

IN THE U.S DISTRICT COURT FOR THE DISTRICT OF MARYLAND  
(GREENBELT DIVISION)

APRIL ADEMILUYI  
8309 Maple Street  
Laurel, MD 20707

Plaintiff

v.

National Bar Association  
SERVE ON:  
1225 11<sup>Th</sup> Street  
Washington, DC 20001;  
Daryl Parks(in his individual capacity); and  
Benjamin Crump(in his individual capacity)  
SERVE ON:  
240 N. Magnolia Dr  
Tallahassee, FL 32301  
Defendants

Case No. 8:15cv02947

JURY TRIAL DEMANDED

**SECOND AMENDED COMPLAINT AND JURY DEMAND**

Plaintiff, April Ademiluyi, sues the National Bar Association, Daryl Parks, and Benjamin Crump, and states the following:

1. April Ademiluyi, an attorney, who firmly believed in the National Bar Association's("NBA") mission to "...*improve the administration of justice; preserve the independence of the judiciary and to uphold the honor and integrity of the legal profession...*" was deceptively lured into joining the NBA and attending a Justice for Trayvon® event hosted by the NBA in the hotel suite, of the President of the NBA and counsel for Trayvon Martin's family, Daryl Parks("Parks), where she and Jane Doe were drugged and raped.

2. On the evening of April 20, 2012 in Tampa, Florida, shortly after Plaintiff happily walked into the hospitality suite of Parks to enjoy the festivities in support of Parks' Justice for Trayvon® campaign, Plaintiff was served wine that caused her to black out for more than 12 hours. Plaintiff, suddenly awoke in the bed and hotel room of David Phillips, Esq (hereinafter referred to as "the rapist" or "Phillips") with severe vaginal pain and no memory of how she got there or any interactions with the rapist previous night.
3. Plaintiff sought medical assistance when she returned home to Maryland, where she ~~was~~ underwent a sexual assault examination in the ER of Howard County General Hospital.
4. Plaintiff reported the crime to the Tampa police ("TPD") and sought prosecution of the rapist, only to be victimized again by a carefully calculated extraordinary, criminal scheme and conspiracy among public officials, Parks, his law partner, Benjamin Crump ("Crump") and the NBA to illegally cover up the rape, which quietly protected the reputation of the NBA and many other lawyers and politicians, and the integrity of the Justice for Trayvon® media campaign.

### **PARTIES**

5. April Ademiluyi, plaintiff, is a female attorney, and was a member of the NBA at the time of the drugging and rape and she immediately ceased her membership after such events occurred.
6. Jane Doe, an adult female, was not a member of the NBA but at all relevant times was a business invitee of the NBA event for purposes of photographing the event.
7. The NBA was formed in 1926 in the State of Iowa as a non-profit corporation and its registration is active. The NBA, headquartered at 1225 11<sup>th</sup> Street Washington, D.C 20001, is a bar association and civil rights organization that conducts business in virtually every

state and Washington DC. Its members are primarily African-American attorneys and Judges. The association is a national organization that is divided into regions, where a regional director, perpetuates the duties and responsibilities of the region. The Regional Director for Maryland is Rosalyn Henderson Mattingly. The local Maryland affiliate Chapter is the Monumental City Bar Association located in Baltimore, MD.

8. Daryl Parks, former president from July 2011 to July 2012, vice president, and general counsel of the NBA and at all relevant times was either an officer or board member, of the NBA.
9. Defendant, Benjamin Crump, now president of the NBA, former Vice President of the NBA and all relevant times was either an officer or board member of the NBA. He and Parks own and operate the law practice, Parks & Crump, LLC located at 240 N. Magnolia Dr. Tallahassee, FL 32301.
10. David Phillips (“Phillips” or “the rapist”), not named as a defendant, is a licensed attorney in the state of Nevada and member of the NBA.
11. Herbert Moreira Brown (“Brown”), not named as a defendant, is a licensed attorney in the state of New York and a board member of the NBA.
12. Mark Ober (“Ober”), not named as a defendant, has been the State Attorney for Hillsborough County Florida since 2000.
13. Pamela Bondi (“Bondi”), not named as a Defendant, was Assistant State Attorney for Hillsborough County from 1991 until 2011, when she resigned to take her current and first political position as the Attorney General of Florida.
14. Tampa Police Department (“TPD”), not named as a Defendant, is located at 411 North Franklin Street Tampa, Florida 33602.

15. Detective Kelly Spanglo (“Spanglo”), not named as a Defendant, was the Detective assigned to investigate Plaintiff’s rape complaint to TPD.
16. Sergeant Ruth Cate (“Cate”), not named as a Defendant, was appointed Supervisor of Sex Crimes Division of the TPD in October 2012.
17. Arthenia Joyner (“Joyner”), not named as a Defendant, currently holds office as a Florida Senator where she has been since 2006. She is also a past president of the NBA and former member of the Florida House of Representatives from 2000 to 2006.

### **JURISDICTION**

18. This Court has jurisdiction over the matter asserted herein in light of the amount in controversy exceeding \$75,000, the plaintiff being a resident of Maryland, and the defendants Parks and Crump being citizens of Florida and the NBA being a citizen of Washington, DC. 28 U.S.C. § 1332.
19. Venue is proper because a substantial part of the events or omissions giving rise to the claims occurred in this district 28 U.S.C. § 1391(b)(2).
20. This Court has personal jurisdiction over the NBA, Parks, and Crump because they caused tortious injury in the state and regularly and persistently conducts business activities in the state including but not limited to legal conferences; awards or recognition banquets; other meetings; and personal or social activities. Md Cts Jud Pro §6-103(b)(1) and (b)(4)

### **FACTS**

#### **i. The Party**

21. April Ademiluyi began practicing law in 2008. She joined the NBA in the fall of 2011, where she met Parks for the first time at the NBA’s national convention in Baltimore, MD.

She briefly met the rapist at the event as well. In January of 2012, plaintiff again met the rapist at the NBA's conference in St Maarten and had a few brief conversations with him but did not have any further communications with him.

22. Parks reserved the hotel suite at the Hyatt Regency Tampa for the events of the NBA mid-year conference and annual Gertrude Rush Awards Dinner from April 19-21, 2012.
23. At the time, Parks and Crump were representing the family of Trayvon Martin—a highly publicized case of a young black male, who was racially profiled by a man acting as a neighborhood watch captain and shot during an altercation that ensued between them. The case led the nightly news for months and created marches around the country.
24. Parks' hospitality suite was open every night of the conference with food and alcoholic beverages available for members and other social invitees to promote his efforts as NBA president and counsel to the family of Trayvon Martin.
25. Plaintiff, walked into the party in Park's hotel suite feeling normal and ready enjoy the festivities.

## **ii. The Rapes**

26. During the party in Parks' hotel suite, the rapist poured Plaintiff and Jane Doe a cup of sweet wine, unbeknownst to them was spiked with GHB and insisted they drink the wine, stating, "you got to try this."
27. As a result of ingesting the spiked wine, to others at the party, Plaintiff appeared to be extremely inebriated, unable to walk, and one member and attendee was specifically concerned of plaintiff's safety with the rapist, Philips.
28. Brown escorted Plaintiff and Jane Doe to Phillips' hotel room, where Plaintiff was raped and he later escorted Jane Doe to his room where she was raped.

29. Plaintiff, has no recollection of interacting with Phillips the previous night. Plaintiff blacked out for more than 12 hours only to awake naked in his bed with severe vaginal pain.
30. Upon her return home to Maryland, Plaintiff visited the Emergency Room, while she was still experiencing vaginal pain from the rape and memory loss of the rape.
31. In July 2012, Expertox determined through hair drug testing that Plaintiff ingested GHB, a date rape drug, sometime between April and May 2012.
32. In July 2012, Jane Doe also proffered her statement to TPD identifying Phillips as the individual that provided she and Plaintiff spiked wine without their consent and Brown as the individual that raped her and assisted Phillips with transporting Plaintiff to Phillips' room to be raped.

### **iii. The Cover up of the Rapes**

33. In May 2012, Plaintiff was immediately met with strong reluctance for assistance when she confronted Parks with the drugging that occurred in his room and the rape. Plaintiff had to beg Parks to give the name of Phillips' accomplice to the rape to provide to TPD. In an email, he disclosed the name Herbert Moreira Brown, Esq. but instructed Plaintiff that he would not assist in any way and to never contact him again. Plaintiff responded in an email, "your protecting the sexual predators because you are not any better... You will burn in hell with them."
34. Parks knew Phillips and Brown were regularly drugging and/or raping women at NBA events and failed to warn Plaintiff, Jane Doe, and all other women who attend the NBA events. A simple google search of Brown reveals a woman has filed a rape complaint against him with the NYPD. Brown is also a board member of the NBA.

35. On May 2, 2012, Phillips welcomed Plaintiff's phone call that unbeknownst to him was being recorded by TPD. Plaintiff was able to get Phillips to easily admit that sex is most enjoyable for him when he is taking advantage of woman, who are too inebriated to consent, as he confessed when she woke up next to him after he raped her. Ober, however, immediately closed the case.
36. Several months later, Plaintiff confronted Phillips again via email and text messages, where she texted, "I don't know you. I have no memory of you that night or most of the night. YOU RAPED ME" and he wrote back, "...You drank yourself into oblivion in Tampa. Does the term drunken blackout have meaning...I doubt anyone had to drug you..."
37. Plaintiff immediately urged the State's Attorney's office to listen to the recordings because the rapist continues to admit that the best sex for him is when he takes advantage of highly intoxicated women. Plaintiff simultaneously requested a copy of the recordings because the police report she received, in Fall 2012, was a very short description of the recordings that failed to disclose all the critical incriminating statements he made. With a corroborating witness and second victim, hair drug test results, and a confession, plaintiff pushed for prosecution of the case. However, Ober, Parks, Crump, and the NBA wanted this case deeply buried and plaintiff forever silenced thus they conspired and carried out an evil, demented plan to do so.
38. Instead of producing the recording to Plaintiff, TPD transcribed the recordings into the police report and provided her with the copy via USPS to her home in Maryland in December 2012. Plaintiff, while at home in Maryland, was in shock and hysterical reading the transcript that drastically altered the conversation between her and the rapist to protect him from criminal prosecution. Plaintiff complained to internal affairs and the newly

appointed Supervisor of Sex Crimes Sgt. Cate. TPD denied Plaintiff's request for the recordings for many months even though she was entitled by law to receive them. Plaintiff stated to Sgt. Cate, that she would stop her pursuit for a copy of the recordings and not launch any further complaints about their unlawful cover up, if she questioned Parks and the rapist. Sgt. Cate immediately questioned Parks and the rapist.

39. Plaintiff, was only seeking an admission guilt from Sgt. Cate and was not giving up on her case or complaining about their criminal cover up. Plaintiff rigorously continued to pursue the recordings as she was entitled to them. TPD eventually produced a copy of a recording that perfectly matched their fabricated transcript in February 2013 via USPS to Plaintiff in Maryland.

40. TPD, Parks, Ober and the rest of their co-conspirators were very clever in the manipulation of the recordings but did not anticipate one potential problem. Plaintiff sought to authenticate the recordings, which requires a forensic analysis the original digital audio file format produced by the recorder. TPD's police procedure requires detectives or officers to retain the original audio file of a recording on their secure computer servers in the event the authenticity of a recording is challenged. The computer servers are maintained, guarded, and secured like any other police evidence. Florida law also requires preservation of those files for many years. All traces of tampering disappears with destruction of that original digital audio file.

41. TPD intentionally destroyed the original audio file of the fake recording they gave plaintiff. The Detective alleged she used a hand held recording device to record the plaintiff's conversation with the rapist. TPD further alleged that the Detective did not secure the original audio file on their secure computer server. In order to produce a copy of the audio



file, with Windows Media Player, on the Detective's recorder in a converted, unoriginal format that plaintiff received, TPD would have had to transfer the original, unconverted audio file from the recorder onto its computer hard drive, burn an unoriginal, converted format copy, and then immediately and intentionally delete the original audio file from the hard drive of the computer. See Ex. Sgt Ruth Cate and Kirby Rainsberger's Emails

42. From the fall of 2012, when Plaintiff began pushing, (from Maryland via many emails and phone calls) Ober's office to listen to the recordings, until winter 2013, when she received a copy of the altered version of the recordings, there were an unusual high volume of phone communications between all those who stood to gain from the cover up. Parks and Bondi were repeatedly texting and calling each other. The rapist in other proceedings fought to protect the disclosure of his phone records to plaintiff with the last four digits redacted because he and Parks were in communication during this time period as well. Also, during this time frame, Plaintiff sought the assistance of Senator Joyner(also former NBA president), who unbeknownst to Plaintiff was a close personal friend of Parks and was conveying information to Parks that Plaintiff retained a lawyer who wanted to sue the NBA.
43. The NBA has still failed to implement any policies or procedures that adequately warn or advise members or potential members of complaints of drug facilitated rapes that have occurred at NBA parties. If the NBA did in fact put in place proper procedures to warn women of the potential violence that may occur, there would be low attendance at their events. The NBA, through their silence and criminal cover ups, supports drugging and raping women.

44. The NBA violated their own policy and procedure to investigate unprofessional conduct of its members. The NBA Constitution and Bylaws Chapter X Standing Committees, states in pertinent part:

Section 8. Ethics and Professional Responsibility Committee The Ethics and Professional Responsibility Committee shall consist of eight (8) members and shall:...F. Investigate whenever specific charges of unprofessional conduct are made against any member of the Association. This committee shall inquire into the merits of the complaint and recommend to the Board any action(s) it deems appropriate.

**iv. The Politics**

45. Too many self-serving lawyers and politicians, who masquerade as good public servants, stood to gain professionally or politically by criminally covering up the rape Plaintiff suffered as a result of being drugged in Parks' hotel suite.
46. Bondi's role in Justice for Trayvon and her strong alliance with Parks and Crump bolstered her popularity, as a new, white female politician, in the African American Community. Hillsborough County is notorious for extreme racial tension between Whites and African Americans. Bondi and Ober worked together for 20 years in the Hillsborough County State Attorney office prior to her taking office as the Attorney General and they remain very close personal friends. Parks and Crump are also personal friends of Bondi and Ober.
47. Parks, past president of the NBA, and his law partner Crump, now President, were instrumental in bringing about the rigorous criminal prosecution of Trayvon Martin's attacker, while simultaneously conspiring with public officials to cover up drug facilitated rapes because they feared personal and NBA liability for not warning women about the likelihood of being drugged and raped at NBA parties.
48. In Parks tenure as NBA president, he invested his own money to campaign on behalf of the NBA to solicit donations from corporations to sponsor the NBA's mission and was

successful in doing so while representing the family of Trayvon Martin. Parks also invested his own money in the food and alcohol served in his hospitality suite for NBA members at the annual conferences.

49. The NBA has a code of silence about the drugging and rape culture at their events. One male officer and board member of the NBA characterized criminal prosecution of the rape as “bringing down the NBA.” A female president and board member simply stated that it was not a good idea to warn people about complaints of members being drugged and raped at the NBA events.

50. In sum, many lawyers and the NBA had professional issues that would have been severely harmed by exposure of plaintiff being raped thus a criminal cover up of that rape, which also indirectly covered up Jane Doe’s rape, was in their best interest.

### **Count I Negligence**

51. Plaintiff incorporates all preceding paragraphs into this Count by reference as though fully stated therein.

52. Parks and the NBA owed statutory, common law, and assumed duties to plan lawful NBA events, provide a reasonably safe premises for such events, and to prevent/protect Plaintiff from being drugged in a common area of the NBA event and being raped as a result of such drugging.

53. Parks and the NBA owed duties to social and business invitees on the property to exercise reasonable care to guard against foreseeable dangers arising from the use of their property.

54. Parks and the NBA negligently failed to comply with the NBA’s constitution and bylaws that require investigation of the merits of any charges of misconduct of its members.

55. Parks and the NBA breached their duties by, among other things:

- a. failing to adequately train its members and officers on risk management, illegal drug policies, crisis management policies, sexual abuse and rape prevention, and other management policies and procedure;
- b. failing to implement reasonable measures to enforce risk management policies to prevent sexual abuse and rape as a result of being drugged in a common area of NBA events and during NBA activities;
- c. failing to implement reasonable measures to enforce state laws to make NBA events safer;
- d. failing to implement reasonable measures to stop dangerous and/or unlawful activities which they knew, or should have known, were occurring within NBA events;
- e. failing to implement and enforce reasonable safety/security measures when, by their own conduct, they created or increased the foreseeable risk that young women such as Plaintiff and Jane Doe might be harmed by the conduct of a member or other attendee, including harm caused by the foreseeable criminal sexual conduct of David Phillips Esq. and Hebert Moreira Brown, Esq.
- f. failing to support proper risk management, crisis management, sexual abuse prevention, and education, and management programs;
- g. hosting a social event while failing to provide appropriate monitors or security throughout the duration of the event to monitor the activities of both members and guests with the objective of promoting compliance with the NBA mission and policies, state law, and general safety;

- h. holding regular and notorious parties that involved alcoholic beverages that created the environment that made drugging, sexual assault, and rape likely, and otherwise violated laws so as to create a public nuisance and danger to women
  - i. Appointing board members they knew or should have known were engaging in criminal acts of violence towards other members and failing to properly investigate board members prior to appointment;
  - j. The NBA failed to conduct any investigation into the rapes and carried on as if it had never happened; and
  - k. other negligent acts and omissions
56. As a direct and proximate cause of the negligence of the NBA, Parks, and Crump, plaintiff was raped and sustained and continues to sustain injuries, in Maryland, for which plaintiff is entitled to be compensated, including but not limited to:
- a. past, present, and future pain and suffering, both physical and emotional;
  - b. past, present, and future psychological trauma and impairment;
  - c. medical bills and other expenses for past and future treatment;
  - d. past, present, and future impaired earning capacity

### **Count II Gross Negligence**

57. Plaintiff incorporates all preceding paragraphs into this Count by reference as though fully stated therein.
58. Parks, Crump, and the NBA did exhibit wanton or willful malicious conduct or such conduct as indicates a reckless disregard of the just rights and safety of others by:
- a. Planning or promoting events where they knew or should have known male members were drugging female members to rape them;

- b. Improperly influencing and/or conspiring with Ober and other public officials to alter and destroy evidence to cover up the drugging and sexual assault that occur at their events and/or parties.
- c. Improperly influencing and/or conspiring with Ober and other public officials to deprive plaintiff of her fundamental right to report a crime; and
- d. The NBA failed to conduct any investigation into the rapes and carried on as if it had never happened

59. As a direct and proximate cause of the gross negligence of the NBA, Parks, and Crump, plaintiff was raped and sustained and continues to sustain injuries, in Maryland, for which plaintiff is entitled to be compensated, including but not limited to:

- a. past, present, and future pain and suffering, both physical and emotional;
- b. past, present, and future psychological trauma and impairment;
- c. medical bills and other expenses for past and future treatment;
- d. impaired earning capacity

### **Count III Intentional Infliction of Emotional Distress**

60. Plaintiff incorporates all preceding paragraphs into this Count by reference as though fully stated therein.

61. Parks, Crump, and the NBA engaged in a continuing pattern of intentional and reckless conduct that was extreme and outrageous, causing Ms. Ademiluyi severe disabling emotional distress in Maryland.

62. Parks, Crump, and the NBA's conduct of corruptly influencing and/or conspiring with public officials to alter and destroy evidence of the confession of the rapist to protect himself and the NBA from liability or public censure rise to the level of extreme and

outrageous conduct that is beyond all possible bounds of decency, atrocious, and unitarily intolerable in a civilized society.

63. On July 8, 2013, Ms. Ademiluyi was diagnosed with depression as a result of the rape and cover up of the rape the NBA maliciously inflicted upon her and the treatment recommended was counseling and drug therapy. Ms. Ademiluyi refused to take drug therapy due to side effects, her body's sensitivity to drugs, and the medicine prescribed for depression is also commonly used as date rape drugs. Ms. Ademiluyi sought natural remedies to combat depression such as meditation and engaging in sports, which helped, but did not completely cure the depression.
64. As Ms. Ademiluyi was already in a psychologically weakened state, due to Mr. Phillips' violent acts, Parks, Crump, and the NBA still continued to carry out his extreme and outrageous acts causing Ms. Ademiluyi to suffer a severely disabling emotional response.
65. To date, Ms. Ademiluyi depression worsened as she suffered more often from sleeplessness, weight loss, nightmares, constant fear of the sexual assault, fear of the parties committing further acts of violence against her, and greater difficulty concentrating on her daily activities such as the practice of law and training to compete in sports, which was the only method slightly helping with the depression she sustained as a result of the sexual assault.
66. The intensity of the psychological harm is severe as it occurred daily and still occurs daily. Approximately 4 out of 7 days a week, the Plaintiff has difficulty sleeping more than a few hours. When Ms. Ademiluyi is able to sleep, nightmares about Phillips' acts of sexual violence and all lawyers and cops, who protected him awaken her.

67. Daily, Ms. Ademiluyi also struggles with crying spells, loss of appetite, difficulty concentrating, and is unable to live a normal and proactive life.
68. The severely disabling emotional response continue to hinder Ms. Ademiluyi's ability to carry out personal and professional activities such as socializing, practicing law, attending professional networking or training functions such as bar association conferences or events, which are especially beneficial to young lawyers.
69. Therapy has been unsuccessful in curing the depression and post-traumatic stress.

#### **COUNT IV CONSPIRACY**

70. Plaintiff incorporates all preceding paragraphs into this Count by reference as though fully stated therein.
71. Parks, Crump, the NBA did conspire with public officials of TPD and the Hillsborough County State's Attorney's office to alter and destroy evidence to cover up plaintiff's rape case and deny plaintiff fundamental right to report a crime and seek redress for a heinous act committed upon her.
72. Parks, Crump, the NBA did conspire with public officials to commit a federal crime and further victimize Plaintiff in retaliation for exercising her rights.
73. Plaintiff has been aggrieved and sustained actual damages by the unlawful acts (federal crimes) done in pursuance and execution of the conspiracy.

Wherein the Plaintiff prays for the following relief,

- A. Past and Future Medical Expenses no less than \$100,000 (subject to amendment);
- B. Lost and Future Wages no less than \$500,000 (subject to amendment);
- C. Pain and Suffering no less than \$ 5,000,000 (subject to amendment);



- D. Punitive Damages no less than \$15,000,000 (subject to amendment);
- E. Attorney Fees no less than \$1500.00( subject to amendment);
- F. Cost;
- G. Any and all other relief this Court deems just and appropriate under the circumstances.

\_\_\_\_\_/s/April Ademiluyi\_\_\_\_\_  
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