

NATURE OF THE CASE

1. Mr. Zanolini is a former student of Defendant at its Virgin Facility and was a minor at the time he was entrusted to its care.. During this time, Mr. Zanolini was subjected to physical abuse by staff of Liahona Academy. He was punched and unwarrantedly physically restrained on numerous occasions by staff members of Liahona Academy. Mr. Zanolini was also subjected to other acts of abuse, such as being forced to stand outside in freezing temperatures for hours in shorts a t-shirt.

PARTIES

2. Mr. Zanolini is an individual residing in Maui, Hawaii.

3. Liahona Academy is a limited liability company doing business in Washington County, Utah. Its corporate office is located at 491 North Bluff Street, STE 200, St. George, Utah 84770.

JURISDICTION AND VENUE

4. The conduct at issue in this Complaint took place in Virgin, Utah.

5. This Court has jurisdiction over the parties and subject matter of this action pursuant to Utah Code § 78B-3-205.

6. Venue in this action is proper in this Court pursuant to Utah Code § 78B-3-307.

GENERAL FACTUAL ALLEGATIONS

7. When Mr. Zanolini was a minor, he was placed into the care of Liahona Academy at its location in Virgin, Utah. Liahona Academy is a boot camp type facility for troubled boys.

8. Staff members at Liahona Academy often utilized pressure points in an attempt to restrain the students.

9. Soon after Mr. Zanolini's enrollment at Liahona Academy, he raised his arms up while yawning, which prompted a staff member, Derek Durham, to use pressure points to restrain Mr. Zanolini.

10. When Mr. Zanolini complained that he wanted to go home, staff made him stand outside in freezing temperatures in only shorts and a shirt.

11. On another occasion, Jared, another staff member, pushed Mr. Zanolini into a wall, slammed him down onto the floor, and held him down for minutes utilizing pressure points, while Mr. Zanolini was lying in a pool of his own blood.

12. There was another incident in which Parker Haslam, the program director, lifted Mr. Zanolini from his chair by his neck and threw him across the room. Then, Mr. Haslam pulled Mr. Zanolini down the hallway to a room without cameras. Another staff member, Taylor Jacobson, watched as Mr. Haslam proceeded to push Mr. Zanolini onto the ground, holding him down with pressure points and rubbing his face into the carpet, which resulted in carpet burns to Mr. Zanolini's face. Mr. Haslam then slapped Mr. Zanolini across the face.

13. In addition to the physical assaults, staff also liked to harass and embarrass the students. For example, Mr. Haslam forced Mr. Zanolini to wear diapers for months after Mr. Zanolini had an accident after not being allowed to use the restroom.

1 14. Mr. Zanolini was often punished by being placed on “work crew.”
2 Rather than working, Mr. Zanolini was forced to sit in a chair and stair at the
3 wall from 6 am until 10 pm. This lasted for weeks at a time. While on work
4 crew, Mr. Zanolini was prohibited from attending school.

5 15. During all relevant times, Mr. Zanolini was in the custody, care,
6 and control of Liahona Academy.

7 16. Each instance of assault, battery, abuse, and harassment was
8 committed by staff of Liahona Academy, including its program director, within
9 the scope and course of their employment.

10 17. Liahona Academy hired, and approved, designated, controlled
11 and/or supervised these staff members at all times relevant to this Complaint.

12 **FIRST CAUSE OF ACTION**

13 **(Negligent Hiring and Supervision)**

14 18. Mr. Zanolini incorporates the foregoing paragraphs as if fully set
15 forth herein.

16 19. Defendant owed a duty to Mr. Zanolini and other residents in its
17 care to prevent and protect them from physical assault, battery, abuse, and
18 harassment from staff members, including Mr. Durham, Jared, and Mr.
19 Haslam.

20 20. Defendant knew or should have known that its staff members,
21 including Mr. Durham, Jared, and Mr. Haslam, posed a threat of harm to its
22 residents, including Mr. Zanolini. Defendant failed to exercise reasonable care
23 to mitigate the threat of harm to Mr. Zanolini and others entrusted to its care.

21. Defendant breached its duty of care to Mr. Zanolini by hiring and retaining these staff members and allowing them to continue their employment at Liahona Academy despite knowledge of the potential threats these staff members posed.

22. Defendant breached its duty of care to Mr. Zanolini by failing to adequately supervise its staff members and preventing them from physically assaulting, abusing, and harassing Mr. Zanolini.

23. Defendant's negligent hiring, retention and supervision of these staff members was the direct cause of the staff members' acts of assault, abuse, and harassment of Mr. Zanolini.

24. As a result of being physical assaulted, abused, and harassed by these staff members, Mr. Zanolini suffered physical injury, severe emotional distress, humiliation, embarrassment, mental and emotional distress and anxiety, and economic harm.

25. The acts and omissions of Defendant willful and malicious and manifested a knowing and reckless indifference toward, and disregard of his rights, and thus Mr. Zanolini is entitled to punitive damages.

SECOND CAUSE OF ACTION

(Assault)

26. Mr. Zanolini incorporates the foregoing paragraphs as if fully set forth herein.

27. When the staff members referenced in this Complaint approached Mr. Zanolini, they intended to cause him apprehension of an imminent harmful and offensive contact with her person.

28. As a result of these staff members' acts, Mr. Zanolini was in fact placed in apprehension of imminent harmful and offensive contact with her person.

29. In performing the acts alleged above, these staff members acted with the intent of making contact with Mr. Zanolini's person.

30. In subjecting Mr. Zanolini in unwarranted physical contact, the staff members caused an apprehension of imminent harmful and offensive contact in Mr. Zanolini whenever they were near him.

31. By employing these staff members, Defendant furnished the impetus for their assault of Mr. Zanolini and their acts were an outgrowth of their employment with Defendant. Therefore, Defendant is vicariously liable for the staff members' assault of Mr. Zanolini.

32. As a direct and proximate result of these staff members' unlawful conduct, Mr. Zanolini suffered physical injury, severe emotional distress, humiliation, embarrassment, mental and emotional distress and anxiety, and economic harm, in an amount to be determined at trial.

33. The conduct of these staff members in committing acts of assault against Mr. Zanolini was willful and malicious and manifested a knowing and reckless indifference toward, and disregard of his rights, and thus Mr. Zanolini is entitled to punitive damages.

THIRD CAUSE OF ACTION

(Battery)

34. Mr. Zanolini incorporates the foregoing paragraphs as if fully set forth herein.

35. In performing the acts described above, these staff members acted with the intent to make a harmful and offensive contact with Mr. Zanolini's person.

36. As described above, these staff members did in fact make a harmful and offensive contact with Mr. Zanolini's person.

37. Mr. Zanolini found these staff members' contact to be offensive.

38. As a result of the staff members' conduct, Mr. Zanolini was physically harmed and experienced offensive contact with his person.

39. By employing these staff members, Defendant furnished the impetus for their battery of Mr. Zanolini and their acts were an outgrowth of their employment with Defendant. Therefore, Defendant is vicariously liable for the staff members' battery of Mr. Zanolini.

40. As a direct and proximate result of the staff members' unlawful conduct, Mr. Zanolini suffered physical injury, severe emotional distress, humiliation, embarrassment, mental and emotional distress and anxiety, and economic harm, in an amount to be determined at trial.

41. The conduct of the staff members in committing acts of battery against Mr. Zanolini was willful and malicious and manifested a knowing and

reckless indifference toward, and disregard of his rights, and thus Mr. Zanolini is entitled to punitive damages.

FOURTH CAUSE OF ACTION

(Intentional Infliction of Emotional Distress)

42. Mr. Zanolini incorporates the foregoing paragraphs as if fully set forth herein.

43. In subjecting Mr. Zanolini to assault and battery, the staff members intentionally and recklessly engaged in intolerable and outrageous conduct that caused Mr. Zanolini severe emotional distress.

44. Any reasonable person would have known that taking such action would cause severe emotional distress.

45. By employing the staff members, Defendant furnished the impetus for their intentional infliction of emotional distress on Mr. Zanolini and their acts were an outgrowth of their employment with Defendant. Therefore, Defendant is vicariously liable for the staff members' actions.

46. The staff members' conduct was willful and malicious and manifested a knowing and reckless indifference toward, and disregard of, Mr. Zanolini's interests and rights. Therefore, Mr. Zanolini is entitled to punitive damages.

47. As a direct and proximate cause of the intentional infliction of emotional distress, Mr. Zanolini has suffered damages is entitled to recover damages in an amount to be proven at trial.

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JURY DEMAND

Mr. Zanolini requests that this matter be tried before a jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief:

1. Compensatory damages, sufficient qualify this case as a Tier 3 case under rule 26(c)(5), including but not limited to damages stemming from emotional and physical pain and suffering
 2. Consequential damages;
 3. Punitive damages;
 4. All costs of litigation and attorneys' fees;
 5. Pre-judgment and post-judgment interest at the highest lawful rate;
- and
6. For such other further and additional relief the Court deems just and proper.

Dated this 26th day of April, 2021.

CLAGGETT & SYKES LAW FIRM

/s/ Joseph Mott

Joseph Mott

Utah Bar No. 16108