

CAUSE NO. _____

JANE DOE, Individually and as
Next Friend of JOHN DOE, a Minor Child,
Plaintiffs,

v.

DR. JEFFREY D. CONE, MD
Defendant.

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IN THE _____ DISTRICT COURT

OF

POTTER COUNTY, TEXAS

PLAINTIFFS' ORIGINAL PETITION AND JURY DEMAND

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, Plaintiffs in the above entitled cause complaining of Defendant named herein and would respectfully show the Court as follows:

I. DISCOVERY

1.01 Pursuant to Rule 190.1 of the Texas Rules of Civil Procedure, Plaintiffs intend to conduct discovery in this case under level 3 (Rule 190.4 Texas Rules of Civil Procedure).

II. PARTIES

2.01 Plaintiff Jane Doe is the mother of Plaintiff John Doe, a Minor Child. Plaintiff Jane Doe is a resident of the State of Texas. In accordance with TEX. CIV. PRAC. & REM. CODE ANN. § 30.013, Plaintiff Jane Doe is pursuing this matter through a pseudonym to protect her and her child's identity as the parent of a minor child subjected to sexual abuse. As such, she is not required to provide identifying information as part of this pleading and thus avails herself of this protection. Plaintiff's identity is known to Defendant.

2.02 Plaintiff John Doe (Plaintiff Doe), a Minor Child, is a resident of the State of Texas. Plaintiff is pursuing this matter through a pseudonym to protect his identity as a victim of

childhood sexual abuse in accordance with TEX. CIV. PRAC. & REM. CODE ANN. § 30.013. As such, he is not required to provide identifying information as part of this pleading and thus avails himself of this protection. Plaintiff's identity is known to Defendant.

2.04 Dr. Jeffrey D. Cone (Dr. Cone) is an individual and resident of Potter County, Texas. Dr. Cone may be served with notice wherever he may be found or at his last known address: 2800 S. Hughes Street, Amarillo, Texas 79109.

III. VENUE AND JURISDICTION

3.01 Venue is proper in Potter County, Texas, because it is the county in which all or a substantial part of the events or omissions occurred.

3.02 The amount of damages is substantial and well in excess of the jurisdictional minimums of this Court. Due to the extreme nature of Defendant's conduct and devastating degree of injury caused by such conduct, Plaintiffs seek actual and punitive damages in the amount of over \$1,000,000.00.

IV. PLAINTIFFS' NARRATIVE

4.01 Defendant Dr. Cone is a neuro-surgeon who owns and operates a surgery clinic called Neurological Surgery that is located at 6822 Plum Creek Drive in Amarillo, Texas. Dr. Cone has been Plaintiff Doe's medical doctor since he was nine months old when Plaintiff Doe suffered a brain bleed. Plaintiffs have seen Dr. Cone over the course of Plaintiff Doe's life and have come to regard him as a friend whom the family cared for and trusted.

4.02 At about age fifteen, Plaintiff Doe began expressing interest in becoming a medical doctor. Soon after, when Plaintiff Doe was still fifteen years old, Dr. Cone offered Plaintiff Doe a job at his clinic. Although he did not have a specific job title or description, Plaintiff Doe spent his time performing simple office management tasks and even shadowing Dr. Cone in surgery. Dr. Cone

was not only Plaintiff Doe's medical doctor, he was his boss and mentor. Plaintiff Doe held Dr. Cone in high regard, as did his family.

4.03 Soon after Plaintiff Doe began working for Dr. Cone, Dr. Cone began buying Plaintiff Doe expensive gifts. He would ask Plaintiff Doe to stay after the clinic closed, sometimes until 8:00 or 9:00 at night, to help him "read MRIs." Over the course of an extended period, Defendant Dr. Cone utilized his position as a medical doctor to manipulate Plaintiff Doe into allowing Dr. Cone to sexually molest and assault him. Dr. Cone exploited Plaintiff Doe's trust as his medical doctor and convinced Plaintiff Doe that his sexual molestation was medical treatment to help him with his back pain.

4.04 Plaintiff Doe and his family trusted that Dr. Cone would behave as he represented himself to be – an honorable, intelligent doctor that could be trusted to mentor Plaintiff Doe and always act in the best interest of the child. Defendant Dr. Cone's molestation of Plaintiff Doe violated the highest degree of confidence, good faith and moral guidance expected of him given his position as both a surgical doctor and Plaintiff Doe's mentor and boss. Due to this extreme violation, Plaintiff Doe has suffered severe and permanent mental and emotional damages.

V. CAUSES OF ACTION

Defendant Dr. Cone's Sexual Assault and Battery of a Child

5.01 Plaintiff Doe was a minor at all times relevant herein. At the time the cause of action accrued, the age of consent was seventeen (17) in the State of Texas. Defendant Dr. Cone used his position as a medical doctor and the trust he gained from Plaintiff Doe to commit acts of sexual assault and sexual battery against Plaintiff Doe. Furthermore, Defendant Dr. Cone committed these acts intentionally and knowingly.

5.02 Plaintiff Doe's status as a minor, coupled with Defendant Dr. Cone's position as his boss,

doctor, and authority figure, allowed Defendant to exercise control and influence over Plaintiff Doe. Using the power, authority and trust of his position, Defendant Dr. Cone sexually molested Plaintiff Doe on multiple occasions. As a result of Defendant Dr. Cone's conduct, Plaintiff Doe has suffered, and continues to suffer, pain of the mind and body, mental anguish, humiliation, disgrace, psychological repercussions and emotional distress.

Intentional Infliction of Emotional Distress

5.03 In addition to other counts, Defendant Dr. Cone is liable to Plaintiff Doe for Intentional Infliction of Emotional Distress. Given Defendant Dr. Cone's position as Plaintiff Doe's boss, medical doctor, and his adopted trust of Plaintiff Doe, his numerous acts of sexual assault and battery of the Plaintiff constitute extreme and outrageous conduct. Therefore, Defendant Dr. Cone caused severe emotional distress to the minor Plaintiff.

5.04 Plaintiff has suffered mental and physical injuries as a direct and proximate result of the Defendant's conduct.

Defendant Dr. Cone's Breach of Fiduciary Duty

5.05 Defendant Dr. Cone was in a special position of trust and authority with respect to the Plaintiff Doe and, therefore, maintained a fiduciary relationship with Plaintiff Doe. Specifically, Defendant Dr. Cone had a fiduciary relationship with Plaintiff Doe based upon his boss, mentor and medical doctor. Defendant Dr. Cone breached his fiduciary duty to Plaintiff Doe in the following respects:

- a. Utilizing his position of trust to sexually exploit the Plaintiff Doe;
- b. Utilizing his position of trust to sexually assault the Plaintiff Doe.

Plaintiff Doe has suffered mental and physical injuries as a direct and proximate result of the Defendant's conduct.

VI. DAMAGES

6.01 Defendant's misconduct resulted in and proximately caused injury to the Plaintiffs.

Plaintiffs' damages include, but are not limited to, the following:

- a. Physical pain sustained in the past;
- b. Severe psychological pain and mental anguish;
- c. Severe psychological pain and mental anguish that, in reasonable probability, will be sustained in the future;
- d. Emotional distress sustained in the past;
- e. Emotional distress that, in reasonable probability, will be sustained in the future;
- f. Medical expenses sustained in the past; and
- g. Medical expenses that, in reasonable probability, will be sustained in the future.

VII. PRAYER

7.01 WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully request the following:

- a. Upon final trial, actual compensatory damages as well as punitive damages be awarded to Plaintiffs against Defendant;
- b. Pre-judgment and post-judgment interest as allowed by law;
- c. Costs of court; and
- d. Such other, further and different relief to which Plaintiffs may be justly entitled.

Respectfully Submitted,

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/s/ Delaney Crocker _____
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JURY DEMAND

Plaintiffs hereby respectfully demand a trial by jury in this cause and herewith pay the required fee.

/s/ Delaney Crocker _____
Delaney Crocker