

# **EXHIBIT “A”**

  
Charles Baker, Clerk  
Hall County, Georgia

IN THE STATE COURT OF HALL COUNTY  
STATE OF GEORGIA

M.P., a minor through A.P. as next friend and natural parent, and A.P., individually,

Plaintiffs,

v.

LEON H. MESSERLIAN and  
NORMA J. MESSERLIAN

Defendants.

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CIVIL ACTION NO:  
2018SV34Z

**PLAINTIFFS' AMENDED COMPLAINT FOR DAMAGES**

COME NOW Plaintiffs, M.P., a minor through A.P. as next friend and natural parent, and A.P., individually, and file their Complaint against Defendants LEON H. MESSERLIAN and NORMA J. MESSERLIAN, showing the Court as follows:

1.

Plaintiffs are residents of Hall County, Georgia. Plaintiff M.P., a minor, brings claims by and through A.P. as Next Friend and Natural Parent. Plaintiff A.P. brings her claims individually and as the mother of her minor child, M.P. Plaintiffs move that this Court exercise its sound discretion to protect the general welfare of the minor and family involved by allowing Plaintiffs to proceed under the above pseudonyms, <sup>1</sup> their initials, in consideration of the sensitive allegations hereinafter made.

2.

Defendant Leon H. Messerlian was a resident of Hall County, Georgia, with a last known residence of 6624 Shoal Creek Road, Clermont, GA 30527 during all times relevant to this

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<sup>1</sup> See *Doe v. Archdiocese of Atlanta*, 328 Ga. App. 324, 328-32, 761 S.E.2d 864, 868-70 (2014).

Complaint. Defendant Leon Messerlian is currently incarcerated at the Calhoun State Prison, 27823 Main Street, Morgan, Georgia 39866, where he may be served with legal process.

3.

Defendant Norma Messerlian is a resident of Hall County, Georgia, with a last known residence of 6624 Shoal Creek Road, Clermont, GA 30527, where she may be served with legal process.

4.

Defendant Leon Messerlian is subject to the jurisdiction of this Court because he is a resident of the State of Georgia.

5.

Defendant Norma Messerlian is subject to the jurisdiction of this Court because she is a resident of the State of Georgia.

6.

Venue is proper in this Court with respect to Defendant Leon Messerlian because he is a resident of Hall County, Georgia.

7.

Venue is proper in this Court with respect to Defendant Norma Messerlian because she is a resident of Hall County, Georgia.

8.

This Court has jurisdiction over the subject matter of this action.

**Factual Outline**

9.

At all times relevant to this Complaint, Defendant Leon Messerlian was ostensibly doing business as the Oxford Academy of Classical Studies, operating at 857-C Bradford Street, Gainesville, GA 30501.

10.

At all times relevant to this Complaint, the purported purpose of Oxford Academy of Classical Studies was for Defendant Leon Messerlian to provide private violin lessons to minor children.

11.

From approximately January 2011 to July 2015 (the “Subject Period”), Plaintiff M.P. attended what Plaintiff A.P. believed to be violin lessons as described above.

12.

At all times relevant to this Complaint, Defendant Leon Messerlian had contact with Plaintiffs, both in person and over the phone.

13.

During the above-described violin lessons which occurred over the Subject Period, Defendant Leon Messerlian intentionally and inappropriately touched the genitals of Plaintiff M.P., intentionally and inappropriately forced Plaintiff M.P. to touch his genitals, sexually molested Plaintiff M.P., intentionally and inappropriately discussed topics of a sexual nature with Plaintiff M.P., intentionally and inappropriately showed Plaintiff M.P. explicit images and pornographic videos, and intentionally and inappropriately abused the trust and emotional wellbeing of Plaintiff M.P.

14.

During the Subject Period, Defendant Norma Messerlian was aware of her husband's tortious actions and intent to further assault, batter, and/or inflict emotional distress on Plaintiff M.P. Defendant Norma Messerlian failed to warn of her husband's tortious actions and/or intent to act tortiously. Defendant Norma Messerlian further actively aided, abetted, and conspired with her husband to commit these tortious acts against Plaintiffs and to prevent Plaintiff A.P. from discovering Plaintiff M.P.'s ongoing abuse over this 4½ year period.

15.

At all times relevant to this Complaint, Defendants, individually and in concert, actively communicated with Plaintiff A.P. and made intentionally false representations to A.P. concerning M.P.'s presence and progress at lessons and what events were occurring at these lessons, which communications were specifically intended to falsely assure A.P. of M.P.'s well-being.

16.

At all times relevant to this Complaint, Defendants, individually and in concert, actively communicated with Plaintiff M.P. and made intentionally false representations to induce M.P. not to report Defendant Leon Messerlian's tortious acts.

17.

During the Subject Period, Plaintiffs reasonably relied to their detriment upon Defendants' individual and joint false representations.

18.

On or around July 21, 2015, Plaintiff A.P. became aware of Defendant Leon Messerlian's tortious acts and immediately discontinued all contact with Defendants.

19.

On or around July 23, 2015, Plaintiffs reported Defendant Leon Messerlian's tortious conduct to the Hall County Sheriff's Office.

20.

On or around July 29, 2015, Defendant Leon Messerlian was arrested and charged with Child Molestation, Sexual Battery (Felony), and Enticing a Child for Indecent Purposes.

21.

On or around August 19, 2015, Defendant Leon Messerlian was charged with 50 counts of Possession of Child Pornography.

22.

On or around September 9, 2015, Defendant Leon Messerlian was arrested and charged with Child Molestation, Sexual Battery (Felony), and Aggravated Sexual Battery.

23.

On or around September 15, 2017, Defendant Leon Messerlian entered into a plea of guilty for child molestation and sexual exploitation of a child under the authority of *North Carolina v. Alford*, 400 U.S. 25 (1970), and was subsequently sentenced to serve 30 years.

24.

Defendant Norma Messerlian knew that her husband was a sexual predator and failed to warn Plaintiffs.

25.

Defendant Norma Messerlian assisted in misleading Plaintiff M.P.'s parents as to the true nature of Defendant Leon Messerlian's interactions with Plaintiff M.P.

26.

Defendant Norma Messerlian destroyed evidence material to this case that was also material to other victims of Defendant Leon Messerlian.

27.

Defendant Norma Messerlian refused to show for her deposition to further conceal evidence material to Defendant Leon Messerlian's tortious acts and omissions.

COUNT ONE

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

28.

Defendants' tortious acts caused and continue to cause Plaintiff M.P. physical, mental, and emotional distress of a very serious kind and nature; these tortious acts exceeded all bounds of conduct usually tolerated by a decent society and were intended to cause and did in fact cause severe physical and emotional distress to minor Plaintiff M.P. resulting in physical and/or mental manifestations of that distress necessitating medical and/or psychological treatment.

COUNT TWO

ASSAULT AND BATTERY

29.

At all times relevant to this Complaint, Defendant Leon Messerlian unlawfully and without consent touched the body and person of Plaintiff M.P.

30.

At all times relevant to this Complaint, Defendant Leon Messerlian caused Plaintiff M.P. to apprehend such unlawful and unauthorized touching of M.P.'s body and person.

COUNT THREE

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

31.

At all times relevant to this Complaint, Defendant Leon Messerlian, purportedly acting as an instructor, owed a duty of ordinary diligence to act with care regarding his pupil, Plaintiff M.P.

32.

Defendant Leon Messerlian's tortious acts willfully breached the standard of care owed, causing and continuing to cause Plaintiff M.P. physical, mental, and emotional distress of a very serious kind and nature; these tortious acts exceeded all bounds of conduct usually tolerated by a decent society and were intended to cause and did in fact cause severe physical and emotional distress to minor Plaintiff M.P. resulting in physical and/or mental manifestations of that distress necessitating medical and/or psychological treatment.

COUNT FOUR

CONSPIRACY

33.

At all times relevant to the Complaint, Defendants conspired together for Defendant Leon Messerlian to commit intentional tortious acts against Plaintiff M.P.

34.

At all times relevant to the Complaint, Defendants conspired together to conceal Defendant Leon Messerlian's intentional tortious acts against Plaintiff M.P. from Plaintiff A.P. for the purposes of continuing such tortious acts.



35.

At all times relevant to the Complaint, Defendant Norma Messerlian actively undertook acts, communications, and/or conduct in furtherance of the above-described conspiracy.

COUNT FIVE

FRAUD

36.

At all times relevant to the Complaint, Defendants made knowingly false statements and representations to Plaintiffs intended to induce actions or inactions by Plaintiffs, which Plaintiffs reasonably relied upon to their individual detriment.

COUNT SIX

RECOVERY OF MINOR'S MEDICAL AND TREATMENT COSTS

37.

As a direct and natural result of Defendants' conduct towards Plaintiff M.P., A.P. has incurred costs in procuring medical and psychological treatment for her minor child.

38.

WHEREFORE, Plaintiffs demand judgment against Defendants for:

- (a) M.P.'s past, present, and future pain and suffering, both physical and mental, resulting from the acts of Defendant Leon Messerlian;
- (b) All damages incurred by Plaintiff A.P. in procuring treatment and medical care for her minor child M.P. reasonably relating to the emotional, physical, and psychological trauma inflicted on M.P. by Defendants;
- (c) Punitive damages based on the intentional egregious acts committed by Defendant Leon Messerlian;

- (d) The costs of this action; and
- (e) Any further relief that this Court deems appropriate and just.

**Plaintiffs Demand Trial by Jury of this Action.**

Dated this 19<sup>th</sup> day of December 2018.

Respectfully submitted,  
COOK LAW GROUP, LLC

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