

BY FAX

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By..... Deputy
Case Number:
34-2022-00325310

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13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **COUNTY OF SACRAMENTO**

15 TIMOTHY ANDERSON, an individual,
ADAM BARSANTI, an individual

16 Plaintiffs,

17 v.

18 SCC BASEBALL CAMPS; LOS RIOS
19 COMMUNITY COLLEGE DISTRICT;
20 MARK PORT; and DOES 4-10,

21 Defendants.

Case No. 34-2022-00325310

FIRST AMENDED COMPLAINT FOR DAMAGES for:

- 1) Negligence
- 2) Negligent Hiring, Supervision and Retention
- 3) Negligence Per Se
- 4) Sexual Harassment
- 5) Sexual Battery

Filed Pursuant to Code of Civil Procedure Section 340.1, as Amended by Assembly Bill 218

[Jury Trial Demanded]

25 Plaintiffs Timothy Anderson and Adam Barsanti (together, "Plaintiffs") bring this action
26 against Defendants SCC Baseball Camps; Los Rios Community College District ("Los Rios CCD");
27 Mark Port ("Port"); and DOES 4-10 (together, "Defendants"), and based on information and belief
28 alleges as follows:

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DOWNTOWN COURTHOUSE
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27 Mark Port ("Port"); and DOES 4-10 (together, "Defendants"), and based on information and belief
28 alleges as follows:

1 **INTRODUCTION**

2 1. This case is about the tragic, preventable, serial childhood sexual abuse that spanned
3 decades, destroyed lives, and forever tainted Plaintiffs’ love of the game of baseball. Port’s sexual
4 abuse of Plaintiffs and other young boys who attended SCC Baseball Camps’s summer baseball
5 camps at Sacramento City College’s (“SCC”) baseball practice complex in the 1980s and 1990s
6 turned their Field of Dreams into a Field of Disillusionment.

7 2. The baseball camp run by SCC Baseball Camps was so intertwined with SCC and its
8 Hall of Fame Baseball Head Coach Jerry Weinstein that the SCC baseball team roster and coaching
9 staff was almost indistinguishable from the list of staff at SCC Baseball Camps’s baseball camps.
10 Weinstein founded SCC Baseball Camps, and his athletes and coaching staff directed and worked
11 for the SCC Baseball Camps summer baseball camps.

12 3. One of the coaches on staff of SCC and SCC Baseball Camps’s summer baseball
13 camps, Port, used his position as a mentor, role model, and baseball instructor to prey on the
14 innocence of young boys who were looking to improve at the game they loved. Port’s grooming for
15 sexual abuse was so pervasive and notorious that even Jerry Weinstein’s wife reportedly noticed
16 Port’s red flags and commented to her husband that she suspected Port was a pedophile/child
17 molester. Even more egregious, SCC Baseball Camps and Los Rios CCD could have prevented the
18 abuse of Plaintiffs if they had simply bothered to conduct a background check and investigate Port
19 criminal history – a history that would have revealed he had been arrested for repeatedly committing
20 indecent exposure with young boys.

21 4. SCC Baseball Camps, Los Rios CCD, and the Head Coach of SCC’s baseball team
22 turned a blind eye to countless red flags evident in a sexual predator’s behavior. When the grooming
23 and abuse of minors was brought to the attention of those in charge of SCC Baseball Camps,
24 including the Head Coach, they failed to report the childhood sexual abuse to law enforcement or
25 other appropriate authorities. Instead, SCC Baseball Camps and Los Rios CCD allowed Port to
26 quietly leave the employ of SCC and SCC Baseball Camps, thereby covering up Port’s sexual abuse
27 and leaving Port free to continue abusing minors until he was finally arrested and convicted in 2003.

28

1 10. At all times mentioned herein, Los Rios CCD was and is a public entity, having its
2 principal place of business is located in Sacramento County, California. Los Rios CCD purposely
3 conducts substantial business and educational operations in the State of California. Los Rios CCD
4 is responsible for the funding, staffing, and direction of Sacramento City College. Los Rios CCD
5 was the primary entity operating, and controlling the activities and behavior of its employees and
6 agents, including those that served as employees at SCC Baseball Camps, including SCC's Head
7 Coach of Baseball, Port and DOES 4-10, and all other employees, agents and supervisors of
8 Defendants. Upon information and belief, Plaintiffs allege that Los Rios CCD had authority and
9 responsibility to control and supervise the actions of the employees and agents at SCC Baseball
10 Camps.

11 11. On information and belief, Defendant Port is an individual currently residing in the
12 State of South Carolina. Port served as a baseball coach to minor students at SCC Baseball Camps
13 from approximately 1981 through 1997. At or near the same time, Port also served as a baseball
14 coach for the SCC Baseball team. At all times relevant to this Complaint, Port acted as an employee,
15 agent, and servant of SCC Baseball Camps and Los Rios CCD, and was under their complete control
16 and supervision.

17 12. The true names and capacities, whether individual, corporate, partnership, associate,
18 or otherwise, of Defendants DOES 4-10, inclusive, are unknown to Plaintiffs. Accordingly,
19 Plaintiffs sue DOES 4-10 by such fictitious names pursuant to section 474 of the California Code of
20 Civil Procedure. Plaintiffs will seek leave to amend this Complaint to allege their true names and
21 capacities when they are ascertained. Each of these fictitiously named defendants is an alter ego of
22 one or more of the named defendants, or is in some manner liable or responsible for the events,
23 happenings, and/or tortious and unlawful conduct that caused the injuries and damages alleged in
24 this Complaint.

25 13. On information and belief, at all times material hereto, there existed a unity of interest
26 and ownership among Defendants and each of them, such that an individuality and separateness
27 between Defendants ceased to exist. Defendants were the successors-in-interest and/or alter egos of
28 the other Defendants in that they purchased, controlled, dominated and operated each other without

1 any separate identity, observation of formalities, or any other separateness. To continue to maintain
2 the façade of a separate and individual existence between and among Defendants, and each of them,
3 would serve to perpetuate a fraud and injustice.

4 14. On information and belief, Defendants were the agents, representatives, servants,
5 employees, partners, and/or joint venturers of each and every other Defendant and were acting within
6 the course and scope of said alternative capacity, identity, agency, representation and/or employment
7 and were within the scope of their authority, whether actual or apparent. Each of the Defendants is
8 responsible in some manner for one or more of the events and happenings described herein. Each
9 Defendant approved and/or ratified the conduct of each other Defendant. Consequently, each
10 Defendant is jointly and severally liable to Plaintiffs for the damages sustained as a proximate result
11 of his, her, or its conduct. Each of the Defendants proximately caused the injuries and damages
12 alleged.

13 15. Each of the Defendants aided and abetted each other Defendant. Each Defendant
14 knowingly gave substantial assistance to each other Defendant who performed the wrongful conduct
15 alleged herein. Accordingly, each Defendant is jointly and severally liable for the damages
16 proximately caused by the wrongful conduct of each Defendant, and their respective employees.

17 16. Each of the Defendants is, and at all relevant times herein mentioned was, the co-
18 conspirator of each other Defendant, and, therefore, each Defendant is jointly and severally liable to
19 Plaintiff for the damages sustained as a proximate result of each other Defendant. Each Defendant
20 entered into an express or implied agreement with each of the other Defendants to commit the
21 wrongs herein alleged. This includes, but is not limited to, the conspiracy to perpetrate sexual
22 violence against Plaintiffs and other young male students of Defendant SCC Baseball Camps.

23 17. Whenever reference is made to “Defendants” in this Complaint, such allegation shall
24 be deemed to mean the acts of Defendants acting individually, jointly, and/or severally.

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1 **GENERAL FACTUAL ALLEGATIONS**

2 **I. *Port is Arrested For Inappropriate Sexual Conduct With Minors, But SCC Baseball***
3 ***Camps and Los Rios Community College District Hire Port And Allow Him To Coach***
4 ***Minor Students.***

5 18. On information and belief, in approximately 1979, several young boys reported that
6 a man was approaching them in his vehicle and masturbating in front of them. The boys described
7 the man's vehicle and explained that these incidents had occurred approximately 5 or 6 times. A
8 Sacramento County Sheriff's Department detective matched the vehicle to Port, and the minors
9 identified Port as the culprit. On information and belief, Port was arrested for indecent exposure as
10 an 18 year-old adult. On information and belief, Port pled guilty to a charge of "disturbing the
11 peace" as a result of these incidents.

12 19. Port joined SCC's baseball team shortly after his graduation from high school, while
13 he attended SCC. On or about the same time, or shortly thereafter, SCC's Head Baseball Coach
14 Jerry Weinstein established SCC Baseball Camps, a summer baseball camp for minor athletes.
15 SCC's Head Baseball Coach encouraged the athletes from SCC's baseball team to help him coach
16 the minor athletes during SCC Baseball Camps's summer baseball camps. These camps took place
17 for several weeks each year on SCC's campus, utilizing Los Rios CCD's facilities, coaches, and
18 student-athletes to operate SCC Baseball Camps's baseball camps.

19 20. Despite his prior arrest and abhorrent conduct toward minors, Port began working at
20 the summer baseball camps as a baseball coach for minor students enrolled with SCC Baseball
21 Camps.

22 **II. *Port Identifies Anderson and Begins Sexually Grooming Anderson.***

23 21. In approximately 1978 or 1979, when Anderson was about 12 or 13 years old, Port
24 approached Anderson in Anderson's neighborhood. Anderson was playing baseball and Port offered
25 to help Anderson train for baseball, as Port was a baseball player himself.

26 22. Anderson accepted the offer to get better at the game he loved, and Port began to
27 ingrain himself in Anderson's life. Port began to groom Anderson emotionally, physically, and
28 psychologically. Port made Anderson feel special, offering to train Anderson one-on-one and

1 hanging out with Anderson, and showering him with gifts. Port would often bring Anderson to
2 SCC's campus to work out using Los Rios CCD's facilities, in plain view of other staff and coaches.

3 23. Eventually, Port had established enough trust with Anderson that Anderson spent the
4 night at Port's home. During this visit to Port's home, Port first sexually assaulted Anderson.
5 Anderson woke up to Port lying on top of him and rubbing his genitals on Anderson, while both
6 Anderson's and Port's pants were removed. Tragically, the sexual grooming and abuse would only
7 escalate as time went on, including during SCC Baseball Camps's summer baseball camps.

8 **III. *Port Begins Bringing Anderson To SCC Baseball Camps's Baseball Camps, Where His***
9 ***Sexual Grooming and Abuse Escalate.***

10 24. Beginning in or around 1982, when Anderson was approximately 15 to 16 years old,
11 Port began bringing Anderson to SCC Baseball Camps's baseball camps on SCC's campus. After
12 Anderson joined the camp, Port was able to spend time with Anderson every day.

13 25. Port openly flaunted his close "friendship" with Anderson, showing him extreme
14 favoritism compared to other minor athletes. For example, Port often bought Anderson baseball
15 jackets, gloves, and hats, and drove Anderson to and from practice at SCC. In fact, once Anderson
16 began driving his own vehicle, Port would buy Anderson lavish gifts for his car, including a stereo
17 and rims, but Port would still pick Anderson up so they could go to SCC Baseball Camps's baseball
18 camps together. Port would also take Anderson to lunch alone away from SCC, while the other
19 minor athletes brought their own lunches and ate on the campus.

20 26. Port would work with Anderson one-on-one during the summer camp, and he would
21 keep Anderson late to continue "practicing." Port's clear favoritism and obviously doting behaviors
22 took place in plain view of the staff, coaches, and administration of SCC Baseball Camps, who also
23 served as students, coaches, and administration for Los Rios CCD. On information and belief, many
24 of the other minor athletes would complain about it being unfair that Port gave Anderson so much
25 attention. However, rather than address or at least inquire into the inappropriate behavior in which
26 Port was engaging with Anderson, SCC Baseball Camps's administration, coaches, and staff chose
27 to actively ignore what was so clearly and openly taking place.

28

1 27. In fact, it was common for SCC's Head Coach for baseball to participate in the
2 training of the minor athletes, and he would typically oversee his coaches. It was well-known to the
3 SCC Baseball Camps community that Anderson was referred to by other athletes and coaches as
4 Port's "boy." Furthermore, on information and belief, SCC's Head Coach for baseball, as well as
5 the other coaches and staff of SCC Baseball Camps, saw Port and Anderson arrive to campus
6 together most days, leave and return from lunch most days, and saw Port spending extra time with
7 Anderson before and after practice. Port and Anderson could even be found practicing at the SCC
8 campus on the days when SCC Baseball Camps's camp had the day off. Moreover, there were
9 several rumors surrounding Port and his tendencies to sexually groom and assault minors. On
10 information and belief, there were open rumors about Port engaging in crimes involving minors, and
11 "trolling for kids" in neighborhoods. Despite these glaring red flags in Port's behavior, the coaches,
12 staff, and administration of SCC Baseball Camps did nothing in terms of inquiring into and/or
13 investigating Port's actions.

14 28. Simply put, it was no secret that Port was sexually grooming Anderson throughout
15 his time at SCC Baseball Camps's summer baseball camp.

16 **IV. As a Result of SCC Baseball Camps's Negligence, Port Continues to Abuse Anderson.**

17 29. The sexual abuse of Anderson continued even after Anderson graduated high school,
18 and after he enrolled as a student of Los Rios CCD and athlete on the SCC baseball team.

19 30. Port continuously sexually assaulted Anderson on a regular basis from 1982 to 1986.
20 Over the years, Port would purport to massage or stretch Anderson, pressing Port's erection against
21 Anderson.

22 31. While on SCC's campus, Anderson would sometimes shower in the campus locker
23 rooms after practice. On several occasions, Port would walk into the SCC baseball locker rooms
24 and watch Anderson shower.

25 32. Port's abuse continued at Port's home, where Port would walk around the house
26 naked and put pornography on the television. Port would masturbate in front of Anderson. Port
27 would also fondle Anderson's genitals or otherwise touch him inappropriately, while Anderson was
28 asleep, or was attempting to sleep.

1 33. Throughout his years at SCC Baseball Camps’s summer camps and on SCC’s
2 baseball team, Anderson was consistently harassed by Port’s sexually inappropriate phone calls.
3 Port would sometimes call Anderson 10-15 times per night. Port would ask Anderson sexually
4 inappropriate questions, tell him he had nude photos of him and masturbate while on the phone.

5 34. Port’s sexual abuse of Anderson did not end until Anderson was drafted in the first
6 round of the Major League Baseball Draft by the Los Angeles Dodgers in 1986. Anderson moved
7 away to pursue his dream of professional baseball, beginning to free him from Port’s abusive sphere
8 of influence.

9 35. Tragically, however, Anderson was not free from the toll that years of childhood
10 sexual abuse exacted on him. One day in or around 1989, while he was at the Oakland A’s spring
11 training camp, Anderson could no longer continue to bear the close association between the game
12 he once loved and the years of abuse Port perpetrated. Anderson walked off the spring training field
13 and walked away from the game of baseball. In addition to the inherent trauma and injury Port’s
14 sexual abuse inflicted, Anderson has been unable to watch baseball or otherwise enjoy the game he
15 so passionately loved as a boy, as a result of Port’s abuse.

16 **V. *Port Continues Grooming Minor Boys at SCC Baseball Camps’s Baseball Camps.***

17 36. As Anderson grew older and eventually left town to play baseball professionally, Port
18 set his sights on grooming other minors who took part in SCC Baseball Camps’s summer baseball
19 camps. On information and belief, there were at least 3 other boys who other minor athletes
20 eventually referred to as Port’s “boys.” Port flaunted these new “friendships,” to the point where
21 others began referring to the boys as “taking Tim’s place” or as Port’s “new little buddy.” It was
22 clear that Port excessively favored each of these minors.

23 37. On information and belief, the grooming behaviors that coaches, staff, and
24 administrators witnessed with Anderson continued and escalated. Once again, Port would take these
25 minor athletes to and from practice at SCC, and invited these boys to spend the night at his home.
26 Additionally, while Port would use a tractor to rake the infield at SCC, Port often sat one of the
27 minor boys on his lap. This behavior took place in the middle of SCC Baseball Camps’s summer
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1 camps, meaning Port's red flag behavior was in plain view of the coaches, staff, and administration
2 of SCC Baseball Camps.

3 **VI. Port Begins Grooming Barsanti.**

4 38. In 1990, Port began *de facto* running SCC Baseball Camps's baseball camps as well
5 as serving as a third-base coach for the SCC baseball team. In both of these positions, he was still
6 overseen by SCC's Head Baseball Coach , who served as the CEO of SCC Baseball Camps.

7 39. During this same time period, Port began to groom Barsanti, emotionally, physically,
8 and psychologically, while building Barsanti's parents' trust in Port. Port made Barsanti, who was
9 approximately 8 or 9 years old, feel special, often hanging out with Barsanti and paying special
10 attention to him.

11 40. Eventually, Port had established enough trust with Barsanti's parents that they
12 allowed Barsanti to spend the night at Port's house. It was during this visit to Port's home that Port
13 first sexually assaulted Barsanti. Barsanti woke up to find Port placing his genitals in Barsanti's
14 hand. However, once again, the sexual grooming and abuse would only escalate as time went on.

15 41. When Barsanti was approximately 10 or 11 years old, Port encouraged Barsanti's
16 parents to allow Port to bring Barsanti to SCC Baseball Camps's summer baseball camps. Barsanti's
17 parents agreed, and Barsanti began attending at least once each year. Although he was only formally
18 enrolled as a participant in one year, he was always on the SCC campus with Port during the camps,
19 with the knowledge and assent of SCC Baseball Camps's coaches and staff. Port also provided one-
20 on-one baseball training to Barsanti throughout the year.

21 42. Furthermore, while on the SCC campus, Port would hug Barsanti and kiss him on the
22 lips. Similar to Anderson, Port would drive Barsanti to and from the SCC campus and give Barsanti
23 gifts. Port openly protected his close "friendship" with Barsanti by isolating Barsanti from athletes
24 his own age, and inviting Barsanti to eat lunch with him alone in his office daily. While the other
25 minor athletes ate together, Barsanti and Port would eat in Port's office, right outside the SCC
26 baseball coaches' office. This should have been a clear red flag to the coaches, staff, and
27 administration of SCC Baseball Camps and Los Rios CCD, but these employees of SCC Baseball
28

1 Camps and Los Rios CCD chose not to investigate or inquire into Port's troubling behavior with
2 Barsanti.

3 43. This failure to investigate or inquire led to continued sexual abuse of Barsanti. On
4 several occasions, Port would walk in on Barsanti showering.

5 44. Eventually, Port arranged for Barsanti to work under the table for SCC Baseball
6 Camps's summer camp snack bar. The other coaches and administrators of SCC Baseball Camps
7 must have known of the arrangement, which allowed Port to maintain access to Barsanti while
8 keeping him from forming friendships and connections with attendees his own age, further
9 demonstrating just how inappropriately close Port was to Barsanti.

10 45. From approximately 1995 until 1997, Port escalated his abuse of Barsanti. On
11 numerous occasions, Port would rent pornography and masturbate in front of Barsanti. Eventually,
12 he convinced Barsanti to masturbate with him while they watched pornography. At only 12 to 14
13 years old, Barsanti complied with Port's demands, as Port was an authority figure training him to be
14 the best baseball player he could be. This sexual abuse became a weekly occurrence.

15 **VII. *Port Leaves SCC Baseball Camps and Los Rios Community College District.***

16 46. On information and belief, another minor athlete's parents reported to SCC Baseball
17 Camps and/or Jerry Weinstein that Port was inappropriately and constantly calling their son. On
18 information and belief, after years of allowing Port to sexually groom and sexually assault SCC
19 Baseball Camps's minor athletes, Weinstein, SCC Baseball Camps and Los Rios CCD finally
20 addressed Port's misconduct. However, Port was merely allowed to quietly leave his position at
21 SCC Baseball Camps and Los Rios CCD. No one from SCC Baseball Camps or Los Rios CCD ever
22 alerted authorities to Port's inappropriate interactions and abuse of minor children, nor did anyone
23 from SCC Baseball Camps or Los Rios CCD reach out to any of the other boys or young men (or
24 their parents) whom Port had taken a suspiciously excessive interest in in order to warn of or
25 investigate Port's behavior.

26 47. Ultimately, the failure to report Port's abuse of children led to Port's continuing
27 sexual abuse of Barsanti. Port got a job at a produce company, and he arranged them to hire Barsanti
28

1 as well. During this time period, when Barsanti was approximately 15 to 16 years old, Port escalated
2 his sexual abuse of Barsanti.

3 **VIII. *Port is Arrested For His Abuse of Barsanti.***

4 48. Although Anderson left the game of baseball behind in 1989, he was unable to leave
5 behind the trauma he suffered at the hands of Port. In approximately June 2003, after years struggling
6 in silence, Anderson broke down and acknowledged the years abuse after he attempted suicide.

7 49. Having confronted his own experience, Anderson contacted Barsanti's uncle, and
8 Barsanti's uncle about Port. Barsanti's uncle shared this information with Barsanti's father.
9 Anderson and Barsanti's father met, and Anderson disclosed his abuse at the hands of Port.
10 Barsanti's father, and eventually his mother, recognized that Port's relationship with Barsanti
11 mirrored Anderson's, and they agreed to contact the Sacramento Sheriff's Department.

12 50. The Sacramento Sheriff's Department sent a deputy sheriff to the Barsanti house to
13 talk to Barsanti about Port. Barsanti's parents told Barsanti they were aware of Port's abuse of him,
14 and encouraged him to speak with law enforcement. Barsanti spent at least two hours with the
15 deputy sheriff and explained the extent of Port's sexual grooming and assaults.

16 51. In 2003, Port was arrested and prosecuted by the Sacramento County District
17 Attorney's Office for his abuse of Barsanti. He was charged with lewd and lascivious acts with a
18 child under 14 years old. He pled guilty, and the Sacramento County Superior Court sentenced Port
19 to approximately 7 years in prison and mandatory registration as a sex offender pursuant to the
20 California Penal Code Section 290.

21 52. Shortly after Port's arrest, Weinstein called Anderson to express his concern over
22 Anderson's suicide attempt. During the conversation, Weinstein acknowledged that Weinstein's
23 wife had always known that Port was a pedophile. This acknowledgement, of course, was much too
24 little, much too late.

25 **IX. *SCC Baseball Camps and Los Rios Community College District Were Negligent in Their***
26 ***Duties to Plaintiffs and Repeatedly Ratified Port's Misconduct.***

27 53. Plaintiffs did not, and were unable to, give free or voluntary consent to the sexual
28 acts perpetrated against them by Port as they were minors at the time of the assaults alleged herein.

1 54. The sexual acts perpetrated upon Plaintiffs constitute childhood sexual assault as
2 defined by California Code of Civil Procedure Section 340.1, as modified by Assembly Bill 218,
3 and were a violation of the California Penal Code, including, but not limited to, Penal Code Sections
4 311.4(d)(1) and 647.6. (*See also Tietge v. Western Province of the Servites, Inc.* (1997) 55
5 Cal.App.4th 382, 387 [allowing claims under Code of Civil Procedure 340.1 for childhood sexual
6 assault continuing after a childhood sexual assault victim reaches adulthood].)

7 55. As set forth herein, Port was an adult male employed by SCC Baseball Camps and
8 Los Rios CCD as a baseball coach at SCC Baseball Camps and Los Rios CCD. In such capacity,
9 Port was under the direct supervision, employ, agency, and control of SCC Baseball Camps, Los
10 Rios CCD and DOES 4-10.

11 56. At all times relevant herein, Port's duties and responsibilities with SCC Baseball
12 Camps included, in part, providing for the supervision, counseling, advisory, educational, athletic,
13 and emotional needs and well-being of the athletes of SCC Baseball Camps and Los Rios CCD.

14 57. Plaintiffs are informed and believe, and thereon allege, that at all times relevant
15 herein, Los Rios CCD operated, maintained, controlled, and staffed SCC Baseball Camps. At all
16 times, SCC Baseball Camps was operated on the Los Rios CCD campus, and utilized employees of
17 Los Rios CCD and Los Rios CCD's students to operate the baseball camps. Los Rios CCD and SCC
18 Baseball Camps promoted SCC Baseball Camps as a safe place where students could obtain spend
19 their summers and learn valuable baseball skills.

20 58. Upon information and belief, Plaintiffs allege that, in hiring its coaches at SCC
21 Baseball Camps, Defendants gave these employees full power, control, and authority to provide
22 instruction, emotional and psychological support, guidance, and other educational and athletic
23 services to SCC Baseball Camps's athletes.

24 59. As a coach for SCC Baseball Camps and Los Rios CCD, and eventually as *de facto*
25 head coach of SCC Baseball Camps, and with the endorsement of SCC Baseball Camps and Los
26 Rios CCD, Port stood in a position of power, respect, confidence, trust, and authority among
27 Plaintiffs and numerous other minor athletes. Defendants lodged with Port the color of authority,
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1 through which he was able to influence, direct, and assault Plaintiffs, and to act illegally,
2 unreasonably, and without respect for the person and safety of Plaintiffs.

3 60. At all times relevant hereto, SCC Baseball Camps and Los Rios CCD were
4 responsible for the supervision of its employees' and agents' activities, including those of Port, and
5 assumed responsibility for the well-being of the minors in its care, including Plaintiffs.

6 61. Prior to and during the sexual harassment, molestation, and assault of Plaintiffs, SCC
7 Baseball Camps, Los Rios CCD, and its agents and employees knew or should have known, or was
8 otherwise on notice, that Port had violated his role as a coach and used his position of authority and
9 trust acting on behalf of SCC Baseball Camps and Los Rios CCD to gain access to children,
10 including Plaintiffs, on and off Los Rios CCD's facilities and grounds, which Port used to
11 inappropriately touch, molest, abuse, and assault Plaintiffs.

12 **FIRST CAUSE OF ACTION**

13 **NEGLIGENCE**

14 **(Against Defendants SCC Baseball Camps, Los Rios Community College**
15 **District, and DOES 4-10)**

16 62. Plaintiffs repeat, re-allege and incorporate herein by reference all consistent
17 paragraphs of this Complaint as if fully set forth herein.

18 63. SCC Baseball Camps and Los Rios CCD's conduct, actions, and omissions served to
19 create an environment in which Port was afforded years of continuous secluded access to minor
20 children, including Plaintiffs, who were sexually abused, molested and assaulted by Port. As set
21 forth herein, other staff, coaches, and administration failed to act so as to protect students from
22 obviously troubling and improper behavior that endangered countless minor students.

23 64. SCC Baseball Camps and Los Rios CCD failed to acknowledge and correct unsafe
24 conditions and red flags in Port's behavior, and promoted Port's sexual abuse of minor students
25 through Defendants' failure to supervise or acknowledge Port's inappropriate behavior with minor
26 students.

27 65. As a baseball camp entrusted with the care of minors, where all minor athletes are
28 entrusted to baseball instructors and coaches, SCC Baseball Camps had a special relationship with

1 Plaintiffs. Because SCC Baseball Camps utilized Los Rios CCD's facilities, staff, and students to
2 conduct SCC Baseball Camps's baseball camps, Los Rios CCD also had a special relationship with
3 Plaintiffs.

4 66. SCC Baseball Camps and Los Rios CCD had and have a duty to protect minor
5 athletes as Plaintiffs' care, welfare, and/or physical custody were temporarily entrusted to
6 Defendants, and Defendants accepted the entrusted care of Plaintiffs. As such, Defendants owed
7 Plaintiffs, as minors at the time, a special duty of care, in addition to a duty of ordinary care, and
8 owed Plaintiffs the higher duty of care that adults dealing with minors owe to protect them from
9 harm. These Defendants were required, but failed, to provide adequate supervision and failed to be
10 properly vigilant in ensuring that such supervision was sufficient to ensure the safety of Plaintiffs
11 and others. As minor athletes at SCC Baseball Camps, these Defendants clearly had special
12 relationships with each of the Plaintiffs and the other young athletes at the baseball camps.

13 67. SCC Baseball Camps and Los Rios CCD had a duty to put rules and regulations in
14 place to protect their minor athletes from the possibility of childhood sexual abuse at the hands of
15 SCC Baseball Camps's staff, employees, and volunteers, regardless of the location of the abuse
16 itself. Instead, SCC Baseball Camps and Los Rios CCD turned a blind eye to the sexual exploitation
17 of minors under its care by its employees.

18 68. SCC Baseball Camps and Los Rios CCD had a duty to and failed to adequately train
19 and supervise all administrators, coaches, mentors and staff to create a positive, safe, and educational
20 environment. Such specific obligations include training to perceive, report and stop inappropriate
21 conduct with minors by other members of the staff, employees, and volunteers. These Defendants
22 owed Plaintiffs a duty to institute reasonable measures to protect Plaintiffs and other minor children
23 in their charge from the risk of sexual assault, harassment and molestation by Port by properly
24 warning, training, or educating SCC Baseball Camps's staff members about how to spot red flags in
25 other staff members', employees', and volunteers' behavior with minor athletes.

26 69. As a coach at SCC Baseball Camps and Los Rios CCD, Port had unique access to,
27 and held a position of authority among, minor athletes who were attending SCC Baseball Camps's
28 baseball campus and their families.

1 70. SCC Baseball Camps and Los Rios CCD, by and through their agents, servants, and
2 employees, knew or reasonably should have known of Port’s sexually abusive and exploitative
3 propensities and/or that Port was an unfit agent. It was foreseeable that if these Defendants did not
4 adequately exercise or provide the duty of care owed to minors in their care, the minors entrusted to
5 their care would be vulnerable to sexual assault by Port.

6 71. Specific acts of grooming, in and of themselves, constitute sexual assault. (Cal. Penal
7 Code § 647.6.) It is also foreseeable to SCC Baseball Camps and Los Rios CCD that Port’s
8 grooming behaviors could lead to more severe acts of sexual assault if unchecked. This is
9 particularly true in light of the specific grooming that took place in this case.

10 72. SCC Baseball Camps and Los Rios CCD had a duty to disclose these facts to
11 Plaintiffs, their parents, and others, but negligently and/or intentionally suppressed, concealed, or
12 failed to disclose this information for the express purpose of maintaining Port’s image as an ethical,
13 wholesome, safe, and trusted coach. The duty to disclose this information arose from the special
14 relationship between these Defendants and Plaintiffs.

15 73. SCC Baseball Camps and Los Rios CCD breached their duty of care to Plaintiffs by
16 (1) allowing Port to come into contact with Plaintiffs as minors without supervision; (2) by failing
17 to properly investigate Port and the numerous instances of behavior that clearly raised red flags; (3)
18 by failing to supervise and/or stop Port from committing wrongful sexual acts with minor children;
19 (4) by shielding Port from responsibility for his sexual assaults of Plaintiffs; (5) by failing to inform
20 or concealing from Plaintiffs’ parents, guardians, or law enforcement officials that Port was or may
21 have been sexually abusing minors; (6) by holding out Port to the SCC Baseball Camps community
22 at large as being in good standing and trustworthy as a person of stature and integrity; (7) by failing
23 to take reasonable steps or implementing reasonable safeguards to protect Plaintiffs and other minor
24 children from the risk of sexual assault, harassment, and molestation, including by failing to enact
25 adequate policies and procedures or failing to ensure their policies and procedures were followed;
26 and (8) by failing to properly warn, train or educate SCC Baseball Camps’s staff members about
27 how to spot red flags in the behavior of other staff members, employees, and volunteers.

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1 74. SCC Baseball Camps and Los Rios CCD are vicariously liable for the injuries
2 proximately caused by each of their agents, representatives, servants, and employees, including but
3 not limited to those expressly identified herein.

4 75. As a direct and proximate result of these Defendants' multiple and continuous
5 breaches, Plaintiffs have suffered and continue to suffer emotional distress, physical manifestations
6 of emotional distress, anxiety, a lost sense of trust, and were prevented and will continue to be
7 prevented from performing daily activities and obtaining the full enjoyment of life, all in an amount
8 exceeding the jurisdictional minimum of the Superior Court according to proof at trial.

9 **SECOND CAUSE OF ACTION**

10 **NEGLIGENT HIRING, SUPERVISION AND RETENTION**

11 **(Against Defendants SCC Baseball Camps, Los Rios Community College
12 District, and DOES 4-10)**

13 76. Plaintiffs repeat, re-allege and incorporate herein by reference all consistent
14 paragraphs of this Complaint as if fully set forth herein.

15 77. As an athletic camp entrusted with the care of minors and conducted on the campus
16 of an educational institution, where all minor athletes are entrusted to the advisors, mentors, coaches,
17 volunteers and administrators, SCC Baseball Camps and Los Rios CCD expressly and implicitly
18 represented that these individuals, including Port, were not a sexual threat to minors and others who
19 would fall under Port's influence, control, direction, and guidance.

20 78. Given the special relationship that SCC Baseball Camps held with regard to minors
21 entrusted to its care, and given Los Rios CCD's knowledge and agreement that SCC's baseball team
22 coaches and staff were at the same time acting as coaches and staff for SCC Baseball Camps, SCC
23 Baseball Camps and Los Rios CCD had a duty to conduct a reasonable background check of Port
24 prior to hiring him to interact with and supervise minors. Such a background check would have
25 revealed Port's arrest for several instances of indecent exposure to minors, and his subsequent
26 conviction as a result thereof. This should have disqualified him from being hired to a position of
27 trust and authority as a coach of minor athletes at SCC Baseball Camps, vested with the imprimatur
28 of authority and respect as an assistant coach at Los Rios CCD.

1 79. Defendants had and have a duty to supervise their minor athletes, including Plaintiffs,
2 who were entrusted to Defendants' care, as well as their employees. Supervision requires more than
3 simply the presence of staff or administration on campus. It requires the knowledge and care as an
4 institution as to the types of foreseeable harm that a minor may encounter, and protecting against
5 those harms by establishing, implementing, and enforcing adequate policies and procedures.
6 Supervision requires adequate training, adequate staff, and adequate involvement by staff and
7 administration. Defendants owed Plaintiffs, as minors at the time, a special duty of care, in addition
8 to a duty of ordinary care, and owed Plaintiffs the higher duty of care that adults dealing with minors
9 owe to protect them from harm.

10 80. SCC Baseball Camps and Los Rios CCD failed to provide such supervision to the
11 Plaintiffs by allowing Port to be alone with minor students in violation of its own policies and/or the
12 applicable standard of care. SCC Baseball Camps and Los Rios CCD failed to take reasonable
13 measures to prevent the grooming and childhood sexual abuse of its minor athletes.

14 81. On information and belief, SCC Baseball Camps and Los Rios CCD did not have in
15 place a system or procedure to reasonably investigate, supervise and monitor employees, staff, and
16 volunteers nor safeguards designed to prevent sexual grooming and sexual abuse of children. Even
17 if such procedures existed on paper, SCC Baseball Camps and Los Rios CCD did not implement
18 any system or procedure to oversee or monitor conduct towards minors and others in its care during
19 the time period at issue.

20 82. Once hired by SCC Baseball Camps and Los Rios CCD, Port undertook to openly
21 and obviously groom multiple minor athletes, including Plaintiffs. It thus appears that SCC Baseball
22 Camps and Los Rios CCD leadership, staff and employees were not able to recognize the signs of
23 grooming by Port due to inappropriate training or lack thereof. Moreover, these Defendants failed
24 in their obligation to inquire into the grooming activities that were so clearly taking place.

25 83. On information and belief, had SCC Baseball Camps and Los Rios CCD leadership
26 and staff been trained to recognize red flags associated with grooming, they would have undertaken
27 to cease, report and stop the behavior of Port before Plaintiffs were actually sexually assaulted.

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1 84. By the time Plaintiffs were sexually abused by Port, SCC Baseball Camps and Los
2 Rios CCD knew or should have known of the ongoing grooming and abuse of Plaintiffs, but due to
3 its lack of training, failed to recognize those signs.

4 85. SCC Baseball Camps and Los Rios CCD were aware or should have been aware of
5 its minor athletes' significant vulnerability to sexual harassment, molestation and assault by mentors,
6 advisors, counselors, coaches, employees, staff, volunteers, and other persons of authority within
7 SCC Baseball Camps and Los Rios CCD.

8 86. Defendants owed Plaintiffs a duty to provide reasonable supervision of Plaintiffs and
9 Port; to use reasonable care in investigating Port; and to provide adequate warning to Plaintiffs and
10 their families, and to families of other minor athletes who were entrusted to Port, of Port's sexually
11 abusive and exploitative propensities and unfitness.

12 87. Defendants owed Plaintiffs a duty not to retain Port given his actions as described
13 herein, which Defendants knew, or should have known had they engaged in a meaningful and
14 adequate investigation of the allegations of sexual assault of Plaintiffs and other minor students at
15 SCC Baseball Camps, or red flags in Port's behavior.

16 88. Defendants failed to properly evaluate Port's conduct and performance as an
17 employee of, or provider of services to Defendants, and failed to exercise the due diligence
18 incumbent upon employers to investigate employee misconduct, or to take appropriate disciplinary
19 action. Defendants negligently continued to retain Port in service as a baseball coach, which enabled
20 him to continue engaging in the sexually abusive and predatory behavior described herein.

21 89. As a direct and proximate result of Defendants' multiple and continuous breaches,
22 Plaintiffs have suffered and continue to suffer emotional distress, physical manifestations of
23 emotional distress, anxiety, a lost sense of trust, and were prevented and will continue to be
24 prevented from performing daily activities and obtaining the full enjoyment of life, all in an amount
25 exceeding the jurisdictional minimum of the Superior Court according to proof at trial.

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1 **THIRD CAUSE OF ACTION**

2 **NEGLIGENCE PER SE – IN VIOLATION OF CALIFORNIA**
3 **PENAL CODE §§ 11165-11174**

4 **(Against SCC Baseball Camps, Los Rios Community College**
5 **District, and DOES 4-10)**

6 90. Plaintiffs repeat, re-allege and incorporate herein by reference all consistent
7 paragraphs of this Complaint as if fully set forth herein.

8 91. Pursuant to the California’s Child Abuse and Neglect Reporting Act enacted in 1980
9 and in effect during the time of the abuse, found in the California Penal Code in effect at the time of
10 the abuse, at section §11165-11174, multiple employees of SCC Baseball Camps and Los Rios CCD,
11 as child care custodians, had a statutory duty to report to a child protective agency any child abuse,
12 including the sexual assault of a child, that they knew or reasonably suspected had occurred.

13 92. As alleged herein, employees of SCC Baseball Camps and Los Rios CCD, including
14 administration and other staff for SCC Baseball Camps and Los Rios CCD, breached this statutory
15 duty to Plaintiffs. As alleged herein, SCC Baseball Camps’s employees, including but not limited to
16 the President of SCC Baseball Camps and Head Coach of Los Rios CCD’s baseball team, Jerry
17 Weinstein, failed to report Port’s sexual abuse to any child protective agency. On information and
18 belief, there were several other coaches at SCC Baseball Camps, who were students at Los Rios
19 CCD, that failed to report Port’s sexual abuse to any child protective agency. These employees
20 knew, or should have reasonably suspected, that Port was committing acts of sexual abuse on minors,
21 including Plaintiffs.

22 93. Plaintiffs were members of the class of persons for whom the protection of the Child
23 Abuse and Neglect Reporting Act was created. Plaintiffs were minor athletes of SCC Baseball
24 Camps, a private baseball camp that took place on Los Rios CCD’s campus in the State of California.

25 94. The Child Abuse and Neglect Reporting Act was created, amongst other reasons, for
26 the protection of the health and welfare of members of the public. The emotional and psychological
27 trauma resulting from Port’s sexual abuse were the type of injuries that the Child Abuse and Neglect
28 Reporting Act was designed to prevent.

1 100. These incidents of sexual harassment and assault occurred while Plaintiffs were under
2 the control of SCC Baseball Camps and Los Rios CCD and their agents, acting in their capacity as
3 mentors, advisors, coaches, and administrators on behalf of Defendants.

4 101. Because of Plaintiffs' relationships with Defendants and Plaintiffs' age of minority,
5 Plaintiffs were unable to terminate the relationship they had with Defendants.

6 102. Because of Port's position of authority over Plaintiffs, physical seclusion of
7 Plaintiffs, and Plaintiffs' young age, Plaintiffs were unable to and did not give meaningful consent
8 to such acts.

9 103. Defendants, through their employees and agents, denied Plaintiffs their rights
10 pursuant to section 51.9 of the Civil Code, and moreover aided, incited, and conspired in the denial
11 of those rights. Plaintiffs are informed and believe and thereon alleges that Defendants were made
12 aware of Port's sexual assaults of Plaintiffs and failed to take any action to prevent the additional
13 instances of sexual assaults, as alleged herein. Further, Plaintiffs are informed and believe and
14 thereon allege that Defendants, specifically SCC Baseball Camps and Los Rios CCD, aided and
15 abetted Port's conduct by providing substantial assistance to Port, by allowing him to sexually harass
16 minors, and encouraging Port to sexually harass minors by permitting him continued unsupervised
17 access to minor athletes after directly observing the numerous open and obvious red flags and
18 grooming behavior, as alleged herein. As set forth in detail above and incorporated herein,
19 Defendants SCC Baseball Camps and Los Rios CCD had a duty to Plaintiffs stemming from their
20 special relationship, had an opportunity to prevent Port's conduct, and breached that duty in
21 furtherance of Port's conduct.

22 104. Even though SCC Baseball Camps and Los Rios CCD knew or should have known
23 of these activities by Port, SCC Baseball Camps and Los Rios CCD did nothing to investigate,
24 supervise, or monitor Port to ensure the safety of minor children.

25 105. Additionally, Plaintiffs are informed and believe and thereon allege, that Defendants,
26 specifically SCC Baseball Camps and Los Rios CCD, ratified Port's conduct by (1) failing to
27 properly investigate Port and the numerous instances of behavior that clearly raised red flags of
28 misconduct; (2) failing to supervise and/or stop Port from committing wrongful sexual acts with

1 minor children; (3) actively shielding Port from responsibility for his sexual assaults of Plaintiffs in
2 an effort to protect the reputation of SCC Baseball Camps and Los Rios CCD; (4) failing to
3 discharge, dismiss, discipline, suspend and/or supervise Port after being on notice of Port sexually
4 assaulting minors; (5) allowing Port to groom and yield authority over minor students on and off
5 Los Rios CCD's campus; (6) failing to report complaints against Port of sexual assault on Plaintiffs
6 to civil or criminal authorities; (7) failing to take reasonable steps or implement reasonable
7 safeguards to protect Plaintiffs and other minor children in their charge from the risk of sexual
8 assault, harassment, and molestation, including by failing to enact adequate policies and procedures
9 or failing to ensure their policies and procedures were followed; (8) failing to properly warn, train
10 or educate SCC Baseball Camps and Los Rios CCD's staff members about how to spot red flags in
11 other staff members' behavior with minor students; and (9) holding out Port to the SCC Baseball
12 Camps and Los Rios CCD community at large as being in good standing and trustworthy as a person
13 of stature and integrity despite having notice that he was sexually abusing Plaintiffs and other minor
14 children.

15 106. Defendants' conduct (and the conduct of their agents) was a breach of their duties to
16 Plaintiffs.

17 107. As a result of the above-described conduct, Plaintiffs have suffered and continue to
18 suffer emotional distress, physical manifestations of emotional distress, anxiety, a lost sense of trust,
19 and were prevented and will continue to be prevented from performing daily activities and obtaining
20 the full enjoyment of life, all in an amount exceeding the jurisdictional minimum of the Superior
21 Court according to proof at trial.

22 108. In subjecting Plaintiffs to the wrongful treatment alleged herein, Port acted willfully
23 and maliciously with the intent to harm Plaintiffs and in conscious disregard for Plaintiffs' rights so
24 as to constitute malice and oppression under Civil Code section 3294. Plaintiffs are therefore entitled
25 to the recovery of punitive damages in a sum to be shown according to proof at trial.

26 109. Plaintiffs also seek appropriate statutory penalties pursuant to section 52 of the Civil
27 Code.

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1 **FIFTH CAUSE OF ACTION**

2 **SEXUAL BATTERY**

3 **(Against Defendant Port)**

4 110. Plaintiffs repeat, re-allege and incorporate herein by reference all consistent
5 paragraphs of this Complaint as if fully set forth herein.

6 111. During Plaintiffs' time as minor athletes at SCC Baseball Camps, Port intentionally,
7 recklessly, and wantonly made sexual advances, solicitations, requests, and demands for sexual
8 compliance of a hostile nature based on Plaintiffs' gender that were unwelcome, pervasive, and
9 severe. The specific sexual harassment and assaults are described in detail herein.

10 112. Port did the aforementioned acts with the intent to cause a harmful or offensive
11 contact with intimate parts of Plaintiffs' persons and would offend a reasonable sense of personal
12 dignity. Further, said acts did cause a harmful or offensive contact with intimate parts of Plaintiffs'
13 person that would offend a reasonable sense of personal dignity.

14 113. Because of Port's position of authority over Plaintiffs, physical seclusion of
15 Plaintiffs, and Plaintiffs' young age, Plaintiffs were unable to and did not give meaningful consent
16 to such acts.

17 114. As a direct and proximate result of the above-described conduct, Plaintiffs have
18 suffered and continue to suffer emotional distress, physical manifestations of emotional distress,
19 anxiety, a lost sense of trust, and were prevented and will continue to be prevented from performing
20 daily activities and obtaining the full enjoyment of life, all in an amount exceeding the jurisdictional
21 minimum of the Superior Court according to proof at trial.

22 115. In subjecting Plaintiffs to the wrongful treatment alleged herein, Port acted willfully
23 and maliciously with the intent to harm Plaintiffs and in conscious disregard for Plaintiffs' rights so
24 as to constitute malice and oppression under Civil Code section 3294. Plaintiffs are therefore entitled
25 to the recovery of punitive damages in a sum to be shown according to proof at trial.

26 **PRAYER FOR RELIEF**

27 WHEREFORE, Plaintiffs pray for the following relief against Defendants:

- 28 1. For past, present, and future general damages in an amount to be determined at trial;

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- 2. For past, present, and future special damages in an amount to be determined at trial;
- 3. Any appropriate statutory damages;
- 4. For cost of suit;
- 5. For interest as allowed by law;
- 6. For any appropriate punitive or exemplary damages as to Defendant Port;
- 7. For attorney’s fees pursuant to Code of Civil Procedure section 1021.5 and Civil Code sections 51.9(b), or otherwise as allowable by law; and
- 8. For such other and further relief as the Court may deem proper.

DATED: November 29, 2022

GREENBERG GROSS LLP

By: 

Brian L. Williams
Daniel S. Cha
Bailee B. Pelham

JEFF ANDERSON & ASSOCIATES
Michael Reck
Hagerey Mengistu

Attorneys for Plaintiffs

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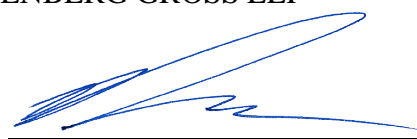
DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury in this action for any and all claims so triable.

DATED: November 29, 2022

GREENBERG GROSS LLP

By:



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11/30/2022
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34-2022-00328929

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13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **COUNTY OF SACRAMENTO**

15 JOHN DOE 7066, an individual
16 Plaintiff,
17 v.
18 SCC BASEBALL CAMPS; LOS RIOS
COMMUNITY COLLEGE DISTRICT; MARK
19 PORT; and DOES 4-10,
20 Defendants.

Case No. 34-2022-00328929
FIRST AMENDED COMPLAINT FOR DAMAGES for:
1) Negligence
2) Negligent Hiring, Supervision and Retention
3) Negligence Per Se
4) Sexual Harassment
5) Sexual Battery

Filed Pursuant to Code of Civil Procedure Section 340.1, as Amended by Assembly Bill 218

[Jury Trial Demanded]

BY FAX

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13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **COUNTY OF SACRAMENTO**

15 JOHN DOE 7066, an individual
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18 SCC BASEBALL CAMPS; LOS RIOS
19 COMMUNITY COLLEGE DISTRICT; MARK
20 PORT; and DOES 4-10,
21 Defendants.

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1) Negligence
2) Negligent Hiring, Supervision and Retention
3) Negligence Per Se
4) Sexual Harassment
5) Sexual Battery

Filed Pursuant to Code of Civil Procedure Section 340.1, as Amended by Assembly Bill 218

[Jury Trial Demanded]

1 Plaintiff John Doe 7066 (“Plaintiff”) brings this action against Defendant SCC Baseball
2 Camps, Los Rios Community College District (“Los Rios CCD”), Mark Port (“Port”), and DOES 4-
3 10 (together, “Defendants”), and based on information and belief alleges as follows:

4 **INTRODUCTION**

5 1. This case is about the tragic, preventable, serial childhood sexual abuse that spanned
6 decades and destroyed lives. Port’s sexual abuse of multiple young boys who attended SCC Baseball
7 Camps’s summer baseball camps at Sacramento City College’s (“SCC”) baseball practice complex
8 in the 1980s and 1990s turned their Field of Dreams into a Field of Disillusionment.

9 2. The baseball camp run by SCC Baseball Camps was so intertwined with SCC, and its
10 Hall of Fame Baseball Head Coach Jerry Weinstein, that the SCC baseball team roster and coaching
11 staff was almost indistinguishable from the list of staff at SCC Baseball Camps’s baseball camps.
12 Weinstein founded SCC Baseball Camps, and his athletes and coaching staff directed and worked for
13 the SCC Baseball Camps summer baseball camps.

14 3. One of the coaches on staff of SCC who was part of SCC Baseball Camps’s summer
15 baseball camps, Port, used his position as a mentor, role model, and baseball instructor to prey on the
16 innocence of young boys who were looking to improve at the game they loved. Port’s grooming and
17 sexual abuse was so pervasive and notorious that even Jerry Weinstein’s wife reportedly noticed
18 Port’s red flags and commented to her husband that she suspected Port was a pedophile/child
19 molester.

20 4. Highlighting the prevalence of the grooming behavior and utter lack of compassion
21 by those present, Plaintiff was even given the disgusting nickname of “meat,” referring to his
22 relationship with Port. Adding further insult to the situation, SCC Baseball Camps and Los Rios
23 CCD could have prevented the abuse of Plaintiff if they had simply bothered to conduct a background
24 check and investigate Port’s criminal history – a history that would have revealed he had been arrested
25 for repeatedly committing indecent exposure with young boys.

26 5. SCC Baseball Camps, Los Rios CCD, and the Head Coach of SCC’s baseball team
27 turned a blind eye to countless red flags evident in a sexual predator’s behavior. When the grooming
28 and abuse of minors was brought to the attention of those in charge of SCC Baseball Camps, including

1 the Head Coach, they failed to report the childhood sexual abuse to law enforcement or other
2 appropriate authorities. Instead, SCC Baseball Camps and Los Rios CCD allowed Port to quietly
3 leave the employ of SCC and SCC Baseball Camps, thereby covering up Port's sexual abuse and
4 leaving Port free to continue abusing minors until he was finally arrested and convicted in 2003.

5 6. It was not until Plaintiff and other survivors bravely involved law enforcement that
6 Port was finally stopped. Plaintiff, along with two other men who filed a related lawsuit against the
7 same Defendants (Case Number 34-2022-00325310), represent three generations of survivors, who
8 have come together to bring Port's abuse to light with the hope of protecting future generations of
9 children. Simply put, SCC Baseball Camps and Los Rios CCD had multiple opportunities to do the
10 right thing and stop the abuse perpetrated by Port, but their moral and legal failures led to the abuse
11 continuing. This lawsuit is an effort by Plaintiff to shed light on the role that SCC Baseball Camps
12 and Los Rios CCD played in allowing Port's pattern of sexual abuse of young boys to perpetuate.

13 **PARTIES**

14 7. Plaintiff John Doe 7066 ("Plaintiff") is an adult male presently residing within the
15 State of California in San Diego County. At all times relevant to this Complaint, Plaintiff resided in
16 Sacramento County, California. Plaintiff was a minor throughout the period of childhood sexual
17 assault alleged herein, all of which took place in Sacramento County. Plaintiff brings this Complaint
18 pursuant to Code of Civil Procedure Section 340.1, as amended by Assembly Bill 218, for the
19 childhood sexual assault he suffered at the hands of Defendants. Thus, Plaintiff's claims for damages
20 suffered as a result of childhood sexual assault are timely filed as they are filed within three years of
21 January 1, 2020. Pursuant to California Government Code Section 905(m), as amended by Assembly
22 Bill 218, Plaintiff are specifically exempt from the claims presentation requirement for their claims
23 against Defendant Los Rios CCD.

24 8. Defendant SCC Baseball Camps at all times mentioned herein was and is a corporation
25 having its principal place of business in Sacramento County, California. SCC Baseball Camps
26 purposely conducts substantial athletic business activities in the State of California, and is and was
27 responsible for the funding, staffing, and direction of the SCC Baseball Camps located in Sacramento,
28 California.

1 9. At all times mentioned herein, Los Rios CCD was and is a public entity, having its
2 principal place of business is located in Sacramento County, California. Los Rios CCD purposely
3 conducts substantial business and educational operations in the State of California. Los Rios CCD is
4 responsible for the funding, staffing, and direction of Sacramento City College. Los Rios CCD was
5 the primary entity operating, and controlling the activities and behavior of its employees and agents,
6 including those that served as employees at SCC Baseball Camps, including SCC's Head Coach of
7 Baseball, Port and DOES 4-10, and all other employees, agents and supervisors of Defendants. Upon
8 information and belief, Plaintiff alleges that Los Rios CCD had authority and responsibility to control
9 and supervise the actions of the employees and agents at SCC Baseball Camps.

10 10. On information and belief, Defendant Port is an individual currently residing in the
11 State of South Carolina. Port served as a baseball coach to minor students at SCC Baseball Camps
12 from approximately 1981 through 1997. At or near the same time, Port also served as a baseball
13 coach for the SCC Baseball team. At all times relevant to this Complaint, Port acted as an employee,
14 agent, and servant of SCC Baseball Camps and Los Rios CCD, and was under their complete control
15 and supervision.

16 11. The true names and capacities, whether individual, corporate, partnership, associate,
17 or otherwise, of Defendants DOES 4-10, inclusive, are unknown to Plaintiff. Accordingly, Plaintiff
18 sues DOES 4-10 by such fictitious names pursuant to section 474 of the California Code of Civil
19 Procedure. Plaintiff will seek leave to amend this Complaint to allege their true names and capacities
20 when they are ascertained. Each of these fictitiously named defendants is an alter ego of one or more
21 of the named defendants, or is in some manner liable or responsible for the events, happenings, and/or
22 tortious and unlawful conduct that caused the injuries and damages alleged in this Complaint.

23 12. On information and belief, at all times material hereto, there existed a unity of interest
24 and ownership among Defendants and each of them, such that an individuality and separateness
25 between Defendants ceased to exist. Defendants were the successors-in-interest and/or alter egos of
26 the other Defendants in that they purchased, controlled, dominated and operated each other without
27 any separate identity, observation of formalities, or any other separateness. To continue to maintain
28

1 the façade of a separate and individual existence between and among Defendants, and each of them,
2 would serve to perpetuate a fraud and injustice.

3 13. On information and belief, Defendants were the agents, representatives, servants,
4 employees, partners, and/or joint venturers of each and every other Defendant and were acting within
5 the course and scope of said alternative capacity, identity, agency, representation and/or employment
6 and were within the scope of their authority, whether actual or apparent. Each of the Defendants is
7 responsible in some manner for one or more of the events and happenings described herein. Each
8 Defendant approved and/or ratified the conduct of each other Defendant. Consequently, each
9 Defendant is jointly and severally liable to Plaintiff for the damages sustained as a proximate result
10 of his, her, or its conduct. Each of the Defendants proximately caused the injuries and damages
11 alleged.

12 14. Each of the Defendants aided and abetted each other Defendant. Each Defendant
13 knowingly gave substantial assistance to each other Defendant who performed the wrongful conduct
14 alleged herein. Accordingly, each Defendant is jointly and severally liable for the damages
15 proximately caused by the wrongful conduct of each Defendant, and their respective employees.

16 15. Each of the Defendants is, and at all relevant times herein mentioned was, the co-
17 conspirator of each other Defendant, and, therefore, each Defendant is jointly and severally liable to
18 Plaintiff for the damages sustained as a proximate result of each other Defendant. Each Defendant
19 entered into an express or implied agreement with each of the other Defendants to commit the wrongs
20 herein alleged. This includes, but is not limited to, the conspiracy to perpetrate sexual violence
21 against Plaintiff and other young male athletes.

22 16. Whenever reference is made to “Defendants” in this Complaint, such allegation shall
23 be deemed to mean the acts of Defendants acting individually, jointly, and/or severally.

24 **GENERAL FACTUAL ALLEGATIONS**

25 ***I. Port is Arrested For Inappropriate Sexual Conduct With Minors, But SCC Baseball Camps***
26 ***and Los Rios CCD Hire Him Regardless And Allow Him To Coach Minor Students.***

27 17. On information and belief, in approximately 1979, several young boys reported that a
28 man was approaching them in his vehicle and masturbating in front of them. The boys described the

1 man's vehicle and explained that these incidents had occurred approximately 5 or 6 times. A
2 Sacramento County Sheriff's Department detective matched the vehicle to Port, and the minors
3 identified Port as the culprit. On information and belief, Port was arrested for indecent exposure as
4 an 18 year-old adult. On information and belief, Port pled guilty to a charge of "disturbing the peace"
5 as a result of these incidents.

6 18. Port joined SCC's baseball team shortly after his graduation from high school, while
7 he attended SCC. On or about the same time, or shortly thereafter, SCC's Head Baseball Coach Jerry
8 Weinstein established SCC Baseball Camps, a summer baseball camp for minor athletes. SCC's
9 Head Baseball Coach encouraged the athletes from SCC's baseball team to help him coach the minor
10 athletes during SCC Baseball Camps's summer baseball camps. These camps took place for several
11 weeks each year on SCC's campus, utilizing Los Rios CCD's facilities, coaches, and student-athletes
12 to operate SCC Baseball Camps's baseball camps.

13 19. Despite his prior arrest and abhorrent conduct toward minors, Port began working at
14 the summer baseball camps as a baseball coach for minor students enrolled with SCC Baseball
15 Camps.

16 **II. *Port Begins Grooming and Sexually Assaulting Tim Anderson, Who Has Already Filed***
17 ***a Lawsuit Against Defendants.***

18 20. As set forth in detail in his Complaint, which was assigned Case Number 34-2022-
19 00325310, Tim Anderson ("Anderson") was groomed and sexually abused for years by Port through
20 his involvement in SCC Baseball Camps and Los Rios CCD's baseball camps.

21 21. Beginning in or around 1982, when Anderson was approximately 15 to 16 years old,
22 Port began bringing Anderson to SCC Baseball Camps's baseball camps on SCC's campus. After
23 Anderson joined the camp, Port was able to spend time with Anderson every day.

24 22. Port openly flaunted his close "friendship" with Anderson, showing him extreme
25 favoritism compared to other participants. For example, Port often bought Anderson baseball jackets,
26 gloves, and hats, and drove Anderson to and from practice at SCC. In fact, once Anderson began
27 driving his own vehicle, Port would buy Anderson lavish gifts for his car, including a stereo and rims,
28 but Port would still pick Anderson up so they could go to SCC Baseball Camps's baseball camps

1 together. Port would also take Anderson to lunch alone away from SCC, while the other minor
2 athletes brought their own lunches and ate on the campus.

3 23. Port would work with Anderson one-on-one during the summer camp, and he would
4 keep Anderson late to continue “practicing.” Port’s clear favoritism and obviously doting behaviors
5 took place in plain view of the staff, coaches, and administration of SCC Baseball Camps, who also
6 served as students, coaches, and administration for Los Rios CCD. On information and belief, many
7 of the other minor athletes would complain about it being unfair that Port gave Anderson so much
8 attention. However, rather than address or at least inquire into the inappropriate behavior in which
9 Port was engaging with Anderson, SCC Baseball Camps’s administration, coaches, and staff chose
10 to actively ignore what was so clearly and openly taking place.

11 24. In fact, it was common for SCC’s Head Coach for baseball to participate in the training
12 of the minor athletes, and he would typically oversee his coaches. It was well-known to the SCC
13 Baseball Camps community that Anderson was referred to by other athletes and coaches as Port’s
14 “boy.” Furthermore, on information and belief, SCC’s Head Coach for baseball, as well as the other
15 coaches and staff, saw Port and Anderson arrive to campus together most days, leave and return from
16 lunch most days, and saw Port spending extra time with Anderson before and after practice. Port and
17 Anderson could even be found practicing at the SCC campus on the days when SCC Baseball
18 Camps’s camp had the day off. Moreover, there were several rumors surrounding Port and his
19 tendencies to sexually groom and assault minors. On information and belief, there were open rumors
20 about Port engaging in crimes involving minors, and “trolling for kids” in neighborhoods. Despite
21 these glaring red flags in Port’s behavior, the coaches, staff, and administration did nothing in terms
22 of inquiring into and/or investigating Port’s actions.

23 25. Port continuously sexually assaulted Anderson on a regular basis from 1982 to 1986.
24 The abuse occurred both on and off SCC’s campus/facilities. Throughout his years at SCC Baseball
25 Camps’s summer camps and on SCC’s baseball team, Anderson was consistently harassed by Port’s
26 sexually inappropriate phone calls. Port would sometimes call Anderson 10-15 times per night. Port
27 would ask Anderson sexually inappropriate questions, tell him he had nude photos of him, and
28 masturbate while on the phone.

1 26. Port’s sexual abuse of Anderson did not end until Anderson was drafted in the first
2 round of the Major League Baseball Draft by the Los Angeles Dodgers in 1986. Anderson moved
3 away to pursue his dream of professional baseball, beginning to free him from Port’s abusive sphere
4 of influence.

5 **III. Port Continues Grooming Minor Boys at SCC Baseball Camps’s Baseball Camps,**
6 **Including Plaintiff**

7 27. As Anderson grew older and eventually left town to play baseball professionally, Port
8 set his sights on grooming other minors who took part in the camps. On information and belief, there
9 were at least 3 other boys who other participants eventually referred to as Port’s “boys.” Port flaunted
10 these new “friendships,” to the point where others began referring to the boys as “taking Tim’s place”
11 or as Port’s “new little buddy.” It was clear that Port excessively favored each of these minors.

12 28. Plaintiff is one of the young boys who Port began to target. In fact, in addition to
13 being referred to by the nickname of “meat,” others involved in these baseball camps also referred to
14 Plaintiff as Port’s “new Tim.” This pet name is a clear reference to the prior known abuse and
15 favoritism of Anderson.

16 29. Plaintiff became involved in SCC’s baseball camps and SCC’s baseball team as
17 batboy when he was approximately 10-12 years old. Weinstein was a neighbor of Plaintiff’s family.
18 Once Plaintiff started with the program, he was the target of significant grooming activities and was
19 shown excessive favoritism by Port. Tragically, despite Port’s prior abuse of Anderson, no adult
20 stepped in to stop Port’s misconduct towards Plaintiff.

21 30. Port began sexually abusing Plaintiff both on and off SCC’s campus. The abuse
22 became habitual, and lasted years. At times Plaintiff was sexually abused on a weekly basis. The
23 relationship between Plaintiff and Port was obvious and clearly noticed by those involved. In addition
24 to the nicknames previously mentioned, players on the baseball team once drew a picture of Port
25 giving Plaintiff a piggyback ride to make fun of how close they were.

26 31. The sexual abuse of Plaintiff by Port was anything but a joking matter. It spanned
27 years and was never stopped. In fact, individuals involved with SCC’s baseball program even
28 facilitated it. As just one example, Plaintiff participated in an internship through SCC to learn about

1 sports training. Plaintiff was supposed to shadow and assist SCC baseball athletic trainer Arnoldo
2 Garcia. Often, Port would go to Mr. Garcia and asked him to send Plaintiff to go with Port, rather
3 than participate in the internship. Plaintiff went so far as to tell Mr. Garcia that he did not want to go
4 with Port, but was rejected. Tragically, in this context, Port would take Plaintiff away from the
5 internship activities and molest him on SCC's campus.

6 32. Port's sexual abuse and molestation of Plaintiff lasted approximately 5 years. It only
7 ended after Plaintiff got a driver's license and distanced himself from baseball altogether.

8 33. After another victim of Port's systemic abuse eventually went to the police after being
9 abused in connection with SCC's baseball camps and team, Plaintiff was interviewed by detectives.

10 **IV. Port Begins Grooming Adam Barsanti.**

11 34. In the lawsuit assigned Case Number 34-2022-00325310, Plaintiff Adam Barsanti
12 ("Barsanti") also details the extensive grooming and sexual abuse he endured at the hands of the
13 Defendants.

14 35. When Barsanti was approximately 10 or 11 years old, Port encouraged Barsanti's
15 parents to allow Port to bring Barsanti to SCC Baseball Camps's summer baseball camps. Barsanti's
16 parents agreed, and Barsanti began attending. Although he was only formally enrolled as a participant
17 in one year, he was always on the SCC campus with Port during the camps, with the knowledge and
18 assent of SCC Baseball Camps's coaches and staff. Port also provided one-on-one baseball training
19 to Barsanti throughout the year.

20 36. Furthermore, while on the SCC campus, Port would hug Barsanti and kiss him on the
21 lips. Similar to Anderson and Plaintiff, Port would drive Barsanti to and from the SCC campus and
22 give Barsanti gifts. Port openly protected his close "friendship" with Barsanti by isolating Barsanti
23 from athletes his own age, and inviting Barsanti to eat lunch with him alone in his office daily. While
24 the other minor athletes ate together, Barsanti and Port would eat in Port's office, right outside the
25 SCC baseball coaches' office. This should have been a clear red flag to the coaches, staff, and
26 administration of SCC Baseball Camps and Los Rios CCD, but these employees/agents of SCC
27 Baseball Camps and Los Rios CCD chose not to investigate or inquire into Port's troubling behavior
28 with Barsanti.

1 37. This failure to investigate or inquire led to continued sexual abuse of Barsanti.
2 Eventually, Port arranged for Barsanti to work under the table for SCC Baseball Camps’s summer
3 camp snack bar. The other coaches and administrators must have known of the arrangement, which
4 allowed Port to maintain access to Barsanti while keeping him from forming friendships and
5 connections with attendees his own age, further demonstrating just how inappropriately close Port
6 was to Barsanti.

7 38. From approximately 1995 until 1997, Port escalated his abuse of Barsanti. On
8 numerous occasions, Port would rent pornography and masturbate in front of Barsanti. Eventually,
9 he convinced Barsanti to masturbate with him while they watched pornography. Barsanti complied
10 with Port’s sexual demands, as Port was an authority figure training him to be the best baseball player
11 he could be. The sexual abuse became a weekly occurrence.

12 **V. *Port Leaves SCC Baseball Camps and Los Rios CCD.***

13 39. On information and belief, another minor athlete’s parents reported to SCC Baseball
14 Camps and/or Jerry Weinstein that Port was inappropriately calling their son. On information and
15 belief, after years of allowing Port to sexually groom and sexually assault SCC Baseball Camps’s
16 minor athletes, Weinstein, SCC Baseball Camps and Los Rios CCD finally addressed Port’s
17 misconduct. However, Port was merely allowed to quietly leave his position at SCC Baseball Camps
18 and Los Rios CCD. No one from SCC Baseball Camps or Los Rios CCD ever alerted authorities to
19 Port’s inappropriate interactions and abuse of minor children, nor did anyone from SCC Baseball
20 Camps or Los Rios CCD reach out to any of the other boys or young men (or their parents) whom
21 Port had taken a suspiciously excessive interest in in order to warn of or investigate Port’s behavior.

22 40. Ultimately, the failure to report Port’s abuse of children led to Port’s continuing his
23 sexual abuse of Barsanti. Port got a job at a produce company, and he arranged them to hire Barsanti
24 as well. During this time period, when Barsanti was approximately 15 to 16 years old, Port escalated
25 his sexual abuse of Barsanti.

26
27
28

1 **VI. *Port is Arrested For His Abuse of Barsanti.***

2 41. Although Anderson left the game of baseball behind in 1989, he was unable to leave
3 behind the trauma he suffered at the hands of Port. In approximately June 2003, after years struggling
4 in silence, Anderson broke down and acknowledged the years of abuse after he attempted suicide.

5 42. Having confronted his own experience, Anderson contacted Barsanti's uncle about
6 Port. Barsanti's uncle shared this information with Barsanti's father. Anderson and Barsanti's father
7 met, and Anderson disclosed his abuse at the hands of Port. Barsanti's father, and eventually his
8 mother, recognized that Port's relationship with Barsanti mirrored Anderson's, and they agreed to
9 contact the Sacramento Sheriff's Department.

10 43. The Sacramento Sheriff's Department sent a deputy sheriff to the Barsanti house to
11 talk to Barsanti about Port. Barsanti's parents told Barsanti they were aware of Port's abuse of him,
12 and encouraged him to speak with law enforcement. Barsanti spent at least two hours with the deputy
13 sheriff and explained the extent of Port's sexual grooming and assaults.

14 44. Law enforcement also interviewed Anderson and Plaintiff about their abuse at the
15 hands of Port.

16 45. In 2003, Port was arrested and prosecuted by the Sacramento County District
17 Attorney's Office for his abuse of Barsanti. He was charged with lewd and lascivious acts with a
18 child under 14 years old. He pled guilty, and the Sacramento County Superior Court sentenced Port
19 to approximately 7 years in prison and mandatory registration as a sex offender pursuant to the
20 California Penal Code Section 290.

21 **VII. *SCC Baseball Camps and Los Rios CCD Were Negligent in Their Duties to Plaintiff and***
22 ***Repeatedly Ratified Port's Misconduct.***

23 46. Plaintiff did not, and was not able to, give free or voluntary consent to the sexual acts
24 perpetrated against him by Port as he was a minor at the time of the assaults alleged herein.

25 47. The sexual acts perpetrated upon Plaintiff constitute childhood sexual assault as
26 defined by California Code of Civil Procedure Section 340.1, as modified by Assembly Bill 218, and
27 were a violation of the California Penal Code, including, but not limited to, Penal Code Sections
28 311.4(d)(1) and 647.6. (*See also Tietge v. Western Province of the Servites, Inc.* (1997) 55

1 Cal.App.4th 382, 387 [allowing claims under Code of Civil Procedure 340.1 for childhood sexual
2 assault continuing after a childhood sexual assault victim reaches adulthood].)

3 48. As set forth herein, Port was an adult male employed by SCC Baseball Camps and
4 Los Rios CCD as a baseball coach at SCC Baseball Camps and Los Rios CCD. In such capacity, Port
5 was under the direct supervision, employ, agency, and control of SCC Baseball Camps, Los Rios
6 CCD and DOES 4-10.

7 49. At all times relevant herein, Port's duties and responsibilities included, in part,
8 providing for the supervision, counseling, advisory, educational, athletic, and emotional needs and
9 well-being of the athletes of SCC Baseball Camps and Los Rios CCD.

10 50. Plaintiff is informed and believes, and thereon alleges, that at all times relevant herein,
11 Los Rios CCD operated, maintained, controlled, and staffed SCC Baseball Camps. At all times, SCC
12 Baseball Camps was operated on the Los Rios CCD campus, and utilized employees of Los Rios
13 CCD and Los Rios CCD's students to operate the baseball camps. Los Rios CCD and SCC Baseball
14 Camps promoted the camps as a safe place where students could spend their summers and learn
15 valuable baseball skills.

16 51. Upon information and belief, Plaintiff alleges that, in hiring its coaches at SCC
17 Baseball Camps, Defendants gave these employees full power, control, and authority to provide
18 instruction, emotional and psychological support, guidance, and other educational and athletic
19 services to the minor participants.

20 52. As a coach for SCC Baseball Camps and Los Rios CCD, and eventually as *de facto*
21 head coach of SCC Baseball Camps, and with the endorsement of SCC Baseball Camps and Los Rios
22 CCD, Port stood in a position of power, respect, confidence, trust, and authority among Plaintiff and
23 numerous other minor athletes. Defendants lodged with Port the color of authority, through which he
24 was able to influence, direct, and assault Plaintiff, and to act illegally, unreasonably, and without
25 respect for the person and safety of Plaintiff and other young boys.

26 53. At all times relevant hereto, SCC Baseball Camps and Los Rios CCD were responsible
27 for the supervision of its employees' and agents' activities, including those of Port, and assumed
28 responsibility for the well-being of the minors in its care, including Plaintiff.

1 54. Prior to and during the sexual harassment, molestation, and assault of Plaintiff, SCC
2 Baseball Camps, Los Rios CCD, and its agents and employees knew or should have known, or was
3 otherwise on notice, that Port had violated his role as a coach and used his position of authority and
4 trust acting on behalf of SCC Baseball Camps and Los Rios CCD to gain access to children, including
5 Plaintiff, on and off Los Rios CCD's facilities and grounds, which Port used to inappropriately touch,
6 molest, abuse, and assault Plaintiff and other young boys.

7 ///

8 **FIRST CAUSE OF ACTION**

9 **NEGLIGENCE**

10 **(Against Defendants SCC Baseball Camps, Los Rios CCD, and DOES 4-10)**

11 55. Plaintiff repeats, re-alleges and incorporates herein by reference all consistent
12 paragraphs of this Complaint as if fully set forth herein.

13 56. SCC Baseball Camps and Los Rios CCD's conduct, actions, and omissions served to
14 create an environment in which Port was afforded years of continuous access to minor children,
15 including Plaintiff, who was sexually abused, molested and assaulted by Port. As set forth herein,
16 other staff, coaches, and administration failed to act so as to protect students from obviously troubling
17 and improper behavior that endangered countless minor students.

18 57. SCC Baseball Camps and Los Rios CCD failed to acknowledge and correct unsafe
19 conditions and red flags in Port's behavior, and promoted Port's sexual abuse of minor students
20 through Defendants' failure to supervise or acknowledge Port's inappropriate behavior with minor
21 students.

22 58. As a baseball camp entrusted with the care of minors, where all minor athletes are
23 entrusted to baseball instructors and coaches, SCC Baseball Camps had a special relationship with
24 Plaintiff. Because SCC Baseball Camps utilized Los Rios CCD's facilities, staff, and students to
25 conduct SCC Baseball Camps's baseball camps, Los Rios CCD also had a special relationship with
26 Plaintiff.

27 59. SCC Baseball Camps and Los Rios CCD had and have a duty to protect minor athletes
28 as Plaintiff's care, welfare, and/or physical custody were temporarily entrusted to Defendants, and

1 Defendants accepted the entrusted care of Plaintiff. As such, Defendants owed Plaintiff, a minor at
2 the time, a special duty of care, in addition to a duty of ordinary care, and owed Plaintiff the higher
3 duty of care that adults dealing with minors owe to protect them from harm. These Defendants were
4 required, but failed, to provide adequate supervision and failed to be properly vigilant in ensuring that
5 such supervision was sufficient to ensure the safety of Plaintiff and others. As minor athletes at SCC
6 Baseball Camps, these Defendants clearly had special relationships with the Plaintiff and the other
7 young athletes at the baseball camps.

8 60. SCC Baseball Camps and Los Rios CCD had a duty to put rules and regulations in
9 place to protect their minor participants from the possibility of childhood sexual abuse at the hands
10 of their staff, employees, and volunteers, regardless of the location of the abuse itself. Instead, SCC
11 Baseball Camps and Los Rios CCD turned a blind eye to the sexual exploitation of minors under its
12 care by its employees.

13 61. SCC Baseball Camps and Los Rios CCD had a duty to and failed to adequately train
14 and supervise all administrators, coaches, mentors and staff to create a positive, safe, and educational
15 environment. Such specific obligations include training to perceive, report and stop inappropriate
16 conduct with minors by other members of the staff, employees, and volunteers. These Defendants
17 owed Plaintiff a duty to institute reasonable measures to protect Plaintiff and other minor children in
18 their charge from the risk of sexual assault, harassment and molestation by Port by properly warning,
19 training, or educating SCC Baseball Camps's staff members about how to spot red flags in other staff
20 members', employees', and volunteers' behavior with minor athletes.

21 62. As a coach at SCC Baseball Camps and Los Rios CCD, Port had unique access to, and
22 held a position of authority among, minor athletes and their families.

23 63. SCC Baseball Camps and Los Rios CCD, by and through their agents, servants, and
24 employees, knew or reasonably should have known of Port's sexually abusive and exploitative
25 propensities and/or that Port was an unfit agent. It was foreseeable that if these Defendants did not
26 adequately exercise or provide the duty of care owed to minors in their care, the minors entrusted to
27 their care would be vulnerable to sexual assault by Port.

28

1 64. Specific acts of grooming, in and of themselves, constitute sexual assault. (Cal. Penal
2 Code § 647.6.) It is also foreseeable to SCC Baseball Camps and Los Rios CCD that Port’s grooming
3 behaviors could lead to more severe acts of sexual assault if unchecked. This is particularly true in
4 light of the specific grooming that took place in this case.

5 65. SCC Baseball Camps and Los Rios CCD had a duty to disclose these facts to Plaintiff,
6 his parents, and others, but negligently and/or intentionally suppressed, concealed, or failed to
7 disclose this information for the express purpose of maintaining Port’s image as an ethical,
8 wholesome, safe, and trusted coach. The duty to disclose this information arose from the special
9 relationship between these Defendants and Plaintiff.

10 66. SCC Baseball Camps and Los Rios CCD breached their duty of care to Plaintiff by (1)
11 allowing Port to come into contact with Plaintiff as a minor without supervision; (2) by failing to
12 properly investigate Port and the numerous instances of behavior that clearly raised red flags; (3) by
13 failing to supervise and/or stop Port from committing wrongful sexual acts with minor children; (4)
14 by shielding Port from responsibility for his sexual assaults of Plaintiff; (5) by failing to inform or
15 concealing from Plaintiff’s parents, guardians, or law enforcement officials that Port was or may have
16 been sexually abusing minors; (6) by holding out Port to the community at large as being in good
17 standing and trustworthy as a person of stature and integrity; (7) by failing to take reasonable steps
18 or implementing reasonable safeguards to protect Plaintiff and other minor children from the risk of
19 sexual assault, harassment, and molestation, including by failing to enact adequate policies and
20 procedures or failing to ensure their policies and procedures were followed; and (8) by failing to
21 properly warn, train or educate staff members about how to spot red flags in the behavior of other
22 staff members, employees, and volunteers.

23 67. SCC Baseball Camps and Los Rios CCD are vicariously liable for the injuries
24 proximately caused by each of their agents, representatives, servants, and employees, including but
25 not limited to those expressly identified herein.

26 68. As a direct and proximate result of these Defendants’ multiple and continuous
27 breaches, Plaintiff has suffered and continues to suffer emotional distress, physical manifestations of
28 emotional distress, anxiety, a lost sense of trust, and was prevented and will continue to be prevented

1 from performing daily activities and obtaining the full enjoyment of life, all in an amount exceeding
2 the jurisdictional minimum of the Superior Court according to proof at trial.

3 **SECOND CAUSE OF ACTION**

4 **NEGLIGENT HIRING, SUPERVISION AND RETENTION**

5 **(Against Defendants SCC Baseball Camps, Los Rios CCD, and DOES 4-10)**

6 69. Plaintiff repeats, re-alleges and incorporates herein by reference all consistent
7 paragraphs of this Complaint as if fully set forth herein.

8 70. As an athletic camp entrusted with the care of minors and conducted on the campus of
9 an educational institution, where all minor athletes are entrusted to the advisors, mentors, coaches,
10 volunteers and administrators, SCC Baseball Camps and Los Rios CCD expressly and implicitly
11 represented that these individuals, including Port, were not a sexual threat to minors and others who
12 would fall under Port's influence, control, direction, and guidance.

13 71. Given the special relationship that SCC Baseball Camps held with regard to minors
14 entrusted to its care, and given Los Rios CCD's knowledge and agreement that SCC's baseball team
15 coaches and staff were at the same time acting as coaches and staff for SCC Baseball Camps, SCC
16 Baseball Camps and Los Rios CCD had a duty to conduct a reasonable background check of Port
17 prior to hiring him to interact with and supervise minors. Such a background check would have
18 revealed Port's arrest for several instances of indecent exposure to minors, and his subsequent
19 conviction as a result thereof. This should have disqualified him from being hired to a position of
20 trust and authority as a coach of minor athletes at SCC Baseball Camps, vested with the imprimatur
21 of authority and respect as an assistant coach at Los Rios CCD.

22 72. Defendants had and have a duty to supervise their minor athletes, including Plaintiff,
23 who was entrusted to Defendants' care, as well as their employees. Supervision requires more than
24 simply the presence of staff or administration on campus. It requires the knowledge and care as an
25 institution as to the types of foreseeable harm that a minor may encounter, and protecting against
26 those harms by establishing, implementing, and enforcing adequate policies and procedures.
27 Supervision requires adequate training, adequate staff, and adequate involvement by staff and
28 administration. Defendants owed Plaintiff, as a minor at the time, a special duty of care, in addition

1 to a duty of ordinary care, and owed Plaintiff the higher duty of care that adults dealing with minors
2 owe to protect them from harm.

3 73. SCC Baseball Camps and Los Rios CCD failed to provide such supervision to the
4 Plaintiff by allowing Port to be alone with minors in violation of its own policies and/or the applicable
5 standard of care. SCC Baseball Camps and Los Rios CCD failed to take reasonable measures to
6 prevent the grooming and childhood sexual abuse of its minor athletes.

7 74. On information and belief, SCC Baseball Camps and Los Rios CCD did not have in
8 place a system or procedure to reasonably investigate, supervise and monitor employees, staff, and
9 volunteers nor safeguards designed to prevent sexual grooming and sexual abuse of children. Even if
10 such procedures existed on paper, SCC Baseball Camps and Los Rios CCD did not implement any
11 system or procedure to oversee or monitor conduct towards minors and others in its care during the
12 time period at issue.

13 75. Once hired by SCC Baseball Camps and Los Rios CCD, Port undertook to openly and
14 obviously groom multiple minor athletes, including Plaintiff. It thus appears that SCC Baseball
15 Camps and Los Rios CCD leadership, staff and employees were not able to recognize the signs of
16 grooming by Port due to inappropriate training or lack thereof. Moreover, these Defendants failed in
17 their obligation to inquire into the grooming activities that were so clearly taking place.

18 76. On information and belief, had SCC Baseball Camps and Los Rios CCD leadership
19 and staff been trained to recognize red flags associated with grooming, they would have undertaken
20 to cease, report and stop the behavior of Port before Plaintiff was actually sexually assaulted.

21 77. By the time Plaintiff was sexually abused by Port, SCC Baseball Camps and Los Rios
22 CCD knew or should have known of the ongoing grooming and abuse of young boys, but due to its
23 lack of training, failed to recognize those signs.

24 78. SCC Baseball Camps and Los Rios CCD were aware or should have been aware of its
25 minor athletes' significant vulnerability to sexual harassment, molestation and assault by mentors,
26 advisors, counselors, coaches, employees, staff, volunteers, and other persons of authority within
27 SCC Baseball Camps and Los Rios CCD.

28

1 79. Defendants owed Plaintiff a duty to provide reasonable supervision of Plaintiff and
2 Port; to use reasonable care in investigating Port; and to provide adequate warning to Plaintiff and
3 his family, and to families of other minor athletes who were entrusted to Port, of Port's sexually
4 abusive and exploitative propensities and unfitness.

5 80. Defendants owed Plaintiff a duty not to retain Port given his actions as described
6 herein, which Defendants knew, or should have known had they engaged in a meaningful and
7 adequate investigation of the allegations of sexual assault of Plaintiff and other minor students at SCC
8 Baseball Camps, or red flags in Port's behavior.

9 81. Defendants failed to properly evaluate Port's conduct and performance as an employee
10 of, or provider of services to Defendants, and failed to exercise the due diligence incumbent upon
11 employers to investigate employee misconduct, or to take appropriate disciplinary action. Defendants
12 negligently continued to retain Port in service as a baseball coach, which enabled him to continue
13 engaging in the sexually abusive and predatory behavior described herein.

14 82. As a direct and proximate result of Defendants' multiple and continuous breaches,
15 Plaintiff has suffered and continues to suffer emotional distress, physical manifestations of emotional
16 distress, anxiety, a lost sense of trust, and was prevented and will continue to be prevented from
17 performing daily activities and obtaining the full enjoyment of life, all in an amount exceeding the
18 jurisdictional minimum of the Superior Court according to proof at trial.

19 **THIRD CAUSE OF ACTION**

20 **NEGLIGENCE PER SE – IN VIOLATION OF CALIFORNIA PENAL CODE §§ 11165-**
21 **11174**

22 **(Against SCC Baseball Camps, Los Rios CCD, and DOES 4-10)**

23 83. Plaintiff repeats, re-alleges and incorporates herein by reference all consistent
24 paragraphs of this Complaint as if fully set forth herein.

25 84. Pursuant to the California's Child Abuse and Neglect Reporting Act enacted in 1980
26 and in effect during the time of the abuse, found in the California Penal Code in effect at the time of
27 the abuse, at section §11165-11174, multiple employees of SCC Baseball Camps and Los Rios CCD,
28

1 as child care custodians, had a statutory duty to report to a child protective agency any child abuse,
2 including the sexual assault of a child, that they knew or reasonably suspected had occurred.

3 85. As alleged herein, employees of SCC Baseball Camps and Los Rios CCD, including
4 administration and other staff for SCC Baseball Camps and Los Rios CCD, breached this statutory
5 duty to Plaintiff. As alleged herein, SCC Baseball Camps's employees, including but not limited to
6 the President of SCC Baseball Camps and Head Coach of Los Rios CCD's baseball team, Jerry
7 Weinstein, failed to report Port's sexual abuse to any child protective agency. On information and
8 belief, there were several other coaches at SCC Baseball Camps, who were students at Los Rios CCD,
9 that failed to report Port's sexual abuse to any child protective agency. These employees knew, or
10 should have reasonably suspected, that Port was committing acts of sexual abuse on minors, including
11 Plaintiff.

12 86. Plaintiff was a member of the class of persons for whom the protection of the Child
13 Abuse and Neglect Reporting Act was created. Plaintiff was a minor athlete of SCC Baseball Camps,
14 a private baseball camp that took place on Los Rios CCD's campus in the State of California.

15 87. The Child Abuse and Neglect Reporting Act was created, amongst other reasons, for
16 the protection of the health and welfare of members of the public. The emotional and psychological
17 trauma resulting from Port's sexual abuse were the type of injuries that the Child Abuse and Neglect
18 Reporting Act was designed to prevent.

19 88. Accordingly, SCC Baseball Camps and Los Rios CCD's employees' violation of the
20 duties prescribed under California Penal Code §§ 11165-11174 constitute negligence per se. The
21 violation of this duty occurred while Plaintiff was under the control of SCC Baseball Camps and Los
22 Rios CCD and their agents, acting in their capacity as mentors, advisors, coaches, and administrators
23 on behalf of Defendants.

24 89. As a direct and proximate result of Defendants' multiple and continuous breaches,
25 Plaintiff has suffered and continues to suffer emotional distress, physical manifestations of emotional
26 distress, anxiety, a lost sense of trust, and was prevented and will continue to be prevented from
27 performing daily activities and obtaining the full enjoyment of life, all in an amount exceeding the
28 jurisdictional minimum of the Superior Court according to proof at trial.

1 **FOURTH CAUSE OF ACTION**

2 **SEXUAL HARASSMENT**

3 **(Against All Defendants)**

4 90. Plaintiff repeats, re-alleges and incorporates herein by reference all consistent
5 paragraphs of this Complaint as if fully set forth herein.

6 91. Plaintiff was a minor athlete at SCC Baseball Camps and Los Rios CCD, where Port
7 was an employee. As alleged herein, a business, service, and/or professional relationship existed
8 between SCC Baseball Camps, Los Rios CCD, Port, and Plaintiff, due to SCC Baseball Camps's
9 position as a private baseball camp and the fact that SCC Baseball Camps utilized Los Rios CCD's
10 campus, students, staff, and coaches. Because Port was an adult employee of SCC Baseball Camps
11 and Los Rios CCD, the relationship between them was such that Port was in a position of power and
12 authority over Plaintiff.

13 92. During Plaintiff's time as a minor athlete at SCC Baseball Camps and Los Rios CCD,
14 Port intentionally, recklessly, and wantonly made sexual advances, solicitations, requests, and
15 demands for sexual compliance of a hostile nature based on Plaintiff's gender that were unwelcome,
16 pervasive, and severe. The specific sexual harassment and assaults are described in detail herein.

17 93. These incidents of sexual harassment and assault occurred while Plaintiff was under
18 the control of SCC Baseball Camps and Los Rios CCD and their agents, acting in their capacity as
19 mentors, advisors, coaches, and administrators on behalf of Defendants.

20 94. Because of Plaintiff's relationships with Defendants and Plaintiff's age of minority,
21 Plaintiff was unable to terminate the relationship he had with Defendants.

22 95. Because of Port's position of authority over Plaintiff, physical seclusion of Plaintiff,
23 and Plaintiff's young age, Plaintiff was unable to and did not give meaningful consent to such acts.

24 96. Defendants, through their employees and agents, denied Plaintiff his rights pursuant
25 to section 51.9 of the Civil Code, and moreover aided, incited, and conspired in the denial of those
26 rights. Plaintiff is informed and believe and thereon alleges that Defendants were made aware of
27 Port's sexual assaults of Plaintiff and failed to take any action to prevent the additional instances of
28 sexual assaults, as alleged herein. Further, Plaintiff is informed and believe and thereon allege that

1 Defendants, specifically SCC Baseball Camps and Los Rios CCD, aided and abetted Port's conduct
2 by providing substantial assistance to Port, by allowing him to sexually harass minors, and
3 encouraging Port to sexually harass minors by permitting him continued unsupervised access to minor
4 athletes after directly observing the numerous open and obvious red flags and grooming behavior, as
5 alleged herein. As set forth in detail above and incorporated herein, Defendants SCC Baseball Camps
6 and Los Rios CCD had a duty to Plaintiff stemming from their special relationship, had an opportunity
7 to prevent Port's conduct, and breached that duty in furtherance of Port's conduct.

8 97. Even though SCC Baseball Camps and Los Rios CCD knew or should have known of
9 these activities by Port, SCC Baseball Camps and Los Rios CCD did nothing to investigate, supervise,
10 or monitor Port to ensure the safety of minor children.

11 98. Additionally, Plaintiff is informed and believes and thereon alleges, that Defendants,
12 specifically SCC Baseball Camps and Los Rios CCD, ratified Port's conduct by (1) failing to
13 properly investigate Port and the numerous instances of behavior that clearly raised red flags of
14 misconduct; (2) failing to supervise and/or stop Port from committing wrongful sexual acts with
15 minor children; (3) actively shielding Port from responsibility for his sexual assaults of Plaintiff in
16 an effort to protect the reputation of SCC Baseball Camps and Los Rios CCD; (4) failing to discharge,
17 dismiss, discipline, suspend and/or supervise Port after being on notice of Port sexually assaulting
18 minors; (5) allowing Port to groom and yield authority over minor students on and off Los Rios
19 CCD's campus; (6) failing to report complaints against Port of sexual assault on Plaintiff to civil or
20 criminal authorities; (7) failing to take reasonable steps or implement reasonable safeguards to protect
21 Plaintiff and other minor children in their charge from the risk of sexual assault, harassment, and
22 molestation, including by failing to enact adequate policies and procedures or failing to ensure their
23 policies and procedures were followed; (8) failing to properly warn, train or educate SCC Baseball
24 Camps and Los Rios CCD's staff members about how to spot red flags in other staff members'
25 behavior with minor students; and (9) holding out Port to the SCC Baseball Camps and Los Rios
26 CCD community at large as being in good standing and trustworthy as a person of stature and integrity
27 despite having notice that he was sexually abusing Plaintiff and other minor children.

28

1 99. Defendants' conduct (and the conduct of their agents) was a breach of their duties to
2 Plaintiff.

3 100. As a result of the above-described conduct, Plaintiff has suffered and continues to
4 suffer emotional distress, physical manifestations of emotional distress, anxiety, a lost sense of trust,
5 and was prevented and will continue to be prevented from performing daily activities and obtaining
6 the full enjoyment of life, all in an amount exceeding the jurisdictional minimum of the Superior
7 Court according to proof at trial.

8 101. In subjecting Plaintiff to the wrongful treatment alleged herein, Port acted willfully
9 and maliciously with the intent to harm Plaintiff and in conscious disregard for Plaintiff's rights so
10 as to constitute malice and oppression under Civil Code section 3294. Plaintiff is therefore entitled
11 to the recovery of punitive damages in a sum to be shown according to proof at trial.

12 102. Plaintiff also seeks appropriate statutory penalties pursuant to section 52 of the Civil
13 Code.

14 **FIFTH CAUSE OF ACTION**

15 **SEXUAL BATTERY**

16 **(Against Defendant Port)**

17 103. Plaintiff repeats, re-alleges and incorporates herein by reference all consistent
18 paragraphs of this Complaint as if fully set forth herein.

19 104. During Plaintiff's time as a minor, Port intentionally, recklessly, and wantonly made
20 sexual advances, solicitations, requests, and demands for sexual compliance of a hostile nature based
21 on Plaintiff's gender that were unwelcome, pervasive, and severe. The specific sexual harassment
22 and assaults are described in detail herein.

23 105. Port did the aforementioned acts with the intent to cause a harmful or offensive contact
24 with intimate parts of Plaintiff's persons and would offend a reasonable sense of personal dignity.
25 Further, said acts did cause a harmful or offensive contact with intimate parts of Plaintiff's person
26 that would offend a reasonable sense of personal dignity.

27 106. Because of Port's position of authority over Plaintiff, physical seclusion of Plaintiff,
28 and Plaintiff's young age, Plaintiff was unable to and did not give meaningful consent to such acts.

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107. As a direct and proximate result of the above-described conduct, Plaintiff have suffered and continues to suffer emotional distress, physical manifestations of emotional distress, anxiety, a lost sense of trust, and was prevented and will continue to be prevented from performing daily activities and obtaining the full enjoyment of life, all in an amount exceeding the jurisdictional minimum of the Superior Court according to proof at trial.

108. In subjecting Plaintiff to the wrongful treatment alleged herein, Port acted willfully and maliciously with the intent to harm Plaintiff and in conscious disregard for Plaintiff's rights so as to constitute malice and oppression under Civil Code section 3294. Plaintiff is therefore entitled to the recovery of punitive damages in a sum to be shown according to proof at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief against Defendants:

- 1. For past, present, and future general damages in an amount to be determined at trial;
- 2. For past, present, and future special damages in an amount to be determined at trial;
- 3. Any appropriate statutory damages;
- 4. For cost of suit;
- 5. For interest as allowed by law;
- 6. For any appropriate punitive or exemplary damages as to Defendant Port;
- 7. For attorney's fees pursuant to Code of Civil Procedure section 1021.5 and Civil Code sections 51.9(b), or otherwise as allowable by law; and
- 8. For such other and further relief as the Court may deem proper.

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DATED: November 29, 2022

GREENBERG GROSS LLP

By:  _____

Brian L. Williams
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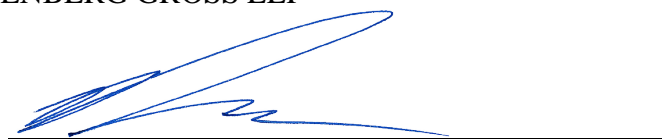
DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury in this action for any and all claims so triable.

DATED: November 29, 2022

GREENBERG GROSS LLP

By:



Brian L. Williams
Daniel S. Cha
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