

IN THE IOWA DISTRICT COURT FOR HARDIN COUNTY

<p>KASEY HILPIPRE as next friend and natural guardian of R.H., a minor, and INDIVIDUALLY on her own behalf,</p> <p>Plaintiffs,</p> <p>v.</p> <p>DEAN HILPIPRE,</p> <p>Defendant.</p>	<p>CASE No.</p> <p>PETITION AND JURY DEMAND</p>
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COMES NOW, the Plaintiff, Kasey Hilpipre as next friend and guardian of R.H., a minor, by and through her counsel, and for her causes of action against Defendant Dean Hilpipre states as follows:

INTRODUCTION

1. This is an action for common law sexual assault, common law assault and battery, false imprisonment, and intentional infliction of emotional distress.

PARTIES, JURISDICTION, AND VENUE

2. The unlawful actions outlined below were committed in Hardin County, Iowa.

3. At all times material hereto, Plaintiff R.H. was a minor child and a citizen and resident of Hardin County, Iowa.

4. Plaintiff Kasey Hilpipre is R.H.'s mother, who was also a citizen and resident of Hardin County, Iowa, at the time the events outlined below occurred.

5. At all times material hereto, Defendant Dean Hilpipre was a citizen and resident of Hardin County, Iowa. Defendant Hilpipre is Plaintiff R.H.'s paternal grandfather.

PROCEDURAL REQUIREMENTS

6. The actions which are the subject of this lawsuit occurred within the two-year statute of limitations set forth for such actions under Iowa Code § 614.1(2) and are timely brought under Iowa Code § 614.8(1) which extends the statute of limitations in favor of minors.

FACTS

7. Defendant Hilpipre molested his granddaughter, R.H., on multiple occasions over the course of years.

8. State authorities and R.H.'s parents believe that Defendant Hilpipre's abuse of R.H. started in November of 2012.

9. Over the course of years, Defendant Hilpipre forced R.H. to touch his genitals for his own sexual gratification on multiple occasions.

10. Over the course of years, Defendant Hilpipre touched R.H.'s genitalia and breasts with his hands and his mouth without her consent on multiple occasions.

11. Over the course of years, Defendant Hilpipre molested R.H. in a bedroom behind a locked door in his home.

12. Over the course of years, Defendant Hilpipre molested R.H. in a bathroom behind a locked door in his home.

13. On multiple occasions, Defendant Hilpipre drove R.H. to a wooded area where he molested her near a large pile of corn which was being stored on the ground.

14. R.H. was held against her will by Defendant Hilpipre on each of these occasions and was not permitted to leave.

15. R.H. was and still is terrified of Defendant Hilpipre.

16. In November of 2016, R.H. reported Defendant Hilpipre's conduct to her sister, W.H., who is now 14 years old.

17. W.H. assisted her younger sister in reporting the sexual abuse to a child protective worker with the Department of Human Services on November 18, 2016.

18. Defendant Hilpipre was criminally charged for his actions in regard to R.H. on July 24, 2017.

19. Defendant Hilpipre pled guilty to Lascivious Acts With a Child in violation of Iowa Code Section(s) 709.8(1) on January 4, 2018. His prison sentence was suspended by the court and he was placed on a five-year probation on February 23, 2018.

20. At the time of his conviction, Defendant Hilpipre stated in open court that he had committed the molestation for which he had been criminally charged.

21. As a result of Defendant Hilpipre's actions, R.H. has been forced to seek counseling services.

COUNT I – COMMON LAW SEXUAL ASSAULT

22. In bringing R.H. to the same locations over and over in order to molest her, Defendant Hilpipre intended to place her in fear of physical contact which would be insulting or offensive.

23. On these occasions, Defendant Hilpipre threatened R.H. and told her that if she told anyone about his actions, he would have to go to jail.

24. Since Defendant Hilpipre had forced R.H. to touch his genitalia for his own sexual gratification without her consent on multiple occasions, and since Defendant Hilpipre had touched R.H.'s breasts and genitalia without her consent on multiple occasions, R.H. reasonably

believed that Defendant Hilpipre would commit these acts again and that these acts would be carried out immediately.

25. Defendant Hilpipre's actions were a cause of R.H.'s injuries and damages as set forth herein.

26. Defendant's actions perpetrated against Plaintiff were willful and wanton and done with malice or in reckless disregard of the rights of Plaintiff, entitling her to punitive damages.

27. As a result of Defendant Hilpipre's actions, R.H. sustained injuries and damages, including but not limited to past and future mental and emotional harm and anguish, psychological and emotional injuries, humiliation, embarrassment, loss of enjoyment of life, and other damages as will be shown by the damages.

WHEREFORE, Plaintiff demands judgment against Defendant Hilpipre in an amount that will fully and fairly compensate her for her injuries and damages; punitive damages in an amount sufficient to punish and deter him and others from the same or similar wrongful conduct; court costs; interest as allowed by law; and such other appropriate relief as the Court finds may be just and equitable.

COUNT II – COMMON LAW ASSAULT AND BATTERY

28. Defendant Hilpipre committed the following acts constituting common law battery:

- a. Using his hands to grab or touch R.H.'s breasts and genitalia without her consent;
- b. Using his mouth to touch or kiss R.H.'s breasts or genitalia without her consent;
- c. Grabbing, forcing, and/or manipulating R.H.'s body in order to force her to touch his genitalia;

d. Grabbing, forcing, or holding R.H.'s hands, arms, or other partS of her body, in order to force her to remain in a room, car, or other space with him.

29. Defendant Hilpipre knew that R.H. would find the above-outlined actions offensive.

30. Defendant Hilpipre intended to commit these acts.

31. Defendant Hilpipre purposefully committed these acts.

32. Defendant Hilpipre's actions were a cause of R.H.'s injuries and damages as set forth herein.

33. Defendant's actions perpetrated against Plaintiff were willful and wanton and done with malice or in reckless disregard of the rights of Plaintiff, entitling her to punitive damages.

34. As a result of Defendant Hilpipre's actions, R.H. sustained injuries and damages, including but not limited to past and future mental and emotional harm and anguish, psychological and emotional injuries, humiliation, embarrassment, loss of enjoyment of life, and other damages as will be shown by the damages.

WHEREFORE, Plaintiff demands judgment against Defendant Hilpipre in an amount that will fully and fairly compensate her for her injuries and damages; punitive damages in an amount sufficient to punish and deter him and others from the same or similar wrongful conduct; court costs; interest as allowed by law; and such other appropriate relief as the Court finds may be just and equitable.

COUNT III – FALSE IMPRISONMENT

35. While Defendant Hilpipre was committing the actions outlined above or preparing to commit the actions outlined above, R.H. attempted to leave.

36. When R.H. attempted to escape Defendant Hilpipre, he physically restrained her or threatened her such that she was not able to leave.

37. Defendant Hilpipre restrained R.H. against her will and without her consent.

38. The restraint was a cause of the injuries and damages sustained by R.H. as set forth herein.

39. Defendant's actions perpetrated against Plaintiff were willful and wanton and done with malice or in reckless disregard of the rights of Plaintiff, entitling her to punitive damages.

40. As a result of Defendant Hilpipre's actions, R.H. sustained injuries and damages, including but not limited to past and future mental and emotional harm and anguish, psychological and emotional injuries, humiliation, embarrassment, loss of enjoyment of life, and other damages as will be shown by the damages.

WHEREFORE, Plaintiff demands judgment against Defendant Hilpipre in an amount that will fully and fairly compensate her for her injuries and damages; punitive damages in an amount sufficient to punish and deter him and others from the same or similar wrongful conduct; court costs; interest as allowed by law; and such other appropriate relief as the Court finds may be just and equitable.

COUNT IV – TORTIOUS INFLICTION OF EMOTIONAL DISTRESS

41. Defendant Hilpipre groomed R.H. by "spoiling" her and giving her candy and treats.

42. As her paternal grandfather, Defendant Hilpipre had intimate knowledge of R.H.'s personality and familial history.

43. Since he was a member of her family and a constant presence in her life, R.H. trusted Defendant Hilpipre and spent a significant amount of time at his home.

44. Defendant Hilpipre's grooming and molestation of R.H. went beyond the bounds of decency and beyond what can be tolerated by a civilized society. His conduct was extreme and outrageous.

45. Defendant Hilpipre knew that molesting R.H. would cause her physical, psychological, and emotional harm, and did so with reckless disregard for causing that harm.

46. R.H. has suffered and will suffer severe and extreme emotional distress.

47. Defendant Hilpipre's conduct was the cause of R.H.'s emotional distress and other damages sustained by R.H.

48. Defendant's actions perpetrated against Plaintiff were willful and wanton and done with malice or in reckless disregard of the rights of Plaintiff, entitling her to punitive damages.

49. As a result of Defendant Hilpipre's actions, R.H. sustained injuries and damages, including but not limited to past and future mental and emotional harm and anguish, psychological and emotional injuries, humiliation, embarrassment, loss of enjoyment of life, and other damages as will be shown by the damages.

WHEREFORE, Plaintiff demands judgment against Defendant Hilpipre in an amount that will fully and fairly compensate her for her injuries and damages; punitive damages in an amount sufficient to punish and deter him and others from the same or similar wrongful conduct; court costs; interest as allowed by law; and such other appropriate relief as the Court finds may be just and equitable.

COUNT V – LOSS OF CONSORTIUM

52. As a direct result of the aforementioned acts of Defendant, Plaintiff R.H. suffered mentally, emotionally, and psychologically, causing stress on her parents.

53. As a direct result of the aforementioned acts of Defendant, Plaintiff Kasey Hilpibre has been deprived of the support, love, affection, comfort, services, society, companionship, and consortium of R.H.

WHEREFORE, Plaintiff requests judgment against Defendant in an amount that will fully and fairly compensate her for her damages alleged herein, with interest thereon provided by law, costs of this action, and such other relief as the Court deems just and proper.

JURY DEMAND

COME NOW, the Plaintiffs, and demand trial by jury as to all counts.

/s/ Kayla Burkhiser Reynolds
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