boys breached its duty to use ordinary care in hiring and supervising its employees, including Defendant Zirus. Defendant Camp Stewart for Boys failed to take reasonable steps to independently investigate Defendant Zirus' background relying instead on Defendant Camp America to do the work. Evidence shows Camp America apparently also failed to conduct any independent investigation of Defendant Zirus, relying instead on unidentified third parties. Plaintiffs suffered damages as a result of this breach of duty.

Negligence

71. Defendants Camp Stewart for Boys, and Camp America were negligent in hiring, supervising, training and retaining Zirus as a camp counselor at Camp Stewart for Boys. Further, Defendants are liable for failing to warn the minors and their parents about the foreseeable risks of sexual abuse. Defendants' negligence was a proximate cause of Plaintiffs' actual damages. And, because the Defendants were guilty of gross negligence or malice, Plaintiffs are entitled to exemplary damages.

Breach of Fiduciary Duty/Aiding and Abetting

72. Because of being in loco parentis to the Plaintiffs, Camp Stewart for Boys owed a fiduciary duty to Plaintiffs. Not only is that a formal fiduciary relationship, but the parties also had an informal fiduciary duty arising from the extreme trust and confidence reposed in the safety and security of the overnight camp. Camp Stewart for Boys breached its fiduciary duty by failing to put the interests of Plaintiffs ahead of its own and by failing to disclose all material facts to Plaintiffs and their parents. Camp America is liable for aiding and abetting Camp Stewart for Boys' breach of fiduciary duties. Camp Stewart for Boys' breach of fiduciary duties caused the minor Plaintiffs to suffer actual damages, for which the Defendants are liable. The minor Plaintiffs are also entitled to recover exemplary damages and equitable remedies, including disgorgement of fees.

E. CAUSE OF ACTION AGAINST CAMP AMERICA

73. Defendant Camp America was negligent and breached its duty to use reasonable care in the screening of its applicants and recommending them for placement with U.S. camps like Camp Stewart. Defendant Camp America owed the Plaintiffs the duty to use reasonable care in selecting, interviewing, vetting and screening candidates to their program. According to its own Interviewer Handbook, Camp America was aware that participants in its program posed a foreseeable risk of sexual abuse to the young boys attending camps that it helped staff. The Handbook demonstrates that Camp America was aware of the general risk of sexual abuse that the nature of its program – placing adults in camp counselor positions where they would work with children. It was foreseeable to Camp America that pedophiles like Zirus would be attracted to their program because of the access the jobs it touted would provide them to potential victims.

74. Given the particular susceptibility of young children, like the boys involved in this case, Camp America had a duty to use reasonable care in screening applicants to their program. Camp America had the power to deny pedophiles like Zirus entry into their program and assist camp directors in obtaining information relevant and necessary to fully evaluate the threat applicants posed. Camp America agreed to work with camps like Camp Stewart to facilitate placement of participants in their program in those camps. As a result, Camp America had a duty to act reasonably when recommending participants to American camps. The burden of imposing the duty is small in light of the fact that Camp America has already undertaken a duty to perform some of the screening of its program's participants.

75. Camp America violated this duty when it failed to follow its own policies concerning references, failed to follow industry standards regarding reference checks, employment checks, volunteer work checks and internet checks.

76. Camp America's actions were a cause in fact of the Plaintiffs' injuries. According to its own employees, Zirus' application did not meet their own standards because his references were not sufficient and his internet postings, had any effort been made to check them, would have revealed disturbing content that would have eliminated him from the program.

77. Camp America was also grossly negligent in its failure to properly screen Zirus. It failed to follow its own policies and procedures concerning his application and failed to adhere to industry standards concerning the safe screening of camp employees. By failing to make any effort to check references, verify employment claims or investigate Zirus' volunteer work, Camp America deliberately ignored sources of information that would have revealed the true nature of Zirus' personality and the significant threat he posed to young boys. As a result of this gross negligence, the Plaintiffs are entitled to exemplary damages.

78. As a result of Defendant's negligence, the minor Plaintiff was repeatedly sexually molested by Zirus while he was attending Camp Stewart. The molestation has caused minor Plaintiff severe emotional and psychological trauma in the past and he will continue to experience the remainder of his life. Defendant's own Interviewer's Handbook notes: "child sexual abuse, which can be defined as any touching or other physical contact of a sexual nature with children, is a serious problem that can have lifetime consequences for the victim." The minor Plaintiff, as a victim of sexual abuse, has suffered and will continue to suffer damages and will need psychological and emotional treatment for the rest of his life.

G. Damages

79. As a direct and proximate result of Defendants' conduct, as set forth above, minor Plaintiff is entitled to recover damages from the Defendants as follows:

- a. mental anguish in the past and future;
- b. pain and suffering in the past and future;
- c. medical expenses in the past and future;
- d. physical impairment in the past and future;
- e. exemplary damages, without limitation on the dollar amount of exemplary damages, *see* Tex. Civ. Prac. & Rem. Code §41.008(c)(5)(6);
- f. reasonable and necessary attorney's fees;
- g. prejudgment and post judgment interest;
- h. costs of court;
- i. such other relief, at law and in equity, to which Plaintiff shall be entitled.

Respectfully submitted,

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