

IN THE COURT OF COMMON PLEAS, FAIRFIELD COUNTY, OHIO
CIVIL DIVISION

JANE DOE 1
c/o Mote Law Firm, LLC
1350 W. 5th Ave., Ste. 330
Columbus, OH 43212

and

JANE DOE 2
c/o Mote Law Firm, LLC
1350 W. 5 Ave., Ste. 330
Columbus, OH 43212

and

JANE DOE 3
c/o Mote Law Firm, LLC
1350 W. 5 Ave., Ste. 330
Columbus, OH 43212

Plaintiffs,

v.

NATURAL REMEDIES MASSAGE, LLC
c/o Registered Agent
United States Corporation Agents, Inc.
411 Wolf Ledges Pkwy, Ste 201
Akron, OH 44311

and

MATTHEW SCHAITEL
c/o Natural Remedies Massage, LLC
411 Wolf Ledges Pkwy., Ste. 201
Akron, OH 44311

and

HOLLIE ANESHANSLEY
726 Washington Ave.
Lancaster, OH 43130

and

FILED

2021 JUN 11 PM 1:57

BRANDEN C. MEYER
CLERK OF COURTS
FAIRFIELD CO. OHIO

21CV 250

Case No. _____

Judge ~~JUDGE BERENS~~

Tort Action: Personal Injury

BROAD ST PROPERTY, LLC
c/o Registered Agent
Jeffrey D. Schubert
702 N. Memorial Dr.
Lancaster OH 43130

and

John/Jane Doe #1-25
Addresses Unknown

Defendants.

COMPLAINT WITH JURY DEMAND ENDORSED HEREON

Plaintiffs Jane Doe 1, Jane Doe 2, and Jane Doe 3, by and through their attorneys, file this Complaint pseudonymously because the prosecution of this lawsuit will compel Plaintiffs to reveal information of the utmost intimacy as a result of the actions of Defendants Natural Remedies Massage LLC (“Natural Remedies” or the “Spa”), Matthew Schaitel (“Schaitel”), Hollie Aneshansley (“Aneshansley”), and Broad St Property LLC (“Broad St Property”).

I. INTRODUCTION

1. Plaintiffs were sexually abused by Schaitel at Natural Remedies Massage during massage therapy appointments.
2. Natural Remedies Massage and its owner Hollie Aneshansley were on notice of Schaitel’s conduct, but nonetheless did not terminate his services and allowed him to abuse, and continue to abuse, female customers.
3. Broad St Property, which owns the property on which Natural Remedies Massage operates, failed to implement security, protections and controls to ensure that Aneshansley and Schaitel were properly licensed, and operated within the standard of care for a massage therapy business.
4. As a direct result of Defendants’ actions, Plaintiffs suffered bodily injury/scarring

and resulting pain and suffering, mental anguish, loss of the capacity for the enjoyment of life, and have incurred expenses for medical treatment, loss of property, loss of earnings and/or the loss of the ability to earn money. These losses are either permanent or continuing and Plaintiffs will suffer the losses in the future.

II. PARTIES

5. Jane Doe 1 is a resident of Lancaster, Ohio and permanent resident of the United States. Jane Doe 1 received a massage at Natural Remedies Massage from Schaitel in March 2021.

6. Jane Doe 2 is a resident of Lancaster, Ohio and citizen of the United States. Jane Doe 2 received a massage at Natural Remedies Massage from Schaitel in December 2020.

7. Jane Doe 3 is a resident of Lancaster, Ohio and citizen of the United States. Jane Doe 3 received three massages at Natural Remedies Massage from Schaitel between November 2020 and January 2021.

8. Matthew Schaitel is a resident of Lancaster, Ohio and citizen of the United States. On its website, Natural Remedies represents that Schaitel maintains the following licenses: OH License #: 33.024539; WA License #: 024201 MA00014668; MO License #: 2003018510. However, Schaitel's Washington license is expired, and neither his name nor the license number for Missouri reveals any such license on the website for the Missouri Division of Professional Regulation.

9. Hollie Aneshansley is a resident of Lancaster, Ohio and citizen of the United States. Aneshansley is the owner of Natural Remedies Massage. She represents on the Spa's website that she is a licensed massage therapist. However, according to the Ohio Medical Board's website, Aneshansley's license # 33.014761 is suspended.

10. According to the Medical Board's website, on March 13, 2019, Aneshansley

entered a Consent Agreement, pursuant to which her license to practice massage therapy was indefinitely suspended “[b]ased on the massage therapist's admission that she is impaired in her ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice.” On August 14, 2019, her license was reinstated on probationary terms. However, on October 14, 2020, her license was again suspended indefinitely “[b]ased on the massage therapist’s admission that [] she violated the terms of her Step II Consent Agreement....”

11. Natural Remedies Massage is an Ohio limited liability company with its principal place of business located at 323 S. Broad St., Lancaster Ohio. The Spa’s registered agent is United States Corporation Agents, Inc., 411 Wolf Ledges Pkwy, Ste 201, Akron OH 44311.

12. Broad St Property LLC is an Ohio limited liability company and owns the property located at 323 S. Broad St., Lancaster Ohio. Defendant’s registered agent is Jeffrey D. Schubert, 702 N. Memorial Dr., Lancaster OH 43130.

13. John/Jane Doe #1-25 are persons and/or businesses whose names and addresses could not be discovered.

14. At all relevant times, Defendants John/Jane Does #1-25 include entities that are affiliated with, and/or that own and/or control, Defendants Natural Remedies, Schaitel, Aneshansley and/or Broad St Property, including successor entities, that are liable for the misconduct alleged herein. When referring to Defendants Natural Remedies and/or Broad St Property in this Complaint, all such references include John/Jane Doe #1-25.

III. JURISDICTION

15. Defendant Natural Remedies Massage is located in Fairfield County, Ohio and the acts giving rise to this lawsuit took place in Fairfield County, Ohio.

16. This Court has subject matter jurisdiction under R.C. 2305.01 and personal

jurisdiction over Defendants because each is a citizen of Ohio who regularly, freely, and purposefully directs its business activities at Ohio citizens, such that each has purposefully availed itself of the privileges of conducting business in Ohio, and has rendered itself subject to jurisdiction based, in large part, on the torts caused by its in-state activities alleged herein, among other reasons.

17. Venue is proper under Civ. R. 3(B)(1), (2) and/or (6), among other bases.

IV. FACTS

A. Schaitel has sexually abused multiple women who scheduled massages at Natural Remedies Massage.

1. Jane Doe 1 was sexually abused by Schaitel at Natural Remedies Massage.

18. On March 26, 2021, Jane Doe was scheduled to receive a massage from Schaitel at Natural Remedies Massage.

19. Jane Doe 1 requested that Schaitel focus on the pain in her shoulders. She kept her underwear on for the massage.

20. After spending just a short time on her shoulders and back, Schaitel moved lower on her back.

21. He then lowered her underwear below her buttocks. He did not use draping on her buttocks, either over both or one side at a time.

22. Schaitel pulled apart her buttocks, seemingly to allow a full view of her private parts. He spent the majority of the massage at or just below the area of her backside.

23. Jane Doe 1 was frozen and in shock. She suffered extreme distress and could not move. Schaitel's conduct felt as if it took forever. When he finished, Schaitel asked her how she was feeling. Jane Doe 1 tried to recover and stated she did not know she had pain in her hips that needed attention.

24. He asked her if she wanted to make another appointment with him and she declined.

25. Jane Doe 1 was extremely distressed and just wanted to leave as quickly as possible so that she would be safe. In her shock, Jane Doe 1 was trying to but could not fully process what had just happened to her.

26. After the appointment, Jane Doe 1 contacted the owner of Natural Remedies Massage, Aneshansley, via Facebook to discuss her concerns regarding Schaitel's conduct .

27. As a member of the Associated Bodywork & Massage Professionals association (ABMP), Aneshansley knew or should have known that Schaitel's conduct was not appropriate.

28. Rather than take Eppley's concerns seriously, Aneshansley offered her another massage, to be conducted by Aneshansley, but did not offer to investigate Schaitel's behavior, nor to place Schaitel on leave while the claims were investigated.

29. Jane Doe 1's experience was not unique nor the first time Defendants were on notice that Schaitel's conduct was sexually inappropriate.

2. Jane Doe 2 was sexually abused by Schaitel at Natural Remedies Massage.

30. Jane Doe 2 regularly receives massages, but the masseuse she typically used was not available when she called Natural Remedies Massage to make an appointment in December 2020.

31. Schaitel answered the phone when Jane Doe 2 called and scheduled himself to give Jane Doe 2 a two-hour deep tissue massage.

32. Jane Doe 2 kept her underwear on for the massage. The massage began with her lying on her stomach with draping over her.

33. At the beginning of the massage, Schaitel pulled Jane Doe 2's underwear down,

purportedly to work on her hips.

34. He did not use draping on her buttocks, either over both or one side at a time.

35. Schaitel began rubbing her buttocks and pulling them apart.

36. Schaitel rubbed Jane Doe 2's legs, moving his hands between and to the very top inside of her legs and touching her labia.

37. Jane Doe 2 was frozen and in shock. She suffered extreme distress and could not move.

38. Schaitel rubbed his erection on Jane Doe 2's legs. Jane Doe 2 was upset, distressed, and felt out of body.

39. Midway through the massage, Schaitel had Jane Doe 2 roll onto her back. He placed a mask on her eyes, but she could see a portion of what was happening through the gap in the bottom of the mask.

40. Schaitel asked her if he could rub her chest; she presumed he meant the muscles just below her shoulders.

41. Instead, Schaitel began rubbing Jane Doe 2's breasts, concentrating on her nipples.

42. Jane Doe 2 was completely paralyzed. She was in shock and distressed. She could not make a sound. She could barely breathe and prayed for the assault to end.

43. Schaitel moved down her body and tried to move her underwear to the side to expose her vaginal area.

44. Jane Doe 2 was horrified, exposed to two hours of assault, molestation, and torture. She was extremely distressed and felt nauseous. She continues to feel severe and extreme emotional distress.

3. Jane Doe 3 was sexually abused by Schaitel at Natural Remedies Massage.

45. Jane Doe 3 received three massages by Schaitel at Natural Remedies Massage between November 2020 and January 2021, including two 30-minute deep tissue massages, and one 60-minute deep tissue massage.

46. Before and after each massage, Schaitel gave Jane Doe 3 a hug, which made her feel uncomfortable.

47. Like many clients of massage, Jane Doe 3 did not wear her underwear during the massages.

48. During the first two massages, Schaitel pulled the blanket down Jane Doe 3's back, three-quarters of the way down her buttocks. He did not drape her buttocks, either over both or one side at a time.

49. Jane Doe 3 questioned whether Schaitel's failure to drape her buttocks was inappropriate but was not educated on the standard of care. She did not consent to violations of the standard of care.

50. During the third massage, which was scheduled for 60 minutes, it became clear to Jane Doe 3 that Schaitel was acting inappropriately. He pulled the blanket below her buttocks, and did not drape them, either over both or one side at a time.

51. He spent half of the massage on her buttocks, massaging them and pulled them apart. It seemed to Jane Doe 3 that Schaitel was exposing her labia and vaginal area.

52. Jane Doe 3 felt extremely embarrassed, upset, and was in shock. She did not consent to this violation of her body or her privacy.

B. Natural Remedies Massage and Aneshansley were on prior notice of Schaitel's misconduct.

53. After Aneshansley failed to address Jane Doe 1's complaints, Jane Doe 1 posted about her experience on social media. In response, she was contacted by multiple persons who were aware of Schaitel's inappropriate conduct in the past, including past customers of Natural Remedies who had a similar experience with Schaitel.

54. Two of these contacts disclosed that the police had previously visited Natural Remedies in response to a complaint of inappropriate conduct but charges were not pressed because Aneshansley agreed to fire Schaitel.

55. However, as of May 27, 2021, Schaitel was still available for booking on Natural Remedies Massage's website. Also, as of May 27, 2021, Aneshansley was available for booking on the website, despite her license being suspended.

C. Schaitel and Natural Remedies violated the standard of care in massage therapy.

56. On its website, Natural Remedies affirms that it is a member of Associated Bodywork & Massage Professionals.¹

57. According to ABMP, all of its clients have committed to the ABMP Code of Ethics. ABMP has also published multiple times regarding the standard of care for massage therapy, because "[c]lear guidelines for therapeutic practice are essential to protect the public, practitioners, employers, and the profession as a whole," including with respect to maintaining sexual ethics within a session of massage therapy.²

¹ <https://naturalremedies.massagetherapy.com/>

² Benjamin, Ben E. Ph.D., "Massage Therapy and Sexual Misconduct: Protecting Our Clients, Ourselves, and Our Profession," *Massage and Bodywork Magazine* (Sept./Oct. 2017), available at <https://www.abmp.com/textonlymags/article.php?article=1747> (last accessed April 19, 2021).

58. A clear standard of care in massage therapy is the use of appropriate draping. For example, Tenet 5 of the ABMP Code of Ethics, entitled “Commitment to Respect Client Dignity and Basic Rights,” provides:

I will demonstrate my respect for the dignity and rights of all individuals by providing a clean, comfortable, and safe environment for sessions, using appropriate and skilled draping procedures, giving clients recourse in the event of dissatisfaction with treatment, and upholding the integrity of the therapeutic relationship.

59. The standard of care for draping is described as follows:

Some bodywork is done with the body fully clothed so no drape is used, but when clothing is removed, drapes must be used appropriately. Proper draping techniques are not difficult to teach, to learn, or to perform, and should be taught well in all massage schools. Prior to hiring, a massage therapist should be evaluated on proper draping techniques by a knowledgeable supervisor.

Many clients, especially new ones, are not clear about what constitutes appropriate draping. It is the practitioner’s responsibility to use proper draping to ensure their clients feel secure and unexposed. And it is a spa’s responsibility to ensure their practitioners are appropriately draping their clients.

As for draping protocols, the genital regions (and female breasts) should always be covered (Image 1). The drape may be lowered to the base of the sacrum (Image 2) when the client is prone. The buttocks may be undraped only with explicit permission from the client, and usually only one side at a time (Image 3). When putting the drape in place, the therapist may lift each leg slightly to bring the drape securely under the thigh. While the client is disrobed, their legs should never be spread wide apart to secure the drape. The primary fact to remember is that the drape is there to define the area of the body to be worked on. The therapist’s hands should never go under the drape.

60. Natural Remedies and Schaitel violated this standard of care by purposefully failing to properly drape Plaintiffs’ buttocks, exposing their genital regions, and failing to get explicit consent from Plaintiffs to leave their buttocks fully exposed.

61. Moreover, Schaitel spread Plaintiffs’ buttocks, for which there is no therapeutic

basis.

62. Tenet 6 of the ABMP Code of Ethics, entitled “Commitment to Informed Consent,” provides:

I will recognize a client's right to determine what happens to his or her body. I understand that a client may suffer emotional and physical harm if a therapist fails to listen to the client and imposes his or her own beliefs on a situation. I will fully inform my clients of choices relating to their care, and disclose policies and limitations that may affect their care. I will not provide massage without obtaining a client's informed consent (or that of the guardian or advocate for the client) to the session plan.

63. Natural Remedies violated this tenet by failing to get Plaintiffs’ informed consent to Schaitel’s session plan. In fact, Plaintiffs and Schaitel discussed that their respective session plans were to focus on tension in their shoulders and backs; at no time did Plaintiffs and Schaitel discuss that the primary focus of the session would be on Plaintiffs’ buttocks or genital regions (or breasts in the case of Jane Doe 2).

64. Tenet 8, entitled “Commitment to Personal and Professional Boundaries,” provides:

I will refrain from and prevent behaviors that may be considered sexual in my massage practice and uphold the highest professional standards in order to desexualize massage. I will not date a client, engage in sexual intercourse with a client, or allow any level of sexual impropriety (behavior or language) from clients or myself. I understand that sexual impropriety may lead to sexual harassment charges, the loss of my massage credentials, lawsuits for personal damages, criminal charges, fines, attorney's fees, court costs, and jail time.

65. Schaitel and Natural Remedies violated this tenet by engaging in and allowing sexual impropriety during a massage session.

66. The standard of care also requires practice owners to take all client complaints seriously, and “meet personally or by phone with any client who lodges a complaint of a sexual

nature.”³ Correctly responding to a complaint is important to both the customer and in order to prevent further wrongful conduct:

Complaints of clear sexual misconduct (e.g., touching the breasts or genitals, making sexual comments) call for immediate suspension and investigation, followed—if the allegations prove to be true—by termination of employment and a report of the incident to the police and state massage board. More ambiguous complaints (e.g., a vague sense of discomfort with a therapist’s draping or quality of touch) may be investigated using a mystery shopper or anonymous surveys, and may warrant conversations with and/or training of the therapist. If your spa receives more than one such complaint about a therapist, consider it a pattern. Do not delay in investigating and taking appropriate action.⁴

67. Here, neither Natural Remedies nor Aneshansley handled the complaints relating to Schaitel appropriately, but rather have tried to cover them up. Moreover, as of the date of this letter, customers are still able to book appointments with Schaitel online.

68. Aneshansley and Natural Remedies Massage were on previous notice of Schaitel’s conduct.

69. Notwithstanding this knowledge, they retained Schaitel and failed to properly supervise him.

70. Moreover, they failed to implement protections for customers of the practice, allowing Schaitel’s sexual abuse to continue. Thus, Aneshansley and Natural Remedies ratified his conduct and, whether through ratification or theories of vicarious liability, are responsible as if they had assaulted Plaintiffs directly.

71. As a direct and proximate cause of the foregoing, Plaintiffs have suffered injury and expense, including but not limited to, psychological and emotional injuries, mental anguish, and the loss of the enjoyment of life.

³ Benjamin, *supra*.

⁴ Benjamin, *supra*.

72. Defendants' acts were intentional, done with malice, and/or showed a deliberate, willful, wanton, and reckless indifference to Plaintiffs' rights, for which they are entitled to an award of punitive damages.

V. CAUSES OF ACTION

A. Claims Against Natural Remedies Massage and Aneshansley

COUNT I NEGLIGENT SUPERVISION AND RETENTION

73. Plaintiffs incorporate all above paragraphs as if fully set forth herein.

74. At all relevant times, Natural Remedies Massage and Aneshansley held out Schaitel as a licensed massage therapist which it supervised in the Spa.

75. Schaitel was unfit or incompetent to work directly with female clients and posed a particular risk of sexually harassing, violating, and assaulting them.

76. Natural Remedies Massage and Aneshansley knew or should have known that Schaitel was unfit or incompetent to work directly with female clients and posed a particular risk of sexually harassing, violating, and assaulting them, and that this unfitness created a particular risk to Plaintiffs.

77. Schaitel's unfitness and particular risk to female clients harmed Plaintiffs.

78. Natural Remedies Massage and Aneshansley's negligence in supervising and/or retaining Schaitel was a substantial factor in causing harm to Plaintiffs.

79. As a direct result of Defendants' actions, Plaintiffs suffered bodily injury/scarring and resulting pain and suffering, mental anguish, loss of the capacity for the enjoyment of life, and has incurred expenses for medical treatment, loss of property, loss of earnings and/or the loss of the ability to earn money. These losses are either permanent or continuing and Plaintiffs will suffer the losses in the future.

COUNT II
RESPONDEAT SUPERIOR/VICARIOUS LIABILITY

80. Plaintiffs incorporate all above paragraphs as if fully set forth herein.

81. At all relevant times, Schaitel was an employee or agent of Natural Remedies Massage and Aneshansley.

82. Schaitel was authorized and entrusted by Natural Remedies Massage and Aneshansley to be alone with Plaintiffs in a Spa treatment room while Plaintiffs were fully or partially undressed and in a vulnerable position.

83. The sexual contact described above occurred on a massage table on premises operated and/or controlled by Natural Remedies Massage and Aneshansley.

84. The sexual contact described above occurred during normal business hours of Natural Remedies Massage and Aneshansley and occurred in the course and scope of the performance of Schaitel's duties.

85. The initial physical contact and relationship of Schaitel with Plaintiffs was in furtherance of the business of Schaitel and Natural Remedies Massage and Aneshansley.

86. In addition, Schaitel was authorized to touch Plaintiffs in a manner consistent with providing massage therapy.

87. Schaitel extended and converted his authorized touching into the sexual contact with Plaintiffs as described above.

88. The wrongful acts of Schaitel were committed in the actual or apparent course and scope of his employment or agency with Natural Remedies Massage and Aneshansley.

89. The wrongful acts were committed while Schaitel was doing what his employment or agency contemplated.

90. The massage therapy services provided by Schaitel benefitted Natural Remedies

Massage and Aneshansley.

91. Schaitel was aided in accomplishing the torts upon Plaintiffs by the existence of his agency relationship with Natural Remedies Massage and Aneshansley. Specifically, Schaitel used the authority actually delegated to him by Natural Remedies Massage and Aneshansley to make sexual contact with Plaintiffs while they were undressed and laying in a prone, vulnerable position in a massage therapy room. They were in this vulnerable position with Schaitel precisely because of Schaitel's agency relationship with Natural Remedies Massage and Aneshansley.

92. Under the doctrine of respondeat superior, Natural Remedies Massage and Aneshansley are responsible for the actions of its servant, the male massage therapist, committed in the actual or apparent scope of his duties.

93. As a direct result of Defendants' actions, Plaintiffs suffered bodily injury/scarring and resulting pain and suffering, mental anguish, loss of the capacity for the enjoyment of life, and has incurred expenses for medical treatment, loss of property, loss of earnings and/or the loss of the ability to earn money. These losses are either permanent or continuing and Plaintiffs will suffer the losses in the future.

COUNT III NEGLIGENT BUSINESS OPERATIONS

94. Plaintiffs incorporate all above paragraphs as if fully set forth herein.

95. At all material times, Plaintiffs were invitees and/or authorized visitors at the Spa.

96. At all material times, Defendants owed a duty to Plaintiffs to use reasonable care to ensure their safety, care and well-being while they were on their premises to obtain massage therapy.

97. Prior to the massage therapy appointments, Defendants knew that of the risk of sexual contact or abuse by Schaitel.

98. The risk of sexual contact in the massage therapy setting, including at the Spa constitutes a dangerous condition of which female clients, including Plaintiffs, were unaware and which should have been disclosed by Defendants to their female patrons, together with instructions about how to prevent, be prepared for, and respond to such incidents as well as provide the choice to have a female massage therapist.

99. Defendants had a duty to implement reasonable policies and procedures to protect its guests, particularly with respect to an agent of Defendants or person employed on Defendants' premises who was placed in a position of control over a vulnerable guest and was in a position to do intentional harm to that guest.

100. Defendants did not have reasonable policies and procedures in place to protect their female guests from a sexual battery by a massage therapist providing massage therapy at Natural Remedies Massage. In particular, Defendants failed to take reasonable steps to ensure that female clients who received massage therapy from a male massage therapist were sufficiently warned of and protected from foreseeable harm.

101. Defendants breached their duty of care by failing to act as a reasonable and prudent business operator would have under the same or similar circumstances.

102. As a direct result of Defendants' actions, Plaintiffs suffered bodily injury/scarring and resulting pain and suffering, mental anguish, loss of the capacity for the enjoyment of life, and has incurred expenses for medical treatment, loss of property, loss of earnings and/or the loss of the ability to earn money. These losses are either permanent or continuing and Plaintiffs will suffer the losses in the future.

COUNT IV
NEGLIGENT FAILURE TO PROVIDE ADEQUATE SECURITY

103. Plaintiffs incorporate all above paragraphs as if fully set forth herein.

104. Natural Remedies Massage and Aneshansley failed to adequately provide security measures to ensure the safety of business invitees while on their premises.

105. The security measures utilized by Defendants, if any, were not sufficient to provide a reasonably safe condition for patrons and/or clients at Natural Remedies Massage.

106. Defendants breached the duty of care they owed Plaintiffs by, *inter alia*, failing to provide or mandate protections for female clients.

107. As a direct result of Defendants' actions, Plaintiffs suffered bodily injury/scarring and resulting pain and suffering, mental anguish, loss of the capacity for the enjoyment of life, and has incurred expenses for medical treatment, loss of property, loss of earnings and/or the loss of the ability to earn money. These losses are either permanent or continuing and Plaintiffs will suffer the losses in the future.

B. Claims Against Broad St Property LLC

COUNT V NEGLIGENT FAILURE TO PROVIDE ADEQUATE SECURITY

108. Plaintiffs incorporate all paragraphs as if fully set forth herein.

109. Broad St Property LLC owns the property located at 323 S. Broad St., Lancaster Ohio, which is the property at which Natural Remedies Massage operated.

110. Broad St Property LLC failed to adequately provide security measures to ensure the safety of business invitees while on their premises.

111. The security measures utilized by Defendant, if any, were not sufficient to provide a reasonably safe condition for patrons and/or clients at Natural Remedies Massage.

112. Defendant breached the duty of care it owed Plaintiffs by, *inter alia*, failing to provide or mandate protections for female clients.

113. Defendant breached the duty of care it owed Plaintiffs by, *inter alia*, failing to

ensure that Schaitel and Aneshansley were licensed to provide massage therapy services and otherwise following the standard of care.

114. As a direct result of Defendant's actions, Plaintiffs suffered bodily injury/scarring and resulting pain and suffering, mental anguish, loss of the capacity for the enjoyment of life, and has incurred expenses for medical treatment, loss of property, loss of earnings and/or the loss of the ability to earn money. These losses are either permanent or continuing and Plaintiffs will suffer the losses in the future.

C. Claims Against Schaitel

COUNT VI SEXUAL BATTERY

115. Plaintiffs incorporate all above paragraphs as if fully set forth herein.

116. Defendant Schaitel sexually touched intimate body parts of Plaintiffs.

117. The sexual touching was unwanted.

118. These acts were done without the consent of Plaintiffs or the Class members or were done through fraud.

119. Schaitel's acts were committed for the purpose of his own sexual gratification or arousal.

120. As a direct result of Defendant's actions, Plaintiffs suffered bodily injury/scarring and resulting pain and suffering, mental anguish, loss of the capacity for the enjoyment of life, and has incurred expenses for medical treatment, loss of property, loss of earnings and/or the loss of the ability to earn money. These losses are either permanent or continuing and Plaintiffs will suffer the losses in the future.

COUNT VII GROSS NEGLIGENCE

121. Plaintiffs incorporate all above paragraphs as if fully set forth herein.

122. Schaitel owed Plaintiffs a duty of due care in carrying out massage therapy.

123. Schaitel's conduct in sexually assaulting, abusing, and molesting Plaintiffs under the guise of rendering "massage therapy" was so reckless as to demonstrate a substantial lack of concern for whether an injury would result to Plaintiffs.

124. Schaitel breached duties owed to Plaintiffs and was grossly negligent when he engaged in the conduct described above, said acts having been committed with reckless disregard for Plaintiffs' health, safety, constitutional and/or statutory rights, and with a substantial lack of

concern as to whether an injury would result.

125. As a direct result of Defendant's actions, Plaintiffs suffered bodily injury/scarring and resulting pain and suffering, mental anguish, loss of the capacity for the enjoyment of life, and has incurred expenses for medical treatment, loss of property, loss of earnings and/or the loss of the ability to earn money. These losses are either permanent or continuing and Plaintiffs will suffer the losses in the future.

**COUNT VIII
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

126. Plaintiffs incorporate all above paragraphs as if fully set forth herein.

127. As described above, Defendant Schaitel's conduct of sexually molesting, restraining, and falsely imprisoning Plaintiffs was deliberate. Schaitel deliberately or recklessly inflicted emotional and psychological harm on Plaintiffs.

128. Schaitel's conduct was so outrageous in character and so extreme in degree as to go beyond all possible bounds of decency.

129. A massage therapist's touching of intimate sexual parts of a client during massage therapy has no bona fide therapeutic purpose, is atrocious and is utterly intolerable in a civilized community. Likewise, a massage therapist's rubbing of his penis on a client is intolerable under any circumstances.

130. Schaitel's conduct caused emotional and psychological harm to Plaintiffs. Plaintiffs' distress is severe.

131. As a direct result of Defendant's actions, Plaintiffs suffered pain and suffering, mental anguish, loss of the capacity for the enjoyment of life, and has incurred expenses for medical treatment, loss of property, loss of earnings and/or the loss of the ability to earn money. These losses are either permanent or continuing and Plaintiffs will suffer the losses in the future.

132. Defendant's acts were intentional, done with malice, and/or showed a deliberate, willful, wanton, and reckless indifference to Plaintiff's rights, for which she is entitled to an award of punitive damages.

**COUNT IX
FALSE IMPRISONMENT**

133. Plaintiffs incorporate all above paragraphs as if fully set forth herein.

134. By restraining Plaintiffs on the massage table and preventing them from leaving against their will, Defendant Schaitel falsely imprisoned Plaintiffs.

135. As a direct result of Defendant's actions, Plaintiffs suffered bodily injury/scarring and resulting pain and suffering, mental anguish, loss of the capacity for the enjoyment of life, and has incurred expenses for medical treatment, loss of property, loss of earnings and/or the loss of the ability to earn money. These losses are either permanent or continuing and Plaintiffs will suffer the losses in the future.

**COUNT X
INVASION OF PRIVACY**

136. Plaintiffs incorporate all above paragraphs as if fully set forth herein.

137. Defendant's unwanted and offensive sexual contact with Plaintiffs was an invasion of their physical solitude and privacy.

As a direct result of Defendant's actions, Plaintiffs suffered bodily injury/scarring and resulting pain and suffering, mental anguish, loss of the capacity for the enjoyment of life, and has incurred expenses for medical treatment, loss of property, loss of earnings and/or the loss of the ability to earn money. These losses are either permanent or continuing and Plaintiffs will suffer the losses in the future.

D. Claims Against All Defendants

**COUNT XI
NEGLIGENCE AND VICARIOUS LIABILITY**

138. Plaintiffs incorporate all above paragraphs as if fully set forth herein.

139. Defendants John/Jane Does #1-25 are persons, entities, and/or businesses whose names and addresses could not be discovered with reasonable diligence before filing this action.

140. Upon information and belief, Defendants John/Jane Does #1-25 committed negligent and/or reckless acts and/or omissions that directly and proximately caused Plaintiff's injuries and damages as stated in this Complaint.

141. Upon information and belief, Defendants John/Jane Does #1-25 were vicariously liable for the negligent and/or reckless acts and/or omissions of others which directly and proximately caused Plaintiff's injuries and damages as stated in this Complaint. As such, Defendants John/Jane Does #1-25 are liable for all injuries and damages as stated in this Complaint.

142. To the extent that any of Defendants John/Jane Does #1-25 constitute political subdivisions subject to qualified immunity, the misconduct alleged herein disqualifies and/or excepts such immunity, rendering those Defendants liable for the harm and losses asserted in this Complaint, including but not limited to statutory liability for failing to report known and/or suspected abuse and/or reckless, willful, and wanton misconduct of employees.

**COUNT XII
PUNITIVE DAMAGES**

143. Plaintiffs incorporate all above paragraphs as if fully set forth herein.

144. At all relevant times, because the actions of each Defendant demonstrated malice, ill will, recklessness, willful and wanton misconduct, and/or a total disregard for the rights and

safety of Plaintiff, which posed a great probability of causing substantial harm, such misconduct warrants an award of punitive damages.

WHEREFORE, Plaintiffs demand a money judgment against each Defendant, jointly and severally, in **an amount in excess of Twenty-Five Thousand Dollars (\$25,000)**, plus interest, attorney fees, costs and any other relief and/or damages the Court determines to be fair, equitable, and in the interests of justice.

Plaintiffs Demand a Trial by Jury of Eight (8).

Respectfully submitted,



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