

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

JANE DOE,

Plaintiff,

vs.

FELIPE JAVIER VAZQUEZ,

Defendant.

CASE NO: 2:22-cv-200-JLB-KCD

AMENDED COMPLAINT

Plaintiff, Jane Doe, by and through her undersigned counsel, and pursuant to Order of this Court of August 31, 2022 [Doc. 18], hereby files this Amended Complaint, sues Defendant Felipe Javier Vazquez, and alleges:

JURISDICTION

1. This is an action for relief pursuant to 18 U.S.C. § 2255, and therefore this Court has jurisdiction pursuant to 28 U.S.C. § 1331.

2. This is also an action in which the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs, and is between a citizen of Florida (Plaintiff) and a citizen of a foreign state who, on information and belief is lawfully admitted to the United States but who is domiciled in the Commonwealth of Pennsylvania (Defendant), and therefore this Court would also have jurisdiction pursuant to 28 U.S.C. § 1332.

3. This is also an action for relief pursuant to state Common Law; and therefore this Court has supplemental jurisdiction over those claims pursuant to 28 U.S.C. § 1367(a) as those claims form part of the same case or controversy as the claims arising under the above-referenced federal act.

VENUE

4. Venue in this Court is proper pursuant to 28 U.S.C. § 1391(b)(2), as a substantial part of the crimes committed by Defendant Felipe Javier Vazquez giving rise to the claims herein were committed by the Defendant within the geographic confines of the Middle District of Florida.

PARTIES

5. Plaintiff Jane Doe is an adult United States citizen domiciled in the State of Florida.¹

6. Defendant Felipe Javier Vazquez is an individual and is not a United States citizen. Defendant Vazquez is domiciled in the Commonwealth of Pennsylvania, albeit involuntarily as an inmate in a Commonwealth prison. At all times material to the events at issue in this Complaint, Defendant Vazquez was an adult at or over 25 years of age.

¹ “Jane Doe” is a pseudonym for Plaintiff’s actual name. Pursuant to Order of this Court of August 4, 2022 [Doc. 17], Plaintiff has been authorized to proceed in this litigation using a pseudonym.

FACTS COMMON TO ALL COUNTS

7. At all times pertinent to this case, Plaintiff was an unemancipated minor child who was subjected to sexual crimes, which are more fully identified in the individual counts of this Amended Complaint, committed by Defendant Felipe Vazquez. The offenses began when she was 12 years old and continued until she was 15, when her parents discovered the ongoing offenses and acted to cause them to cease.

8. In advance of committing his crimes detailed in the counts below, Defendant Felipe Vazquez did groom, entice and manipulate Jane Doe as a minor child into communicating and meeting with him based on his celebrity status as a star pitcher and renowned professional Major League Baseball player with the Pittsburgh Pirates, as well as other Major League Baseball teams previously, including the Tampa Bay Rays and the Washington Nationals. The purposeful process and tactics employed by Defendant Vazquez, in and of themselves, infused a false sense of fault in Jane Doe for her own abuses, and otherwise inflicted severe emotional distress and mental health harm on Jane Doe which constituted child abuse in addition to the sexual offenses detailed in the individual counts herein.

9. Plaintiff has retained the undersigned law firms and has agreed to pay them reasonable attorneys' fees and costs for their representation in this matter.

COUNT 1 - CIVIL ACTION PURSUANT TO 18 U.S.C. § 2255

10. Plaintiff realleges and incorporates by reference the Facts Common to All Counts alleged above.

11. Beginning when Jane Doe was 12 years old and continuing until law enforcement interceded:

a. Defendant Felipe Vazquez did maintain a personal cellular telephone and personal computer which were used by him to produce, distribute, receive and possess pornographic photographs and video recordings of Jane Doe that constituted illegal child pornography within the meaning of the federal statutes including: 18 U.S.C. § 2251, 18 U.S.C. § 2252 and 18 U.S.C. § 2252A.

b. Defendant Felipe Vazquez did use his personal cellular telephone and personal computer to persuade, induce, entice, or coerce Plaintiff as a minor child to engage in sexually explicit conduct for purposes of producing visual depictions of that conduct in violation of those federal laws.

c. Defendant Felipe Vazquez used his personal cellular telephone as a means or facility of interstate or foreign commerce in connection with the child

pornography, including by use of the Internet across state lines and cellular telephone transmissions across state lines, in violation of those federal laws.

12. Defendant Felipe Vazquez did further:

a. Use his aforesaid personal cellular telephone and personal computer as means of interstate commerce to violate the prohibition under 18 U.S.C. § 1470 of Title 18, of transferring or attempting to transfer obscene matter to a minor, like Jane Doe, under 16 years of age.

b. Conduct the transfer of that obscene matter to Jane Doe while she was in Florida, from locations in Pennsylvania and Missouri, and perhaps other states.

13. Defendant Felipe Vazquez admitted upon confrontation with law enforcement officials when Jane Doe was 15 years old that, at all pertinent times during which he engaged in the sex crimes at issue in this Count, he was aware that Jane Doe appeared “too young” for the sexual activities and was not of lawful age to engage in any form of the sexual activities that he instigated.

14. Pursuant to 18 U.S.C. § 2255, Plaintiff is entitled to recover civil damages from Defendant Vazquez for his aforesaid violations of 18 U.S.C. §§ 2251, 2252 and 2252A, in which he victimized her as a minor child.

15. The damages to which Plaintiff is entitled under said federal law include her actual damages or liquidated damages in the amount of \$150,000, costs

of this action and this litigation and reasonable attorney's fees, as well as punitive damages.

16. Defendant's aforesaid violations of federal law proximately and foreseeably caused actual damages to Plaintiff which she suffered in the past, continues to suffer, and will continue to suffer in the future.

17. As a direct and proximate result of the aforesaid criminal conduct committed against Jane Doe by Felipe Vazquez, Plaintiff has suffered physical pain and injury and mental health damages requiring substantial ongoing professional medical and mental health assessment and treatment, and she will continue to require those interventions in the future.

18. Plaintiff's actual past, present and future damages include, without necessary limitation: expenses for medical services for physical, psychiatric and psychological care; mental health harm of a psychological and psychiatric nature, including trauma-based ailments and conditions co-morbid to trauma; emotional distress, pain and suffering; embarrassment, diminished self-esteem, disgrace, humiliation, and other pain and suffering; loss of capacity for the enjoyment of life; loss of income and lost earning capacity; aggravation of prior medical and mental health conditions; and reasonable attorneys' fees and costs.

19. Plaintiff's injuries are continuing in nature and Plaintiff will continue to suffer pain and emotional damage and permanent mental health injury in the

future; and Plaintiff will require additional medical and mental health care and treatment for her injuries and ailments and will continue to suffer the loss of capacity for the enjoyment of life.

WHEREFORE, Plaintiff demands judgment against Defendant for all compensatory and punitive damages available at law, attorneys' fees and costs, as well as such other and further relief as the Court deems just and equitable under the circumstances.

COUNT 2 - BATTERY UNDER PENNSYLVANIA COMMON LAW

20. Plaintiff realleges and incorporates by reference the Facts Common to All Counts alleged above.

21. While Jane Doe and Defendant Vazquez were located in the Commonwealth of Pennsylvania, Defendant Vazquez did engage in unlawful and harmful in-person contact with the minor child Jane Doe for purposes of engaging in sexual activity with that minor in violation of 18 Pa. C.S. § 6318. At that time:

a. Defendant Vazquez did sexually assault the minor child Jane Doe in violation of 18 Pa. C.S. § 3122, up to and including engaging in vaginal intercourse with her when she was 13 years of age.

b. Defendant Vazquez did commit indecent assault on the minor child in violation of 18 Pa. C.S. § 3126, up to and including engaging in vaginal intercourse with her when she was 13 years of age.

22. At all times while committing the aforesaid criminal sexual acts towards Jane Doe, Defendant Vazquez knew that Jane Doe was a minor child legally incapable of providing consent to any acts of a sexual nature with him as a grown adult man.

23. Defendant Felipe Vazquez admitted upon confrontation with law enforcement officials that, at all pertinent times during which he engaged in the sex crimes at issue in this Count, he was aware that Jane Doe appeared “too young” for the sexual activities and was not of lawful age to engage in any form of the sexual activities that he instigated.

24. Defendant Felipe Vazquez further admitted upon confrontation with law enforcement officials in the Commonwealth of Pennsylvania that he did engage in sexual acts with Jane Doe when she was 13 years of age, up to and including vaginal intercourse.

25. Defendant’s criminal actions in engaging in sexual acts up to and included vaginal intercourse with the 13-year-old Jane Doe was entirely unjustified and constitutes intentional battery upon Jane Doe.

26. As a direct and proximate result of the aforesaid criminal conduct committed against Jane Doe by Felipe Vazquez, Plaintiff has suffered physical pain and injury and mental health damages requiring substantial ongoing

professional medical and mental health assessment and treatment, and she will continue to require those interventions in the future.

27. Plaintiff's past, present and future damages include, without necessary limitation: expenses for medical services for physical, psychiatric and psychological care; mental health harm of a psychological and psychiatric nature, including trauma-based ailments and conditions co-morbid to trauma; emotional distress, pain and suffering; embarrassment, diminished self-esteem, disgrace, humiliation, and other pain and suffering; loss of capacity for the enjoyment of life; loss of income and lost earning capacity; and aggravation of prior medical and mental health conditions.

WHEREFORE, Plaintiff demands judgment against Defendant for all compensatory and punitive damages available at law, attorneys' fees and costs, as well as such other and further relief as the Court deems just and equitable under the circumstances.

COUNT 3 - INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS UNDER PENNSYLVANIA COMMON LAW

28. Plaintiff realleges and incorporates by reference the Facts Common to All Counts alleged above.

29. While Jane Doe and Defendant Vazquez were located in the Commonwealth of Pennsylvania, Defendant Vazquez violated 18 Pa. C.S. § 6312's prohibition of:

a. Soliciting and receiving via the Internet and cellular telephones sexually explicit images and video recordings of a minor child; and

b. Transmitting via the Internet and cellular telephone to a child photographs and video recordings of an adult engaged in sexual acts.

30. While he was located in the Commonwealth of Pennsylvania, Defendant Vazquez did specifically violate 18 Pa. C.S. § 6312 and victimize Jane Doe by:

a. Soliciting and receiving via the Internet and his personal cellular telephone multiple sexually explicit images and video recordings of the minor child Jane Doe which he solicited from her; and

b. Transmitting via the Internet and his cellular telephone to Jane Doe's cellular telephone photographs and video recordings of himself engaged in sexual acts as an adult, as well as other adult-oriented sexual communications and adult sexual images.

31. While Jane Doe and Defendant Vazquez were located in the Commonwealth of Pennsylvania, Defendant Vazquez did engage in unlawful in-person contact with the minor child Jane Doe for purposes of engaging in sexual activity with that minor in violation of 18 Pa. C.S. § 6318. At that time:

a. Defendant Vazquez did sexually assault the minor child Jane Doe in violation of 18 Pa. C.S. § 3122, up to and including engaging in vaginal intercourse with her when she was 13 years of age.

b. Defendant Vazquez did commit indecent assault on the minor child in violation of 18 Pa. C.S. § 3126, up to and including engaging in vaginal intercourse with her when she was 13 years of age.

32. While Jane Doe and Defendant Vazquez were located in the Commonwealth of Pennsylvania, Defendant Vazquez did engage in corruption of the minor child Jane Doe in violation of 18 Pa. C.S. § 6301, including by engaging in sexual discussions with her, by exchanging pornographic and child pornographic material with her, by luring and enticing her into sexual acts with him, and by engaging in sexual acts with her.

33. At all times while committing the aforesaid criminal sexual acts towards Jane Doe, Defendant Vazquez knew that Jane Doe was a minor child legally incapable of providing consent to any acts or communications of a sexual nature with him as a grown adult man.

34. Until law enforcement interceded in the Commonwealth of Pennsylvania, Defendant Felipe Vazquez did maintain on his cellular telephone and personal computer pornographic photographs and video recordings of Jane

Doe that constituted child pornography in violation of aforesaid criminal statutes of the Commonwealth of Pennsylvania.

35. Defendant Felipe Vazquez admitted upon confrontation with law enforcement officials that, at all pertinent times during which he engaged in the sex crimes at issue in this Count, he was aware that Jane Doe appeared “too young” for the sexual activities and was not of lawful age to engage in any form of the sexual activities that he instigated.

36. Defendant Felipe Vazquez further admitted upon confrontation with law enforcement officials in the Commonwealth of Pennsylvania that he did engage in sexual acts with Jane Doe when she was 13 years of age, up to and including vaginal intercourse.

37. Defendant’s criminal actions toward Jane Doe were unlawful, outrageous, reckless, wanton, and malicious.

38. Defendant wrongfully acted with the intent to cause Jane Doe severe emotional distress, or he acted knowing that his conduct would cause or be likely to cause severe emotional distress to Jane Doe.

39. As a direct and proximate result of the unlawful, outrageous, reckless, wanton, and malicious acts committed against Jane Doe by Felipe Vazquez, Plaintiff has suffered severe emotional distress and physical pain and injury and mental health damages requiring substantial ongoing professional medical and

mental health assessment and treatment, and she will continue to require those interventions in the future.

40. Plaintiff's past, present and future damages include, without necessary limitation: expenses for medical services for physical, psychiatric and psychological care; mental health harm of a psychological and psychiatric nature, including trauma-based ailments and conditions co-morbid to trauma; emotional distress, pain and suffering; embarrassment, diminished self-esteem, disgrace, humiliation, and other pain and suffering; loss of capacity for the enjoyment of life; loss of income and lost earning capacity; and aggravation of prior medical and mental health conditions.

WHEREFORE, Plaintiff demands judgment against Defendant for all compensatory and punitive damages available at law, attorneys' fees and costs, as well as such other and further relief as the Court deems just and equitable under the circumstances.

COUNT 5 - INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS UNDER FLORIDA COMMON LAW

41. Plaintiff realleges and incorporates by reference the Facts Common to All Counts alleged above.

42. While Plaintiff was between the ages of 13 and 15, from and within the State of Florida, Defendant did transmit to Plaintiff's cellular telephone adult-oriented and sexual images, including of himself engaged in sexual acts.

43. While Plaintiff was between the ages of 13 and 15, from and within the State of Florida, Defendant did transmit to Plaintiff's cellular telephone, communications of an adult-oriented and sexual nature.

44. Until law enforcement interceded, Defendant Felipe Vazquez did maintain on his cellular telephone and personal computer the aforesaid pornographic photographs and video recordings of Jane Doe that he solicited and obtained from her while she was located in Florida and that constituted child pornography in violation of Florida statutes.

45. At all times, Defendant Vazquez knew that Plaintiff Jane Doe was a minor child legally incapable of providing consent to any acts of a sexual nature with him as a grown adult man, including acts via electronic communications.

46. Defendant's aforesaid acts in this Count constitute violations of Florida law, specifically mental, emotional and sexual child abuse and child sexual exploitation, resulting in substantial harm to the minor child's mental and emotional health, as defined by Fla. Stat. § 39.01(2) and (34).

47. Those offenses were committed against Jane Doe by Defendant Vazquez in violation of, without necessary limitation:

- a. Fla. Stat. § 827.03 (1)(b) and (2)(c) (pertaining to child abuse);
- b. Fla. Stat. § 827.071 (3) (pertaining to promoting a sexual performance by a child);

c. Fla. Stat. § 827.071 (4) (pertaining to possession of child pornography with intent to promote a sexual performance by a child);

d. Fla. Stat. § 847.0135 (pertaining to use of computers to abuse, exploit, solicit or attempt to exploit a child sexually); and

e. Fla. Stat. § 777.04 (pertaining to criminal attempt and criminal solicitation).

48. The aforesaid conduct of Defendant Vazquez towards Plaintiff Jane Doe constituted child abuse and child sexual abuse under Florida law.

49. Defendant Felipe Vazquez admitted upon confrontation with law enforcement officials when Jane Doe was 15 years old that, at all pertinent times during which he engaged in the sex crimes at issue in this Court, he was aware that Jane Doe appeared “too young” for the sexual activities and was not of lawful age to engage in any form of the sexual activities that he instigated.

50. Defendant’s aforesaid violations of law proximately and foreseeably caused damages to Plaintiff which she suffered in the past, continues to suffer, and will continue to suffer in the future.

51. Defendant’s criminal actions toward Jane Doe were unlawful, outrageous, reckless, wanton, and malicious.

52. Defendant wrongfully acted with the intent to cause Jane Doe severe emotional distress, or he acted knowing that his conduct would cause or be likely to cause severe emotional distress to Jane Doe.

53. As a direct and proximate result of the unlawful, outrageous, reckless, wanton, and malicious acts committed against Jane Doe by Felipe Vazquez, Plaintiff has suffered severe emotional distress and physical pain and injury and mental health damages requiring substantial ongoing professional medical and mental health assessment and treatment, and she will continue to require those interventions in the future.

54. Plaintiff's past, present and future damages include, without necessary limitation: expenses for medical services for physical, psychiatric and psychological care; mental health harm of a psychological and psychiatric nature, including trauma-based ailments and conditions co-morbid to trauma; emotional distress, pain and suffering; embarrassment, diminished self-esteem, disgrace, humiliation, and other pain and suffering; loss of capacity for the enjoyment of life; loss of income and lost earning capacity; and aggravation of prior medical and mental health conditions.

WHEREFORE, Plaintiff demands judgment against Defendant for all compensatory and punitive damages available at law, attorneys' fees and costs, as

well as such other and further relief as the Court deems just and equitable under the circumstances.

TRIAL BY JURY

Plaintiff demands trial by jury on all issues so triable.

Respectfully submitted,

/s/ Michael Dolce

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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify on September 14, 2022, a true and correct copy of the foregoing was filed with the Court by using the CM/ECF system. I further certify

that I mailed the foregoing document and the notice of electronic filing by U.S.

Certified Mail, Return Receipt Requested, to Defendant at the following address:

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/s/ Michael Dolce
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