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'Jane Doe' Behind USA Gymnastics Case Steps Into Spotlight to Honor Survivors

"The Nestlehut award is designed for clients who look out for justice in a pure form," attorney W. Brian Cornwell said. "They're looking out for what's right versus what's best for them. They know that's what it's going to take to help other people."

By Katheryn Tucker | April 25, 2019



Attorney Jeff Lasky (from left), Dan Ganser, Lisa Ganser, Cayla Ganser (holding the Nestlehut award) and attorney Brian Cornwell.

The previously unidentified family whose lawsuit led to the exposure of hundreds of sexual assault claims against coaches and a team doctor for USA Gymnastics stepped out in public for the first time Thursday to receive the Georgia Trial Lawyers Association's "Courageous Pursuit of Justice Award" in Atlanta.

GTLA President Laurie Speed made the presentation to the Ganser family: Lisa, the mother who discovered sexually explicit messages a gymnastics coach sent to her child; Dan, the father who credited his wife with the determination to do something about it; and Cayla, the daughter, who is now 25.

“Cayla came out in public for the first time. It was a big step for her,” the family’s attorney, W. Brian Cornwell of Cornwell & Stevens in Savannah, told the Daily Report Thursday afternoon. “The Gansers were the people who started the revolution,” Cornwell said. “This is a case that changed the world.”

The trial lawyers present the award annually to clients of members who have shown “exceptional bravery in pursuing justice against all odds.” The distinction is also known as the “Nestlehutt Award,” named for Betty Nestlehutt, whose 2010 Georgia Supreme Court appeal overturned the state’s cap on noneconomic damages in medical malpractice cases.

The Ganser family stood firm through a 12-year ordeal that “culminated in a national and international change in the way allegations of sexual abuse are reported to youth sports organizations,” Cornwell said. The defining moment came with a nationally televised hearing when hundreds of young women told their stories of years of abuse by a team doctor in January 2018.

The Gansers’ case settled on confidential terms just before it was to go to trial in April 2018. But the family refused to sign a nondisclosure agreement, Cornwell said.

Cornwell handled the case with Jeffrey Lasky of Lasky Cooper, also in Savannah. Their client was identified as Jane Doe in the lawsuit against USA Gymnastics and one of its former coaches, William McCabe, who is now serving time in a Fort Dix, New Jersey, federal prison for child sexual abuse in another case.

The lawsuit alleged that leaders at the USA Gymnastics Indianapolis headquarters had received complaints about McCabe sexually abusing young girls since 1998 but had done nothing to disqualify him as a coach until he was convicted of such crimes in 2006. Those complaints were part of a file that Cornwell sought in discovery. After a motion hearing and trips to Indianapolis to examine the complaints, Cornwell said he persuaded Effingham County State Court Judge Ronald Thompson to compel USA Gymnastics to produce the documents. But Cornwell filed them under seal, as per a consent order.

The Indianapolis Star hired S. Derek Bauer and Ian Byrnside of Baker & Hostetler in Atlanta to seek to unseal the file. After a hearing, Thompson agreed to unseal the file but stayed his own order while USA Gymnastics appealed. It took nearly a year until the Georgia Supreme Court turned back USA Gymnastics in two different efforts to block Thompson's order unsealing the documents.

Meanwhile, the Indy Star began reporting on the case and complaints about other coaches that allegedly had been kept quiet. After the paper published a series titled "Out of Balance," a former gymnast emailed to report that she had been sexually assaulted—not by a coach but by Larry Nassar, who was a team doctor for USA Gymnastics, the Olympics and Michigan State University. She had complained and had been ignored, she claimed. Others came forward after that with similar stories, according to the Indy Star's published reports.

Judge Rosemarie Aquilina of Ingham County Circuit Court in Michigan sentenced Nassar to up to 175 years in prison, combining the time with that from an earlier guilty plea in federal court. But the doctor was never mentioned in the coach complaint files finally unsealed in Georgia last year, as USA Gymnastics redacted names and other information in the files, according to the Indy Star's reports. Still, they showed a pattern of complaints, the reports said.

According to the lawsuit, Cornwell's client began training at McCabe's gym when she was 8 years old. In 2005, when she was 12, he used a hidden camera to record videos of her undressing in the changing room of his gym, then shared the files from his computer, "making her an object of child pornography," the suit claimed. Cornwell said McCabe shared the images on a website used by pedophiles. The lawsuit also alleged he sent an explicit photograph to her and made sexual demands.

The lawsuit said Cornwell's client suffered and continues to suffer economic and noneconomic damages, including psychological counseling needs, emotional distress, embarrassment, humiliation and damage to her reputation. It asked for more than \$10 million in general damages, plus punitive damages.

The true value of the case, according to Cornwell, was the light it cast on the power of survivors to tell their stories and change behavior.

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