

<p>DISTRICT COURT, BOULDER COUNTY, COLORADO</p> <p>Court Address: 1777 6<sup>th</sup> St., Boulder, Colorado 80302</p>	<p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p>
<p><b>Plaintiff:</b> Brian Coursey</p> <p>v.</p> <p><b>Defendants:</b> Boulder Valley School District and Robert T Osborne Jr.</p>	
<p><i>Attorney for Plaintiff:</i>  James W. Avery, Atty Reg. 13037  DENVER INJURY LAW, LLC d/b/a AVERY LAW FIRM  PO Box 6888  Denver, CO 80206  Ph. 303-840-2222  Email: denverinjurylaw.co@gmail.com</p>	<p>Case No.</p> <p>Division:</p>
<p><b>Complaint and Jury Demand</b></p>	

The Plaintiff, Brian Coursey, by and through his attorneys, DENVER INJURY LAW LLC, James W. Avery, as his complaint against the Defendants, states and alleges:

*General Allegations*

1. Plaintiff, Brian Coursey, is a natural male person who at all times pertinent hereto, was a minor, age 14-15, and a resident of Colorado. He is now an adult, age 47. The events in question occurred during the school year of 1989-1990.

2. Defendant Boulder Valley School District, is and was at all times pertinent hereto a Colorado school district, which is the operator of Broomfield High School located in City of Broomfield, Boulder County, Colorado.
3. Defendant Robert T. Osborne, Jr. (Osborne) is and was at the time of the events in question, a resident of the State of Colorado and subject to the criminal laws of the State.
4. Defendant Osborne was at all times pertinent hereto person 'in a position of trust' as a basketball coach at Broomfield High School where Plaintiff was repeatedly sexually assaulted by Defendant Osborne over the course of many months.
5. Defendant Osborne is the principal 'actor' or perpetrator of a series of sexual misconduct and assaults against Plaintiff which began in the school year of 1989-1990 while Defendant was employed as freshman basketball coach by Defendant Boulder Valley School District at Broomfield High School, a 'managing organization.' Defendant Osborne had a history of prior sexual assault of minors in Pennsylvania when he was hired by BVSD.
6. The numerous instances of sexual misconduct referenced herein, over the course of the school year 1989-1990 when Defendant Osborne was serially abusing Plaintiff on the campus of Broomfield High School, constituted a "pattern of sexual abuse" by a 'person in position of trust.'

First Claim for Relief  
(Negligence)

7. Plaintiff hereby incorporates by reference each of the foregoing allegations as though fully set forth herein.
8. Defendants Osborne and BVSD, at all times pertinent hereto, had a duty to exercise reasonable care to protect Brian Coursey from sexual assault, as persons entrusted to coach minor student athletes.
9. At all times pertinent hereto, Defendants Osborne and BVSD failed to exercise reasonable care, Brian Coursey was sexually exploited at the Broomfield High School, causing him 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, disability, 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)

10. Plaintiff hereby incorporates by reference each of the foregoing allegations as though fully set forth herein.

11. Defendant Osborne (the “actor”) was a coach at Broomfield High School in a 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).

12. Defendant Boulder Valley School District (BVSD), is a ‘managing organization’ pursuant to C.R.S. 13-20-1201(4) which organized a youth-related activity or program at Broomfield High School (BHS) which engaged the services of Defendant Osborne as an employee or volunteer.

13. Defendant Osborne was an ‘agent’ of the BVSD at all times pertinent hereto pursuant to C.R.S. § 13-20-1201(2).

14. Defendant BVSD, as a managing organization with knowledge of the circumstances and possible illicit relationship, Defendant BVSD was in the best position to discover the sexual misconduct perpetrated by Defendant Osborne against Plaintiff. It is believed that other agents of BVSD deliberately disregarded and covered up the suspicious conduct, which had they investigated, would have revealed the misconduct and protected the minor Plaintiff from a pattern of sexual misconduct.

15. Defendant BVSD created a culture of permissiveness of sexual misconduct targeting students (such as Plaintiff) by failing to supervise, allowing employees to isolate students, and failing to implement adequate policies and procedures for detection and reporting of sexual abuse of students.

16. The actions of Defendant Osborne were open and notoriously conducted on the BHS campus with full knowledge and consent of BVSD (such as using BHS boys locker rooms, offices and meeting rooms as a place to get Osborne alone with the minor Plaintiff so he could be abused). Defendant BVSD, by and through its agents, fraudulently concealed information related to the sexual misconduct committed by Defendant Osborne against Plaintiff.

17. The conduct of the Defendant, Osborne 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.

18. The conduct of the Defendants (‘actors’) is violative of, and this case is brought pursuant to the Colorado Child Sexual Abuse Accountability Act, C.R.S. 13-20-1202.

19. As a direct result of the actions and conduct of the Defendants, the Plaintiff Brian Coursey has suffered and incurred extreme emotional distress, loss of enjoyment of life and disability.

Third Claim for Relief  
(Joint and Several)

20. Plaintiff incorporates by reference each and every paragraph of the preceding claims for relief as though fully set forth here.

21. The defendants have engaged in decades of fraudulent conduct (deception and deceit) about the events of the 1989-1990 school year and the sexual misconduct which they inflicted upon Plaintiff.

22. So effective have been the deception and deceit that Plaintiff to the date of this filing is not fully informed about the facts of Defendant Osborne's prior sex offenses, the circumstances of his hiring at BVSD, whether he was reported to BVSD by other coaches, teachers, or other campus employees or students who were in a position to discover the sexual misconduct within the premises of BHS, and what actions, if any, were taken by BVSD to prevent further abuse to Plaintiff and other students.

23. Plaintiff Coursey had to self-report the sexual abuse to local law enforcement in 1995, after years of suffering and self-doubt as a direct and proximate result of the circumstance of fraud and deceit by Defendants.

24. As a direct result of the actions of the Defendants, jointly and severally, the Plaintiff Brian Coursey was subjected to extreme emotional distress, disability and suffered the injuries and damages alleged herein.

WHEREFORE, the Plaintiff prays for compensatory and statutory damages, prejudgment and post-judgment interest, litigation costs and for such other and further relief as the Court deems necessary and just.

**THE PLAINTIFF DEMANDS A TRIAL BY JURY.**

Dated: January 25, 2022 .

DENVER INJURY LAW, LLC

By: s/James W. Avery  
James W. Avery  
*Attorney for Plaintiff*

*Plaintiff's Address: c/o Avery Law Firm, PO 6888, Denver, CO 80206.*