

Lori V. Berke (#015628)
Anelisa Benavides (#036446)
BERKE LAW FIRM, PLLC
1601 N. 7th Street, Suite 360
Phoenix, AZ 85006
Phone: (602) 254-8800
Fax: (602) 254-8808
lori@berkelawfirm.com
anelisa@berkelawfirm.com
Attorneys for Defendant
Big Brothers Big Sisters of America

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

John CD Doe, a single man,

Plaintiff,

vs.

Big Brothers Big Sisters of America, a
District of Columbia, non-profit
corporation; Big Brothers Big Sisters of
Central Arizona, an Arizona corporation;
John Doe 1-100; Jane Doe 1-100; and
Black & White Corporations 1-100,

Defendants.

Case No. CV2020-014920

**DEFENDANT BIG BROTHERS
BIG SISTERS OF AMERICA'S
ANSWER TO PLAINTIFF'S
THIRD AMENDED COMPLAINT**

(Assigned to the Honorable Bradley Astrowsky)

Defendant Big Brothers Big Sisters of America ("Defendant BBBS America"), for its
Answer to Plaintiff's Third Amended Complaint ("Third Amended Complaint"), admits,
denies and affirmatively alleges as follows:

JURISDICTION

1. Defendant BBBS America is without sufficient knowledge or information to
admit or deny the allegations contained in Paragraph 1 of the Third Amended Complaint and
therefore denies same and demands strict proof thereof.

1 2. Defendant BBBS America is without sufficient knowledge or information to
2 admit or deny the allegations contained in Paragraph 2 of the Third Amended Complaint and
3 therefore denies same and demands strict proof thereof.

4 3. Responding to the allegations contained in Paragraph 3 of the Third Amended
5 Complaint, Defendant BBBS America admits it is a nonprofit corporation registered in the
6 District of Columbia and that it was formed pursuant to PL85-870, 85th Congress, S. 3728
7 (September 2, 1958), as amended by PL 95-167, 95th Congress S. 2208 (November 11, 1977)
8 when Big Sisters International and Big Brothers of America merged, forming Defendant
9 BBBS America. *See **Exhibits 1 and 2***, respectively, attached hereto. Defendant BBBS
10 America further admits its principal place of business is located at 2502 North Rocky Point
11 Dr. Suite 550, Tampa, FL and that BBBS America is currently registered as a foreign
12 charitable corporation with the Arizona Corporation Commission as of 2015. Defendant
13 BBBS America denies the remaining allegations contained in Paragraph 3 of the Third
14 Amended Complaint.

15 4. Defendant BBBS America denies the allegations contained in Paragraph 4 of
16 the Third Amended Complaint. Defendant BBBS America affirmatively alleges that it was
17 incorporated for the purpose set forth in PL85-870, 85th Congress, S. 3728 (September 2,
18 1958), as amended by PL 95-167, 95th Congress S. 2208 (November 11, 1977). *See **Exhibits***
19 ***1 and 2***, attached hereto.

20 5. Defendant BBBS America denies the allegations contained in Paragraph 5 of
21 the Third Amended Complaint.

22 6. Responding to the allegations contained in Paragraph 6 of the Third Amended
23 Complaint, Defendant BBBS America admits that Defendant Big Brothers Big Sisters of
24 Central Arizona is an Arizona nonprofit corporation that has its principal place of business in
25 Maricopa County, Arizona. Defendant BBBS America is without sufficient knowledge or
26 information to admit or deny the remaining allegations contained in Paragraph 6 of the Third
27 Amended Complaint and, therefore, denies same and demands strict proof thereof.
28

1 7. Defendant BBBS America is without sufficient knowledge or information to
2 admit or deny the allegations contained in Paragraph 7 of the Third Amended Complaint and,
3 therefore, denies same and demands strict proof thereof.

4 8. Defendant BBBS America is without sufficient knowledge or information to
5 admit or deny the allegations contained in Paragraph 8 of the Third Amended Complaint and,
6 therefore, denies same and demands strict proof thereof.

7 9. Defendant BBBS America denies the allegations made against it in Paragraph
8 9 of the Third Amended Complaint. Defendant BBBS America is without sufficient
9 knowledge or information to admit or deny the remaining allegations contained in Paragraph
10 9 of the Third Amended Complaint and, therefore, denies same and demands strict proof
11 thereof.

12 10. Defendant BBBS America denies the allegations made against it in Paragraph
13 10 of the Third Amended Complaint. Defendant BBBS America is without sufficient
14 knowledge or information to admit or deny the remaining allegations contained in Paragraph
15 10 of the Third Amended Complaint and, therefore, denies same and demands strict proof
16 thereof.

17 11. Defendant BBBS America denies the allegations made against it in Paragraph
18 11 of the Third Amended Complaint. Defendant BBBS America is without sufficient
19 knowledge or information to admit or deny the remaining allegations contained in Paragraph
20 11 of the Third Amended Complaint and, therefore, denies same and demands strict proof
21 thereof.

22 12. Defendant BBBS America is without sufficient knowledge or information to
23 admit or deny the allegations contained in Paragraph 12 of the Third Amended Complaint
24 and, therefore, denies same and demands strict proof thereof.

25 13. Defendant BBBS America denies the allegations made against it in Paragraph
26 13 of the Third Amended Complaint, specifically including the allegation that it had any role
27 in assigning, placing, pairing, partnering, introducing and/or matching Italo Arbulu with John
28 CD Doe. Defendant BBBS America is without sufficient knowledge or information to admit

1 or deny the remaining allegations contained in Paragraph 13 of the Third Amended Complaint
2 and, therefore, denies same and demands strict proof thereof.

3 14. Defendant BBBS America denies the allegations made against it in Paragraph
4 14 of the Third Amended Complaint, specifically including the allegation that Italo Arbulu
5 ever acted within the course and scope of any employment or agency with Defendant BBBS
6 America, or acted with actual or apparent authority of Defendant BBBS America. Defendant
7 BBBS America is without sufficient knowledge or information to admit or deny the
8 remaining allegations contained in Paragraph 14 of the Third Amended Complaint and,
9 therefore, denies same and demands strict proof thereof.

10 15. Defendant BBBS America denies the allegations made against it in Paragraph
11 15 of the Third Amended Complaint. Defendant BBBS America is without sufficient
12 knowledge or information to admit or deny the remaining allegations contained in Paragraph
13 15 of the Third Amended Complaint and, therefore, denies same and demands strict proof
14 thereof.

15 16. Defendant BBBS America denies the allegations made against it in Paragraph
16 16 of the Third Amended Complaint. Defendant BBBS America is without sufficient
17 knowledge or information to admit or deny the remaining allegations contained in Paragraph
18 16 of the Third Amended Complaint and, therefore, denies same and demands strict proof
19 thereof.

20 17. Defendant BBBS America denies the allegations contained in Paragraph 17 of
21 the Third Amended Complaint. Defendant BBBS America affirmatively alleges that
22 Defendant BBBS of Central Arizona is an independent affiliated member of Defendant BBBS
23 America, and denies that either of the organizations is a successor-in-interest or alter ego of
24 the other.

25 18. Defendant BBBS America denies the allegations made against it in Paragraph
26 18 of the Third Amended Complaint. Defendant BBBS America is without sufficient
27 knowledge or information to admit or deny the remaining allegations contained in Paragraph
28

1 18 of the Third Amended Complaint and, therefore, denies same and demands strict proof
2 thereof.

3 19. Defendant BBBS America denies the allegations made against it in Paragraph
4 19 of the Third Amended Complaint. Defendant BBBS America is without sufficient
5 knowledge or information to admit or deny the remaining allegations contained in Paragraph
6 19 of the Third Amended Complaint and, therefore, denies same and demands strict proof
7 thereof.

8 GENERAL ALLEGATIONS

9 20. Defendant BBBS America incorporates its answers to all other Paragraphs of
10 the Third Amended Complaint as if fully set forth herein.

11 21. Responding to Paragraph 21 of the Third Amended Complaint, Defendant
12 BBBS America admits that on or before 1977, Defendant BBBS America issued a
13 memorandum which referenced a National Clearinghouse for Information on Sexual Child
14 Abuse, attached hereto as Exhibit 3, and a memorandum addressing the issue of child
15 molestation, attached hereto as Exhibit 4. Defendant BBBS America affirmatively alleges
16 that Exhibits 3 and 4 speak for themselves. Defendant BBBS America denies all remaining
17 allegations contained in Paragraph 21 of the Third Amended Complaint.

18 22. Responding to Paragraph 22 of the Third Amended Complaint, Defendant
19 BBBS America admits that a national program of insurance existed for Big Brothers/Big
20 Sisters affiliate members. Defendant BBBS America is without sufficient knowledge or
21 information to admit or deny the remaining allegations contained in Paragraph 22 of the Third
22 Amended Complaint and, therefore, denies same and demands strict proof thereof.

23 23. Responding to Paragraph 23 of the Third Amended Complaint, Defendant
24 BBBS America admits that in approximately 1982, Donald L. Wolff authored a document
25 entitled "Child Sexual Abuse," known as the "Wolff Report," which Defendant BBBS
26 America provided to affiliate members. A copy of the Wolff Report is attached hereto as
27 Exhibit 5 and speaks for itself. Defendant BBBS America denies all allegations of Paragraph
28 23 inconsistent with the Wolff Report. Defendant BBBS America is without sufficient

1 information to admit or deny the remaining allegations contained in Paragraph 23 of the Third
2 Amended Complaint and, therefore, denies same and demands strict proof thereof.

3 24. Responding to Paragraph 24 of the Third Amended Complaint, Defendant
4 BBBS America admits that the Young Lawyers Division of the American Bar Association
5 Center on Children and the Law published an article titled “Analysis of Molestation
6 Allegation Reports” dated December 1991 (the “Young Lawyers Report”). Defendant BBBS
7 America affirmatively alleges that the Young Lawyers Report speaks for itself. Defendant
8 BBBS America is without sufficient information to admit or deny the remaining allegations
9 contained in Paragraph 24 of the Third Amended Complaint and, therefore, denies same and
10 demands strict proof thereof.

11 25. Responding to Paragraph 25, of the Third Amended Complaint, Defendant
12 BBBS America admits that it makes training available to its affiliates and that at the time
13 pertinent to the allegations in this case, it had a membership affiliate agreement (“MAA”)
14 with Valley Big Brothers, wherein, among other things, Valley Big Brothers agreed to
15 maintain membership standards developed by the affiliate network in the form then in effect.
16 Defendant BBBS America asserts that the membership affiliation agreement, attached hereto
17 as Exhibit 6, speaks for itself and denies the allegations of Paragraph 25 of the Third
18 Amended Complaint inconsistent therewith. Defendant BBBS America denies the remaining
19 allegations contained in Paragraph 25 of the Third Amended Complaint.

20 26. Responding to Paragraph 26 of the Third Amended Complaint, Defendant
21 BBBS America admits that in accepting affiliation with BBBS America in 1981, Valley Big
22 Brothers agreed to the terms of its MAA, attached hereto as Exhibit 6. Defendant BBBS
23 America affirmatively alleges Exhibit 6 speaks for itself and denies the allegations contained
24 in Paragraph 26 inconsistent therewith. Defendant BBBS America is without sufficient
25 knowledge or information to admit or deny the remaining allegations of Paragraph 26 of the
26 Third Amended Complaint, which are vague as to time, and therefore denies same and
27 demands strict proof thereof.
28

1 27. Responding to Paragraph 27 of the Third Amended Complaint, Defendant
2 BBBS America alleges that at the times relevant to the alleged events in the Third Amended
3 Complaint, the terms and conditions of Valley Big Brothers' affiliation with Defendant BBBS
4 America were contained in the MAA attached hereto as **Exhibit 6**. Defendant BBBS
5 America alleges that the applicable MAA speaks for itself and denies all allegations of
6 Paragraph 27 inconsistent therewith. Defendant BBBS America further denies that the
7 language in Paragraph 27 of the Third Amended Complaint is contained in the applicable
8 MAA.

9 28. Defendant BBBS America denies the allegations contained in Paragraph 28 of
10 the Third Amended Complaint.

11 29. Responding to Paragraph 29 of the Third Amended Complaint, Defendant
12 BBBS America admits that at the times relevant to the allegations contained in the Third
13 Amended Complaint, Defendant BBBS America had developed certain training programs
14 that were implemented to some of its member affiliates. Defendant BBBS America denies
15 the remaining allegations contained in Paragraph 29 of the Third Amended Complaint.

16 30. Responding to Paragraph 30 of the Third Amended Complaint, Defendant
17 BBBS America admits that in the time period relevant to the allegations of the Third
18 Amended Complaint, Defendant BBBS America, together with affiliated members and
19 organizations, established standards for screening volunteers. Defendant BBBS America
20 denies the remaining allegations contained in Paragraph 30 of the Third Amended Complaint.

21 31. Defendant BBBS America denies the allegations made against it in Paragraph
22 31 of the Third Amended Complaint. Defendant BBBS America is without sufficient
23 knowledge or information to admit or deny the remaining allegations contained in Paragraph
24 31 of the Third Amended Complaint and, therefore, denies same and demands strict proof
25 thereof.

26 32. Responding to Paragraph 32 of the Third Amended Complaint, Defendant
27 BBBS America denies the allegation that the program in which John CD Doe was allegedly
28 enrolled was Defendant BBBS America's program. Defendant BBBS America is without

1 sufficient knowledge or information to admit or deny the remaining allegations contained in
2 Paragraph 32 of the Third Amended Complaint and, therefore, denies same and demands
3 strict proof thereof.

4 33. Responding to Paragraph 33 of the Third Amended Complaint, Defendant
5 BBBS America denies the allegation that the program in which John CD Doe was allegedly
6 enrolled was Defendant BBBS America's program. Defendant BBBS America is without
7 sufficient knowledge or information to admit or deny the remaining allegations contained in
8 Paragraph 33 of the Third Amended Complaint and, therefore, denies same and demands
9 strict proof thereof.

10 34. Responding to Paragraph 34 of the Third Amended Complaint, Defendant
11 BBBS America denies the allegations made against it. Defendant BBBS America is without
12 sufficient knowledge or information to admit or deny the remaining allegations contained in
13 Paragraph 34 of the Third Amended Complaint and, therefore, denies same and demands
14 strict proof thereof.

15 35. Responding to Paragraph 35 of the Third Amended Complaint, Defendant
16 BBBS America denies the allegations made against it. Defendant BBBS America is without
17 sufficient knowledge or information to admit or deny the remaining allegations contained in
18 Paragraph 35 of the Third Amended Complaint and, therefore, denies same and demands
19 strict proof thereof.

20 36. Responding to Paragraph 36 of the Third Amended Complaint, Defendant
21 BBBS America denies the allegations made against it. Defendant BBBS America is without
22 sufficient knowledge or information to admit or deny the remaining allegations contained in
23 Paragraph 36 of the Third Amended Complaint and, therefore, denies same and demands
24 strict proof thereof.

25 37. Responding to Paragraph 37 of the Third Amended Complaint, Defendant
26 BBBS America denies the allegations made against it. Defendant BBBS America is without
27 sufficient knowledge or information to admit or deny the remaining allegations contained in
28

1 Paragraph 37 of the Third Amended Complaint and, therefore, denies same and demands
2 strict proof thereof.

3 38. Responding to Paragraph 38 of the Third Amended Complaint, Defendant
4 BBBS America denies the allegations made against it. Defendant BBBS America is without
5 sufficient knowledge or information to admit or deny the remaining allegations contained in
6 Paragraph 38 of the Third Amended Complaint and, therefore, denies same and demands
7 strict proof thereof.

8 39. Paragraph 39 of the Third Amended Complaint does not contain any allegations
9 for Defendant BBBS America to admit or deny.

10 40. Defendant BBBS America is without sufficient knowledge or information to
11 admit or deny the allegations contained in Paragraph 40 of the Third Amended Complaint
12 and, therefore, denies same and demands strict proof thereof.

13 41. Responding to Paragraph 41 of the Third Amended Complaint, Defendant
14 BBBS America denies the allegations made against it. Defendant BBBS America is without
15 sufficient knowledge or information to admit or deny the remaining allegations contained in
16 Paragraph 41 of the Third Amended Complaint and, therefore, denies same and demands
17 strict proof thereof.

18 **COUNT I**
19 **SEXUAL ASSAULT / SEXUAL ABUSE / SEXUAL CONDUCT WITH A MINOR**
20 **(A.R.S. § 13-1405 and the common law)**

21 42. Responding to Paragraph 42 of the Third Amended Complaint, Defendant
22 BBBS America incorporates its responses to all other paragraphs of its Answer as if fully set
23 forth herein.

24 43. Defendant BBBS America is without sufficient knowledge or information to
25 admit or deny the allegations contained in Paragraph 43 of the Third Amended Complaint
26 and, therefore, denies same and demands strict proof thereof.

27 44. Defendant BBBS America is without sufficient knowledge or information to
28 admit or deny the allegations contained in Paragraph 44 of the Third Amended Complaint
and, therefore, denies same and demands strict proof thereof.

1 45. Defendant BBBS America denies the allegations made against it in Paragraph
2 45 of the Third Amended Complaint. Defendant BBBS America is without sufficient
3 knowledge or information to admit or deny the remaining allegations contained in Paragraph
4 45 of the Third Amended Complaint and, therefore, denies same and demands strict proof
5 thereof.

6 46. Defendant BBBS America denies the allegations made against it in Paragraph
7 46 of the Third Amended Complaint. Defendant BBBS America is without sufficient
8 knowledge or information to admit or deny the remaining allegations contained in Paragraph
9 46 of the Third Amended Complaint and, therefore, denies same and demands strict proof
10 thereof.

11 47. Defendant BBBS America denies the allegations made against it in Paragraph
12 47 of the Third Amended Complaint. Defendant BBBS America is without sufficient
13 knowledge or information to admit or deny the remaining allegations contained in Paragraph
14 47 of the Third Amended Complaint and, therefore, denies same and demands strict proof
15 thereof.

16 48. Responding to Paragraph 48 of the Third Amended Complaint, Defendant
17 BBBS America denies that Defendant BBBS America committed any wrongful acts or that
18 it was the direct or proximate cause of any injury alleged by John CD Doe and/or Plaintiff.
19 Defendant BBBS America is without sufficient knowledge or information to admit or deny
20 the remaining allegations contained in Paragraph 48 of the Third Amended Complaint and,
21 therefore, denies same and demands strict proof thereof.

22 49. The allegations contained in Paragraph 49 of the Third Amended Complaint
23 are legal conclusions to which no response is required. In an abundance of caution and for
24 avoidance of doubt in the event a response is deemed necessary, Defendant BBBS America
25 denies the allegations contained in Paragraph 49 of the Third Amended Complaint.

26 **COUNT II**
27 **NEGLIGENCE AGAINST DEFENDANTS BIG BROTHERS BIG SISTERS OF**
28 **AMERICA & BIG BROTHERS BIG SISTERS OF CENTRAL ARIZONA**

1 50. Responding to Paragraph 50 of the Third Amended Complaint, Defendant
2 BBBS America incorporates its responses to all other paragraphs of its Answer as if fully set
3 forth herein.

4 51. Responding to Paragraph 51 of the Third Amended Complaint, Defendant
5 BBBS America denies that it owed any duty to John CD Doe. Defendant BBBS America is
6 without sufficient knowledge or information to admit or deny the remaining allegations
7 contained in Paragraph 51 of the Third Amended Complaint and, therefore, denies same and
8 demands strict proof thereof.

9 52. Responding to Paragraph 52 of the Third Amended Complaint, Defendant
10 BBBS America denies that it owed a duty to John CD Doe and denies that it had a special
11 relationship with John CD Doe. Defendant BBBS America is without sufficient knowledge or
12 information to admit or deny the remaining allegations contained in Paragraph 52 of the Third
13 Amended Complaint and, therefore, denies same and demands strict proof thereof. Defendant
14 BBBS America affirmatively alleges that it had no relationship whatsoever with John CD Doe.

15 53. Responding to Paragraph 53 of the Third Amended Complaint, Defendant
16 BBBS America denies that it owed any duty to John CD Doe and denies that it had a special
17 relationship with John CD Doe, John CD Doe's parents and/or other parents. Defendant
18 BBBS America is without sufficient knowledge or information to admit or deny the
19 remaining allegations contained in Paragraph 53 of the Third Amended Complaint and,
20 therefore, denies same and demands strict proof thereof.

21 54. Responding to Paragraph 54 of the Third Amended Complaint, Defendant BBBS
22 America denies that it owed any duty to John CD Doe and denies that it had a special relationship
23 with Italo Arbulu. Defendant BBBS America is without sufficient knowledge or information to
24 admit or deny the remaining allegations contained in Paragraph 54 of the Third Amended
25 Complaint and, therefore, denies same and demands strict proof thereof. Defendant BBBS
26 America affirmatively alleges that it had no relationship whatsoever with Italo Arbulu.

27 55. Defendant BBBS America denies the allegations made against it in Paragraph
28 55 of the Third Amended Complaint. Defendant BBBS America is without sufficient

1 knowledge or information to admit or deny the remaining allegations contained in Paragraph
2 55 of the Third Amended Complaint and, therefore, denies same and demands strict proof
3 thereof.

4 56. Defendant BBBS America denies the allegations made against it in Paragraph
5 56 of the Third Amended Complaint. Defendant BBBS America is without sufficient
6 knowledge or information to admit or deny the remaining allegations contained in Paragraph
7 56 of the Third Amended Complaint and, therefore, denies same and demands strict proof
8 thereof.

9 57. Defendant BBBS America denies the allegations made against it in Paragraph
10 57 of the Third Amended Complaint. Defendant BBBS America is without sufficient
11 knowledge or information to admit or deny the remaining allegations contained in Paragraph
12 57 of the Third Amended Complaint and, therefore, denies same and demands strict proof
13 thereof.

14 58. Defendant BBBS America denies the allegations made against it in Paragraph
15 58 of the Third Amended Complaint. Defendant BBBS America is without sufficient
16 knowledge or information to admit or deny the remaining allegations contained in Paragraph
17 58 of the Third Amended Complaint and, therefore, denies same and demands strict proof
18 thereof.

19 59. Defendant BBBS America denies the allegations made against it in Paragraph
20 59 of the Third Amended Complaint. Defendant BBBS America is without sufficient
21 knowledge or information to admit or deny the remaining allegations contained in Paragraph
22 59 of the Third Amended Complaint and, therefore, denies same and demands strict proof
23 thereof.

24 60. Defendant BBBS America denies the allegations made against it in Paragraph
25 60 of the Third Amended Complaint. Defendant BBBS America is without sufficient
26 knowledge or information to admit or deny the remaining allegations contained in Paragraph
27 60 of the Third Amended Complaint and, therefore, denies same and demands strict proof
28 thereof.

1 61. Defendant BBBS America denies the allegations made against it in Paragraph
2 61 of the Third Amended Complaint, including all of its subparagraphs. Defendant BBBS
3 America is without sufficient knowledge or information to admit or deny the remaining
4 allegations contained in Paragraph 61 of the Third Amended Complaint including all of its
5 subparagraphs and, therefore, denies same and demands strict proof thereof.

6 62. Defendant BBBS America denies the allegations made against it in Paragraph
7 62 of the Third Amended Complaint. Defendant BBBS America is without sufficient
8 knowledge or information to admit or deny the remaining allegations contained in Paragraph
9 62 of the Third Amended Complaint and, therefore, denies same and demands strict proof
10 thereof.

11 63. Defendant BBBS America denies the allegations made against it in Paragraph
12 63 of the Third Amended Complaint. Defendant BBBS America is without sufficient
13 knowledge or information to admit or deny the remaining allegations contained in Paragraph
14 63 of the Third Amended Complaint and, therefore, denies same and demands strict proof
15 thereof.

16 64. Defendant BBBS America denies the allegations made against it in Paragraph
17 64 of the Third Amended Complaint. Defendant BBBS America is without sufficient
18 knowledge or information to admit or deny the remaining allegations contained in Paragraph
19 64 of the Third Amended Complaint and, therefore, denies same and demands strict proof
20 thereof.

21 65. Defendant BBBS America denies the allegations made against it in Paragraph
22 65 of the Third Amended Complaint. Defendant BBBS America is without sufficient
23 knowledge or information to admit or deny the remaining allegations contained in Paragraph
24 65 of the Third Amended Complaint and, therefore, denies same and demands strict proof
25 thereof.

26 66. Defendant BBBS America denies the allegations made against it in Paragraph
27 66 of the Third Amended Complaint. Defendant BBBS America is without sufficient
28 knowledge or information to admit or deny the remaining allegations contained in Paragraph

1 66 of the Third Amended Complaint and, therefore, denies same and demands strict proof
2 thereof.

3 67. Defendant BBBS America denies the allegations made against it in Paragraph
4 67 of the Third Amended Complaint. Defendant BBBS America is without sufficient
5 knowledge or information to admit or deny the remaining allegations contained in Paragraph
6 67 of the Third Amended Complaint and, therefore, denies same and demands strict proof
7 thereof.

8 68. Defendant BBBS America denies the allegations made against it in Paragraph
9 68 of the Third Amended Complaint. Defendant BBBS America is without sufficient
10 knowledge or information to admit or deny the remaining allegations contained in Paragraph
11 68 of the Third Amended Complaint and, therefore, denies same and demands strict proof
12 thereof.

13 69. Defendant BBBS America denies the allegations made against it in Paragraph
14 69 of the Third Amended Complaint. Defendant BBBS America is without sufficient
15 knowledge or information to admit or deny the remaining allegations contained in Paragraph
16 69 of the Third Amended Complaint and, therefore, denies same and demands strict proof
17 thereof.

18 70. Defendant BBBS America denies the allegations made against it in Paragraph
19 70 of the Third Amended Complaint. Defendant BBBS America is without sufficient
20 knowledge or information to admit or deny the remaining allegations contained in Paragraph
21 70 of the Third Amended Complaint and, therefore, denies same and demands strict proof
22 thereof.

23 71. Defendant BBBS America denies the allegations made against it in Paragraph
24 71 of the Third Amended Complaint. Defendant BBBS America is without sufficient
25 knowledge or information to admit or deny the remaining allegations contained in Paragraph
26 71 of the Third Amended Complaint and, therefore, denies same and demands strict proof
27 thereof.

72. Defendant BBBS America denies the allegations made against it in Paragraph 72 of the Third Amended Complaint. Defendant BBBS America is without sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 72 of the Third Amended Complaint and, therefore, denies same and demands strict proof thereof.

73. Defendant BBBS America denies the allegations made against it in Paragraph 73 of the Third Amended Complaint. Defendant BBBS America is without sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 73 of the Third Amended Complaint and, therefore, denies same and demands strict proof thereof.

COUNT III
NEGLIGENT TRAINING AND SUPERVISION OF EMPLOYEES
AGAINST DEFENDANTS BIG BROTHERS BIG SISTERS OF AMERICA
& BIG BROTHERS BIG SISTERS OF CENTRAL ARIZONA

74. Responding to Paragraph 74 of the Third Amended Complaint, Defendant BBBS America incorporates its responses to all other paragraphs of its Answer as if fully set forth herein.

75. Defendant BBBS America denies the allegations made against it in Paragraph 75 of the Third Amended Complaint. Defendant BBBS America is without sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 75 of the Third Amended Complaint and, therefore, denies same and demands strict proof thereof.

76. Defendant BBBS America denies the allegations made against it in Paragraph 76 of the Third Amended Complaint. Defendant BBBS America is without sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 76 of the Third Amended Complaint and, therefore, denies same and demands strict proof thereof. Defendant BBBS America affirmatively alleges that it never had an employment or agency relationship with Italo Arbuly.

77. Defendant BBBS America denies the allegations made against it in Paragraph 77

1 of the Third Amended Complaint. Defendant BBBS America is without sufficient knowledge
2 or information to admit or deny the remaining allegations contained in Paragraph 77 of the Third
3 Amended Complaint and, therefore, denies same and demands strict proof thereof. Defendant
4 BBBS America affirmatively alleges that it owed no duty to John CD Doe.

5 78. Defendant BBBS America denies the allegations made against it in Paragraph 78
6 of the Third Amended Complaint. Defendant BBBS America is without sufficient knowledge
7 or information to admit or deny the remaining allegations contained in Paragraph 78 of the Third
8 Amended Complaint and, therefore, denies same and demands strict proof thereof. Defendant
9 BBBS America affirmatively alleges that it owed no duty to John CD Doe.

10 79. Defendant BBBS America denies the allegations made against it in Paragraph 79
11 of the Third Amended Complaint. Defendant BBBS America is without sufficient knowledge
12 or information to admit or deny the remaining allegations contained in Paragraph 79 of the Third
13 Amended Complaint and, therefore, denies same and demands strict proof thereof. Defendant
14 BBBS America affirmatively alleges that it owed no duty to John CD Doe.

15 80. Defendant BBBS America denies the allegations made against it in Paragraph
16 80 of the Third Amended Complaint. Defendant BBBS America is without sufficient
17 knowledge or information to admit or deny the remaining allegations contained in Paragraph
18 80 of the Third Amended Complaint and, therefore, denies same and demands strict proof
19 thereof.

20 81. Defendant BBBS America denies the allegations made against it in Paragraph
21 81 of the Third Amended Complaint. Defendant BBBS America is without sufficient
22 knowledge or information to admit or deny the remaining allegations contained in Paragraph
23 81 of the Third Amended Complaint and, therefore, denies same and demands strict proof
24 thereof.

25 **COUNT IV**
26 **NEGLIGENT RETENTION OF EMPLOYEES / AGENTS**
27 **AGAINST DEFENDANTS BIG BROTHERS BIG SISTERS OF AMERICA**
28 **& BIG BROTHERS BIG SISTERS OF CENTRAL ARIZONA**

1 82. Responding to Paragraph 82 of the Third Amended Complaint, Defendant
2 BBBS America incorporates its responses to all other paragraphs of its Answer as if fully set
3 forth herein.

4 83. Defendant BBBS America denies the allegations made against it in Paragraph
5 83 of the Third Amended Complaint. Defendant BBBS America is without sufficient
6 knowledge or information to admit or deny the remaining allegations contained in Paragraph
7 83 of the Third Amended Complaint and, therefore, denies same and demands strict proof
8 thereof. Defendant BBBS America affirmatively alleges that it did not ever employ,
9 supervise, authorize or control Italo Arbulu and had no duty to do so.

10 84. Defendant BBBS America denies the allegations made against it in Paragraph
11 84 of the Third Amended Complaint. Defendant BBBS America is without sufficient
12 knowledge or information to admit or deny the remaining allegations contained in Paragraph
13 84 of the Third Amended Complaint and, therefore, denies same and demands strict proof
14 thereof.

15 85. Defendant BBBS America denies the allegations made against it in Paragraph
16 85 of the Third Amended Complaint. Defendant BBBS America is without sufficient
17 knowledge or information to admit or deny the remaining allegations contained in Paragraph
18 85 of the Third Amended Complaint and, therefore, denies same and demands strict proof
19 thereof.

20 86. Defendant BBBS America denies the allegations made against it in Paragraph
21 86 of the Third Amended Complaint. Defendant BBBS America is without sufficient
22 knowledge or information to admit or deny the remaining allegations contained in Paragraph
23 86 of the Third Amended Complaint and, therefore, denies same and demands strict proof
24 thereof.

25 87. Responding to Paragraph 87 of the Third Amended Complaint, Defendant
26 BBBS America denies that BBBS America committed any wrongful acts or that it was the
27 direct or proximate cause of any injury alleged by John CD Doe and/or Plaintiff. Defendant
28 BBBS America is without sufficient knowledge or information to admit or deny the

1 remaining allegations contained in Paragraph 87 of the Third Amended Complaint and,
2 therefore, denies same and demands strict proof thereof.

3 **COUNT V**
4 **BREACH OF FIDUCIARY DUTY**
5 **(All Defendants)**

6 88. Responding to Paragraph 88 of the Third Amended Complaint, Defendant
7 BBBS America incorporates its responses to all other paragraphs of its Answer as if fully set
8 forth herein.

9 89. Defendant BBBS America denies the allegations made against it in Paragraph
10 89 of the Third Amended Complaint. Defendant BBBS America is without sufficient
11 knowledge or information to admit or deny the remaining allegations contained in Paragraph
12 89 of the Third Amended Complaint and, therefore, denies same and demands strict proof
13 thereof. Defendant BBBS America affirmatively alleges that it did not have a special
14 relationship with John CD Doe, and was not and never has been John CD Doe's friend,
15 mentor, guide, protector or fiduciary.

16 90. Defendant BBBS America denies the allegations made against it in Paragraph
17 90 of the Third Amended Complaint. Defendant BBBS America is without sufficient
18 knowledge or information to admit or deny the remaining allegations contained in Paragraph
19 90 of the Third Amended Complaint and, therefore, denies same and demands strict proof
20 thereof.

21 91. Responding to Paragraph 91 of the Third Amended Complaint, Defendant
22 BBBS America denies that BBBS America committed any breach of fiduciary duty or that it
23 was the direct or proximate cause of any injury alleged by John CD Doe and/or Plaintiff.
24 Defendant BBBS America denies the allegations made against it in Paragraph 91 of the Third
25 Amended Complaint. Defendant BBBS America is without sufficient knowledge or
26 information to admit or deny the remaining allegations contained in Paragraph 91 of the Third
27 Amended Complaint and, therefore, denies same and demands strict proof thereof.

28 **COUNT VI**
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(All Defendants)

1 92. Responding to Paragraph 92 of the Third Amended Complaint, Defendant
2 BBBS America incorporates its responses to all other paragraphs of its Answer as if fully set
3 forth herein.

4 93. Defendant BBBS America denies the allegations made against it in Paragraph
5 93 of the Third Amended Complaint. Defendant BBBS America is without sufficient
6 knowledge or information to admit or deny the remaining allegations contained in Paragraph
7 93 of the Third Amended Complaint and, therefore, denies same and demands strict proof
8 thereof.

9 94. Responding to Paragraph 94 of the Third Amended Complaint, Defendant
10 BBBS America denies that BBBS America committed any wrongful acts or that it was the
11 direct or proximate cause of any injury alleged by John CD Doe and/or Plaintiff. Defendant
12 BBBS America denies the allegations made against it in Paragraph 94 of the Third Amended
13 Complaint. Defendant BBBS America is without sufficient knowledge or information to
14 admit or deny the remaining allegations contained in Paragraph 94 of the Third Amended
15 Complaint and, therefore, denies same and demands strict proof thereof.

16 **COUNT VII**
17 **ENDANGERMENT**
18 **(All Defendants)**

19 95. Responding to Paragraph 95 of the Third Amended Complaint, Defendant
20 BBBS America incorporates its responses to all other paragraphs of its Answer as if fully set
21 forth herein.

22 96. Defendant BBBS America denies the allegations made against it in Paragraph
23 96 of the Third Amended Complaint. Defendant BBBS America is without sufficient
24 knowledge or information to admit or deny the remaining allegations contained in Paragraph
25 96 of the Third Amended Complaint and, therefore, denies same and demands strict proof
26 thereof.

27 97. Defendant BBBS America denies the allegations made against it in Paragraph
28 97 of the Third Amended Complaint. Defendant BBBS America is without sufficient
knowledge or information to admit or deny the remaining allegations contained in Paragraph

1 97 of the Third Amended Complaint and, therefore, denies same and demands strict proof
2 thereof.

3 98. Defendant BBBS America denies the allegations made against it in Paragraph
4 98 of the Third Amended Complaint. Defendant BBBS America is without sufficient
5 knowledge or information to admit or deny the remaining allegations contained in Paragraph
6 98 of the Third Amended Complaint and, therefore, denies same and demands strict proof
7 thereof.

8 99. Defendant BBBS America denies the allegations made against it in Paragraph
9 99 of the Third Amended Complaint. Defendant BBBS America is without sufficient
10 knowledge or information to admit or deny the remaining allegations contained in Paragraph
11 99 of the Third Amended Complaint and, therefore, denies same and demands strict proof
12 thereof.

13 100. Defendant BBBS America denies the allegations made against it in Paragraph
14 100 of the Third Amended Complaint. Defendant BBBS America is without sufficient
15 knowledge or information to admit or deny the remaining allegations contained in Paragraph
16 100 of the Third Amended Complaint and, therefore, denies same and demands strict proof
17 thereof.

18 101. Defendant BBBS America denies the allegations made against it in Paragraph
19 101 of the Third Amended Complaint. Defendant BBBS America is without sufficient
20 knowledge or information to admit or deny the remaining allegations contained in Paragraph
21 101 of the Third Amended Complaint and, therefore, denies same and demands strict proof
22 thereof.

23 **COUNT VIII**
24 **CHILD ABUSE**
25 **(A.R.S. § 13-3623 and the common law)**
26 **(All Defendants)**

27 102. Responding to Paragraph 102 of the Third Amended Complaint, Defendant
28 BBBS America incorporates its responses to all other paragraphs of its Answer as if fully set
forth herein.

1 103. Defendant BBBS America denies the allegations made against it in Paragraph
2 103 of the Third Amended Complaint. Defendant BBBS America is without sufficient
3 knowledge or information to admit or deny the remaining allegations contained in Paragraph
4 103 of the Third Amended Complaint and, therefore, denies same and demands strict proof
5 thereof.

6 104. Defendant BBBS America denies the allegations made against it in Paragraph
7 104 of the Third Amended Complaint. Defendant BBBS America is without sufficient
8 knowledge or information to admit or deny the remaining allegations contained in Paragraph
9 104 of the Third Amended Complaint and, therefore, denies same and demands strict proof
10 thereof.

11 105. Defendant BBBS America denies the allegations made against it in Paragraph
12 105 of the Third Amended Complaint. Defendant BBBS America is without sufficient
13 knowledge or information to admit or deny the remaining allegations contained in Paragraph
14 105 of the Third Amended Complaint and, therefore, denies same and demands strict proof
15 thereof.

16 106. Defendant BBBS America denies the allegations made against it in Paragraph
17 106 of the Third Amended Complaint. Defendant BBBS America is without sufficient
18 knowledge or information to admit or deny the remaining allegations contained in Paragraph
19 106 of the Third Amended Complaint and, therefore, denies same and demands strict proof
20 thereof.

21 107. Defendant BBBS America denies the allegations made against it in Paragraph
22 107 of the Third Amended Complaint. Defendant BBBS America is without sufficient
23 knowledge or information to admit or deny the remaining allegations contained in Paragraph
24 107 of the Third Amended Complaint and, therefore, denies same and demands strict proof
25 thereof.

26 108. Defendant BBBS America denies the allegations made against it in Paragraph
27 108 of the Third Amended Complaint. Defendant BBBS America is without sufficient
28 knowledge or information to admit or deny the remaining allegations contained in Paragraph

108 of the Third Amended Complaint and, therefore, denies same and demands strict proof thereof.

COUNT IX
ASSAULT
(A.R.S. §§ 13-1204, 13-1203, and the common law)
(All Defendants)

109. Responding to Paragraph 109 of the Third Amended Complaint, Defendant BBBS America incorporates its responses to all other paragraphs of its Answer as if fully set forth herein.

110. Defendant BBBS America is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 110 of the Third Amended Complaint and, therefore, denies same and demands strict proof thereof.

111. Defendant BBBS America denies the allegations made against it in Paragraph 111 of the Third Amended Complaint. Defendant BBBS America is without sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 111 of the Third Amended Complaint and, therefore, denies same and demands strict proof thereof.

112. Defendant BBBS America denies the allegations made against it in Paragraph 112 of the Third Amended Complaint. Defendant BBBS America is without sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 112 of the Third Amended Complaint and, therefore, denies same and demands strict proof thereof.

113. Defendant BBBS America denies the allegations made against it in Paragraph 113 of the Third Amended Complaint. Defendant BBBS America is without sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 113 of the Third Amended Complaint and, therefore, denies same and demands strict proof thereof.

114. The allegations contained in Paragraph 114 of the Third Amended Complaint are legal conclusions to which no response is required. In an abundance of caution and for

1 avoidance of doubt in the event a response to Paragraph 114 is deemed necessary, Defendant
2 BBBS America denies the allegations contained in Paragraph 114 of the Third Amended
3 Complaint.

4 115. Responding to Paragraph 115 of the Third Amended Complaint, Defendant
5 BBBS America denies that Defendant BBBS America abused John CD Doe or that it was the
6 direct or proximate cause of any injury alleged by John CD Doe and/or Plaintiff. Defendant
7 BBBS America denies the allegations made against it in Paragraph 115 of the Third Amended
8 Complaint. Defendant BBBS America is without sufficient knowledge or information to
9 admit or deny the remaining allegations contained in Paragraph 115 of the Third Amended
10 Complaint and, therefore, denies same and demands strict proof thereof.

11 **PRAYER FOR RELIEF**

12
13 1. Defendant BBBS America denies the allegations of the Third Amended
14 Complaint set forth in the Prayer for Relief. Specifically,

- 15 a. Defendant BBBS America denies that Plaintiff is entitled to the relief set forth
16 in Paragraph 1(a) of the Third Amended Complaint's Prayer for Relief;
- 17 b. Defendant BBBS America denies that Plaintiff is entitled to the relief set forth
18 in Paragraph 1(b) of the Third Amended Complaint's Prayer for Relief;
- 19 c. Defendant BBBS America denies that Plaintiff is entitled to the relief set forth
20 in Paragraph 1(c) of the Third Amended Complaint's Prayer for Relief;
- 21 d. Defendant BBBS America denies that Plaintiff is entitled to the relief set forth
22 in Paragraph 1(d) of the Third Amended Complaint's Prayer for Relief ;
- 23 e. Defendant BBBS America denies that Plaintiff is entitled to the relief set forth
24 in Paragraph 1(e) of the Third Amended Complaint's Prayer for Relief, which
25 relief is prohibited by the applicability provisions of A.R.S. § 12-514 set forth
26 in H.B. 2466, Sec. 3 (May 27, 2019);
- 27 f. Defendant BBBS America denies that Plaintiff is entitled to any relief requested
28 in Paragraph 1(f) of the Third Amended Complaint's Prayer for Relief.

AFFIRMATIVE DEFENSES

For its affirmative defenses to Plaintiff's Third Amended Complaint, Defendant BBBS America alleges as follows, individually and in the alternative:

1. Each and every allegation of the Third Amended Complaint not expressly admitted herein is denied.

2. The Third Amended Complaint, and each cause of action alleged therein, fails to state a claim for which relief can be granted.

3. Defendant BBBS America asserts that John CD Doe's and/or Plaintiff's alleged injuries and damages, if any, were directly and proximately caused or contributed to by the negligence of third parties who were responsible for John CD Doe's care and supervision, including but not limited to his mother, Penny Campbell, or others who had a legal duty or responsibility for the care and/or custody of John CD Doe (the "Responsible Custodians").

4. Defendant BBBS America asserts that John CD Doe's and/or Plaintiff's alleged injuries and damages, if any, were directly and proximately caused in whole or in part by other parties or by non-parties at fault, over whom Defendant BBBS America has no control and to whom Defendant BBBS America may apportion fault at the time of trial, including but not limited to John CD Doe's alleged perpetrator, Italo Arbulu, who was not an agent of and was not acting within the scope of any employment with or actual or apparent authority on behalf of Defendant BBBS America or any of its affiliates. Defendant BBBS America further reserves the right to argue that John CD Doe or other third parties may have caused or contributed to his alleged injuries and damages and may be comparatively, if not wholly, at fault.

5. John CD Doe and/or Plaintiff and/or other parties or non-parties to this lawsuit caused and/or contributed to each of John CD Doe's and/or Plaintiff's alleged injuries, damages, losses and costs, thereby requiring the application of principles of comparative fault. This includes any church, parish or clergy referenced in Plaintiff's Third Amended Complaint as having a relationship with John CD Doe and Italo Arbulu; an unnamed former employer and roommate of John CD Doe's who allegedly molested him; and "Jay" (unknown

1 last name), with whom John CD Doe allegedly had a sexual relationship when he was
2 seventeen years old and “Jay” was eighteen years old. (See Defendant BBBS America’s
3 Notice of Non-Parties at Fault and First Supplemental Notice of Non-Parties at Fault.)

4 6. The doctrine of *respondeat superior* does not apply to the alleged conduct of
5 Italo Arbulu, because Defendant BBBS America had no relationship with him and it cannot
6 be held vicariously liable for sexual abuse, sexual conduct or other for torts as alleged in
7 Plaintiff’s Third Amended Complaint. To the extent any such alleged conduct occurred, it
8 was the act of an individual who was acting solely for personal motives unrelated to the
9 furtherance of the business of Defendant BBBS America or its affiliate members.

10 7. Plaintiff’s and/or John CD Doe’s claims are barred, in whole or in part, by
11 waiver, laches, and/or estoppel. Plaintiff and/or John CD Doe unreasonably delayed in
12 providing notice and in commencing and prosecuting this action which caused unfair
13 prejudice to Defendant BBBS America, thus barring any recovery against Defendant BBBS
14 America under the equitable doctrines of waiver, laches and/or estoppel.

15 8. Plaintiff’s and/or John CD Doe’s failure to assert claims against Defendant
16 BBBS America before the expiration of the statute of limitations is inconsistent with
17 Plaintiff’s assertion of the claims in the Third Amended Complaint. Defendant BBBS
18 America relied on the absence of claims by the expiration of the statute of limitations in
19 conducting its business. Defendant BBBS America has suffered prejudice as a result of
20 Plaintiff’s and/or John CD Doe’s unreasonable delay in bringing claims that were waived or
21 had expired decades ago.

22 9. Plaintiff’s claims are barred, in whole or in part, by the statute of limitations.

23 10. Plaintiff’s claims are barred in whole or in part to the extent that John CD Doe
24 and/or Plaintiff or any parent, guardian or other authorized agent on his behalf waived or
25 released liability.

26 11. Any recovery on Plaintiff’s Third Amended Complaint or cause of action
27 alleged therein, is barred in whole or in part by John CD Doe’s and/or Plaintiff’s failure to
28 mitigate his/her damages, if any. Defendant BBBS America alleges that to the extent

1 evidence shows John CD Doe and/or Plaintiff failed to mitigate his/her damages and/or that
2 John CD Doe's and/or Plaintiff's alleged damages may be the result of a pre-existing
3 condition, recovery (if any) would be reduced accordingly. In the alternative, to the extent
4 John CD Doe and/or Plaintiff has mitigated his/her damages, any recovery on the Third
5 Amended Complaint, or any cause of action alleged therein, is barred in whole or in part by
6 such mitigation of damages.

7 12. Defendant BBBS America affirmatively alleges that it complied with all legal
8 and industry standards applicable at the time of the events alleged in the Third Amended
9 Complaint.

10 13. Defendant BBBS America contends that the sole and /or proximate cause of
11 the damages claimed by Plaintiff and/or CD John Doe was and is due to the willful and
12 intentional acts of persons or entities other than Defendant BBBS America.

13 14. Plaintiff's claims are barred, in whole or in part, by A.R.S. § 12-514 or its
14 applicability and definition provisions set forth in H.B. 2466 (May 27, 2019).

15 15. Plaintiff must prove each and every element of every one of the claims
16 contained in the Third Amended Complaint by clear and convincing evidence pursuant to
17 A.R.S. § 12-514 and its applicability and definitions provisions, H.B. 2466 (May 27, 2019).

18 16. Plaintiff's claims for punitive damages are barred in their entirety by A.R.S. §
19 12-514 and its applicability and definitions provisions, H.B. 2466 (May 27, 2019).

20 17. Plaintiff's claims are barred, in whole or in part, by A.R.S. § 12-505 and violate
21 the Due Process and Equal Protection clauses of the Arizona and Federal Constitutions.

22 18. Defendant BBBS America did not authorize, consent to, ratify, direct or
23 participate in any of the allegedly wrongful or negligent conduct that forms the basis of the
24 Third Amended Complaint. Defendant BBBS America was not responsible for supervising
25 and thus did not supervise any employees or volunteers of BBBS of Southern Arizona or any
26 other affiliate member. Defendant BBBS America also was not responsible for training and
27 thus did not supervise the training of any affiliate volunteers. Italo Arbulu was not a
28 volunteer, employee or agent of Defendant BBBS America.

1 19. Defendant BBBS America did not know or otherwise have actual notice of any
2 misconduct that create an unreasonable risk of sexual conduct (as defined in applicability
3 provision to A.R.S. § 12-514) or sexual contact (as defined in applicability provision to
4 A.R.S. § 12-514) with a minor by any employee, volunteer, representative or agent.

5 20. Italo Arbulu was never, at any time, an employee, volunteer, representative or
6 agent of Defendant BBBS America.

7 21. Defendant BBBS America does not presently know all facts relating to the
8 allegations of the Third Amended Complaint or Defendant BBBS America's respective
9 defenses. Defendant BBBS America therefore reserves its right to amend this Answer to
10 allege additional affirmative defenses should it later discover or identify facts supporting such
11 defenses.

12 22. Defendant BBBS America specifically denies negligence, causation, and
13 damages.

14 23. Plaintiff has failed to state a claim for which relief may be granted based on
15 any purported special relationship or violation of public policy, and to the extent Plaintiff
16 seeks to impose vicarious liability for heinous and personal acts which are utterly contrary to
17 public policy, such conduct should be punishable upon only the perpetrator.

18 24. To the extent evidence reveals that Plaintiff and/or John CD Doe and/or his
19 parents or guardians withheld information from Defendant BBBS America that could have
20 afforded better protection for not only John CD Doe but others generally, they may be
21 designated as parties or non-parties at fault.

22 25. Plaintiff bears the burden of proving each and every element of each of the
23 claims contained in the Third Amended Complaint with clear and convincing evidence.

24 26. Numerous defenses, both affirmative and otherwise, may arise as a result of
25 discovery. Therefore, pursuant to the Arizona Rules of Civil Procedure, Defendant BBBS
26 America reserves the right to amend its Answer to Plaintiff's Third Amended Complaint to
27 assert further affirmative defenses upon completion of discovery and incorporates all defenses
28 enumerated in Rules 8 and 12, Ariz. R. Civ. P., by reference herein.

1 WHEREFORE, having fully answered Plaintiff's Third Amended Complaint,
2 Defendant BBBS America demands trial by jury as to all triable issues and prays for relief as
3 follows:

- 4 a. That the Court enter judgment in Defendant BBBS America's favor and dismiss
5 Plaintiff's Third Amended Complaint in its entirety, with prejudice, and that
6 Plaintiff take nothing thereby;
- 7 b. Award Defendant BBBS America its taxable costs and any other remedies
8 afforded under Arizona law; and
- 9 c. For such other relief as this Court deems just and proper.

10 DATED this 17th day of November, 2025.

11
12 BERKE LAW FIRM, PLLC

13 By /s/ Anelisa Benavides
14 Lori V. Berke
15 Anelisa Benavides
16 Attorneys for Defendant
17 Big Brothers Big Sisters of America
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27
28

1 The foregoing document was e-filed
2 with the Clerk of Court this 17th day
3 of November, 2025, and a copy e-served via
4 AZTurboCourt to:

5 Robert E. Pastor
6 Montoya, Lucero & Pastor, P.A.
7 3200 N. Central Ave., Suite 2550
8 Phoenix, AZ 85012
9 pastor@mlpattorneys.com

10 Michael S. Daoudi
11 Law Offices of Michael S. Daoudi, PC
12 346 Park Street, Suite 120
13 Birmingham, Michigan 48009
14 msd@msd4law.com
15 *Attorneys for Plaintiff*

16 Mr. John M. O'Neal
17 Mr. Jeffrey D. Gardner
18 Mr. Anthony F. Pusateri
19 Quarles & Brady, LLP
20 Two North Central Avenue, Suite 600
21 Phoenix, Arizona 85004-2391
22 John.Oneal@quarles.com
23 Jeff.Gardner@quarles.com
24 Anthony.Pusateri@quarles.com
25 *Attorneys for Defendant Big Brothers Big Sisters of Central Arizona*

26 By /s/ Anelisa Benavides