

IN THE IOWA DISTRICT COURT IN AND FOR MUSCATINE COUNTY

KARLY K. ROSSITER,)	
Plaintiff,)	CASE NO. LACV017304
vs.)	
)	PETITION AT LAW AND
ALAN B. EVANS,)	JURY DEMAND
Defendant.)	

COMES NOW, the Plaintiff, Karly K. Rossiter, and for her cause of action against Defendant Alan B. Evans, states the following:

FACTS

1. Plaintiff Karly K. Rossiter (hereinafter referred to as “Karly”) was, at all times material hereto, a resident of Winfield, Louisa County, Iowa.
2. Defendant, Alan B. Evans (hereinafter referred to as “Evans”) was, at all times material hereto, a resident of Muscatine, Muscatine County, Iowa.
3. Defendant Evans was, at all times material hereto, a dentist licensed to practice in the State of Iowa.
4. In mid to late December 2004, Karly went to Alan B. Evans’ office to receive dental work related to getting veneers. The appointment was scheduled after normal business hours and Evans used an insurance excuse as the reason for scheduling the appointment late in order to “fit her in” before the end of the year.
5. During the course of the treatment, Evans flirted with Karly and asked questions that would be interpreted as expressing an interest in establishing an intimate relationship.
6. After the appointment, Evans requested that Karly remain alone in the

office with him to talk, so that he could write her a prescription. Karly left to go to her car and Evans accompanied her.

7. Once at her car, Evans explained how he was singled and convinced Karly to return to the office. Evans never wrote the prescription.
8. Evans then phoned Karly later that same evening using the failure to write the prescription as an excuse to begin another conversation. Inquiries were made regarding her interest in going on a date New Year's Eve.
9. Between mid-December 2004 and January 1, 2005, Evans volunteered that he was free from any type of sexually transmitted disease.
10. Karly and Evans did have a date on New Year's Eve. Evans had initially demanded that Karly come to a cabin with him, but she insisted that they meet in Iowa City, Iowa.
11. On January 1, 2005, Evans and Karly engaged in a sexual act that involved genital contact; however, they did not have intercourse.
12. In January 2005, Karly went for another appointment at Evans' dental office to work on her veneers. This appointment was also scheduled after normal business hours.
13. A bad storm hit Iowa on that evening, and Evans insisted that Karly stay at his house so that she did not spend money on a hotel.
14. Following the contact on January 1, 2005, Evans raised the topic of sexually transmitted diseases again, and specifically inquired as to whether Karly had ever been specifically tested for Human Papilloma Virus ("HPV").

15. As a result of this inquiry, Karly went to her gynecologist to be tested for HPV.
16. Sometime in April 2005, Karly learned that she had indications that she could potentially have HPV.
17. In January 2006, Karly developed symptoms resulting from HPV.
18. During this same period of time, Karly contracted bacterial vaginitis from Evans. Karly learned in April 2005 that Evans transmitted this disease.
19. On or about January 18, 2006, Karly developed warts, and a colposcopy was recommended to examine her cervix.
20. The colposcopy showed severe dysplasia, a precursor to cancer, and as a result, Karly had to undergo a surgical procedure on or about March 23, 2006.
21. Evans was emotionally, verbally and physically abusive toward Karly during their relationship between December 2004 and June 2006.
22. On February 14, 2006, Evans physically assaulted and choked Karly, and informed her that he would kill her if he were not so tired.
23. Additionally, during their relationship, Evans would force Karly to park in unusual places, deny his relationship with her, and engaged in other practices causing emotional distress.
24. In May 2006, an online order was placed through LTD Commodities. Upon information and belief, it is believed Evans placed this order through the use of a computer to which he had access.
25. The order placed was addressed to “Karly’s Kollektibles”, a business

which does not exist, and a package arrived at Karly's parent's home.

26. The package contained cutting shears called "scissor slicers", a spray bottle of chemical to clean up blood and urine with a black light to find contaminated areas, a Last Will and Testament kit, and a book called "Live Like You Were Dying".
27. Karly perceived this package as a threat regarding her life.
28. As a result of all Evans' actions, Karly has suffered from severe emotional distress, and has required psychological and medical intervention.
29. This Court has jurisdiction over the parties and the subject matter herein.
30. Karly is seeking damages in excess of the jurisdictional amount of Iowa Rule of Appellate Procedure 6.3 and exceeds the jurisdiction of the small claims court.

COUNT I
NEGLIGENT TRANSMISSION OF
SEXUALLY TRANSMITTED DISEASE

31. Karly re-pleads and re-alleges Paragraphs 1 through 30 as though set forth fully herein.
32. Evans had a duty of reasonable care to Karly either to warn her or take other precautions to prevent the spread of the diseases with which Evans was infected.
33. Evans breached his duty of care to Karly.
34. As a proximate cause of Evans' breach of the standard of care, Karly contracted two sexually transmitted diseases. Evans' negligence set forth herein was a proximate cause of damage to Karly, which includes, but is

not limited to, past and future physical pain and suffering, past and future medical expenses, past and future mental pain and suffering, and past and future loss of full function of mind and body.

WHEREFORE, Plaintiff Karly K. Rossiter prays for judgment against Defendant Alan B. Evans in an amount sufficient to fairly and adequately compensate her for her injuries, losses, and damages, for interest thereon as provided by law; that the costs of this action be assessed against the Defendant, and for such other and further relief as is just and proper in the premises.

COUNT II
BATTERY (PLEAD IN THE ALTERNATIVE)

35. Karly re-pleads and re-alleges Paragraphs 1 through 34 as though fully set forth herein.
36. Karly pleads, in the alternative, that Evans' actions were intentional, and he committed battery upon her by deliberately and intentionally transferring the diseases to Karly, coupled with the intent to cause contact with Karly through sexual relations that caused the diseases.
37. The battery was a proximate cause of Karly's injuries and damages as set forth in this Petition.
38. As a result of the battery, Karly sustained past and future physical pain and suffering, past and future medical expenses, past and future mental pain and suffering, and past and future loss of full function of mind and body.
39. The acts of Evans were willful, wanton, and reckless, and Karly should be awarded punitive damages against Evans.

WHEREFORE, Plaintiff Karly K. Rossiter prays for judgment against Defendant

Alan B. Evans in an amount sufficient to fairly and adequately compensate her for her injuries, losses, and damages, for interest thereon as provided by law, punitive damages; that the costs of this action be assessed against the Defendant, and for such other and further relief as is just and proper in the premises.

COUNT III
ASSAULT AND BATTERY

40. Karly re-pleads and re-alleges Paragraphs 1 through 39 as though fully set forth herein.
41. Throughout the course of the relationship between Evans and Karly, Evans did commit an assault and battery upon Karly by intentionally and unlawfully threatening Karly with the present ability to do violence to her; putting Karly in reasonable and serious apprehension of a harmful and offensive contact against her person; and intentionally, maliciously, and unlawfully striking and touching Karly, thereby wrongfully causing a harmful, offensive, and non-consensual contact with Karly and injuring her as stated above.
42. The assault and battery was a proximate cause of Karly's injuries and damages as set forth in this Petition.
43. As a result of the assault and battery, Karly sustained personal injury and pain, coupled with mental and emotional anguish.
44. The acts of Evans were willful, wanton, and reckless, and Karly should be awarded punitive damages against Evans.
45. Evans' assault and battery against Karly was a proximate cause of damage to Karly including, but not limited to, past pain and suffering and past and

future mental anguish.

WHEREFORE, Plaintiff Karly K. Rossiter prays for judgment against Defendant Alan B. Evans, and demands that monetary judgment be entered against Defendant in an amount to adequately compensate Plaintiff for her injuries and damages, including punitive damages, together with interest, costs, and all other remedies as provided by law.

COUNT IV
FRAUD

46. Karly re-pleads and re-alleges Paragraphs 1 through 45 as though fully set forth herein.
47. Throughout the relationship, Evans perpetrated a fraud upon Karly.
48. In and around December 2004, Evans deliberately represented to Karly that he was free from sexually transmitted diseases, and that Karly could safely engage in sexual relations with him without fear of contamination or contagion.
49. At the time of Evans' representations, Karly was ignorant of the falsity of the representation. Had Karly known that these representations were false, Karly would not have engaged in the acts of sexual contact alleged herein.
50. In reasonable reliance on Evans' representations as set forth above, Karly did, in fact, engage in sexual relations with Evans, and contracted two sexually transmitted diseases solely as a result of Karly's exposure to the diseases from Evans.
51. The representations by Evans were false in that, at all material times hereto, Evans was infected with two sexually transmitted diseases and was a carrier.

52. At all material times hereto, Evans knew that his representations were false, intended that Karly would rely upon them, and further intended that Karly would suffer injury as a direct and proximate result of Evans' false representations.
53. In doing the things alleged herein, Evans acted with fraud, malice, and oppression toward Karly, and with deliberate intention of causing Karly harm, and of vexing, harassing and annoying Karly, thereby entitling Karly to receive and recover punitive and exemplary damages.
54. As a direct and proximate result of Evans' fraud, Karly has suffered damages including, but not limited to, past and future physical pain and suffering, past and future medical expenses, past and future mental pain and suffering, and past and future loss of full function of mind and body.

WHEREFORE, Plaintiff Karly K. Rossiter prays for judgment against Defendant Alan B. Evans in an amount sufficient to fairly and adequately compensate her for her injuries, losses, and damages, for interest thereon as provided by law, punitive damages; that the costs of this action be assessed against the Defendant, and for such other and further relief as is just and proper in the premises.

COUNT V
INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS

55. Karly re-pleads and re-alleges Paragraphs 1 through 54 as though fully set forth herein.
56. In doing the things alleged herein, Evans acted willfully, wantonly, and outrageously, and exceeded the bounds of human decency by, among other

things, having sexual contact with Karly at a time when Evans was a known carrier of sexually transmitted diseases, and by physically and emotionally abusing Karly. By reason of Evans' conduct which constituted an ongoing practice and pattern of behavior, and as a direct and proximate result thereof, Karly contracted two sexually transmitted diseases and suffered severe emotional distress.

57. Evans' conduct was reckless and in wanton disregard of Karly's mental and physical health and well-being, and was substantially certain to cause Karly severe emotional distress under the circumstances then and there existing, entitling her to punitive damages.
58. By mailing a death/suicide kit to Karly, Evans acted willfully, wantonly, and outrageously, and exceeded the bounds of human decency by, among other things, suggesting that Karly should kill herself and prepare for her demise.
59. Karly now suffers from the following symptoms including, but not limited to, anxiety, viral outbreaks associated with Human Papilloma Virus, the inability to engage in meaningful relations with another person, and the fear of developing cervical cancer.

WHEREFORE, Plaintiff Karly K. Rossiter prays for judgment against Defendant Alan B. Evans in an amount sufficient to fairly and adequately compensate her for her injuries, losses, and damages, including punitive damages, for interest thereon as provided by law; that the costs of this action be assessed against the Defendant, and for such other and further relief as is just and proper in the premises.

COUNT VI

TRESPASS

60. Karly re-pleads and re-alleges Paragraphs 1 through 59 as though fully set forth herein.
61. Evans' engagement in sexual relations with Karly constituted a trespass of her person and violated her personal privacy.
62. Evans' invasion of Karly's person has interfered with her exclusive control, use, and enjoyment of her person.
63. Evans' invasion and trespass is a proximate cause of damages to Karly.
64. Evans' trespass was willful, wanton, and in total disregard to the rights of Karly thus entitling her to punitive damages.
65. Karly's damages from trespass include, but are not limited to, past and future physical pain and suffering, past and future medical expenses, past and future mental pain and suffering, and past and future loss of full function of mind and body.

WHEREFORE, Plaintiff Karly K. Rossiter prays for judgment against Defendant Alan B. Evans in an amount sufficient to fairly and adequately compensate her for her injuries, losses, and damages, for interest thereon as provided by law, punitive damages; that the costs of this action be assessed against the Defendant, and for such other and further relief as is just and proper in the premises.

JURY DEMAND

COMES NOW the Plaintiff, Karly K. Rossiter, and hereby demands a trial by jury to decide all issues brought forth in this Petition.

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ATTORNEY FOR PLAINTIFF

Original Filed.

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause and/or to each of the attorneys of record herein at their respective addresses, as disclosed in the pleadings, on the _____ day of _____, 2007.

- By:
- | | |
|--|------------------------------------|
| <input type="checkbox"/> U.S. Mail | <input type="checkbox"/> CM/ECF |
| <input type="checkbox"/> Hand Delivery | <input type="checkbox"/> Facsimile |
| <input type="checkbox"/> Federal Express | <input type="checkbox"/> Other |
| <input type="checkbox"/> United Parcel | |
