

**VERDICT** of the **WEEK****MONTGOMERY COUNTY****INTENTIONAL TORTS****Sexual Assault — Failure to Warn — Negligence Per Se****Victims alleged father knew his son was a pedophile****VERDICT**      **\$8,000,000**

**CASE** A.B. as next friend of B.B., B.C. as next friend of C.C., D.E. as next friend of E.E., and F.G. as next friend of G.G. v. Harold R. Newsom, Cougar Run Ranch I Inc., Cougar Run Ranch II Inc., Hal Newsom Airboat Tours Inc., and Jason Ray Newsom, No. 07-02-01967

**COURT JUDGE** Montgomery County District Court, 9th, TX  
Mary Ann Turner

**DATE** 6/26/2008

**PLAINTIFF ATTORNEY(S)** Richard T. Howell Jr. (lead), Buckley, White, Castaneda & Howell LLP, Houston, TX  
Joe B. Stephens, Stephens Law Firm, Houston, TX

**DEFENSE ATTORNEY(S)** Dominick D. DeRose, Houston, TX (Jason Ray Newsom)  
Judy P. Mingledorff, Mingledorff Law Firm, Houston, TX (Cougar Run Ranch I Inc., Cougar Run Ranch II Inc., Hal Newsom Airboat Tours Inc., Harold R. Newsom)

**FACTS & ALLEGATIONS** In 2006, four minor plaintiffs (identified as B.B., C.C., E.E. and G.G.), along with their parents, complained to police that they had been sexually assaulted by Jason Ray Newsom from 2004 through 2005. When the abuse started, three of the boys were 9 years old and the other was 14. One of the boys worked at Newsom's New Caney ranch, while the others had been visitors to the ranch and wildlife preserve.

In 2007, Newsom was convicted of three counts of aggravated sexual assault of a child and one count of sexual assault of a child. He was sentenced to 20 years in prison.

According to the plaintiffs, Newsom had been accused of sexual assault in two prior instances and they claimed that his father, Harold Newsom, had been aware his son was a child

molester since he was a teenager. In the first instance of abuse, Jason Newsom allegedly molested his stepbrothers when he was 17. A second accusation came in 2001, when he was accused of molesting his ex-wife's nephews. No charges were ever filed in those cases. After the first incident, Jason Newsom's father and stepmother put him in counseling for six months.

The mothers of the four boys sued Jason Newsom and Harold Newsom, as well as Harold Newsom's businesses, Cougar Run Ranch I and II and Hal Newsom Airboat Tours. The plaintiffs alleged intentional infliction of emotional distress, negligence, negligence per se and sexual assault.

The plaintiffs claimed Jason Newsom sexually assaulted and intentionally inflicted emotional distress on the boys. They also alleged Harold Newsom was negligent in failing to inform the boys' parents of the prior accusations against his son. They contended Harold Newsom was responsible for the notifications because his businesses and Jason Newsom's businesses were effectively joint ventures, arguing that the businesses had financial ties and that the promotional materials for Harold Newsom's businesses also included promotions for his son's businesses.

Harold Newsom denied negligence, arguing that he did not have any duty to disclose the previous accusations against his son. He further contended that he and his son were not business partners.

The defense also argued that Jason Newsom claimed that he had disclosed the second incident, and that the parents continued to entrust their children to him.

Jason Newsom did not dispute liability.

**INJURIES/DAMAGES** *emotional distress; sexual assault*

The plaintiffs claimed the boys sustained physical and emotional suffering due to the defendants' actions. They sought \$5 million in damages for each boy.

Jason Newsom's counsel disputed the damages, calling them excessive.

**RESULT** The jury found that Jason Newsom had assaulted and inflicted emotional distress on the plaintiffs and found Harold Newsom liable for endangering the boys. The jury also determined that Jason Newsom and Harold Newsom did not have a business relationship. They found Jason Newsom 80 percent liable for the plaintiffs' damages and Harold Newsom 20 percent liable. Each plaintiff was awarded \$2 million, including \$250,000 for past pain and suffering, \$500,000 for past mental anguish and \$1,250,000 for future mental anguish.

The court granted directed verdicts in favor of Cougar Run Ranches I and II and Hal Newsom Airboat Tours.

**B.B.**      \$250,000 past pain and suffering  
\$500,000 past mental anguish  
\$1,250,000 future mental anguish  
\$2,000,000

**C.C.**      \$250,000 past pain and suffering  
\$500,000 past mental anguish  
\$1,250,000 future mental anguish  
\$2,000,000

**SOUTHEAST/NORTHEAST**

**E.E.**      \$250,000 past pain and suffering  
\$500,000 past mental anguish  
\$1,250,000 future mental anguish  
\$2,000,000

**G.G.**      \$250,000 past pain and suffering  
\$500,000 past mental anguish  
\$1,250,000 future mental anguish  
\$2,000,000

**TRIAL DETAILS** Trial Length: 8 days  
Trial Deliberations: 6 hours  
Jury Vote: 10-2  
Jury Composition: 10 males, 2 females

**EDITOR'S NOTE** This report is based on information gleaned from an article that was published by the Houston Chronicle, as well as information provided by counsel for the plaintiffs and Harold Newsom. Counsel for Jason Newsom did not return the reporter's phone calls.

—Rick Archer

**NORTHEAST****DALLAS COUNTY****MOTOR VEHICLE****Passenger — Stop Sign — Rear-ender — Intersection****Defense said only one person, not four, in plaintiffs' car****VERDICT**      **Defense**

**CASE** Anthony Finley, April Sephus, Dimple Sephus and Jeffrey Sephus v. Robert Grayson, No. 07-01005-L

**COURT JUDGE** Dallas County District Court, 193rd, TX  
Carl Ginsburg

**DATE** 6/11/2008

**PLAINTIFF ATTORNEY(S)** Joseph C. Davis, David S. Kohm & Associates, Arlington, TX

**DEFENSE ATTORNEY(S)** Stephen W. Johnson, Johnson Robinson Fifield, P.C., Dallas, TX