

District Court, Arapahoe County, Colorado Court address: 7325 S Potomac St #100, Centennial, CO 80112	DATE FILED: January 13, 2022 10:41 PM FILING ID: 190559F4867DF CASE NUMBER: 2022CV30065
<p><b>Plaintiff:</b> Angelica Saupe and Brian Saupe, a married couple,</p> <p style="text-align: center;"><b>v.</b></p> <p><b>Defendants:</b> Aurora Public Schools and David James O'Neill, Jr.</p>	
Attorney for Plaintiffs: James W. Avery #13037 DENVER INJURY LAW LLC d/b/a AVERY LAW FIRM P.O. Box 6888 Denver, Colorado 80206 Phone: (303) 840-2222 Email: averylawfirm@gmail.com	<p><b>Case Number:</b></p> <p><b>Division</b></p>
<b>COMPLAINT AND JURY DEMAND</b>	

The Plaintiffs, Angelica Saupe and Brian Saupe, a married couple, by and through their attorney, James W. Avery, Denver Injury Law, LLC, as their complaint against the Defendants, state and allege:

#### Jurisdictional Allegations

1. Plaintiffs, Angelica Saupe and Brian Saupe, are a married couple who have been injured as a result of sexual misconduct when Angelica Saupe was a minor (ages 14 to 17) student athlete at Rangeview High School located in City of Aurora, Arapahoe County, Colorado.
2. Defendant Aurora Public Schools (formal name: Adams-Arapahoe 28J School District), is and was at all times pertinent hereto a Colorado school district, which is the operator of Rangeview High School located in City of Aurora, Arapahoe County, Colorado.
3. Defendant David James O'Neill, Jr., is and was at all times pertinent hereto, employed by Aurora Public Schools (APS) and served in the capacity of Girl's Basketball and Softball Coach of the Rangeview High School, among other positions such as attendance coordinator and detention supervisor. As such, O'Neill had responsibility for the overall

operation of the girl's basketball and softball programs and safety of the student athletes (such as Plaintiff Angelica Saupe f/k/a Angelica Synovic ) enrolled in said programs, as well as the opportunity to cull students from the student body and compel them to go to and in be places alone with him where he could perpetrate his sex crimes against unwilling student(s).

4. Defendant David James O'Neill Jr., is presently residing at 6024 S Ukraine Circle, Aurora, CO 80016 in Arapahoe County, Colorado.
5. The incident which forms a basis for this complaint occurred at Rangeview High School, Aurora, Colorado, in Arapahoe County, Colorado, involves a pattern of sexual abuse, and involves damages in excess of the jurisdictional limits of this court.
6. Jurisdiction and venue are proper.

#### General Allegations

7. Beginning in approximately early spring, 2001, when Plaintiff Angelica Saupe (age 34) was 14 years old, Defendant David James O'Neill, Jr. recruited her as a student athlete and began grooming her for sexual exploitation while acting in a position of authority as basketball coach at Rangeview High School. After an injury in her freshman year, she was made a student 'manager' of the basketball and baseball teams at Rangeview by Coach O'Neill, where he was over her.
8. Defendant O'Neill (age 64), acting as a coach and agent for APS, at the approximate age of 44, obtained the trust and confidence of Plaintiff, and began isolating Angelica in the 'off camera' spaces of Rangeview High School, with the full knowledge and consent of the APS.
9. While hidden in the Rangeview High coach's office (a small room at the end of a corridor, with no windows and one locking door) and other private spaces, O'Neill began inappropriately touching Angelica and showing his penis to her, compelling her to give him oral sex (Plaintiff performed fellatio on Defendant O'Neill, who always ejaculated in her mouth and forced her to swallow his semen), which conduct escalated to over 100 acts of oral sex throughout the course of 2001-2, 2002-3, 2003-4 and 2004-5 school years, as well as 'dry humping' (pretend sex where he would rub his penis on her body until he ejaculated, with clothes on) with such sexual exploitation occurring on the premises of the Rangeview High School. Defendant O'Neill never used a condom or spoke of condoms. At times, Defendant O'Neill would require Plaintiff Angelica Saupe to prepare and sign handwritten notes that said to the effect that "any time spent alone with Mr. O'Neill was spent doing work or assisting with basketball/softball/school". Defendant O'Neill would bully and threaten Plaintiff by reminding her of his position as basketball coach when she displeased him or tried to resist him in any way. He would

emotionally manipulate her by sometimes making her feel she could do no wrong and other times give her the stiff shoulder as if she displeased him. He would touch her inappropriately as he was monitoring students or riding on team buses. He would improperly use his authority as attendance monitor to take Plaintiff out of classes so he could compel her to perform oral sex at his discretion. If Plaintiff resisted, she would be emotionally punished and bullied by Coach O'Neill.

10. Angelica, due to her youth and immaturity, and trust of Defendant O'Neill, did not fully understand the inappropriate nature of the sexual exploitation by O'Neill, which O'Neill promoted and conducted at the Rangeview High School to avoid discovery and prosecution, or the harm that those exploitations were causing to her emotionally and physically. She did at some point come to the realization that the conduct was criminal, but felt powerless to report it for fear of retaliation as a student athlete and because society as a whole is not responsive to minor accusations and victimize the victim. Plaintiff did report this about 3 years later (about age 20) when she felt strong enough to expose herself to the harsh realities and face the system.
11. After attaining the age of 17, after four years of sexual abuse at Rangeview, Angelica graduated from Rangeview High and broke off the relationship with O'Neill. Once finally having released herself from the exploitation, Plaintiff Angelica Saupe immediately began suppressing memories of the filthy relations and sexual contact between them, was unable to acknowledge the sexual assaults or the resulting harm, as a psychological defense mechanism to survive and protect her psyche. Angelica started police academy school and stopped going to the Rangeview High or seeing O'Neill.
12. In about March, 2007, Angelica's memories erupted and she confronted her fears by filing a police report with Aurora PD. Aurora PD informed Angelica that her claims were "time barred" by the Colorado statute of limitations and prosecution would not move forward, case closed.
13. Shortly after going to the police with her story, Angelica began counseling and was diagnosed as having been suffering from a form of Post-Traumatic Stress Disorder (PTSD) induced by her sexual exploitation by O'Neill as a child.
14. As a result of the sexual exploitation in her youth, Angelica is emotionally dysfunctional and suffers many trauma triggering episodes on a daily basis.
15. O'Neill was never charged or convicted of sexual exploitation of a minor by a person in a position of trust and as such, has not spent a single minute in prison but has been free to live his life fruitfully and has deliberately hidden his criminal past by living and speaking in a fraudulent manner while failing to acknowledge or report (he was a mandatory reporter under Colorado law) his own sexual misconduct.

FIRST CLAIM FOR RELIEF  
(Negligence)

16. Plaintiff hereby incorporates by reference each of the foregoing allegations as though fully set forth herein.
17. Defendant O'Neill, at all times pertinent hereto, had a duty to exercise reasonable care to protect Angelica Saupe (then Angelica Synovic), as a person entrusted the role of coach of a minor.
18. At all times pertinent hereto, Defendant O'Neill failed to exercise reasonable care, Angelica Saupe was sexually exploited at the Rangeview High School, causing her to suffer and incur extreme emotional and physical distress, loss of enjoyment of life, embarrassment, loss of self-image, depression, anxiety, disassociation from self and life circumstances, and other economic damages such as counseling expenses and loss of earning capacity.

Second Claim for Relief  
(Action for Sexual Misconduct Against Minor-C.R.S. § 13-20-1202)

19. Plaintiff hereby incorporates by reference each of the foregoing allegations as though fully set forth herein.
20. Defendant O'Neill, (the "actor") was a coach in an APS sanctioned youth basketball program, and as such was an adult 'in a position of trust' pursuant to C.R.S. 13-20-1201 who engaged in "a pattern of sexual misconduct" pursuant to C.R.S. 13-20-1201(8).
21. Defendant HRCA, is a 'managing organization' pursuant to C.R.S. 13-20-1201(4) which organized a youth-related activity or program at NCC which engaged the services of Defendants Muller and Fearing as an employee or volunteer.
22. Defendant O'Neill was an 'agent' of the APS at all times pertinent hereto pursuant to C.R.S. § 13-20-1201(2). Defendant O'Neill and others engaged in a civil conspiracy to

commit a pattern of sexual misconduct against the minor Plaintiff.

23. As a managing organization with knowledge of the circumstances and possible illicit relationship, Defendant APS was in the best position to discover the sexual misconduct perpetrated by Defendant O'Neill against Plaintiff. It is believed that other agents of APS deliberately disregarded and covered up the report from another coach, which had they investigated, would have revealed the misconduct and protected the minor Plaintiff from a pattern of sexual misconduct. Other actions of Defendant O'Neill were open and notoriously conducted on the APS campus with full knowledge and consent of APS (such as using APS offices and meeting rooms as a place to get O'Neill alone with the minor Plaintiff so she could be abused).
24. The conduct of the Defendant, O'Neill was in violation of the provisions of the criminal laws of the State of Colorado, to wit, first degree misdemeanor or felony offenses under Article 3 of Title 18, C.R.S.
25. As a direct result of the actions and conduct of the Defendants, the Plaintiff Angelica Saupe has suffered and incurred extreme emotional distress

Third Claim for Relief  
(Joint and Several)

26. Plaintiff incorporates by reference each and every paragraph of the preceding claims for relief as though fully set forth here.
27. As a direct result of the actions of the Defendants, jointly and severally, the Plaintiff Angelica Saupe was subjected to sexual misconduct and suffered the injuries and damages alleged herein.

Fourth Claim for Relief  
(Loss of Consortium)

28. Plaintiff incorporates by reference each and every paragraph of the preceding claims for relief as though fully set forth here.
29. As a direct result of the actions of the Defendants, the Plaintiff Brian Saupe has suffered interference with marital relations, and as such, is entitled to damages for loss of

consortium and economic losses.

WHEREFORE, the Plaintiff prays for an award of general and consequential damages against the Defendants, including past and future economic and noneconomic losses, prejudgment interest, and litigation costs.

PLAINTIFF DEMANDS A TRIAL BY JURY.

Respectfully Submitted,  
DENVER INJURY LAW, LLC

By: s/James W. Avery  
James W. Avery

*ATTORNEY FOR PLAINTIFFS*

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