

LAW FIRM OF
KAISER, DEBIASO, ANDREW AND SWINDELLS
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FILED
LOS ANGELES SUPERIOR COURT
JUN 26 1996
JOHN A. CLARKE, CLERK
C. Coleman
BY C. COLEMAN, DEPUTY

ERIC C. DEMLER S/B/N 096396

Attorneys for Plaintiff MARK
CHIMBLO

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

MARK CHIMBLO,)	CASE NO.
)	BC152727
Plaintiff,)	COMPLAINT
vs.)	
NARCONON; ASSOCIATION FOR)	
BETTER LIVING AND EDUCATION;)	
PHIL ARMOUR; JEANNIE TRAHANT and)	
DOES 1-50, Inclusive,)	
Defendants.)	
)	
)	

GENERAL ALLEGATIONS

1. At all times material to plaintiff's causes of action, plaintiff MARK CHIMBLO was a resident of the state of California. Plaintiff is now a resident of the state of Connecticut.

2. At all times concerned with this complaint, defendant NARCONON was a business entity of unknown form, residence or capacity. Plaintiff is informed and believes, and thereon alleges, that at all times herein concerned, said defendant was licensed to do business in, and was doing business in, the County of Los Angeles, State of California. NARCONON's place of business within the County of Los Angeles was at 3429 West Olympic Boulevard, Los Angeles, California. That place of business was the place..where plaintiff's causes of action arose.

3. At all times' concerned with this complaint, defendant ASSOCIATION FOR BETTER LIVING AND EDUCATION was a business entity of unknown form, residence or

1 capacity. Plaintiff is informed and believes, and thereon alleges, that at all times herein concerned,
2 said defendant was licensed to do business in, and was doing business in, the County of Los
3 Angeles, State of California. Plaintiff is informed and believes and thereon alleges that
4 ASSOCIATION FOR BETTER LIVING AND EDUCATION owned, operated, managed or was
5 otherwise involved with NARCONON.

6 4. Plaintiff is informed and believes and thereon alleges that at all times herein
7 concerned, defendant PHIL ARMOUR was an individual who was a resident of the County of Los
8 Angeles, State of California. Said defendant was employed by NARCONON at all material times.

9 5. Plaintiff is informed and believes and thereon alleges that at all times herein
10 concerned, defendant JEANNIE TRAHANT was an individual who was a resident of the County
11 of Los Angeles, State of California. Said defendant was employed by NARCONON as its
12 executive director at all material times.

13 6. Plaintiff is ignorant of the true names and/or capacities, whether individual,
14 corporate, associate, or otherwise, of defendants DOES 1-50, so plaintiff therefore sues said
15 defendants by such fictitious names. Plaintiff is informed and believes, and thereon alleges, that
16 each of these DOE defendants is legally responsible in some manner for the events and happenings
17 herein referred to, and legally caused injury and damages thereby to plaintiff as herein alleged.

18 7. That at all times hereinmentioned, defendants, and each of them, were the agents,
19 servants, and/or employees of each of the remaining defendants, and were at all times acting
20 within the purpose and scope of said agency, service and/or employment, and that each defendant
21 has ratified and approved the acts of his, her or its agent, servant and/or employee.

22 8. On or about April 5, 1995, plaintiff was hired as an employee of NARCONON
23 pursuant to a written contract of employment. The term of that contract was 2-1/2 years. The
24 terms of that contract were that plaintiff was to perform duties as an employee of NARCONON
25 for that 2-1/2 year period. Plaintiff was then made an administrative supervisor which is an
26 executive position at NARCONON with defendant JEANNIE TRAHANT as his superior. This
27 was the position plaintiff held until he was discharged by NARCONON.

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1 FIRST CAUSE OF ACTION

2 **For Assault and Battery by Plaintiff Against All Defendants**

3 9. Plaintiff realleges and incorporates herein paragraphs 1-8 above as though fully set
4 forth in this cause of action.

5 10. On or about June 27, 1995, plaintiff was working as an administrative supervisor
6 at Narconon's place of business being 3429 W. Olympic Boulevard, Los Angeles, California. It
7 is upon that date and upon NARCONON's premises, that plaintiff's co-employee, defendant PHIL
8 ARMOUR, attacked plaintiff by throwing him up against the wall, pushing him around and
9 screaming at him. Later that same day, and after plaintiff had reported this incident to defendant
10 JEANNIE TRAHANT, defendant PHIL ARMOUR again attacked plaintiff with defendant
11 JEANNIE TRAHANT observing that attack. Plaintiff did nothing to cause either attack.

12 11. Defendant PHIL ARMOUR intended to cause or to place plaintiff in apprehension
13 of a harmful contact with plaintiff's person and acted with the intent to make a contact with
14 plaintiff's person.

15 12. At no time did plaintiff consent to any of the acts of defendant PHIL ARMOUR
16 as alleged in this cause of action.

17 13. As a legal result of the acts of assault and battery, plaintiff suffered physical and
18 mental injuries all of which have caused, and continues to cause, plaintiff mental, physical and
19 nervous pain and suffering. Plaintiff has suffered damages according to proof at trial and within
20 the jurisdiction of this Court as a legal result of that conduct.

21 14. As a further legal result of the acts of defendants, plaintiff has incurred, and will
22 continue to incur, medical and other related expenses in amount according to proof at the time of
23 trial.

24 15. As a further legal result of the acts of defendants, plaintiff was prevented from
25 attending to his usual occupation with NARCONON thereby losing earnings to his damage and
26 also damaging his ability to earn income in the future. Plaintiff's loss of earnings up to a specific
27 date has already been resolved with the loss of income beyond that date being claimed as damages
28 in this action;

1 16. Defendant PHIL ARMOUR had attacked and injured another co-employee of
2 plaintiff's shortly before the date of his attacks on plaintiff. Plaintiff reported this conduct to
3 defendant JEANNIE TRAHANT prior to the date of that defendant's attack on plaintiff, but
4 NARCONON still continued to employ defendant PHIL ARMOUR despite that attack.
5 NARCONON continued to employ defendant PHIL ARMOUR after his attack on plaintiff with
6 defendant PHIL ARMOUR subsequently attacking a student at NARCONON. Plaintiff is
7 informed and believes and thereon alleges that it was not until after that third attack that
8 NARCONON finally terminated the employment of defendant PHIL ARMOUR.

9 17. The aforementioned conduct was willful and malicious and intended to cause
10 plaintiff injury thereby entitling plaintiff to an award of punitive damages against all defendants
11 in an amount according to proof at the time of trial.

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SECOND CAUSE OF ACTION

**For Negligence Against Defendants Narconon, Association for Better Living and
Education, Jeannie Trahant and Does 1-50**

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16 18. Plaintiff incorporates herein by reference paragraphs 1-16 above as fully set forth
17 herein.

18 19. Defendant PHIL ARMOUR had a propensity to attack other persons, including his
19 co-employees and persons around him. This propensity existed prior to the time that defendant
20 was hired by defendants. However, defendants negligently hired defendant PHIL ARMOUR
21 despite that propensity. Defendants further failed to properly supervise defendant PHIL ARMOUR
22 allowing him the opportunities to attack his co-employees and students at NARCONON.
23 Defendants further negligently retained defendant PHIL ARMOUR despite this propensity, despite
24 his attack on a female co-employee and despite his first of two attacks on plaintiff on or about
25 June 27, 1995.

26 20. As a legal result of the acts of assault and battery, plaintiff suffered physical and
27 mental injuries all of which have caused, and continues to cause, plaintiff mental, physical and
28 nervous pain and suffering. Plaintiff has suffered damages according to proof at trial and within

1 the jurisdiction of this Court as a legal result of that conduct.

2 21. As a further legal result of the acts of defendants, plaintiff has incurred, and will
3 continue to incur, medical and other related expenses in amount according to proof at the time of
4 trial.

5 22. As a further legal result of the acts of defendants, plaintiff was prevented from
6 attending to his usual occupation with NARCONON thereby losing earnings to his damage and
7 also damaging his ability to earn income in the future. Plaintiff's loss of earnings up to a specific
8 date has already been resolved with the loss of income beyond that date being claimed as damages
9 in this action.

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11 **THIRD CAUSE OF ACTION**

12 **For Breach of Contract By Plaintiff Against Defendants NARCONON,**
13 **ASSOCIATION FOR BETTER LIVING AND EDUCATION and DOES 1-10**

14 23. Plaintiff incorporates herein by reference paragraphs 1-12, 16 and 19 above as
15 though fully set forth and repeated herein.

16 24. Plaintiff's written employment contract with defendants NARCONON and DOES
17 1-10 was that plaintiff was to have been employed by said defendants for a period of 2-12 years
18 from on or about April 5, 1995. However, plaintiff walked out of NARCONON due to the
19 incident of June 27, 1995 in which plaintiff was assaulted and battered by defendant PHIL
20 ARMOUR with the remaining defendants not firing nor restricting defendant PHIL ARMOUR
21 despite those incidents and prior incidents.

22 25. Defendants NARCONON and DOES 1-10 would not let plaintiff return to work at
23 NARCONON after that date. Plaintiff is informed and believes and thereon alleges that such
24 conduct was due to the incident of June 27, 1995 and due to plaintiff being previously told to not
25 report to authorities a prior incident where a staff member at NARCONON injected heroin into
26 a minor girl at NARCONON and had sex with her and another incident where a staff member at
27 NARCONON had sex with a minor girl at NARCONON. The law in California then required
28 defendants to have reported such incidents to the legal authorities upon their occurrence.

1 26. Prior to the incidents which occurred on or about June 27, 1995, plaintiff properly
2 performed all duties required of him as an employee of NARCONON. Plaintiff's supervisors at
3 NARCONON praised his work in their written reports prior to the incidents which occurred on
4 or about June 27, 1995. However, defendants did not perform their obligations pursuant to that
5 written employment contract by not letting plaintiff return to work. Defendants thereby breached
6 the written employment contract by such failure and refusal.

7 27. As a legal result of this breach of contract by defendants, plaintiff has been
8 damaged by defendants' failure to pay plaintiff for the earnings plaintiff was to have been paid
9 pursuant to that employment contract during the remainder of the 2-1/2 years of that contract's
10 duration. Such damages exclude plaintiff's lost past income up to a certain date which plaintiff
11 and defendants resolved. Plaintiff has been damaged in a sum according to proof at the time of
12 trial as a result of that breach.

13 28. As a further direct and proximate result of the aforementioned wrongful conduct
14 of defendants, plaintiff has suffered other incidental damages and out-of-pocket expenses, all to
15 plaintiff's general damage in a sum to be determined at the time of trial.

16 29. As a further direct and proximate result of the aforementioned wrongful conduct
17 of defendants, and each of them, plaintiff has suffered and will continue to suffer in the future loss
18 of interest pursuant to Civil Code section 3287 in a sum according to proof at the time of trial.

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20 **FOURTH CAUSE OF ACTION**

21 **For Wrongful Termination By Plaintiff Against Defendants**

22 **NARCONON, ASSOCIATION FOR BETTER LIVING AND EDUCATION,**

23 **and DOES 1-10**

24 30. Plaintiff realleges and incorporates herein by reference the information set forth in
25 paragraphs 1 through 29 above as though fully set forth herein.

26 31. Defendants' discharge of plaintiff was a wrongful discharge and in disregard of the
27 public policy of this state. Plaintiff is informed and believes and thereon alleges that one basis
28 for defendants' refusal to let plaintiff return to work was that defendants had previously told

1 plaintiff to not report to the legal authorities that a staff member at NARCONON had injected
2 heroin into a minor girl who was residing at NARCONON and then had sex with her, and that a
3 staff member at NARCONON had sex with a minor girl who was residing at NARCONON.

4 32. As a direct and legal result of the aforementioned wrongful conduct of defendants,
5 and each of them, plaintiff has suffered and will continue to suffer in the future, damages under
6 his employment contract, plus legal interest, in a sum according to proof at the time of trial.

7 33. As a further direct and proximate result of the aforementioned wrongful conduct
8 of defendants, and each of them, plaintiff has suffered anxiety, worry, mental and emotional
9 distress, nightmares and other incidental damages and out-of-pocket expenses, all to plaintiff's
10 general damage in a sum according to proof at the time of trial.

11 34. As a further direct and proximate result of the aforementioned wrongful conduct
12 of defendants, and each of them, plaintiff has incurred medical bills, and will continue to incur
13 medical bills in the future, in a sum according to proof at the time of trial.

14 35. As a further direct and proximate result of the aforementioned wrongful conduct
15 of defendants, and each of them, plaintiff lost income, and will continue to lose income in the
16 future. Part of this claim for loss of past income was previously resolved by defendants.

17 36. The wrongful conduct of defendants was authorized, ratified or performed by an
18 officer, director or managing agent of defendants. It was defendant JEANNE TRAHANT,
19 NARCONON's executive director, who asked plaintiff to not report the illegal conduct which
20 occurred at the NARCONON premises to the legal authorities. It was upon Ms. Trahant's
21 instructions that plaintiff was told that he could not return to work at NARCONON.

22 37. The aforementioned conduct was despicable conduct carried on by defendants with
23 a willful and conscious disregard of plaintiff's rights thereby subjecting plaintiff to cruel and
24 unjust hardship and conscious disregard of plaintiff's rights, and was intentional conduct known
25 by the defendants, and each of them, with the intent to deprive plaintiff of peace of mind, and to
26 otherwise cause injury to plaintiff. Plaintiff is entitled to punitive damages under Civil Code
27 section 3294 in an amount appropriate to punish or set an example of defendants, and each of
28 them, in a sum according to proof at the time of trial.

1 WHEREFORE, plaintiff prays for judgment against defendants, and each of them, as
2 follows:

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4 **FIRST CAUSE OF ACTION**

- 5 1. Special damages according to proof at the time of trial.
6 2. General damages according to proof at the time of trial.
7 3. For prejudgment interest pursuant to Civil Code sections 3288 and 3291.
8 4. For punitive damages pursuant to Civil Code section 3294 in an amount according
9 to proof at the time of trial.

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11 **SECOND CAUSE OF ACTION**

- 12 5. Special damages according to proof at the time of trial.
13 6. General damages according to proof at the time of trial.
14 7. For prejudgment interest pursuant to Civil Code sections 3288 and 3291.

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16 **THIRD CAUSE OF ACTION**

- 17 8. Damages for failure to provide plaintiff with the benefits due plaintiff under his
18 employment contract with defendants in a sum to be determined at the time of trial.
19 9. For prejudgment interest pursuant to Civil Code section 3287.

20
21 **FOURTH CAUSE OF ACTION**

- 22 10. Special damages according to proof at the time of trial.
23 11. General damages according to proof at the time of trial.
24 12. For prejudgment interest pursuant to Civil Code sections 3288 and 3291.
25 13. For punitive damages pursuant to Civil Code section 3294 in an amount according
26 to proof at the time of trial.

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FOR ALL CAUSES OF ACTION

14. For costs of suit incurred herein.

15. For such other and further relief if the Court deems just and proper.

DATED: June 26, 1996

LAW FIRM OF KAISER, DeBIASO,
ANDREW AND SWINDELLS ^



BY: ERIC C. DEMLER
Attorney for Plaintiff
MARK CHIMBLO