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

JOHN CD DOE, a single man,

Plaintiff,

v.

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

**NOTICE OF BANKRUPTCY
COURT ORDER AND
BANKRUPTCY HEARING SET
FOR MARCH 25, 2025**

AND

**PLAINTIFF'S REQUEST TO
CONTINUE AND OR STAY
DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT**

(Oral Argument Requested)

Plaintiff gives Notice that on February 21, 2025 the United States Bankruptcy Court for the District of Arizona ordered Plaintiff's / Debtor's 2009 and 2017 bankruptcy petitions reopened. (Exhibit 1: *In re David L. Campbell*, Orders, 09-bk-12121; 17-bk-09863 – Orders dated 02/21/2025). The U.S. Bankruptcy Court further ordered a hearing to be held on March 25, 2025 for purposes of determining whether an automatic stay is in effect or whether it should be ordered to be in effect.

1 Plaintiff requests an order from the Maricopa County Superior Court continuing
2 or staying any ruling on Defendant Big Brother Big Sister of Central Arizona's Motion
3 for Summary Judgment until after the United States Bankruptcy Court issues its ruling
4 with respect to Plaintiff's / Debtor's bankruptcy petitions.

5 **I. FACTS & PROCEDURAL HISTORY**

6 For more than 60 years, Defendant Big Brothers Big Sisters of Central Arizona
7 boasts that it "makes meaningful, professionally supported matches between adult
8 volunteers ("Bigs") and children ("Littles"). See www.bbbsaz.org. In this case,
9 Defendant Big Brothers Big Sisters of Central Arizona ignored the recommendations of
10 professionals who evaluated Italo Arbulu. Arbulu is now a convicted sex offender.

11 On October 21, 1982, Italo Arbulu applied to become a mentor or "Big" in
12 Defendants' mentoring program. (BBBS Central AZ, *Application* dated
13 10/21/1982)(BBBSCA000031-34). Although BBBS of Central Arizona claimed it
14 would "investigate" Arbulu's background, there is no evidence that BBBS of Central
15 Arizona even ran a simply background check on Arbulu. (Dep. of Rule 30(b)(6) BBBS
16 Central AZ re Application / Screening / Supervision 09/19/2024 at p. 80: 8-24).

17 On November 1, 1982, BBBS of Central Arizona administered the Minnesota
18 Multiphasic Personality Inventory (MMPI). (MMPI, *Italo Arbulu*,
19 11/01/1982)(BBBSCA000035-42). According to the National Institute of Health, the
20 MMPI "is the most common psychometric test devised to assess personality traits and
21 psychopathology." See www.ncbi.nih.gov The MMPI for Arbulu showed that he "sees
22 things or animals or people around me that other people do not see." The MMPI also
23 noted that Arbulu "had periods in which [he] carried on activities without knowing later
24 what [he] had been doing" and that he "commonly hear[s] voices without knowing where
25 they came from." (MMPI, *Italo Arbulu*, 11/01/1982) (BBBSCA000035-42). The
26 professional psychologist who evaluated Arbulu recommended that he not be permitted
27 to volunteer as a mentor or "Big" in Defendants' program, writing:
28

1 This young man has some serious problems. He has
2 excessive bodily concerns, he is demanding and
3 complaining. He is confused and often fantasizes. He is
4 over-acting, unrealistic and may have severe emotional
5 issues. Based on the MMPI he is not able to be a Big
6 Brother at this time and could profit from professional
7 counseling.

8 (MMPI, *Italo Arbulu*, 11/01/1982) (BBBSCA000035-42).

9 Defendant BBBS of Central Arizona serves at-risk-youth. At-risk youth include
10 children who come from lower socioeconomic households; children who may have had
11 contact with law enforcement; and children who are not likely to graduate high school.
12 Often times, the at-risk-youth who participate in Defendants' program come from parents
13 who struggle with addiction; parents who struggle with mental health issues; parents who
14 are unemployed or underemployed. The at-risk-youth who participate in Defendants'
15 program often come from single-parent homes or households that lack a stable, adult role
16 model. The purpose of Defendants' program is to provide children, like Plaintiff, with a
17 stable adult who can provide mentorship and positive influence on the child's life. (Dep.
18 of Rule 30(b)(6) BBBS Central AZ re Application / Screening / Supervision 09/19/2024
19 at p. 40:15 – 42:22). Defendants knew Arbulu was not a stable adult. Sadly, Defendants
20 noted the warning signs but decided to ignore them.

21 Given the population of children it serves, Defendants recognize that "money,
22 gifts and new, exciting adventures for the child with this new friend could be ways to
23 pressure the child into approval for otherwise reluctant behavior." (Dep. of Rule 30(b)(6)
24 BBBS Central AZ re Application / Screening / Supervision 09/19/2024 at p. 52:19 –
25 53:7). *See also* Big Brothers Big Sisters of America, *Child Sexual Abuse*, (1982).
26 Defendants admit, as they must, that through its program "offenders usually entice,
27 through indoctrination, the child into the sexual behavior through either persuasion or
28 entrapment in which the child is caused to feel indebted or obligated." (*Id.* at p. 45:17-
47:8).

1 Plaintiff was among the population of children that was at-risk for the type of
2 indoctrination and entrapment that would lead to child sexual abuse. Plaintiff John CD
3 Doe is David Campbell. Plaintiff was raised by a single mother. His mother struggled.
4 In January 1983, she turned to Defendants for help. On January 28, 1983, just three
5 months after BBBS of Central Arizona evaluated Arbulu, Defendants matched Plaintiff
6 with Arbulu. (BBBS Central Arizona, *Flow Sheet*, 01/28/1983)(BBBSCA000092).
7 “Two weeks after they were matched it was discovered that Big Brother [Italo Arbulu]
8 and Little Brother [David Campbell] had slept in the same bed together.” (BBBS Central
9 Arizona, *Termination Summary*, 07/08/1983). By February 14, 1983, Defendants’ case
10 worker expressed concern that Arbulu was spending too much time with Plaintiff and
11 that Arbulu could not sleep in the same bed with a child.

12
13 [Big Brother] just spent 2 nites at their house & they
14 slept together! When I asked her why she said she’s
15 probably naïve! Also, told her that they’re getting
16 together so much concerns me they need to have other
17 things going on in their lives – and to keep it special.
18 Asked her to limit their outings & no sleeping in the
19 same bed.

20 (BBBS of Central Arizona, *Case Follow Up*, 02/14/1983)(BBBSCA000084). Despite
21 the warning signs, BBBS of Central Arizona did not protect Plaintiff.

22 On July 8, 1983, BBBS of Central Arizona concluded, “We have reason to believe
23 BB [Italo Arbulu] was sexually inappropriate with LB [David Campbell].” (BBBS
24 Central Arizona, *Termination Summary*, 07/08/1983). Someone called Phoenix Police.
25 Plaintiff was interviewed. Unfortunately, Arbulu left town before Phoenix Police could
26 interview him. Arbulu fled to California. *See* Phoenix Police Report 83-072778.

27 In approximately September 2005, Italo Arbulu was convicted of sexually abusing
28 five children who were on the soccer team Arbulu coached. Arbulu was sentenced to
180 years to life in prison.

1 On December 26, 2024, Defendant BBBS of Central Arizona filed its Motion for
2 Summary Judgment claiming Plaintiff does not have standing to prosecute this personal
3 injury action because Defendant believes it is property of the bankruptcy estate from 2009
4 and 2017. Defendant makes this argument even though the statute of limitations expired
5 in 1993.

6 On January 26, 2025, Plaintiff filed a letter with the United States Bankruptcy
7 Court for the District of Arizona requesting that his 2009 and 2017 bankruptcies be re-
8 opened. (Exhibit 2: Ltr D. Campbell to U.S. Bankruptcy Court 01/26/2025). Plaintiff
9 notified the U.S. Bankruptcy Court of this civil, tort action explaining that he had no
10 claim to disclose in his 2009 and 2017 bankruptcy petitions because the statute of
11 limitations had long since expired. *Id.* Plaintiff requested that the bankruptcies be re-
12 opened “to ensure all debts and obligations are appropriately addressed.” *Id.*

13 On January 30, 2025, undersigned counsel filed a formal Motion to Re-Open
14 Debtor’s / Plaintiff’s Bankruptcies and a Motion for an Order to Stay this civil tort claim.
15 (Exhibit 3: Debtor’s Motion to Re-Open Bankruptcies & Motion for Order to Stay
16 Underlying Tort Claim 01/30/2025). Copies of the motion were given to both trustees
17 in the 2009 and 2017 bankruptcy petitions and the Assistant United States Trustee for the
18 U.S. Department of Justice, Elizabeth Amorosi.

19 Plaintiff’s counsel spoke with the Assistant United States Trustee for the U.S.
20 Department of Justice, Elizabeth C. Amorosi, before filing the motion in bankruptcy
21 court. The Department of Justice needs time to appoint a trustee and allow the trustee to
22 obtain Court approval to hire special counsel to prosecute this tort claim and substitute
23 then as the real party in interest.

24 **II. LEGAL ANALYSIS**

25 Under federal bankruptcy law, the U.S. Bankruptcy Court has broad discretion to
26 enjoin the continued prosecution of state-court litigation against non-debtor parties. *Law*
27 *v. Siegel*, 571 U.S. 415 (2014). Under federal law, “[j]udicial proceedings in violation
28 of the automatic stay are void.” *Phoenix Bond Indemnity v. Shamblin*, 890 F2d 123, 125,

1 (9th Cir. 1989); *Schwartz v. Unites State (In re Schwartz)*, 954 F2d 569, 571 (9th Cir.
2 1992). The bankruptcy court is the appropriate court to determine the scope and duration
3 of the automatic stay as it applies to this action. *In re Gruntz*, 202 F3d 1074, 1082-83
4 (9th Cir. 1999)(federal courts have the final authority to determine the scope and
5 applicability of the automatic stay).

6 In this case, Defendant BBBS of Central Arizona knew its Big, Italo Arbulu, had
7 serious mental health problems. Defendant BBBS of Central Arizona ignored the
8 warning signs and instead allowed Arbulu to continue his mentoring relationship which
9 he used to groom and sexually abuse Plaintiff. Defendant BBBS of Central Arizona
10 filed its Motion for Summary Judgment claiming Plaintiff did not have standing to
11 prosecute this claim because it was property of the 2009 and 2017 bankruptcy estate.
12 Defendant ignores that fact that when Plaintiff filed for bankruptcy protecting in 2009
13 and again in 2017, the statute of limitations expired in 1993; 16 years and 24 years
14 respectively, before Plaintiff filed for bankruptcy.

15 Moreover, to achieve its goal of escaping liability, Defendant BBBS of Central
16 Arizona confuses the issue of standing under Arizona law. The issue under Arizona law
17 is whether this tort claim is being prosecuted in the name of the real party in interest.
18 Under Rule 17(a)(3), Ariz. R. Civ. P., the trial court is prohibited from dismissing this
19 tort claim until Plaintiff has been given a reasonable time to allow the real party in interest
20 to ratify, join and substitute into the action.

21
22 The Court **may not dismiss an action** for failure to prosecute
23 in the name of the real party in interest until, after an objection,
24 a reasonable time has been allowed for the real party in
25 interest to ratify, join or be substituted into the action. After
ratification, joinder, or substitution, the action proceeds as if
it had been originally commenced by the real party in interest.

26 Ariz. R. Civ. P. 17(a)(3).
27
28

1 Under the circumstances in this case, the U.S. Bankruptcy Court re-opened
2 Plaintiff's 2009 and 2017 bankruptcies. The U.S. Trustee needs time to re-appoint a
3 trustee. The appointed trustee then needs to time to obtain Bankruptcy Court approval to
4 hire special counsel (presumably undersigned counsel) to prosecute this civil tort claim
5 and proceed with substitution under Rule 17, Ariz. R. Civ. P.

6 **III. CONCLUSION**

7 For the reasons stated above, Plaintiff requests an order staying this matter until
8 after the United State Bankruptcy Court for the District of Arizona issues its ruling in
9 Plaintiff's / Debtor's 2009 and 2017 bankruptcies. The trial court should stay these
10 proceedings until the bankruptcy court rules because federal courts have the final
11 authority to determine the scope and applicability of a bankruptcy stay. *In re Gruntz*, 202
12 F3d 1074, 1082-83 (9th Cir. 1999).

13 **DATED** this 24th day of February, 2025.

14
15 **MONTOYA, LUCERO & PASTOR, P.A.**

16 By /s/ Robert E. Pastor

17 Robert E. Pastor
18 Attorneys for Plaintiff

19 ORIGINAL of the foregoing e-filed
20 With the Maricopa County Clerk of Court.

21 And a COPY emailed this 24th day of February, 2025 to:

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