

IN THE CIRCUIT COURT OF CHRISTIAN COUNTY, MISSOURI

JOHN DOE XII,

Plaintiff,

vs.

Case No. \_\_\_\_\_

PETER "PETE" D. NEWMAN

Serve at:

Jefferson City Correctional Center

8200 No More Victims Rd.

Jefferson City, MO 65101

Defendant.

VERIFIED PETITION

COMES NOW the Plaintiff, through counsel, Craig R. Heidemann and the law firm of Douglas, Haun & Heidemann PC and for this Verified Petition states:

1. Undersigned counsel verifies that the facts contained herein are true and correct to the best of his knowledge, information, and belief.
2. Plaintiff is an adult man proceeding by pseudonym and who reveal his identity as directed by the Court.
3. Defendant Peter ("Pete") D. Newman is an individual who resides in Missouri at the Jefferson City Correctional Center in Cole County, Missouri.
4. This action is brought pursuant to RSMo § 537.046.
5. During all relevant times, Plaintiff was a minor under the age of eighteen years.
6. This action is brought action is commenced within ten years of the plaintiff attaining the age of twenty-one and is timely filed under RSMo § 537.046.
7. Defendant Newman engaged in the childhood sexual abuse of Plaintiff.
8. Beginning in 2001, Newman took an interest in Plaintiff and began grooming him for sexual abuse.

9. These actions were intended to and did make Plaintiff believe that he had a special and close relationship with Defendant Newman and led Plaintiff to more completely trust and believe Defendant Newman.
10. Newman molested, abused, and engaged in sexual activities with Plaintiff in many locations, including but not specifically limited to Newman's home, Newman's hot tub, Newman's place of abode, and Big Cedar Lodge.
11. During each of these activities Defendant Newman falsely represented to the young Plaintiff that these behaviors were okay or normal and were not "sinful".
12. In February 2010, Defendant Newman pleaded guilty in Taney County to several counts of statutory sodomy and child enticement involving child abuse of boys and received two life sentences plus 30 years in the Missouri Department of Corrections.
13. Prior to Newman's arrest, there were at least 57 alleged victims of Newman including Plaintiff.
14. Defendant Newman committed acts against the plaintiff which would have been a violation of one or more of the statutory sections set forth in RSMo § 537.046.
15. As a direct and proximate result, Plaintiff suffered "Injury" and "illness" as defined in RSMo § 537.046 (West).
16. As a direct and proximate result of Defendant Newman's actions, Plaintiff was injured and has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress that are medically diagnosable, and significant, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing his daily activities and obtaining the full enjoyment of life; has sustained loss of earnings and earning capacity;

and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

17. Defendant Newman's actions were evil, wanton, willful, malicious, and in conscious disregard to Plaintiff's right justifying an award of punitive damages which would serve to punish Defendant and deter Defendant and others from engaging in like conduct in the future.

18. Plaintiff pleads that Defendants actions in this case justify the fraud exception to the American Rule requiring that Defendants be ordered to pay Plaintiff's reasonable attorney's fees and costs.

19. Plaintiff has special and general damages in the principal amount of \$5,000,000.00.

**WHEREFORE**, Plaintiff prays this court enter judgment in his favor in a fair and reasonable sum, for punitive damages, for his attorney's fees, costs, and expenses incurred herein and for such other relief as the court deems just and proper.

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By /s/ Craig R. Heidemann  
Craig R. Heidemann  
Missouri Bar No. 42778  
Attorney for Plaintiff

**IN THE CIRCUIT COURT OF CHRISTIAN COUNTY, MISSOURI**

JOHN DOE XI,	)	
	)	
Plaintiff,	)	
	)	
V.	)	Case No.: 20CT-CC00187
	)	
PETER "PETE" D. NEWMAN,	)	
	)	
Defendant.	)	

**PLAINTIFF'S MOTION TO FILE SUR-REPLY**  
**DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

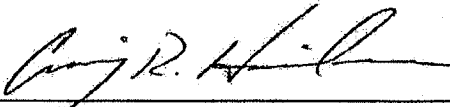
TO THE HONORABLE COURT:

Plaintiff moves the Court for leave to file a Sur-Reply in Opposition to Defendant's Motion for Summary Judgment to respond to new facts and new arguments made in Defendant's Reply brief. For the first time Defendant Newman contends that he relied on the April 2011 Settlement Agreement and Release as a third party beneficiary. Newman's reply brief also offers new briefing on the issue whether the Settlement Agreement was induced by a breach of fiduciary duty.

Plaintiff requests the Court to grant him leave to file the attached Sur-Reply in Opposition to Defendant's Motion for Summary Judgment responding to Defendant's new factual assertions and legal arguments.

Respectfully submitted,

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