

Gymnastics Camp Denies Liability In Sex Assault Case

By **Joyce Hanson**

Law360 (February 2, 2022, 8:33 PM EST) -- A gymnastics camp has urged a Pennsylvania federal judge to partly toss a family's claims that it negligently hired a coach who sexually assaulted their teenage daughter, arguing it can't be held liable because the man had acted "outside the scope of his employment."

Woodward Pennsylvania LLC, which owns the Woodward Gymnastics Camp near the town of State College, Pennsylvania, told the court in a Tuesday brief supporting its motion to dismiss that parents Kelly and Julio Chineas' lawsuit fails to show how the alleged conduct of seasonal gymnastics coach and disc jockey Nathaniel Singer was linked in any way to his job duties.

The co-ed residential summer camp argued that the suit's count asserting negligent hiring and retention, as well as a count claiming vicarious liability, should both be thrown out for failure to state a claim.

"Pennsylvania law is crystal clear that [Woodward Pennsylvania LLC] cannot be held liable for actions allegedly taken by Singer that were outside the scope of his employment with [Woodward Pennsylvania LLC] — alleged actions that could have only been taken for his own personal aims," Woodward said.

The Chineas initially filed suit in state court on Dec. 21 as guardians for their minor child, identified with the initials S.C. to protect her identity. Woodward removed the case to federal court on Jan. 25, saying diversity of citizenship exists because the individuals named in the suit are all residents of different states and because Woodward and its various entities are not proper parties to the action.

According to the suit, Singer sexually assaulted the 13-year-old while she was attending Woodward Gymnastics Camp as an overnight camper in the summer of 2018. The camp had promoted its skilled instructors and coaches as being "the best in the country" who met Woodward's high standards and adhered to the camp's rule of putting "safety first," the suit said.

But Singer, who was 22 at the time, "began grooming" the teenager by improperly touching her buttocks while spotting her in gymnastics routines, according to the suit. And he progressed to slipping his finger into her leotard and her vagina while he coached her on a bar drill, the suit alleged.

S.C. did not report him to anyone at the time "because she was scared," the suit said.

The following summer, Singer and S.C. both returned to Woodward, but this time when he began to improperly touch her, she reported the sexual abuse to two female coaches, according to the suit. Rather than assisting S.C., the women allegedly challenged her credibility and advised her not to ruin Singer's reputation, although other campers had also talked about his inappropriate conduct as well, according to the suit.

"They also threatened that, if she continued to talk about Singer's assault, that it would wreck her chance of being a gymnast in college," the suit claimed.

But other coaches and staff at Woodward Camp did show concern about Singer's behavior toward campers, and he was ultimately suspended as of July 2020 for sexual misconduct by USA Gymnastics and the U.S. Center for SafeSport, according to the suit. Singer was given a "no contact directive" as of May 27.

A lawyer for the Chineas, David K. Inscho of Kline & Specter PC, told Law360 on Wednesday that Singer had previously taken advantage of other teenagers at the camp, but Woodward continued to retain him.

"The sexual assault caused a traumatic effect on our client, and we're seeking compensation for her anguish, suffering and psychological harm," Inscho said.

Inscho did not know of any other negligence suits pending against Woodward Gymnastics Camp over sexual assault claims.

The five-count suit asserts counts of negligence, negligent supervision, and assault and battery in addition to the counts of vicarious liability and negligent hiring and retention. The suit seeks damages in excess of the prevailing arbitration limits.

Counsel for Woodward Camp did not immediately respond to a request for comment Wednesday.

The Chineas are represented by David K. Inscho, Thomas R. Kline and Lorraine H. Donnelly of Kline & Specter PC.

Woodward Camp is represented by John C. Romeo, Alan R. Gries and Arielle E. Katz of Gibbons PC.

The case is Kelly Chinae et al. v. Woodward Camp Inc. et al., case number 4:22-cv-00134, in the U.S. District Court for the Middle District of Pennsylvania.

--Editing by Dave Trumbore.