

**IN THE CIRCUIT COURT OF WASHINGTON COUNTY ARKANSAS
CIVIL DIVISION**

John DOE & Jane DOE 1, John DOE & Jane DOE 2,	§	
John DOE & Jane DOE 3, John DOE & Jane DOE 4,	§	
John DOE & Jane DOE 5, John DOE & Jane DOE 6,	§	
John DOE & Jane DOE 7, John DOE & Jane DOE 8,	§	
John DOE & Jane DOE 9, John DOE & Jane DOE 10,	§	
John DOE & Jane DOE 11, John DOE & Jane DOE 12, &	§	
John DOE & Jane DOE 13	§	
<i>Plaintiffs</i>	§	
	§	
v.	§	
	§	
PETERSEN, Paul D., and	§	
WOLFE, Megan	§	Case No. 72CV-2019-_____
<i>Defendants</i>	§	

EMERGENCY PETITION FOR CONSTRUCTIVE TRUST AND INJUNCTIVE RELIEF

COME NOW the Plaintiffs, by and through their below signed attorney, and for their Complaint against Paul D. Petersen and Megan Wolfe, Defendants, state and allege as follows:

JURISDICTION AND VENUE

1. The Plaintiffs in this cause are families who have pending adoption plans in which Paul D. Petersen is the attorney representing the biological parent(s) with whom Mr. Petersen matched them. They are represented locally in their adoption cases by Sara Goodrum. They are residents of various states.
2. Defendant Paul D. Petersen is a resident of the State of Arizona. He is licensed to practice law in the State of Arkansas and has adoption cases pending in this state.
3. Defendant Megan Wolfe is an employee or independent contractor of Paul D. Petersen. She is a resident of Washington County, Arkansas and has control over and access to files and records pertinent to this case in this state.

4. The facts alleged in this case took place through the Defendants' law office in Washington County, Arkansas in addition to other counties of this State, the State of Arizona, and in the Republic of the Marshall Islands.

5. This Court has jurisdiction over the parties and subject matter of this case, and venue is proper in this County.

FACTS

6. Each of the Plaintiffs in this case contacted the Defendants within the last nine months in regard to their desire to adopt a child. At that time, they paid the Defendants thousands of dollars to begin working their case.

7. The Defendants then matched the Plaintiffs with pregnant biological parents who allegedly reside in this State.

8. At or before matching the Plaintiffs with various biological parents, the Defendants put the Plaintiffs in contact with Sara Goodrum. Mrs. Goodrum would represent the adoptive parents from that point forward. It was expected at birth that Mrs. Goodrum would prepare the necessary pleadings to file on behalf of the adoptive parents, represent and advocate for them at all hearings in each adoption, and otherwise complete the post-adoption requirements upon the entry of a Decree of Adoption.

9. On the 8th day of October 2019, Defendant Petersen was arrested on a grand jury indictment in the State of Arizona on thirty-two criminal counts related to fraudulent schemes in adoption practices. He was further indicted in the State of Utah on eleven criminal counts relating to his adoption practice, and a federal indictment with an additional nineteen criminal counts.

10. The indictment alleges, *inter alia*, that Mr. Petersen would arrange to transport women from the Republic of the Marshall Islands to the United States for the sole purpose of adoption in violation of the Compact of Free Association, a treaty between the Republic of the Marshall Islands and the United States of America.

11. On information and belief, Mr. Petersen is currently being held on a \$500,000 cash bond and has not yet been served warrants in at least two other jurisdictions.

12. It cannot be assumed or reasonably believed that Mr. Petersen will be able to continue representing biological parents with whom the Plaintiffs have been matched for adoption.

13. Defendant Megan Wolfe is the administrative point of contact for Mr. Petersen in Northwest Arkansas. On information and belief, as part of her duties she would distribute money held in trust for the Plaintiffs to the biological mothers with whom the Plaintiffs were matched for adoption, coordinate between Mr. Petersen and Mrs. Goodrum's office, and perform other administrative tasks.

14. On further information and belief, Mrs. Wolfe knew or should have known of the practices of Mr. Petersen that have caused the current situation and continued to aid and abet him therein.

15. On further information and belief, since Mr. Petersen's arrest she has informed adoptive and/or biological families that all pending adoptions are to continue as per usual.

16. On further information and belief, Mr. Petersen employed one Maki Takehisa as a translator or liaison between his office and his clients of Marshallese nationality. Mrs. Takehisa is currently detained in the Washington County Jail on federal charges of Aiding and Abetting the Smuggling of Aliens related to the Defendants' adoption practice.

17. The Defendants have access to funds held in trust for the Plaintiffs.

18. Based on the allegations against Mr. Petersen and the criminal charges pending against him, it is clear that the Defendants have abused the confidence placed in them by the Plaintiffs, rendering their acquisition and retention of said funds unconscionable.

19. The arrangement by which Defendants held money in trust for the Plaintiffs is such that they secured and retain said funds by violating a fiduciary duty owed the Plaintiffs by the Defendants.

20. The Defendants further retain the assets that are their pending adoption litigation. The Plaintiffs and the biological parents with whom they have been matched for adoption have legal and financial interests tied up in those cases.

21. Based on the allegations against Mr. Petersen and the criminal charges pending against him, it is clear that the Defendants have abused the confidence placed in them by the Plaintiffs and others, rendering their continued supervision of those cases unconscionable. To allow the Defendants to continue operating those cases would be to put the Plaintiffs and the biological parents with whom the Defendants matched them in an extreme state of uncertainty regarding the future of their case, the legitimacy of the biological parents' consent to the adoption, and the overall propriety of their adoption plan.

22. The arrangement by which Defendants matched the Plaintiffs with the biological parents they represented and whose cases they continued to facilitate is such that to retain unsupervised access to and facilitation of those cases would be done through the violation of a fiduciary duty the Defendants owe the Plaintiffs.

23. The Plaintiffs are entitled to a constructive trust over their cases and funds; no other remedy is appropriate. This Court should order the same. Plaintiffs request the Court

serve as trustee to issue rulings and orders as may be appropriate in each individual case or appoint a special master to do the same.

24. An emergency exists in that several of the Plaintiffs are matched with biological parents who are due to deliver any day. One is being induced today. Others are trying to make decisions on their best course of action going forward. The risk of ongoing fraudulent, deceptive, and unlawful conduct which would cause the Plaintiffs and the biological parents with whom they have been matched for an adoption further immediate and irreparable damage is high. It is in the best interests of justice for the Court upon establishing a constructive trust over the cases and trust funds of the Defendants to provide emergency injunctive relief in terms of procedural safeguards necessary to ensure each case is handled ethically and within the confines of Arkansas law.

25. On a more ongoing basis, it is in the best interests of justice for this Court to supervise all pending cases until their final disposition to ensure the same are carried out in an ethical and lawful manner.

26. As this case involves adoptions which records are sealed under Arkansas law, it is proper for this Court to allow the Plaintiffs to file this complaint anonymously, to order all future pleadings filed in this case to be filed under seal and in the name of the proper parties (including any amended complaints), to order all adoption cases pending to reference this case as a related matter on the state cover sheet, to conduct hearings in closed court, and to issue such other orders as are necessary to protect the privacy of the adoptive and biological families involved.

27. On information and belief, Defendant Megan Wolfe is providing legal advice without a license to practice law and is placing, assisting in placing, or planning the placement of a child for adoption without a license from the Arkansas Child Welfare Licensing Review Board.

She should be enjoined from continuing to do so, and an *attorney ad litem* should be appointed to represent the best interests of all biological parents currently in an adoption plan with the Defendants.

28. It would be appropriate for this Court to set an immediate *ex parte* hearing to hear arguments of counsel, hear pertinent facts appertaining to this emergency, and make such orders as are necessary to protect biological and adoptive parents involved in an adoption plan, the people of Arkansas, and the dignity and integrity of our courts and the profession of law.

WHEREFORE, premises considered, the Plaintiffs pray this Court GRANT their Emergency Petition for Constructive Trust and Injunctive Relief, ADJUDGE that a constructive trust shall exist over the Plaintiffs' funds in Defendants' custody and the adoption cases which Defendants' are facilitating, ORDER Defendants to cease acting in all pending adoption cases in this State without the Court's supervision and approval, ORDER the suspension of payments from said accounts without approval of the Court or a special master until further notice, SET an emergency hearing during which an appropriate course forward can be argued and from which this Court can make additional rulings, GRANT the Plaintiff's motion to proceed anonymously temporarily, ORDER that all future pleadings filed herein be filed under seal, APPOINT Andrea McCurdy as *Attorney Ad Litem* for the biological parents currently in an adoption plan with the

Defendants, for their costs herein to include a reasonable attorneys fee, and for all other relief to which they may later prove themselves entitled and that this Court deems as equitable and just.

Respectfully submitted,

/s/ Joshua S. Bryant
For The Plaintiffs
Ark. Bar 2008-217
Nine Halsted Circle
Rogers, AR 72756
Ph: (479)633-8974
Email: Josh@Josh-Bryant.com