

IN THE CIRCUIT COURT OF THE 17TH
JUDICIAL CIRCUIT IN AND FOR BROWARD
COUNTY, FLORIDA

CIVIL DIVISION

CASE NO. CACE 13-010284

TIBOR STERN, as the Personal
Representative of the Estate of
Sharon Stern, a deceased person,

Plaintiff,

vs.

TERUGOSHI KOTOURA a/k/a
KATSURA KAN, an individual,

Defendant.

AMENDED COMPLAINT

**[Complaint is being amended to correct a scrivener's error
to add the following language to paragraphs 32, 39, 45, 51 and 58
of the original Complaint:**

**“Kan’s misconduct complained of herein was willful,
wanton, carried out with reckless disregard for Stern
and if permitted without rebuke would encourage
others to engage in such outrageous behavior.”**

**No other changes have been made to the original
Complaint]**

Tibor Stern, acting solely in his representative capacity as the Personal Representative of the Estate of Sharon Stern, a deceased person (“Stern”), and on behalf of her estate and her survivors, pursuant to Florida Statutes §768.19, alleges:

1. This is a cause of action for the wrongful death of Sharon Stern arising from and relating to the Defendant’s Breach of Contract with Stern, his gratuitous assumption of the duty to care for and protect Stern and his lack of reasonable care in carrying out such duty, his

intentional infliction of severe emotional distress upon Stern, his breach of fiduciary duty to Stern, his constructive fraud of Stern and his battery of Stern, seeking monetary damages in excess of \$15,000.00 in the exclusive plenary jurisdiction of the Circuit Courts.

2. Florida's circuit courts have subject matter jurisdiction over the acts and omissions of Kan complained of herein pursuant to Florida Statutes §§193(1)(b)(f)(1) and (2).

3. Venue is laid in Broward County, Florida, the place where some of the acts or omissions complained of herein occurred as well as the place where the Defendant inflicted the fullest extent of his damages to and upon Stern.

4. Stern, a deceased person, resided in Broward County, Florida, at the time of her death. Stern's estate and her survivors are the real parties-in-interest to these proceedings.

5. Tibor Stern, who is and was at all material times *sui juris*, is a nominal party to these proceedings acting solely in his representative capacity as the sole personal representative of the Estate of Sharon Stern with judicial authority to pursue this action pursuant to an order of the Broward County Circuit Court, Probate Division, dated January 3, 2013, a copy of which is annexed hereto as Exhibit "A."

6. Katsura Kan ("Kan") is an individual who is a citizen of Japan, who travels throughout the world engaging in performances of Butoh dance and is *sui juris*.

7. In the fall of 2007, Stern enrolled in Naropa University to pursue a Master's of Fine Arts degree. At the time of her enrollment in Naropa she was a mentally and physically healthy, happily married young woman.

8. Stern's desire upon enrolling in the Master of Fine Arts degree program at Naropa University was to obtain a Master's degree in fine arts and because of her lifelong interest in dance, based upon Naropa University's policies and procedures as contained in Naropa's Student

Handbook, including but not limited to its Code of Conduct as set forth in the Overview and Mission of Naropa's Office of Judicial Affairs. In addition, Stern sought to pursue her studies at Naropa free of gender discrimination and sexual harassment based upon Naropa's Gender Discrimination and Sexual Harassment Statement and Grievance Procedures in connection with Naropa's policies and procedures in connection with Naropa's mission to promote "personal integrity, civility and mutual respect providing an educational and professional setting that promotes and delivers an environment free of sexual misconduct and discrimination." Naropa's Procedures manual details Naropa's acknowledgment that "[s]exual discrimination violates an individual's fundamental rights and personal dignity and has a damaging, long-term effect on victims. Naropa University considers sexual discrimination in all its forms to be a serious offense and it will not be tolerated in our [Naropa's] community." Copies of Naropa's Student Handbook and Sexual Harassment Statement and Grievance Procedures are annexed hereto as Composite Exhibit "B."

9. Kan was hired by Naropa as a teacher in Naropa's Fine Arts program in which Kan taught Butoh performance in which Kan had a widely held reputation as a master of Butoh performance.

10. Stern enrolled in a Butoh performance class taught by Kan. As a member of the faculty of Naropa, Kan was bound by Naropa's express contractual agreements with its students as set forth in the Student Handbook as well as in its Gender Discrimination and Sexual Harassment Statement and Grievance Procedures.

11. Butoh is the collective name for a range of activities, techniques and motivations for dance, performance or movement which first appeared in Japan in 1959 to explore the taboos of homosexuality and pedophilia and became known as the dance of darkness. Butoh is taught a

vehicle to peer into the soul and to strip away all spiritual and psychological barriers to its expression. The Butoh student is taught to wallow in the darkness of their soul in order to unlock their inner essence until it finds expression in movement. Under the guise and pretext of molding Stern into a Butoh performance artist, Kan willfully and intentionally inflicted extreme emotional distress upon Stern which reduced her to Kan's instrumentality and made her act robotically to Kan's commands, wishes and desires.

12. While a student of Kan in a course which was part of Naropa's curriculum in its Fine Arts program in which Stern enrolled, Kan systematically stripped away Stern's human dignity, free will and self-respect by subjugating Stern to Kan's total control. Kan seduced Stern to engage in sexual relationship with him, abused, publicly humiliated, criticized, insulted and derogated Stern, induced Stern to ingest narcotic drugs based upon Kan's representation that such narcotic drugs would elevate Stern to levels of perception which she could not otherwise achieve in an unaltered state.

13. In sum total, Stern was reduced a mere pawn in the hands of Kan who mentally and physically abused her, manipulated her, stripped her of even a modicum of free will, and utilized Stern as his mere instrumentality and his sexual and physical slave to the extent that Stern's entire existence became committed to gratify Kan's every wish and desire. Kan gratuitously assumed the duty to care for and protect Stern as an integral part of their parasitic relationship.

14. After Stern graduated from Naropa's Fine Arts program with a degree in Fine Arts from Naropa in June, 2009, she remained at Naropa as Kan's assistant, promoting Butoh festivals at Naropa and elsewhere until the middle of 2011.

15. Stern travelled around the country with Kan, promoting Butoh festivals and doing Kan's physical and emotional bidding at his whim and caprice. At Kan's request, Stern stole money to give to him, degraded herself to satisfy Kan's ego and subjected herself to the most torturous of public humiliation and obloquy. Kan deliberately and knowingly isolated Stern from her husband, causing Stern to divorce him and from her loving parents and brother, causing her to become estranged from her family. In isolating Stern from her former husband and her family, Kan assumed the responsibility to care for Stern, who became dependant upon Kan for his care and support.

16. Throughout the course of Kan's involvement with Stern, Stern became deeply depressed, suicidal, dependent upon narcotic drugs, and manifested severe mental illness which Kan further exploited to his advantage.

17. While travelling with Kan to Copenhagen, Denmark, Stern became so physically and mentally ill that she had to be institutionalized in a mental hospital for emergency treatment in reaction to her extreme anxiety, suicidal ideation and aberrant behavior. Notwithstanding her precarious emotional and physical state which was spiraling ever downward, Kan continued with his outrageous campaign of physical and emotional torture of Stern to the point where Stern lost all connection with reality.

18. In fact Stern became so physically and emotionally ill that she was no longer able to fulfill Kan's perfidious desires and Kan ordered her to return to Broward County, Florida, the place where she spent most of her childhood and formative years. While in Broward County, Florida, Stern desperately communicated with Kan, begging him to take her back and to continue his life with her, perverted, twisted and parasitic as it was. Kan told Stern in Broward County,

Florida that she was a useless, sick and worthless individual and that he no longer had any use for her.

19. Kan having fully exploited her to the maximum extent possible, and having depleted Stern of her mental and physical health, Stern had become a burden to Kan and she no longer served his perverted needs. Kan, knowing that Stern was unable to care for herself and that she was likely to harm herself to the extent of taking her own life if Kan abandoned her, Kan recklessly and without regard for the consequences of his actions totally abandoned Stern in Broward County, Florida shortly before Stern took her own life. As a result of Kan's total rejection and abandonment of Stern, Stern committed suicide on April 25, 2012 in Broward County, Florida.

20. As a direct and proximate result of Kan's abandonment of Stern, his breach of his contract with Stern, his willful and intentional outrageous infliction of mental torture of Stern, his breach of fiduciary duty to Stern, his constructive fraud of Stern, and his sexual battery of Stern, on April 25, 2012 Stern committed suicide.

21. All conditions precedent to the institution and maintenance of this action have been performed, excused, waived or have otherwise occurred.

COUNT I
BREACH OF CONTRACT

Plaintiff, Tibor Stern, in his representative capacity, as the personal representative of the Estate of Sharon Stern, a deceased person, realleges paragraphs 1 through 21 as if fully set forth herein.

22. This is a cause of action for the wrongful death of Stern due to Kan's breach of a contract with her.

Eli Levy, Ph.D.

Psychologist

Lic.No.PY0002393

Brickell Bay Office Tower

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1001 Brickell Bay Dr.

Miami, Florida 33131

Fax/Phone(305) 379-8711

April, 10, 2013

Robert A.Stoke.Esq.
18851 NE 29th Avenue.Suite 1005
Harbor Drive, Aventura, Fl.33180

Re; Sharon Stern
Date of Birth 01 /19/1979

Dear Mr. Stok,

The following clinical impressions are based on clinical observation and interactions with Sharon, her family and email correspondences. These conclusions are based on the above data and within reasonable psychological probability.

She has suffered from Major Depression, Borderline Personality Disorder and PTSD. She had a complete positive transference to Kan. She was emotionally, physically and sexually "highjacked".

He bridged professional boundaries.

He misuse of power, ignoring her physical, and psychological health.

He endanger her physical safety.

He Ignored and alienating Todd, her family and a lawyer effort to get his cooperation to help Sharon.

He abandoned her after she was pleading for his help.

He betrayed her trust. Promise of love and a life together.

He turned her against her family.

He ignored change that he saw in Sharon from 2010 to 2011.

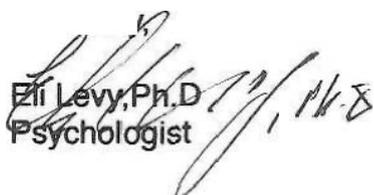
He was controlling, threatening, abandoning, intolerant, punishing, insensitive and lack of empathy.

He "broke" down her body and soul.

He put Sharon in a double bind. Either way she was going to lose. Todd. Her family, KAN. In her mind there was No Way Out.

I hope this information is of value to you.

Sincerely,


Ezi Levy, Ph.D
Psychologist

12:34pm May 5

To the parents of Sharoni Stern:

Blessings. I am a member of the Butoh community and have danced with & witnessed your daughter move on several powerful occasions over the past few years. I vividly remember watching a performance she did at the first Boulder Butoh Festival. It was a piece that Kan had choreographed for her. Her presence during that performance has stuck with me ever since.

I have been studying Butoh actively for the past 5-years all thru-out the states, down in Mexico, and all the way in Japan...But now, judging by what I have been reading on your facebook posts, I feel like I am in a dangerous relationship with myself that sounds awfully like Sharoni's. I haven't actively been pursuing Butoh as of recently but the philosophy and explorations into those dark places has left me infatuated with darkness. My body and mind has been manipulated...I don't know what the hell to do with how I feel daily. I recently graduated college with a degree in Intercultural Relations and Dance as Healing and Performance. Post graduation I went out into the world only to recognize this burden of darkness that begins to haze my vision whenever I land in a situation or environment that I thought I wanted for myself. What I am finding is that I am still a lost and wounded child, searching for my teachers/mentors, someone to take me in and guide me in this process...out of this darkness...back into an undefended heart and contentment that hangs over my head with such sick torment.

I've always been a strong and independent women. I don't even remember how that feels anymore. You must understand how bizarre going online last night was for me as I found out this news about Sharoni's death. I and the people around me have expressed the need for me to seek serious mental health attention. I have been suicidal to dangerous extremes recently but something is holding me back. Something isn't allowing me to follow through.

I am interested in being in contact with you regarding the help Sharoni was seeking...what was working and what was not working...anything that you the family would have done differently or any advice that you can offer during this vulnerable time for all of us. Last time I heard from Sharoni she was moving back to Florida, was this before or after her trip to Europe? I am very confused on the timeline of things and I had no idea things were so difficult with Sharoni. Gosh, it is so important for people like us to connect and discuss these intense impulses and challenges. Perhaps that is why I am still alive...I'm looking to address and confront this darkness in the hopes of liberating my poor body/mind/soul from this weight.

I hope to hear back from you, but please take your time. No rush. Heal as you can in these moments.

My blessings & heart extends to you and Sharoni's family at large.

- [Name removed to protect Victim's Identity]

Dear Hana and Tibi

I don't know if you realized who am I in our short acquaintance...It's very hard for me to stand, hear, watch this whole tragedy. My heart aches to think of what are you going through. I know your pain, and feel it in my body. Sharoni's story shook and is still shaking my soul deeply in ways and forms that are hard for me to describe. This story had disturbed me both emotional and mentally, and not because of my acquaintance with the devil "master Katsura Kan", It bothers me and hurt me and I identify with Sharoni's world and wishes, as I told you already, we both desired the same thing. Creative fulfillment of the depth of the soul. I also thought that through Butoh I will achieve this dream. It's hard for me to write to you, only yesterday I had met Hana, the special and charming woman, I can not endure it and can not cooperate with you, I am not strong enough to contain this. After the meeting with Hana I felt sad. Your pain and the war against the "Master" revives in me places and pains that I can't absorb this time in my life. I am not strong (—————) My nerves are exposed I have no protection and this, how should I put it, is dangerous for me (at least right now). As I said I have fear from this monster and I don't know exactly why? I told Hana my experiences with this distorted man. I am asking you, if you are going to use this, please don't mention my name as Hana promised me. I know that maybe I disappointed you but for personal reasons I can't stand this pain. Yesterday it was clear to me that I was going to talk to the reporter, but after a sleepless night (I slept an hour and a half) I understood that I am not able to tackle it. It revives in me an old pain that successfully I put out to sleep for some time. At least now I can't be with you, when I feel better I will contact you. I hope you can understand and accept my wish

Love

----- Original Message -----

From: Sharon Stern <bujaleh@gmail.com> To:

KATSURA Kan <kanbutoh@yahoo.co.jp> Date:

2012/4/17, Tue 17:47 Subject: Re: sharoni

kan,

in fortaleza...friendly, good people.

so i am writing with a question for you.

yesterday came up the idea that butoh is about deconstructing body/ego, etc...

so the question arises what happens AFTER the deconstruction of your ody/mind/ego?

i didn,t know this answer...

please let me know how you think about this point.

i can tell the students of the workshop.

Sharoni

my brother will only send 250 dollar.
but.
need more to follo you to sf and later.
need way to help you.
hint from TAKEsan is that life is real and dream is dream.
and i'm tired of life-no one helps me to help them.
so now you please tell me how...
please.
need way to DIE. really.
sharoni

Date: Wed, 25 Jan 2012 11:50:43 +0900
From: kanbutoh@yahoo.co.jp
Subject: Kan working in Kyoto 25th Jan. 2012
To: bujaleh@hotmail.com

Dear Sharoni,

You have more time till 12th Feb. to communicate well with your brother carefully to send to Kiyoko's Bank Account.(can you send me what you sent to Ronal E Stern?) just in case if you have any mistake for the Bank address???)