



HAMILTON COUNTY )  
c/o Patrick Thompson, Administrator )  
138 E. Court Street, Room 603 )  
Cincinnati, Ohio 45202 )

Also serving: )

Joseph T. Deters, Prosecuting Attorney )  
230 E. 9th Street, Suite 4000 )  
Cincinnati, Ohio 45202 )

and )

HAMILTON COUNTY DEPARTMENT )  
OF JOB AND FAMILY SERVICES )  
c/o Moira Weir, Director )  
222 E. Central Parkway )  
Cincinnati, Ohio 45202 )

and )

FAIRHAVEN COUNSELING INC. )  
c/o Collin A. Myers, Director )  
2675 Oakwood Drive )  
Cuyahoga Falls, Ohio 44221 )

and )

COLLIN A. MYERS, Ph.D. )  
2675 Oakwood Drive )  
Cuyahoga Falls, Ohio 44221 )

and )

ADOPT AMERICA NETWORK )  
c/o Jane M. Miller, Statutory Agent )  
144 Treetop Place )  
Holland, Ohio 43528 )

Also serving at: )

1025 N. Reynolds Road )  
Toledo, Ohio 43615 )

and )

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(caption continued on next page)

JOHN DOES 1-50 )  
*names and addresses unknown and* )  
*cannot be determined at this time* )  
) )  
Defendants )  
) )  
Also serving, pursuant to R.C. § 2721.12: )  
) )  
Richard Cordray, Attorney General )  
State Office Tower )  
30 East Broad Street, 17th Floor )  
Columbus, Ohio 43215 )  
\_\_\_\_\_ )

Now come Plaintiffs Sharen Torrence and Dina Montana, guardian of Michael Montana, by and through counsel, and for their complaint state and allege as follows:

**SUMMARY OF THE ACTION**

1. This is an action seeking redress for the heinous and unforgivable abuse and neglect of two innocent children living in a foster/adoptive care setting. These children were under the custody, care, and supervision of institutional and individual Defendants named in this lawsuit, who are directly responsible for the physical and long-term emotional harm these children were subjected to in their foster/adoptive home. The Defendants identified in this action broke rules of acceptable conduct, intended to keep all children in the state of Ohio safe, and which put unprotected children in harm’s way, jeopardizing their personal safety, and violating their individual and constitutional rights in the process.

2. The abused and neglected children—Michael Montana, by and through his guardian, and Sharen Torrence—now stand up for themselves to address the wrongdoing they endured at the hands of their former adoptive parents, the Gravelles, as well as those individuals and entities that negligently, recklessly and wantonly, and/or intentionally sentenced them to a life of cruelty, deprivation, and abuse in the Gravelle home. The Defendants abandoned the children—and nine others who were subsequently placed in the Gravelle home—and failed to protect them from terrible, unthinkable harm.

## BACKGROUND

3. Michael and Sharen Gravelle (“the Gravelles”) were unsuitable adoptive parents whose troubled domestic histories were flush with red flags: sexual abuse counseling; children who had run away from home; five failed marriages between them; lack of experience, insufficient income, and poor temperament to properly discipline and nurture multiple children.

4. Despite the obvious and well documented risks and warnings that the Gravelles would be unable to effectively parent and appropriately care for an adoptive child, public and private adoption services continued to place child after child in the Gravelles’ home, including the placement of Sharen Torrence and Michael Montana.

5. Beginning in 1996, Michael and Sharen Gravelle, a married couple, began to actively seek out foster and adoptive custodial relationships with children through multiple public and private institutions, culminating in eleven children being placed in their home by the year 2005.

6. The eleven children (“the Children”) who were eventually placed in the Gravelle home were subjected to heinous abuse and neglect: They were kenneled in alarmed cages instead of beds; they were deprived of food; they were corporally punished and cruelly disciplined; and they were humiliated and otherwise abused.

7. The Gravelles’ actions were transparently typical of the unsavory practice of “mega families” that are found throughout the country involving persons who live off the money received from adoption subsidies. To be sure, Michael Gravelle was once heard as saying, “These kids pay pretty good.” Prior to adopting the children, the Gravelles earned a combined annual income of approximately \$46,000. By the time they had adopted all eleven Children, both of the Gravelles had quit working because their annual income topped \$100,000 derived from state subsidies.

8. Each of the other Defendants named in this complaint failed to lawfully and properly discharge their duty to the Plaintiffs and the other Children. Some of the named Defendants failed to properly screen the Gravelles or recognize the red flags in the Gravelles' past which made them dangerous and unsuitable adoptive parents. Other named Defendants failed to notify authorities or take any action to remove the plaintiffs from the abuse and neglect visited upon them by the Gravelles. Other Defendants were complicit in the Gravelles' mistreatment, abuse, and neglect of the Plaintiffs and the other Children.

9. This action seeks to hold accountable Defendants who failed to conduct proper investigations into the Gravelles' fitness for adoptive parenting; failed to report abuse and neglect they found or should have reasonably discovered; and failed to protect Plaintiffs and the other Children by working to remove them from the Gravelle home or otherwise safeguard them from the abuse and neglect of the Gravelles.

### **PARTIES AND RELATIONSHIPS**

#### ***Plaintiffs and Guardian***

10. Plaintiff Sharen Torrence, formerly known as Sharen Gravelle (II), is the oldest of the Children and has achieved the age of majority. She resides at the captioned address. Sharen was removed from her biological home by Defendant Hamilton County Department of Job and Family Services and was placed in the Gravelle home in July 1998, where she was subjected to heinous abuse and neglect until she was removed by Huron County authorities in 2005.

11. Dina Montana is a nominal plaintiff in this action acting on behalf of her adoptive son, Michael Montana, formerly known as Michael Gravelle (II). The Montanas reside at the captioned address.

12. Michael Montana is second oldest of the Children and a minor. Michael was removed from his biological home by Defendant Hamilton County Department of Job and

Family Services and placed in the Gravelle Home in July 1998, where he was subjected to heinous abuse and neglect until he was removed by Huron County authorities in 2005. (Generally, Sharen Torrence and Michael Montana or his guardian, Dina Montana, are referred to throughout this Complaint collectively as “Plaintiffs.”)

***Screening Defendants***

13. In this Complaint, “Screening Defendants” refers to those political subdivisions, private entities, individuals, as well as their employees and agents, who conducted or should have conducted “home studies,” interviews, evaluations, or research regarding the fitness of the Gravelles for foster/adoptive parenting, or who produced reports and/or approved the Gravelles for foster/adoptive children which resulted in the placement of Plaintiffs in the Gravelle home.

14. Defendant Fairhaven Counseling Inc. (“Fairhaven”) is a private entity engaged in “research-based counseling” across Northeast Ohio, located at the captioned address. Fairhaven is one of the Screening Defendants which conducted interviews, home visits, and testing of the Gravelles in 1996 and produced a report fully approving them for the placement of two children.

15. Defendant Collin Myers, Ph.D. (“Myers”) is a social work professional and has a place of business at the captioned address. He is the Director of Fairhaven and/or an owner, officer, or agent thereof. Myers performed studies and interviews of Michael and Sharen Gravelle that resulted in the placement of Plaintiffs in the Gravelle home. Myers is a Screening Defendant.

16. Defendant Hamilton County Department of Job and Family Services is the unit of the political subdivision, Defendant Hamilton County, in Cincinnati, Ohio, responsible for the care and custody of abused and neglected children, their removal from biological homes, and their placement in safe and caring foster/adoptive homes (together, the County and the

Department are referred to as “Hamilton County”). Defendant Hamilton County is a policy-making public institution, and also operates by and through its directors, employees, and agents, and is vicariously liable for their tortious acts and omissions. The identities of these actors is currently unknown, despite reasonable attempts to ascertain them; as such, they are among the John Doe Defendants named in this Complaint. To the extent the Board of Hamilton County Commissioners or any Commissioner individually exercised policy-making or administrative control or direction over the Hamilton County Department of Job and Family Services, such entity or person(s) is named herein along with the Department and as a John Doe Defendant whose name is currently unknown. Hamilton County removed Plaintiffs from their biological homes, took custody of them, and eventually placed them in the Gravelle home. Hamilton County is one of the Screening Defendants who had a duty to investigate the Gravelle home to determine whether Plaintiffs would be safe if placed in the Gravelle home.

17. Certain John Doe Defendants are Screening Defendants because they were involved in the process of evaluating the Gravelles and approving them as foster/adoptive parents for Plaintiffs. These John Does’ names and addresses are currently unknown, despite reasonable efforts to discover them.

***The Gravelles***

18. Defendant Sharen Gravelle (I) was the foster/adoptive parent of Plaintiffs. She was convicted of child endangerment and child abuse in violation of R.C. § 2912.22, and currently resides in Cuyahoga County at the captioned address. (Collectively, Michael and Sharen Gravelle are referred to as “the Gravelles.”)

19. Defendant Michael Gravelle (I) was the foster/adoptive parent of Plaintiffs. He was convicted of child endangerment and child abuse in violation of R.C. § 2912.22, and currently resides at the captioned address.

### ***Caseworker Defendants***

20. In this Complaint, “Caseworker Defendants” refers to those political subdivisions, private entities, individuals, as well as their employees and agents, who provided or should have provided counseling, social work services, follow-up interviews, or monitoring to the foster/adoptive Children in the Gravelle home, including Plaintiffs.

21. Defendant Elaine Thompson (“Thompson”) was a licensed social worker who was contracted to provide services to the Gravelles in relation to their parenting of Plaintiffs. Thompson was indicted on 33 counts for her failure to protect the interests of the Plaintiffs. In a plea agreement, she pled guilty to R.C. § 2921.22(B) for failing to report crime. Thompson is one of the Caseworker Defendants who had a duty to ensure the continued safety of the Plaintiffs.

22. Defendant Associates in Adoptive/Foster Family Psychotherapy (“Associates”) is a private entity which provided counseling services across Northeast Ohio, and at relevant times maintained offices in Cuyahoga County and Lorain County. Upon information and belief, Associates was a business alter-ego of Elaine Thompson, or she was a partner, owner, officer, employee or agent of Associates. Associates is not a registered business entity, is believed to be defunct, but can be served through Elaine Thompson at the captioned address. Associates is one of the Caseworker Defendants who had a duty to ensure the continued safety of the Plaintiffs.

23. Certain John Doe Defendants are Caseworker Defendants because they were involved in the process of monitoring the Gravelles and providing services supporting them as foster/adoptive parents for Plaintiffs and the other Children. These John Does’ names and addresses are currently unknown, despite reasonable efforts to discover them.

### ***Placement Defendants***

24. In this Complaint, “Placement Defendants” refers to those political subdivisions, private entities, individuals, as well as their employees and agents, who were involved in the placement of other Children into the Gravelle home, who learned or should have learned that Plaintiffs, who were already in the home, were being abused and neglected. These Defendants failed to discover and/or failed to report the abuse and neglect to the appropriate authorities.

25. Defendant Adopt America Network (“Adopt America”) is a private adoption agency incorporated under the laws of the state of Ohio, with an agent for service located at the captioned address. Upon information and belief, Adopt America was responsible for placing one or more of the younger Children in the Gravelles’ foster/adoptive care, and conducted “home studies” or other evaluations of the home prior thereto. During this evaluation and placement process, Adopt America discovered or should have discovered the Gravelles’ history of abuse, ongoing abuse, and neglect Plaintiffs were subjected to, and should have reported it to the proper authorities.

26. Upon information and belief, Adopt America was involved in the placement of other children in the Gravelle home with the express responsibility to conduct home studies, as well as an inspections and updates on the children in the home.

27. Certain John Doe Defendants are Placement Defendants because they were involved in the process of evaluating the Gravelle home for the placement of subsequent children. During this process, these John Doe Defendants found or should have found that abuse and neglect of Plaintiffs was ongoing. These John Does’ names and addresses are currently unknown, despite reasonable efforts to discover them.

### ***John Doe Defendants***

28. (The following allegations apply generally to each class of John Doe Defendants mentioned above.) Defendants John Doe 1-50 are other entities, subsidiaries, affiliates,

predecessors, successors, employees, individuals, or agents involved in the assessment, custody, placement, monitoring, and/or evaluation of the Children and the Gravelle home in relation to the issues raised in this Complaint, or who exercised control over any such actor or are otherwise liable or vicariously liable for the acts and omissions as set forth in this Complaint. Plaintiffs have been unable, despite reasonable efforts, including the review of hundreds of documents in the public domain, to identify these John Doe Defendants, but expects that the discovery requests served herewith will assist in their identification. Furthermore, depositions of corporate officers, county personnel, and/or other persons with knowledge of the placement and custodial history of the Children may be necessary to determine the involvement of the John Doe Defendants in the acts or omissions giving rise to Plaintiffs' claims. Once discovery reveals the identities and potential liabilities of the John Doe Defendants, Plaintiffs will seek to amend their Complaint to name them and will serve them according to the Ohio Rules of Civil Procedure. Huron County, Ohio, and Williams County, Ohio, as well as their respective agencies and insurers, are expressly excluded from the John Doe Defendants and as parties to this Complaint.

### **FACTUAL ALLEGATIONS**

#### ***The Gravelles Were Not Suitable Adoptive Parents***

29. Michael Gravelle sexually abused one of his biological daughters from 1984-86. He "self-referred" to Lorain County authorities, and both he and the daughter substantiated the abuse in a written report maintained by Lorain County Children's Services, the Lorain Police Department, and the Lorain County Prosecutor's Office, as well as the Ohio Central Registry of Child Abuse and Neglect. The daughter was removed from the home after the initial report of abuse.

30. Michael Gravelle signed a “therapy contract” with the “STOP” program, which required him to attend treatment to learn to control his “inappropriate sexual behavior toward children.”

31. Michael and Sharen Gravelle met in May 1986 at a sexual abuse counseling session led by Parents Unite. When they met, Sharen had three failed marriages and Michael had two failed marriages. Michael and Sharen Gravelle were married in May 1987, although divorce proceedings are currently pending.

32. A Lorain County Children’s Services document from July 23, 1991, records that Michael was “very uncooperative in the STOP program and kept requesting his daughter back in the home.”

33. After Michael married Sharen, he filed suit to regain custody of the daughter (over her objection). The daughter was returned to the home in 1991, but ran away to a runaway shelter, stating there were more severe conflicts with both her father and new step/adoptive mother. Custody of the daughter was given to the mother of one of the daughter’s friends.

34. In 1991, Michael’s biological son, who was then 14, was also referred to the Lorain County Children Services department when his parents refused to allow him to return home because of allegations of inappropriate behavior. The Lorain County Court gave custody of the boy to Lorain County Children’s Services for placement.

35. Lorain County Children’s Services noted that the Gravelles “have a history of forcing their children out of the home so they do not have to deal with their unruly or delinquent behavior.”

36. Eventually, all of the Gravelles’ biological children were kicked out of the house. An older daughter was evicted during her senior year in high school. Another son had all his belongings thrown into the front yard when he was thrown out. Today, only one of the

Gravelle's biological children speaks to them. Collectively, the children have described their life with the Gravelles as being that of a prisoner.

37. The Gravelles were ineffective in their parenting skills and had failed in their relationships with their biological children. The Gravelles had great difficulty disciplining children they believed were acting out, and the Gravelles resorted to grossly inappropriate disciplinary tactics.

38. The history of the Gravelles' dysfunctional and disturbing relationships with their natural children, which were well documented and a matter of public record, was readily available under any reasonable background assessment of the Gravelles' qualifications to serve as foster or adoptive parents.

#### ***Plaintiffs' Placement in the Gravelle Home***

39. In the early 1990s, after moving from Lorain County to Huron County, the Gravelles began trying to adopt a child together. At this time, Michael was employed as a construction worker earning about \$36,000 per year, and Sharen earned about \$8,000 per year doing various part-time jobs.

40. Defendant Fairhaven conducted (a) a 2 1/2 hour interview, conducted by Defendant Collin Myers in August 1996, (b) an extended home visit thereafter, and (c) a second extensive interview—which all inexplicably failed to identify the serious domestic and child-rearing problems in the Gravelles' past, despite the red flags in public records which could have been found with due diligence. Instead, *without inquiry*, Fairhaven concluded that the Gravelles' biological "children . . . appear to have stable lives."

41. Fairhaven fully approved the Gravelles for the adoption of two children.

42. Subsequently, Defendant Hamilton County placed Plaintiffs in the Gravelle home, and the Gravelles adopted the children in July 1998. During this process, Fairhaven, Hamilton County, and other Screening Defendants all recklessly and wantonly failed to

recognize—and/or wilfully ignored—the severe risk that the Gravelles would mistreat the Plaintiffs.

***The Other Gravelle Children are Placed in the Home***

43. Over the next five years, the Gravelles used private and public adoption services within and outside the state of Ohio to adopt or foster the nine other Children.

44. Despite the ongoing neglect and abuse described below—which should have been or was discovered (and wilfully ignored) by each service involved in the placement of each Child—the Placement Defendants continued to place Children in the Gravelle home. Inexplicably, while making ongoing efforts to foster/adopt more children, the Gravelles were, at the same time, asking for greater levels of assistance for the Children in their custody because of their inability to handle their alleged unruly behavior, and Defendants collectively ignored this record. These Defendants either discovered or should have recognized the red flags, discovered ongoing mistreatment, including but not limited to abuse and neglect of Plaintiffs, since these Defendants were screening the Gravelles for the adoption of each additional child.

45. Defendant Adopt America conducted or employed or contracted with certain John Doe Defendants to conduct a “home study” of the Gravelles in 2002 and/or 2004 to determine whether they should receive yet another adoptive child. At the time of these assessments, the Plaintiffs (and the other Children) were already being abused and neglected. This abuse included kenneling the children in cages. Adopt America’s “home studies” found or should have found this mistreatment and reported it to the proper authorities, but Defendant Adopt America failed to do so.

46. Upon information and belief, the John Doe “assessors” retained by Adopt America to screen the Gravelle home for the placement of additional children, were aware (a) that the Gravelles already had more children than they had previously been approved for or

could safely handle; (b) that some or all of the Children had special needs or were believed to have special needs; (c) and that “enclosed beds” were in use.

47. An Adopt America John Doe “assessor” signed a report fully approving placement of additional children, which averred that the Gravelles had met the state requirements to be approved for consideration for adoption of another child. This “home study” was relied upon for the placement of at least one other Child.

48. Adopt America’s role was to provide documentation that was needed for adoptive/foster placements.

49. Adopt America’s “home study” was woefully inadequate and grossly negligent and/or reckless and wanton: there was no scrutiny of the living conditions, number of children, financial state of the home, and there was no inspection of the Gravelle home.

50. The rule for performing home studies, updates, and inspections when evaluating a home for adoptive/foster placement mandates that the agency inquire into, study, and document the sleeping quarters, food supply, family history, disciplinary methods, and playtime activities of children already placed in the home. Defendants either discovered the evidence of abuse at the time of inspection or were woefully, grossly, and recklessly and wantonly careless in failing to have discovered such abuse and neglect.

51. One of the red flags the Placement Defendants ignored was the difficulties the Gravelles were admittedly already having parenting the Children. Indeed, the Gravelles solicited the support of social worker Elaine Thompson. Ms. Thompson was actively involved in the counseling of all children and was expressly aware of the difficulties the Gravelles claimed to have had in parenting these children. To that end, Defendant Thompson billed over \$100,000 for “counseling” provided to the Children, beginning in 2001. Defendant Hamilton County approved this “funding.” Despite the express problems the Gravelles said they were having, Defendants continued placing children in the Gravelle home. Furthermore, Defendant

Thompson had express knowledge of the ongoing abuse and neglect, including the kenneling of children, which she documented in her records, yet failed to report as required by Ohio law.

52. Another red flag ignored by the Placement Defendants was the fact that the Gravelles had stopped working outside the home. At one point, Michael Gravelle was heard to have stated, after quitting his job, “these kids pay well.” Indeed, even though the Gravelles had stopped working, they were able to more than double their income simply by adopting more children. No institutional or individual defendant inquired into the financial situation or motives of the Gravelles, who adopted more children than they could—admittedly—handle.

53. In 2003, the Gravelles’ total monthly income was \$6,891 (or \$100,375 per year), yet no question was ever raised concerning this significant payout being received or the overcrowding of the Gravelle home with eleven children, many with claimed special needs.

54. Over time, as a further concern, the Gravelles progressively and systematically eliminated the Children’s contact with the world outside the home such that the Children had little, if any, socialization or interaction with others. The Children were pulled from school in favor of home schooling, and pulled from church, replaced by services at home.

### ***The Children are Finally Rescued***

55. In August 2005 an investigator from Huron County received a complaint that the Children were being kept in cages. While executing a search warrant, the police officers reported the following:

On the second floor, four bedrooms were inspected. Wood-framed cages with doors and electronic alarms were observed in three of the rooms, brightly painted green and red. Wire fencing (aka hardware cloth) covered the inside of some of the cages, and there was evidence the wire had been pulled and ripped from within. The holes where the wire had been ripped were attached with pine board nailed to the outside of the cage.

It should be noted that none of the cages were tall enough to stand upright inside, and some were not long enough to lie inside without tucking the legs into a folded position, particularly for a taller child. There were no mattresses or pillows noted in the

cages nor were there any noted nearby. All of the cage doors were fitted with electronic/battery operated alarms to sound if the door was opened. A cage door was fitted to a bedroom that contained bunk beds and it was apparent that a door bolt had at one time been used on the bed. A large wooden dresser was placed by the door and gouge marks on the dresser were consistent with the dresser being shoved against the door.

56. The cage structures were dark inside and described by investigators as kennels smelling of urine.

57. On September 9, 2005, Huron County Department of Job and Family Services personnel inspected the Gravelle home and found the cages. After a September 12 emergency "sheltercare" hearing, the Children were at last removed from the Gravelle home.

### ***Abuse and Neglect***

58. Psychological abuse and neglect became a way of life for the Children while in the custody, care, and control of the Gravelles.

59. Plaintiff Sharen Torrence and Plaintiff Michael Montana endured this abuse for seven years before being removed from the home.

60. The abuse inflicted upon Michael Montana was extreme and overwhelming. Such abuse included, but is not limited to, the following:

- a. Michael was forced to sleep in a wooden and wire cage approximately 2-1/2 feet tall by 3 feet long, resembling a dog cage. The structure was not long enough for Michael to lie in without folding his legs. Michael would sleep curled up in a ball on a wooden platform and wake with his arms and legs aching every morning. There were no pillows, or a mattress, or bedding provided, and all cage doors had an alarm placed upon them.
- b. On one occasion, Michael was forced to stay and sleep in the bathroom for 81 days as punishment for urinating in his cage. Michael was only allowed out during this time to allow others to use the bathroom.

- c. Michael was at times deprived of food by the Gravelles.
- d. Michael was forced to stay in his cage as punishment and on one occasion was confined for a continuous 30 days, around the clock, for taking a jar of peanut butter, a loaf of bread, and a knife from the kitchen.
- e. As punishment, Michael was also forced to copy the entire book of Deuteronomy from the Bible in his cage before he was permitted to come out.
- f. Michael was forced outside with limited and wet clothing in sub-freezing temperatures for not urinating in the bathroom.
- g. The Gravelles eliminated Michael's social interaction outside the home.
- h. Michael experienced other corporal punishment, restraint, maltreatment, and abuse.
- i. Michael, as with all the children, was denied the love, guidance, support, and compassion every child needs and deserves from their parent or guardian.

61. The abuse to Sharen was also extreme and overwhelming, including, but not limited to:

- a. Sharen was deprived of food by the Gravelles.
- b. Sharen was also placed in a cage as punishment.
- c. Sharen suffered other corporal punishment, restraint, maltreatment, and abuse at the hands of the Gravelles.
- d. Sharen, as with all the children, was denied the love, guidance, support, and compassion every child needs and deserves from their parent or guardian.

62. The abuse was not, however, limited to Plaintiffs Michael Montana and Sharen Torrence as the other Children were also abused and maltreated. For example:

- a. One child would be sent to his cage at least three times a week as punishment. When one of the Children was sent to their cage as punishment, the alarm would be set so the Children could not leave the cage.
- b. The children also observed the Gravelles push their developmentally disabled sibling's head in the toilet and flush it as punishment for unwittingly drinking out of the toilet. This child had Down's Syndrome.
- c. Another sibling was punished in this same manner for urinating in her bed.
- d. One child reported that on multiple occasions a sock was stuffed in the gaping mouth of the sibling with Downs Syndrome as a punishment.
- e. Multiple children testified that the Gravelles deprived them of food and restricted access to food, locking both the pantry and the refrigerator to keep them from eating;
- f. Other children also reported being sent outside in the middle of winter with inadequate clothing and on occasion being hosed down for urinating or defecating in their cages.
- g. Children also reported observing their siblings being struck by the Gravelles.

63. Michael Montana and Sharen Torrence not only lived in fear for themselves while in the custody of the Gravelles, but feared for the safety of their siblings. On many occasions, Michael would stay awake at night in his cage, sitting upright, worried about the safety and well-being of the other Children for whom he felt responsible as an older sibling.

64. In addition, there were occasions when other Children were being abused, neglected, and/or harshly and inhumanely disciplined and Michael Montana tried to defend them. As a consequence, he was corporally punished, abused, and treated with greater severity.

***The Caseworker Defendants Were Complicit in the Abuse***

65. Defendant Associates in Adoptive/Foster Family Psychotherapy, together with or by and through Defendant Elaine Thompson, condoned the Gravelles' abuse and neglect of Plaintiffs.

66. Elaine Thompson swore in an affidavit the following:

For approximately five years, I provided therapy for the children of the Gravelle family and kept their parents informed about the manifestation of the [sic] each child's particular problems and their progress.

I was aware from approximately 2003 that some of the Gravelle children were sleeping in enclosed beds and that Mr. Gravelle had built these beds.

67. Despite ongoing abuse and Thompson's knowledge of this treatment, and other parenting methods used by the Gravelles, no screening or placement agency addressed these problems with Thompson before placing additional children with the Gravelles.

**COUNT ONE**

**Negligence**

68. Plaintiffs incorporate each of the preceding paragraphs into this and each other Count, as if fully rewritten herein.

69. This Count is brought against all Defendants, excluding political subdivisions.

70. At all times relevant, Defendants were individuals and/or professional care providers, with responsibilities to care for or provide for the Children, including Plaintiffs. Defendants were responsible for the oversight and administration of the placement of children into foster or adoptive homes, or agencies or individuals with duties to ensure that the placement of children in adoptive or foster homes was safe and proper

71. Each of the Defendants had a non-delegable duty to ensure the safety of all children, including Plaintiffs, that they placed in foster or adoptive care.

72. At all times relevant, the Placement Defendants placed Plaintiffs Sharen Torrence and Michael Montana, in the adoptive home of the Gravelles.

73. Each of the Defendants owed a duty or duties to Plaintiffs, including, but not limited to, keeping them safe from harm, including the abuse and neglect by the Gravelles.

74. Each of the Defendants breached his or her duty or duties to Plaintiffs by failing to keep them safe from harm, including the abuse and neglect by the Gravelles.

75. The Screening Defendants owed a duty to foreseeable foster/adoptive children including Plaintiffs, including, but not limited to, the evaluation, assessment, research, and/or study of the Gravelles in such a way as to determine whether they were suitable foster/adoptive parents, and in approving the Gravelles as suitable foster/adoptive parents.

76. The Screening Defendants' duties include, but are not limited to, the following areas of evaluation: existing family members; accessibility of schools and churches; housekeeping standards, sleeping arrangements, space and living facilities, play areas, home floor plan; applicants' motivation and underlying reasons as well as initial responses; ability of applicants' to meet needs of children; previous child care experience; background information on marriages, child-rearing, handling stress, maturation of other children; family relationships; employment and finances; child care arrangements already made; disciplinary practices, including rules, hypothetical situations, and techniques; characteristics of child to be placed.

77. The Screening Defendants breached their duties by failing to properly research the history of the Gravelles, or interview them adequately, or conduct a home study which investigated their lack of fitness as foster/adoptive parents.

78. Defendant Myers not only breached his duties as a Screening Defendant, but also fell below the standards of professional care applicable to social workers of his type.

79. The Caseworker Defendants owed a duty to Plaintiffs, including, but not limited to, monitoring the child-rearing practices in the Gravelle home to ensure the continued safety of the Plaintiffs and freedom from abuse and neglect.

80. The Caseworker Defendants breached their duties by failing to prevent or put a stop to the abusive and neglectful practices in the Gravelle home, and/or to report the same to the appropriate authorities.

81. The Caseworker Defendants were negligent *per se* by virtue of their violation of R.C. § 2151.421, which requires them to report abuse and neglect to the proper authorities in circumstances such as those alleged herein.

82. The Placement Defendants owed duties to Plaintiffs, including, but not limited to, to adequate investigation of the condition of the Gravelle home to discover if there was ongoing abuse and neglect, and to report the same to the appropriate authorities.

83. The Placement Defendants breached their duties by failing to investigate and/or failing to report the ongoing abuse and neglect of the Plaintiffs.

84. The Placement Defendants further breached their duties by failing to take immediate action to remove Plaintiffs from the Gravelle home and deliver them from further harm.

85. As a direct and proximate result of the negligence and/or negligence *per se* of each Defendant, Plaintiffs suffered harm of a personal, pecuniary, and permanent nature, including but not limited to, physical abuse, psychological abuse, mental anguish, pain and suffering, medical and counseling bills now and into the future, loss of enjoyment of life past, present, and into the future, and such other and further damages as may be proven at the trial of this matter.

## COUNT TWO

### **Recklessness and Wanton Misconduct**

86. Plaintiffs repeat and reallege each preceding paragraph as though fully rewritten herein and in each count of Plaintiffs' Complaint.

87. This Count is brought against all Defendants.

88. Each of the Defendants had a non-delegable duty to these Children and knew, should have known, had constructive knowledge of, or through due diligence should have discovered that there were substantial risks of abuse to foreseeable foster/adoptive children, including Plaintiffs, that such abuse did occur or was occurring, that it should have been reported, and that it was not and the Plaintiffs were not removed from the Gravelle home or otherwise protected.

89. Each of the Defendants' conduct departed in an extreme manner from the ordinary standard of care, constituting gross negligence, recklessness and wanton misconduct.

90. Certain John Doe Defendants, who were agents or employees of Defendant Hamilton County, were reckless and wanton in their placement of Plaintiffs in the Gravelle home, reckless and wanton in leaving the Plaintiffs in the Gravelle home, and reckless and wanton in their failure to remove or otherwise report and protect the Plaintiffs.

91. Each of the Defendants, based on the surrounding circumstances and existing conditions, acted or failed to act, with knowledge that his or her conduct would probably result in injury or continued injury to Plaintiffs.

92. Each of the Defendants failed to use any care for the Plaintiffs, or exhibited an indifference to the consequences, even though the probability that harm would result from such failure was great, and in some cases certain, and such probability was known or ought to have been known by each Defendant.

93. As a direct and proximate result of the gross negligence, recklessness and wanton conduct of each Defendant, Plaintiffs sustained injuries as described in paragraph 83, and accordingly are entitled to compensatory and punitive damages where permissible by law.

### **COUNT THREE**

#### **Violation of 42 U.S.C. § 1983 Claim for Deprivation of Rights**

94. Plaintiffs repeat and reallege each preceding paragraph as though fully rewritten herein and in each count of Plaintiffs' Complaint.

95. This Count is brought against Hamilton County and the Hamilton County Department of Job and Family Services, as well as any other governmental entity, political subdivision, and person acting color of state law.

96. It was the execution of Hamilton County's governmental policy or custom by its officials, employees or agents which violated the Constitution and caused injuries to the Plaintiffs. These policies or customs were either made by county officials and/or lawmakers or were the result of their edicts, or were the result of acts which may fairly be said to represent official policy, whether or not said custom received formal approval through official decision-making channels.

97. At all times relevant, these Defendants knowingly and willingly ignored and/or disregarded adverse information regarding the Gravelles' suitability as adoptive parents and the safety of placing adoptive or foster children in their custody and control. Defendants also knowingly disregarded adverse information regarding the adoptive care provided by the Gravelles to Plaintiffs Sharen Torrence and Michael Montana.

98. These Defendants acted to deprive, interfere with, or take away the Plaintiffs' fundamental rights, privileges, or immunities secured by the Constitution or laws of the United States, including but not limited to: the right to be free from abuse and neglect; the right to equal protection; the right to due process of law; and those rights, privileges, and immunities

which provide for the safety, security, and suitable care and custody of foster and adoptive children, bodily integrity, and personal dignity. These rights are clearly established by the Constitution and the laws of the United States.

99. These Defendants, in their official capacities, by and through the conduct of their employees, have otherwise violated 42 U.S.C. § 1983 and any and all related provisions of the United States Code and the Ohio Revised Code, and they have deprived, interfered with, and/or taken away Plaintiffs' rights and privileges secured by the laws of the United States and the State of Ohio.

100. As a direct and proximate result of these Defendants' acts, the Plaintiffs sustained injuries and damages of a personal, pecuniary and permanent nature as described in this Complaint, and are entitled to compensatory and punitive damages, and such other remedies as are provided by statute and Ohio law, including attorneys fees, costs, and interest.

#### **COUNT FOUR**

##### **Intentional Tort(s)**

101. Plaintiffs repeat and reallege each preceding paragraph as though fully rewritten herein and in each count of Plaintiffs' Complaint.

102. This Count is brought against Michael and Sharen Gravelle.

103. The Gravelles assaulted the Plaintiffs: Defendants Michael and Sharen Gravelle attempted, without authority or consent, to harm or offensively touch the Plaintiffs, reasonably placing Plaintiffs in fear of such contact.

104. The Gravelles battered the Plaintiffs: Defendants Michael and Sharen Gravelle intentionally and without consent, harmfully touched or caused to be touched the Plaintiffs.

105. The Gravelles intentionally, maliciously and/or recklessly and wantonly and/or negligently inflicted emotional distress on the Plaintiffs: Defendants Michael and Sharen Gravelle intentionally, recklessly and wantonly, and/or negligently acted in an extreme and

outrageous manner so as to cause serious emotional distress to Plaintiffs, including mental and physical injury.

106. The Gravelles falsely imprisoned the Plaintiffs: Defendants Michael and Sharen Gravelle intentionally and without lawful privilege confined the Plaintiffs in the home, and within the home in bed-cages, where they were held captive under threat of emotional, corporal, and physical punishment, without consent.

107. As a direct and proximate result of one or more of these intentional torts, Plaintiffs sustained the injuries described in paragraph 83, as well as dignitary damages, extreme emotional distress, and are entitled to compensatory and punitive damages under the law.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs Sharen Torrence and Michael Montana each demand judgment against each Defendant, jointly and severally, in an amount in excess of \$25,000 on each count of this complaint for compensatory damages, and in an amount in excess of \$25,000 on each count of this complaint for punitive damages where permitted under the law. Plaintiffs also seek costs and attorneys fees, pre- and post-judgment interest, and such other and further relief as this Court may find just and proper.

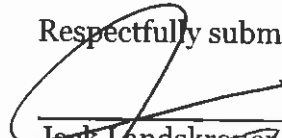
In the event that R.C. § 2744 *et seq.*, R.C. § 2315.18 or other so-called “Tort Reform” legislation is raised a defense or otherwise made applicable to this matter, Plaintiffs maintain that each such provision unconstitutionally violates the Ohio Constitution. To wit, political subdivision immunity denies equal protection, right to a jury trial, and right to a remedy to Plaintiffs; is anathema to the jurisprudential history of free peoples; and provides a blanket immunity to governmental wrongdoers who have no encouragement to do right or accountability for doing wrong. Also, damage caps deprive Plaintiffs of due process, the right to a jury trial, and the right to a full and adequate remedy. If, and at such time, as any of these

provisions which violate Plaintiffs' rights are asserted or are put in issue, Plaintiffs will ask this Court to declare them unconstitutional, and will serve interested parties, viz. the Ohio Attorney General, with a copy of this Complaint and will ask this Court to allow such parties the opportunity to be heard on constitutional arguments, all in accordance with R.C. § 2721.12.

**JURY DEMAND**

Plaintiffs hereby demand a trial by jury.

Respectfully submitted,



Jack Landskroner (0059227)

Paul Grieco (0064729)

Drew Legando (0084209)

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**TO THE CLERK:**

PLEASE SERVE EACH DEFENDANT BY CERTIFIED MAIL AT THE ADDRESSES SET FORTH ON THE CAPTION HEREON.