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FOR IMMEDIATE RELEASE: November 3, 2002

**LAWSUIT FILED BY ALANNA KRAUSE AGAINST HER FATHER,
THERAPIST, AND COURT -APPOINTED ATTORNEY**

**Marin County's Marshall Krause, Sandra M. Acevedo, Lana Clark, Ph.D. and
Diamond, Bennington & Simborg, P.C. all named in Federal Lawsuit**

Eighteen year old Alanna Krause filed a multi-million dollar federal court lawsuit [Case No. C-02-5277, Northern District of California] on November 1 in San Francisco against her father, Marin County attorney Marshall W. Krause, her psychotherapist Lana Clark, her court-appointed attorney Sandra Acevedo and the law firm of Diamond, Bennington & Simborg, alleging that she suffered years of childhood abuse at the hands of her father. Ms. Krause claims that Acevedo and Clark knew of her abuse, but failed to protect her. Ms. Krause, now an honors student at Northwestern University, has been a vocal critic of the Marin County family court system and the use of court-appointed attorneys for children in custody cases who ignore substantial evidence of child abuse and fight to keep children with parents about whom the children complain. Ms. Krause demands a trial by jury on all issues.

On July 17, 2000, the San Francisco Daily Journal published Ms. Krause's editorial comment, "[Letting Children Speak for Themselves: Youth in Court Need Attorneys Who Represent Their Interests Fairly, Strongly.](#)"

Ms. Krause is represented by a nationally renowned legal team, New Orleans attorneys Richard Ducote and Becki Truscott, and Napa attorney Seth Goldstein.

Seth Goldstein, Attorney at Law, 707.226.6660
Alanna Krause, <mailto:alannakrause@hotmail.com>

Additional resource: Richard Ducote, [Guardians ad Litem in Private Custody Litigation: The Case for Abolition](#), 3 Loyola Journal of Public Interest Law 106 (Spring 2002).

NATURE OF COMPLAINT

1. This is an action to recover compensatory and punitive damages on behalf of Plaintiff Alanna Krause, who, because of the tortious conduct of all of these Defendants from approximately 1993 through 1997, and the tortious conduct of Defendant Marshall W. Krause from approximately 1991-1997, as set forth herein, suffered, inter alia, years of ongoing severe physical, psychological and emotional abuse.

PARTIES

2. Plaintiff Alanna Krause is an eighteen (18) year old female citizen of the State of Illinois. She is the biological daughter of Defendant Marshall W. Krause.

3. Defendant Marshall W. Krause is a citizen of the State of California domiciled within this District. He is an attorney and the biological father of Plaintiff Alanna Krause. Furthermore, at all times relevant herein he was the romantic/sexual partner of Defendant Lana Clark.

4. Defendant Sandra Acevedo is a citizen of the State of California domiciled within this District. She is an attorney, and at all times relevant herein the attorney appointed to represent the interests of the Plaintiff Alanna Krause in the Marin County Superior Court, Case No. FL4889, In re: Marriage of Marshall W. Krause and Lauren Krause.

5. Defendant Diamond, Bennington & Simborg, P.C. is a professional law corporation chartered under California law and domiciled in this District. At all times relevant, it was the employer of Defendant Acevedo and, thus, vicariously liable for her tortious conduct as set forth herein.

6. Defendant Lana Clark, Ph.D. is a citizen of the State of California domiciled within this District. At all times relevant herein, she was a licensed California mental health professional serving as a "psychotherapist" for Plaintiff Alanna Krause, while at the same time engaging in a romantic/sexual relationship with Defendant Marshall W. Krause.

JURISDICTION AND VENUE

7. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332, as there is complete diversity of citizenship between the parties and the damages exceed \$75,000 exclusive of costs and interest.

8. This Court is the proper venue for this action pursuant to 28 U.S.C. § 1391 (a), as a Defendant resides within this District and a substantial part of the tortious conduct complained of herein occurred within this District.

**CAUSES OF ACTION: DEFENDANT MARSHALL W. KRAUSE
(ASSAULT & BATTERY, INTENTIONAL INFLICTION OF EMOTIONAL
DISTRESS, CONSPIRACY TO DEPRIVE PLAINTIFF OF ACCESS TO THE
COURTS, TORTIOUS INTERFERENCE WITH MOTHER-CHILD
RELATIONSHIP)**

9. Plaintiff re-urges Paragraphs 1-8 in extenso.

10. Assault and Battery: During the course of Plaintiff's minority in California and elsewhere, Defendant Marshall W. Krause repeatedly, intentionally, violently, and cruelly assaulted and battered Plaintiff causing her severe physical, psychological, and emotional pain and suffering, the effects of which Plaintiff will suffer for the rest of her life.

11. Intentional Infliction of Emotional Distress: During the course of Plaintiff's minority, Defendant Marshall W. Krause continuously, repeatedly, intentionally, and cruelly inflicted severe emotional distress on Plaintiff Alanna Krause by threatening her, intimidating her, berating her, manipulating her, and improperly admitting her to a locked treatment facility for the purpose of squelching her reports of his abuse and severing her contact with the outside world. Such conduct was intentional, outrageous, and designed to inflict severe emotional distress on Plaintiff.

12. Conspiracy to Deprive Plaintiff of Access to the Courts: During the course of the pendency of child custody and visitation proceedings in the Marin County Superior Court, Defendant Marshall W. Krause conspired with Defendants Lana Clark and Sandra Acevedo to deprive Plaintiff of her right to access to and protection of the court by intentionally and maliciously discrediting Plaintiff and her mother's accurate reports of Defendant Krause's abuse, by preventing Plaintiff from presenting evidence to the court concerning her father's abuse, by maliciously attempting to deny Plaintiff the benefit of juvenile court child protection proceedings and by denying Plaintiff the benefit of counsel who truly would advocate for the child rather than advocating for the interests of Defendant Krause and his lover Lana Clark.

13. Tortious Interference with Mother-Child Relationship: From approximately 1993-1999, Defendant Marshall W. Krause intentionally, maliciously, and tortiously interfered with Plaintiff's relationship with her mother by denying her contact with her mother, battering her as punishment for having contact with her mother, isolating her from her mother, harassing and intimidating her mother in the course of the custody litigation for the purpose of financially and emotionally ruining her mother to ensure that her mother could no longer continue to fight to protect Plaintiff, and blocking access to Plaintiff's and Plaintiff's mother's financial resources to deny them the means to litigate Plaintiff's protection. All of this conduct by Marshall W. Krause, who viciously abused Plaintiff's mother during the course of their marriage, was designed to punish Plaintiff's mother for leaving him and was motivated by his misogyny.

DAMAGES SOUGHT FROM DEFENDANT MARSHALL W. KRAUSE

14. Plaintiff re-urges Paragraphs 1-13 in extenso.

15. As a result of the tortious conduct set forth above, Plaintiff suffered severe physical pain and suffering, fear, anxiety, depression, loss of civil rights and remedies, severe and permanent emotional and psychological pain and suffering, despair, physical restraint and confinement, loss of a relationship with her mother, and other compensable damages.

16. Plaintiff itemizes her damages due her from Defendant Marshall W. Krause as follows:

A. Assault and Battery: \$10,000,000.

B. Intentional Infliction of Emotional Distress: \$10,000,000.

C. Conspiracy to Deny Access to the Courts: \$10,000,000.

D. Tortious Interference With Mother-Child Relationship: \$10,000,000.

17. The tortious conduct of Defendant Marshall Krause was intentional, malicious, willful, wanton, outrageous and in total disregard for the rights and interests of Plaintiff Alanna Krause, and, thus, Defendant Marshall W. Krause is liable to Plaintiff for punitive damages to deter him and others like him from engaging in this same sort of abuse.

18. Plaintiff accordingly demands punitive damages: \$15,000,000.

**CAUSES OF ACTION: DEFENDANT SANDRA ACEVEDO
(LEGAL MALPRACTICE, INTENTIONAL INFLICTION OF EMOTIONAL
DISTRESS, CONSPIRACY TO DEPRIVE PLAINTIFF OF ACCESS TO THE
COURTS, TORTIOUS INTERFERENCE WITH MOTHER-CHILD
RELATIONSHIP)**

19. Plaintiff re-urges Paragraphs 1-18 in extenso.

20. On January 3, 1994, Defendant Sandra Acevedo was appointed "minor's counsel" under California Family Code §§ 3150-313 by the Marin County Superior Court in Case No.4889 to properly represent the interests and welfare of Plaintiff Alanna Krause. As a result of that appointment, Defendant Sandra Acevedo had a high duty to investigate the law and facts surrounding Plaintiff's situation, and to advocate positions in court which furthered Plaintiff's interests and welfare. She remained Plaintiff's attorney through October 1994, but her negative impact continued through 1997.

21. At all times relevant, Defendant Acevedo was fully aware of the tortious acts being committed against Plaintiff by Defendant Marshall Krause, as Plaintiff, her mother, and others repeatedly told Defendant Acevedo of the abuses and begged Acevedo to take the necessary steps to protect her.

22. Legal Malpractice: Contrary to her duty to properly and competently represent Plaintiff's interests, Defendant Acevedo advocated solely for the interests of Defendant Marshall W. Krause and his lover Lana Clark, successfully convincing the court to place Plaintiff in her father's sole custody and to terminate Plaintiff's contact with her mother. Defendant instead did everything possible to ensure Plaintiff's continued vulnerability at the hands of her father, and did absolutely nothing to protect her young client. Defendant Acevedo was only interested in furthering her standing with Defendant Marshall W. Krause, a powerful and prominent attorney, and completely undermined any potential for Plaintiff's protection in the court.

23. Intentional Infliction of Emotional Distress: Defendant Acevedo's affirmative steps to place Plaintiff in the custody of her abusive father, and to completely impair Plaintiff's ability to find protection in the legal system, when Defendant Acevedo knew that Plaintiff was being abused were sufficiently willful, wanton, and outrageous to constitute intentional infliction of emotional distress.

24. Conspiracy to Deprive Plaintiff of Access to the Courts: During the course of her representation of Plaintiff, Defendant repeatedly conspired with Defendant Marshall W. Krause and Defendant Lana Clark to deprive Plaintiff of her right to access by the court by intentionally preventing the court from hearing evidence of Defendant

Marshall Krause's abuse of Alanna and her mother, by engaging in ex parte communications with the court in violation of Plaintiff's due process rights, by coercing and financially harassing Plaintiff's mother into abandoning her legal efforts to protect Alanna through the courts, by knowingly allowing the introduction of false testimony, by allowing into evidence and/or the court's consideration the bogus, disreputable, and pro child-abuser "Parental Alienation Syndrome" theory concocted by the discredited misogynist Richard Gardner, by failing to disclose to the court the unethical and prejudicial relationship between Defendant Marshall Krause and Defendant Lana Clark, by prohibiting Alanna Krause from testifying on her own behalf in order to obtain protection from the abuse, by sabotaging child protective services investigations into Plaintiff's abuse, and other acts.

25. Tortious Interference with Mother-Child Relationship: During the course of her "representation" of Plaintiff, Defendant vigorously and continuously tortiously used her position as Plaintiff's "advocate" to wrongfully interfere with the relationship between Plaintiff and her mother, resulting in her mother's inability to protect Plaintiff and in further harm to Plaintiff.

DAMAGES SOUGHT FROM DEFENDANT SANDRA ACEVEDO

26. Plaintiff re-urges Paragraphs 1-25 in extenso.

27. As a result of the tortious conduct set forth above, Plaintiff suffered severe physical pain and suffering, fear, anxiety, depression, loss of civil rights and remedies, severe and permanent emotional and psychological pain and suffering, despair, physical restraint and confinement, loss of a relationship with her mother, and other compensable damages.

28. Plaintiff itemizes her damages due her from Defendant Sandra Acevedo as follows:

A. Legal Malpractice: \$5,000,000.

B. Intentional Infliction of Emotional Distress: \$5,000,000.

C. Conspiracy to Deny Access to the Courts: \$5,000,000.

D. Tortious Interference With Mother-Child Relationship: \$5,000,000.

29. The tortious conduct of Defendant Sandra Acevedo was reckless, malicious, wanton, outrageous and in total disregard for the rights and interests of Plaintiff Alanna Krause, and, thus, Defendant Sandra Acevedo is liable to Plaintiff for punitive damages to deter her and others like her from engaging in this same sort of misconduct.

30. Plaintiff accordingly demands punitive damages: \$10,000,000.

CAUSES OF ACTION: DEFENDANT DIAMOND, BENNINGTON & SIMBORG, P.C.

(NEGLIGENCE, VICARIOUS LIABILITY)

31. Plaintiff re-urges Paragraphs 1-30 in extenso.

32. At all times relevant herein, Defendant Sandra Acevedo was an employee of the law firm Diamond, Bennington & Simborg, P.C., and was acting in the course and scope of her employment. Defendant Diamond, Bennington & Simborg, P.C. (hereinafter called "D, B&S") financially benefitted from Defendant Acevedo's

actions as set forth herein, as the fees she recovered were paid to the law firm.

32. Negligence : At all times relevant herein, D, B&S had a duty to properly supervise its employee Defendant Acevedo to ensure that she was properly representing her clients, who were the firm's clients, but D, B, & S breached that duty and allowed Defendant Acevedo to conduct her tortious activity unfettered. D, B & S was more concerned in furthering its status with Defendant Marshall W. Krause, a prominent and powerful local attorney, than it was in ensuring that his victim, Plaintiff Alanna Krause, was adequately represented.

33. Vicarious Liability: D, B, & S is vicariously liable for the torts of Defendant Sandra Acevedo as set forth herein under the doctrine of respondeat superior, and is thus solidarily liable for all damages suffered by Plaintiff as a result of Defendant Acevedo's acts and omissions set forth herein.

34. As a direct and proximate result of D, B, and S's negligence, Plaintiff suffered all of the damages set forth herein, supra.

DAMAGES SOUGHT FROM DEFENDANT DIAMOND, BENNINGTON & SIMBORG, P.C.

35. Plaintiff itemizes her damages due her from Defendant D, B & S as follows:

A. Legal Malpractice: \$5,000,000.

B. Intentional Infliction of Emotional Distress: \$5,000,000.

C. Conspiracy to Deny Access to the Courts: \$5,000,000.

D. Tortious Interference With Mother-Child Relationship: \$5,000,000.

CAUSES OF ACTION: DEFENDANT LANA CLARK, PH.D.

(MALPRACTICE, INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS, CONSPIRACY TO DEPRIVE PLAINTIFF OF ACCESS TO THE COURTS, TORTIOUS INTERFERENCE WITH MOTHER-CHILD RELATIONSHIP, FAILURE TO REPORT CHILD ABUSE TO CHILD PROTECTION AGENCIES)

36. Plaintiff re-urges Paragraphs 1-35 in extenso.

37. At all times relevant, Defendant Lana Clark, Ph.D., was a clinical social worker licensed by the State of California and was purportedly serving as a "psychotherapist" and/or "evaluator" for Plaintiff Alanna Krause, with whom Defendant Lana Clark had a social worker-client relationship. Defendant Lana Clark held herself out as being sufficiently qualified and expert to "evaluate" and "treat" Plaintiff.

38. At all times relevant herein, Defendant Lana Clark had a conflict of interest regarding her client Alanna Krause, as Defendant Clark was engaged in an ongoing sexual/romantic relationship with Defendant Marshall W. Krause, her client's abuser.

39. Malpractice: Contrary to her duty to properly and competently evaluate and treat Plaintiff, Defendant Lana Clark, while knowing that Defendant Marshall W. Krause was violently abusing and neglecting Plaintiff, acted solely for the interests of Defendant Marshall W. Krause, successfully convincing the court to place Plaintiff in her father's sole custody and to terminate Plaintiff's contact with her mother. Defendant did everything possible to discredit Plaintiff and to ensure Plaintiff's continued vulnerability at the hands of her father, and did absolutely nothing to

protect her young client. Defendant Clark was only interested in furthering her unethical and improper relationship with Defendant Marshall W. Krause, and completely undermined any potential for Plaintiff's protection in the court or through child protective services. Furthermore, Defendant Clark utilized and advanced in Plaintiff's case the bogus, disreputable, and pro-child abuser "Parental Alienation Syndrome" theory concocted by the discredited misogynist Richard Gardner, further ensuring Plaintiff's continued abuse and neglect at the hands of her father. These acts and omissions were grossly negligent and constituted professional malpractice.

40. Intentional Infliction of Emotional Distress: Defendant Lana Clark's affirmative steps to place Plaintiff in the custody of her abusive father, and to completely impair Plaintiff's ability to find protection in the legal system, when Defendant Clark knew that Plaintiff was being abused were sufficiently willful, wanton, and outrageous to constitute intentional infliction of emotional distress.

41. Conspiracy to Deprive Plaintiff of Access to the Courts: During the course of her "treatment" and "evaluation" of Plaintiff, Defendant Clark repeatedly conspired with Defendant Marshall W. Krause and Defendant Sandra Acevedo to deprive Plaintiff of her right to access by the court by intentionally preventing the court from hearing evidence of Defendant Marshall Krause's abuse of Alanna and her mother, by engaging in ex parte communications with the court in violation of Plaintiff's due process rights, by coercing and financially harassing Plaintiff's mother into abandoning her legal efforts to protect Alanna through the courts, by knowingly aiding and abetting the introduction of false testimony and reports, by allowing into evidence and/or the court's consideration the bogus, disreputable, and pro child- abuser "Parental Alienation Syndrome" theory concocted by the by the discredited misogynist Richard Gardner, by failing to disclose to the court the unethical and prejudicial relationship between Defendant Marshall Krause and herself, by seeking to prohibit Alanna Krause from testifying on her own behalf in order to obtain protection from the abuse, by sabotaging child protective services investigations into Plaintiff's abuse, and other acts.

42. Tortious Interference with Mother-Child Relationship: During the course of her "evaluation" and "treatment" of Plaintiff, Defendant Clark vigorously and continuously tortiously used her position as Plaintiff's "therapist" to wrongfully interfere with the relationship between Plaintiff and her mother, resulting in her mother's inability to protect Plaintiff and in further harm to Plaintiff.

43. Failure to Report Child Abuse to Child Protection Agencies: During the course of Defendant Clark's therapist-client relationship with Plaintiff, Defendant Clark knew that Plaintiff was being abused and neglected by Defendant Marshall W. Krause, but, despite being a "mandated reporter" of child abuse and neglect under California Penal Code §§11165 et seq., and, in violation of her legal duty, intentionally and in bad faith failed to report the abuse and neglect to the appropriate authorities. Furthermore, Defendant Clark, acting in bad faith, deliberately sabotaged any child protection investigations initiated by Plaintiff and others. Defendant Clark's acts and omissions in this regard proximately caused Plaintiff to suffer additional abuse and neglect, and the other damages set forth above.

DAMAGES SOUGHT FROM DEFENDANT LANA CLARK, PH.D.

44. Plaintiff re-urges Paragraphs 1-43 in extenso.

45. As a result of the tortious conduct set forth above, Plaintiff suffered severe physical pain and suffering, fear, anxiety, depression, loss of civil rights and remedies, severe and permanent emotional and psychological pain and suffering, despair, physical restraint and confinement, loss of a relationship with her mother, and other compensable damages.

46. Plaintiff itemizes her damages due her from Defendant Lana Clark as follows:

A. Professional Malpractice: \$5,000,000.

B. Intentional Infliction of Emotional Distress: \$5,000,000.

C. Conspiracy to Deny Access to the Courts: \$5,000,000.

D. Tortious Interference With Mother-Child Relationship: \$5,000,000.

47. The tortious conduct of Defendant Lana Clark was reckless, malicious, wanton, outrageous and in total disregard for the rights and interests of Plaintiff Alanna Krause, and, thus, Defendant Lana Clark is liable to Plaintiff for punitive damages to deter her and others like her from engaging in this same sort of misconduct.

48. Plaintiff accordingly demands punitive damages: \$10,000,000.

JOINT AND SEVERAL LIABILITY

49. As set forth herein, all defendants are joint tortfeasors engaged in a common plan and scheme, and, thus, all are jointly and severally liable for all damages suffered by Plaintiff herein.

JURY TRIAL DEMAND

50. Plaintiff is entitled to and demands a trial by jury on all issues.

PRAYER

WHEREFORE, Plaintiff prays that after all due proceedings, there be judgment rendered in favor of Plaintiff and against Defendants Marshall W. Krause, Sandra Acevedo, Diamond, Bennington & Simborg, P.C., and Lana Clark, Ph.D. jointly and severally for such damages as are set forth herein, plus interest from the date of the filing of this Complaint, all costs of these proceedings, reasonable attorney's fees as allowed by law, and for such other equitable relief as is appropriate.

**Respectfully submitted,
ALANNA KRAUSE, Plaintiff**

By her counsel:

**Seth L. Goldstein (Cal. Bar # 176882)
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Napa, CA 94559
(707) 226-6660**

Local Counsel

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Copy of date stamped filing attached