

RECEIVED FILED
CIRCUIT COURT OF
ST. LOUIS COUNTY

STATE OF MISSOURI)
) SS
COUNTY OF ST. LOUIS)

2010 JAN 15 AM 7:46

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI
CIRCUIT JUDGE DIVISION
KIMBERLY GILMER
CIRCUIT CLERK

"C.W.")
)
and)
)
"J.B.")
)
)
Plaintiffs,)
)
)
vs.)
)
)
ERIC T. TOLEN)
)
Serve: Inmate #1184614)
)
MISSOURI DEPARTMENT)
OF CORRECTIONS)
8200 No More Victims)
Jefferson City, MO 65101)
)
)
Defendant.)

COPY

Cause No.: 10SL-CC00169

DIV: 11

PETITION

COMES NOW Plaintiff, "C.W", by and through his attorney, E. Ryan Bradley of The Bradley Law Firm, LLC and Plaintiff "J.B.", by and through his attorney, Stephen Schultz of Page | Cagle, LLC and for their causes of action against Eric T. Tolen state as follows to the Court:

GENERAL ALLEGATIONS

1. Plaintiff J.B. is a current resident of Granite City, Illinois and was born on June 15, 1991. Plaintiff's identity has been protected by substituting his initials for his complete name and will be disclosed to Defendant only after the Court makes such Orders as are necessary to prevent further emotional damage and embarrassment to Plaintiff J.B.

2. Plaintiff C.W. is a current resident of Hazelwood, Missouri and was born on June 11, 1991. Plaintiff's identity has been protected by substituting his initials for his complete name and will be disclosed to Defendant only after the Court makes such Orders as are necessary to prevent further emotional damage and embarrassment to Plaintiff C.W.

3. Defendant Eric T. Tolen was born on June 11, 1961 and is an inmate at the Missouri Department of Corrections located in Jefferson City, Missouri, with an assigned inmate number of 1184614, having been convicted of multiple felonies in connection with the events at issue in this civil lawsuit, further referenced inter alia. He was also at all relevant times herein a licensed Missouri lawyer.

4. That the tortuous allegations set forth herein all occurred within St. Louis County, Missouri and as such venue is proper.

5. Between October 2006 and April 2007, Defendant Eric T. Tolen engaged in unlawful oral and anal sodomy on numerous occasions with Plaintiffs C.W. and J.B. while both of them were minors.

6. That Defendant Tolen plead guilty to 34 counts of 2nd Degree Statutory Sodomy in violation of RSMO 566.064 and 2 counts of 1st Degree Statutory Sodomy for sexual intercourse with a person less than 14 years of age, a violation of RSMO 566.062 stemming from his sexual relationships with C.W and J.B. from October 2006 and April 2007. Plaintiff requests this Court take judicial notice of State of Missouri v. Eric T. Tolen, cause number 07SL-CR02791-01.

COUNT I- ASSAULT
C.W. v. Eric T. Tolen

7. Plaintiff reincorporates and realleges paragraphs 1 through 6 as though fully set forth herein.

8. That Defendant Tolen's sexual contact with Plaintiff C.W. was done with the intent to cause C.W. offensive contact, bodily harm, apprehension of offensive contact, and/or apprehension of bodily harm.

9. C.W. was caused to be in apprehension of bodily harm and/or bodily contact as a result of Defendant's conduct.

10. That Defendant's conduct was outrageous because of Defendant's evil motive or reckless indifference to the rights of C.W.

WHEREFORE, Plaintiff prays for this Court to enter judgment for the Plaintiff in such amount as is fair and reasonable in excess of \$25,000.00, for his costs herein expended, pre-judgment interest pursuant to Missouri statute, exemplary damages in an amount in excess of \$10,000,000.00 and for such other and further relief as this Court deems just and proper under the circumstances.

COUNT II- BATTERY
C.W. v. Eric T. Tolen

11. Plaintiff reincorporates and realleges paragraphs 1 through 10 as though fully set forth herein.

12. That Defendant Tolen's sexual contact with Plaintiff C.W. was intentional and caused C.W. bodily harm and/or was offensive to C.W.

13. That Defendant's conduct was outrageous because of Defendant's evil motive or reckless indifference to the rights of C.W.

WHEREFORE, Plaintiff prays for this Court to enter judgment for the Plaintiff in such amount as is fair and reasonable in excess of \$25,000.00, for his costs herein expended, pre-judgment interest pursuant to Missouri statute, exemplary damages in an amount in excess of

\$10,000,000.00 and for such other and further relief as this Court deems just and proper under the circumstances.

COUNT III- ASSAULT
J.B. v. Eric T. Tolen

14. Plaintiff reincorporates and realleges paragraphs 1 through 6 as though fully set forth herein.

15. That Defendant Tolen's sexual contact with Plaintiff J.B. was done with the intent to cause J.B. offensive contact, bodily harm, apprehension of offensive contact, and/or apprehension of bodily harm.

16. J.B. was caused to be in apprehension of bodily harm and/or bodily contact as a result of Defendant's conduct.

17. That Defendant's conduct was outrageous because of Defendant's evil motive or reckless indifference to the rights of J.B.

WHEREFORE, Plaintiff prays for this Court to enter judgment for the Plaintiff in such amount as is fair and reasonable in excess of \$25,000.00, for his costs herein expended, pre-judgment interest pursuant to Missouri statute, exemplary damages in an amount in excess of \$10,000,000.00 and for such other and further relief as this Court deems just and proper under the circumstances.

COUNT IV- BATTERY
J.B. v. Eric T. Tolen

18. Plaintiff reincorporates and realleges paragraphs 1 through 6 and 14 through 17 as though fully set forth herein.

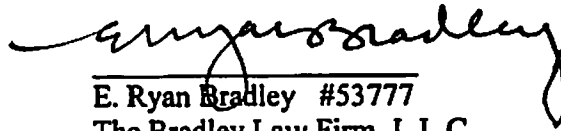
19. That Defendant Tolen's sexual contact with Plaintiff J.B. was intentional and caused J.B. bodily harm and/or was offensive to J.B.

20. That Defendant's conduct was outrageous because of Defendant's evil motive or reckless indifference to the rights of J.B.

WHEREFORE, Plaintiff prays for this Court to enter judgment for the Plaintiff in such amount as is fair and reasonable in excess of \$25,000.00, for his costs herein expended, pre-judgment interest pursuant to Missouri statute, exemplary damages in an amount in excess of \$10,000,000.00 and for such other and further relief as this Court deems just and proper under the circumstances.

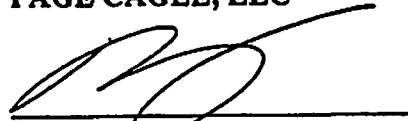
Respectfully submitted,

THE BRADLEY LAW FIRM, LLC



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