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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF SAN DIEGO

12 John Dorman, Individually, and Joel
13 Gamboa, Individually,
14 Plaintiffs,

15 v.

16 Defendant Doe 1, La Jolla Church;
17 Defendant Doe 2, Linda Vista Church;
18 Defendant Doe 3, Supervisory
19 Organization; Defendant Doe 4,
20 Perpetrator; and Does 5 through 100,
21 inclusive,
22 Defendants.

CASE NUMBER: 37-2010-00092450-CU-PO-CTL
FIRST AMENDED COMPLAINT FOR DAMAGES
FOR:

1. NEGLIGENCE;
2. NEGLIGENT SUPERVISION/
FAILURE TO WARN;
3. NEGLIGENT HIRING/RETENTION
4. FRAUD;
5. NEGLIGENT FAILURE TO WARN, TRAIN,
OR EDUCATE PLAINTIFF;
6. INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS;
7. NEGLIGENCE PER SE;
8. SEXUAL BATTERY;
9. SEXUAL HARASSMENT; AND
10. BREACH OF FIDUCIARY DUTY AND / OR
CONFIDENTIAL RELATIONSHIP.

[Demand for Jury Trial]

1 Based upon information and belief available to Plaintiffs, John Dorman and Joel
2 Gamboa, at the time of the filing of this First Amended Complaint, Plaintiffs make the
3 following allegations:

4 **PARTIES**

5 1. Plaintiff, John Dorman, is an adult male. Plaintiff was a minor at the time of the
6 sexual abuse alleged herein.

7 1.1 Plaintiff, Joel Gamboa, is an adult male. Plaintiff was a minor at the time of the
8 sexual abuse alleged herein.

9 2. Defendant Doe 1 La Jolla Church ("La Jolla Church") is a California corporation,
10 authorized to conduct business and conducting business in the State of California, with its
11 principal place of business in the County of San Diego, California. Defendant La Jolla
12 Church has responsibility for Jehovah's Witness Church operations in the La Jolla area of
13 California.

14 2.1. Defendant Doe 2 Linda Vista Church ("Linda Vista Church") is an entity of unknown
15 designation, authorized to conduct business and conducting business in the State of
16 California, with its principal place of business in the County of San Diego, California.
17 Defendant Linda Vista Church has responsibility for Jehovah's Witness Church operations
18 in the Linda Vista area of California.

19 2.2. Defendant Doe 3, Supervisory Organization ("Supervisory organization") is a branch
20 of the Jehovah's Witness religion of unknown business designation located in Brooklyn,
21 New York, and conducting business in the State of New York, and elsewhere. Defendant
22 Supervisory Organization is the highest level of Jehovah's Witness governance, and is
23 responsible for administration of the Jehovah's Witness Church worldwide, including
24 operations in California.

25 2.3. Defendant Doe 4, Perpetrator ("Perpetrator ") was at all times relevant a member of
26 the Jehovah's Witness Church. Perpetrator held various leadership positions within
27 Defendant La Jolla Church and Defendant Linda Vista Church. During the dates of abuse
28 of Plaintiffs, Perpetrator was a practicing speaker, ministerial servant and / or Elder in the
leadership at Defendant La Jolla Church, Defendant Linda Vista Church and Does 5

1 through 100, and was under the direct supervision, employ and control of Defendant La
2 Jolla Church, Defendant Linda Vista Church, Defendant Supervisory Organization and
3 Does 5 through 100.

4 3. Defendant Does 5 through 100, inclusive, are individuals and/or business or
5 corporate entities incorporated in and/or doing business in California whose true names
6 and capacities are unknown to Plaintiffs, who therefore sue such Defendants by such
7 fictitious names, and who will amend the Complaint to show the true names and capacities
8 of each such Doe Defendant when ascertained. Each such Defendant Doe is legally
9 responsible in some manner for the events, happenings and/or tortious and unlawful
10 conduct that caused the injuries and damages alleged in this Complaint.

11 4. Each Defendant is the agent, servant and/or employee of other Defendants, and
12 each Defendant was acting within the course and scope of his, her or its authority as an
13 agent, servant and/or employee of the other Defendants. The Defendants, and each of
14 them, are individuals, corporations, partnerships and other entities which engaged in,
15 joined in and conspired with the other wrongdoers in carrying out the tortious and unlawful
16 activities described in this Complaint, and the Defendants, and each of them, ratified the
17 acts of the other Defendants as described in this Complaint.

18 **BACKGROUND FACTS APPLICABLE TO ALL COUNTS**

19 5. Plaintiff John Dorman was born on September 7, 1977. Plaintiff John Dorman was
20 repeatedly and viciously sexually abused by Perpetrator on numerous occasions between
21 1983 and 1985, when he was between the approximate ages of six and eight.

22 5.1. Plaintiff John Dorman experienced a strict Jehovah's Witness upbringing. Plaintiff
23 John Dorman was taught to look at non-members of the Jehovah's Witness faith with
24 skepticism, and to trust in members of the Jehovah's Witness faith. Plaintiff John Dorman
25 was taught to trust, respect and revere elders in the Jehovah's Witness Church. As a
26 minor in the Jehovah's Witness faith, Plaintiff John Dorman did not contemplate that an
27 elder in the Jehovah's Witness Church would mislead him.

28 5.1.1. Plaintiff John Dorman attended religious services with his mother at Defendant La

1 Jolla Church beginning in approximately 1982, and continued attending services there until
2 approximately late 1985, or early 1986. Plaintiff John Dorman attended religious services
3 with his mother at Defendant Linda Vista Church beginning in approximately 1981, and
4 continuing until approximately 1987. Plaintiff John Dorman and his mother attended
5 services regularly at both Defendant La Jolla Church and Defendant Linda Vista Church,
6 varying by the day of the week.

7 5.1.2. Plaintiffs are informed and believe, and on that basis allege, that between 1982 and
8 1987, Defendant Perpetrator held a position with Defendant La Jolla Church and
9 Defendant Linda Vista Church as a "pioneer." As a pioneer, the Perpetrator made a
10 commitment to spend a certain number of hours each month involved in preaching activity.
11 Plaintiffs are informed and believe, and on that basis allege that regular pioneers must be
12 recommended by the congregation's elders, before he or she can be appointed as a
13 regular pioneer.

14 5.1.3. While serving Defendant La Jolla Church and Defendant Linda Vista Church as a
15 pioneer, the Perpetrator performed activities such as preaching at religious services,
16 preaching at people's homes, and providing bible study classes to Jehovah's Witness
17 children in the children's homes.

18 5.1.4. The Perpetrator regularly taught Plaintiff John Dorman in the family home from
19 approximately 1982 through approximately 1987. The Perpetrator frequently picked up
20 Plaintiff John Dorman, and his mother, and took them to religious services at which the
21 Perpetrator preached.

22 5.1.5. Without the access to Plaintiff John Dorman created by the Perpetrator's position
23 with Defendant La Jolla Church and Defendant Linda Vista Church as a pioneer, preacher
24 and bible study teacher, the Perpetrator could not have sexually molested Plaintiff John
25 Dorman.

26 5.2. Plaintiff Joel Gamboa was born on December 31, 1980. Plaintiff Joel Gamboa was
27 repeatedly and viciously sexually abused by Perpetrator from approximately 1988 until
28 approximately 1995. The abuse ceased when Plaintiff Joel Gamboa moved away from the

1 San Diego area in 1995.

2 5.3. At the time of the sexual abuse by Perpetrator, Joel Gamboa attended religious
3 services at Defendant Linda Vista Church. Perpetrator frequently spoke at religious
4 services at Defendant Linda Vista Church, and also was sent to Plaintiff Joel Gamboa's
5 home by Defendant Linda Vista Church to instruct Plaintiff Joel Gamboa in Jehovah's
6 Witness matters.

7 5.4. Plaintiffs are informed and believe and on that basis allege that Defendant La Jolla
8 Church was aware that Perpetrator was providing Plaintiff Joel Gamboa instruction through
9 Defendant Linda Vista Church. Plaintiffs are further informed and believe and on that
10 basis allege that Defendant Linda Vista was aware that Perpetrator had been reprovved for
11 his conduct in sexually abusing boys at Defendant La Jolla Church, but continued to allow
12 Perpetrator access to Joel Gamboa. Plaintiff Joel Gamboa was sexually abused during
13 these bible study classes taught by the Perpetrator.

14 5.4.1. Without the access to Plaintiff Joel Gamboa created by the Perpetrator's position
15 with Defendant La Jolla Church and Defendant Linda Vista Church as a pioneer, preacher,
16 ministerial servant, elder and bible study teacher, the Perpetrator could not have sexually
17 molested Plaintiff Joel Gamboa.

18 5.5. Plaintiffs are informed and believe and on that basis allege that Defendant
19 Supervisory Organization exerts influence over which members of the Jehovah's Witness
20 faith can be appointed as elders and ministerial servants. Plaintiffs are further informed
21 and believe and on that basis allege that Perpetrator could not have been appointed as an
22 elder or ministerial servant without the approval of Defendant Supervisory Organization.

23 6. REMOVED.

24 6.0.1. Plaintiffs are informed and believe and on that basis allege that, the Perpetrator was
25 baptized Jehovah's Witness on September 27, 1980. Plaintiffs are further informed and
26 believe that the Perpetrator was extensively involved in both Defendant La Jolla Church
27 and Defendant Linda Vista Church from approximately 1982 through at least 1988. During
28 that time, the Perpetrator served as a pioneer, preached to the congregations at both

1 Defendant La Jolla Church and Defendant Linda Vista Church, preached to families in the
2 communities of both Defendant La Jolla Church and Defendant Linda Vista Church, and
3 taught bible study to Jehovah's Witness children from both Defendant La Jolla Church and
4 Defendant Linda Vista Church.

5 6.0.2. Plaintiffs are further informed and believe that in 1988, the Perpetrator was
6 appointed as a ministerial servant of Defendant La Jolla Church. Ministerial servants are
7 appointed to assist the elders with routine work in the local congregation. Plaintiffs are
8 further informed and believe that while serving as a ministerial servant, the Perpetrator
9 continued to preach to the congregations of Defendant La Jolla Church and Defendant
10 Linda Vista Church, preach in local homes, and teach bible study to children. Plaintiffs are
11 further informed that the Perpetrator could not have been appointed as a ministerial
12 servant without the approval of Defendant Supervisory Organization.

13 6.0.3. Plaintiffs are informed and believe that in approximately June of 1993, the
14 Perpetrator was appointed as an elder of Defendant La Jolla Church. Each congregation
15 of Jehovah's Witnesses has a body of elders who are responsible for the governance of
16 the congregation, including selecting speakers, directing preaching and serving on
17 committees that investigate and decide disciplinary action cases and impose punishments.
18 The elders are the highest authority at the congregational level. Plaintiffs are further
19 informed that the Perpetrator could not have been appointed as an elder without the
20 approval of Defendant Supervisory Organization.

21 6.0.4. Plaintiffs are informed and believe and on that basis allege that by October of 1993,
22 at the latest, the Perpetrator had been selected as the Secretary of Defendant La Jolla
23 Church, and was therefore an officer of the corporation.

24 6.1. REMOVED.

25 6.1.1. Plaintiffs are informed and believe and on that basis allege that prior to his
26 appointment as an elder of Defendant La Jolla Church in 1993, the Perpetrator was
27 frequently chosen as a speaker to preach to the congregation by the elders and was being
28 groomed by the elders at Defendant La Jolla Church to become an elder himself.

1 6.2. REMOVED.

2 7 REMOVED.

3 7.0.1. In approximately December of 1993, or January of 1994, Plaintiff John Dorman
4 confided in his mother that he had been sexually abused by Perpetrator. On the night that
5 Mrs. Dorman learned that her son had been sexually abused by Perpetrator, she placed a
6 telephone call to an elder at Defendant La Jolla Church, Roberto Rivera, and reported the
7 abuse.

8 7.1. After getting off the phone with the elder from Defendant La Jolla Church, Mrs.
9 Dorman called Perpetrator to confront him about the abuse of her son. Perpetrator
10 confessed that he had sexually abused Plaintiff John Dorman, but defended himself by
11 saying that it had occurred several years earlier, and that he had been "reproved" by
12 Defendant La Jolla Church, which means that a judicial committee within Defendant La
13 Jolla Church determined that Perpetrator was considered to be repentant for his acts.

14 7.1.1. Plaintiffs are informed and believe and on that basis allege that Defendant La Jolla
15 Church and Defendant Linda Vista Church received complaints about sexual abuse by the
16 Perpetrator prior to the Perpetrator's appointment as an elder of Defendant La Jolla
17 Church.

18 7.1.2. Approximately the next day, Mrs. Dorman discussed the abuse with elder Jesus
19 Martinez from Defendant La Jolla Church.

20 7.1.3. Plaintiffs are informed and believe and on that basis allege that Mrs. Dorman also
21 spoke to elders with Defendant Linda Vista Church about the molestation of her son by the
22 Perpetrator.

23 7.1.4. Plaintiffs are informed and believe and on that basis allege that in approximately
24 December of 1993 or January of 1994, Mrs. Dorman reported the abuse of her son by the
25 Perpetrator to Brother Ken Nissen with the Monmouth, Oregon Kingdom Hall. Plaintiffs are
26 further informed and believe that after speaking with Brother Nissen, Mrs. Dorman wrote a
27 letter of complaint to Defendant Supervisory Organization regarding the abuse.

28 8. In approximately 1995, Plaintiff John Dorman received a telephone call from an

1 elder from Defendant La Jolla Church. Plaintiff John Dorman was interviewed about the
2 abuse by Perpetrator, and was told that the statute of limitations had already expired for
3 both criminal and civil claims relating to the molestation by Perpetrator. This statement
4 was not correct when it was made. The civil statute of limitation had not expired on Plaintiff
5 John Dorman's claim at that time.

6 8.1. Plaintiff is informed and believes and on that basis alleges that the representative of
7 Defendant La Jolla Church that made this statement knew that it was incorrect when made,
8 and intentionally misled Plaintiff John Dorman so that he would be unable to exercise his
9 legal rights to press criminal charges or pursue a civil action resulting from the molestation
10 by Perpetrator.

11 8.2. Plaintiff John Dorman reasonably relied on the statement by the representative of
12 Defendant La Jolla Church that he was unable to pursue a civil action or press criminal
13 charges resulting from the molestation by Perpetrator due to the expiration of the statute of
14 limitations. Plaintiff, in reliance on the representations by the elder from Defendant La
15 Jolla Church, did not pursue criminal charges against Perpetrator, nor did he pursue civil
16 claims against Perpetrator or Defendant La Jolla Church.

17 8.3. Plaintiff John Dorman did not discover, and could not reasonably have discovered,
18 that the criminal and civil statutes of limitation had not expired in 1995, as represented by
19 the elder from Defendant La Jolla Church until January of 2010.

20 8.4. During her conversation with an elder from Defendant La Jolla Church, Mrs. Dorman
21 was told that Defendant was aware that Perpetrator had sexually abused children from
22 Defendant La Jolla Church, and that she should not pursue the matter any further. The
23 representative of Defendant La Jolla Church informed Mrs. Dorman that this was a church
24 matter, and Defendant La Jolla Church would take care of it. The elder at Defendant La
25 Jolla Church also threatened that if Mrs. Dorman pursued there would be repercussions
26 that would effect her and her family's standing in the local Jehovah's Witness community.
27 Plaintiffs are informed and believe and on that basis allege that the elder was Roberto
28 Rivera.

1 8.5. At the time the threat was made, Mrs. Dorman reasonably believed that the
2 representative of Defendant La Jolla Church would follow through on the threat and that
3 there would be dire consequences for her and her family.

4 8.6. This threat reasonably caused Mrs. Dorman to cease pursuing the matter of the
5 molestation of her son by Perpetrator and to accept and believe the representations of the
6 elder of Defendant La Jolla Church that the criminal and civil statutes of limitations had
7 expired by 1995.

8 8.7. Defendant La Jolla Church, by virtue of its threats against Mrs. Dorman and its
9 misleading statements to Plaintiff John Dorman, prevented Plaintiff John Dorman from
10 commencing an action at any earlier date. Defendant La Jolla Church is equitably
11 estopped from asserting the statute of limitations as a bar to Plaintiff John Dorman's
12 action.

13 9. Plaintiffs are informed and believe and on that basis allege that although Defendant
14 La Jolla Church was aware, prior to December of 1993, that Perpetrator had sexually
15 abused children at Defendant La Jolla Church, Defendant La Jolla Church determined that
16 Perpetrator was repentant for his sexual molestation of children and was retained in his
17 leadership position with Defendant La Jolla Church where he continued to have access to
18 children and continued to abuse Plaintiff Joel Gamboa. By retaining Perpetrator after
19 learning of his past sexual abuse of children, Defendant La Jolla Church ratified and
20 authorized Perpetrator' conduct.

21 9.1. In approximately December of 1993 or January of 1994, Defendant La Jolla Church
22 gained actual knowledge that Plaintiff John Dorman was sexually abused by Perpetrator.
23 Notwithstanding this knowledge, Defendant La Jolla Church retained Perpetrator in his
24 leadership position with Defendant La Jolla Church. By retaining Perpetrator after learning
25 of his sexual abuse of Plaintiff John Dorman, Defendant La Jolla Church ratified and
26 authorized Perpetrator' conduct.

27 9.1.1. Plaintiffs are informed and believe, and on that basis allege, that in March of 1994,
28 Defendant La Jolla Church merged into Defendant Linda Vista Church. Following the

1 merger, the Perpetrator remained an elder of Defendant Linda Vista Church and served as
2 the Secretary of corporation. Defendant Linda Vista Church thereby ratified the sexual
3 misconduct by the Perpetrator.

4 9.2. In approximately 1995, after his family had moved away from the San Diego area,
5 Plaintiff Joel Gamboa received a telephone call from at least two Jehovah's Witness
6 elders, who Plaintiff Joel Gamboa believed to be Gene Case and Salvador Flores. Joel
7 was asked if he had been sexually molested by Perpetrator. Joel Gamboa confirmed that
8 he had been sexually abused. Defendant La Jolla Church did not report the abuse to law
9 enforcement, did not offer any aid to Plaintiff Joel Gamboa in recovering or minimizing the
10 damage caused by the molestation, and Plaintiff Joel Gamboa is informed and believes
11 and on that basis alleges that Defendant La Jolla Church and Defendant Linda Vista
12 Church retained Perpetrator in his leadership positions. By doing these acts, Defendant La
13 Jolla Church and Defendant Linda Vista Church ratified and authorized Perpetrator'
14 conduct.

15 9.3. Defendant La Jolla Church, having knowledge, prior to December of 1993, that
16 Perpetrator had committed acts of childhood sexual abuse, and retaining Perpetrator in a
17 leadership position authorized Perpetrator' subsequent sexual abuse of children, including
18 Plaintiff Joel Gamboa.

19 10. Defendant La Jolla Church, through its Elders, ministerial servants, speakers,
20 employees, agents ad volunteers knew of unlawful sexual conduct by Perpetrator prior to
21 some or all of the molestation of Plaintiff Joel Gamboa.

22 10.1. After becoming aware of acts of childhood sexual abuse committed by Perpetrator,
23 Defendant La Jolla Church did not warn or advise the congregation of the danger that
24 Perpetrator posed to children, or his past history of sexually abusing minors.

25 10.2. Defendant La Jolla Church actively concealed Perpetrator' sexual abuse of children,
26 and prevented members of the congregation from learning of Perpetrator' sexual abuse of
27 children.

28 10.3. Defendant La Jolla Church, notwithstanding its knowledge of acts of childhood

1 sexual abuse committed by Perpetrator, held Perpetrator out to the community and the
2 congregation, including Plaintiff Joel Gamboa, as a ministerial servant, speaker and / or
3 Elder in good standing with Defendant La Jolla Church. In doing so, Defendant La Jolla
4 Church represented that Plaintiff Joel Gamboa, and other minor parishioners, were safe in
5 Perpetrator' presence and under his supervision. Defendant La Jolla Church knew these
6 representations to be false.

7 10.4. Defendant La Jolla Church had sole knowledge of Perpetrator' history of sexually
8 abusing children. As a result of Defendant La Jolla Church's affirmative and active conduct
9 in suppressing information relating to Perpetrator' sexual abuse of children, such facts
10 were not known or reasonably discoverable to Plaintiff Joel Gamboa.

11 10.5. By virtue of their superior knowledge of Perpetrator' past history of sexually abusing
12 minors, and active conduct in preventing Plaintiff Joel Gamboa from ascertaining similar
13 knowledge, Defendant La Jolla Church assumed obligations to warn and or disclose the
14 danger posed by Perpetrator to Plaintiff Joel Gamboa and other parishioners.

15 10.6. Defendant La Jolla Church, having knowledge of the high rates of recidivism among
16 individuals who commit childhood sexual abuse, and with knowledge that Perpetrator had
17 repeatedly engaged in acts of childhood sexual abuse even after being reprimanded and
18 reproved by Defendant La Jolla Church, retained Perpetrator in a leadership position with
19 Defendant La Jolla Church where he had access to children in conscious disregard of the
20 substantial likelihood that minor parishioners would be sexually abused as a result of its
21 actions. Defendant La Jolla Church fraudulently, intentionally and knowingly breached its
22 obligation by not warning Plaintiff Joel Gamboa of the risk posed by Perpetrator.

23 10.7. Defendant La Jolla Church affirmatively misrepresented to Plaintiff John Dorman in
24 approximately 1995 that the statute of limitations for both a criminal action against
25 Perpetrator and a civil case resulting from the abuse had expired, and that no legal action
26 could be taken by Plaintiff John Dorman.

27 10.8. This representation was false when made since Plaintiff John Dorman had not
28 reached the age of majority and the civil statute of limitations had not even commenced

1 running. Defendant La Jolla Church and its agent and representatives knew this statement
2 to be false when uttered.

3 10.9. Plaintiff John Dorman reasonably relied on the statement to his detriment.

4 11. The sexual abuse and exploitation of Plaintiff John Dorman and the circumstances
5 under which it occurred caused Plaintiff John Dorman to develop various psychological
6 coping mechanisms which reasonably made him incapable of ascertaining the resulting
7 damages from that conduct, or the wrongfulness of Perpetrator' conduct. Plaintiff John
8 Dorman did not begin to discover the causal relationship between the molestation and
9 adulthood psychological injuries until after the birth of his son in 2008. Thus, within the
10 three years prior to the filing of this Complaint, Plaintiff discovered that the psychological
11 injury or illness occurring after the age of majority was caused by the sexual abuse.

12 11.1. The sexual abuse and exploitation of Plaintiff Joel Gamboa and the circumstances
13 under which it occurred caused Plaintiff Joel Gamboa to develop various psychological
14 coping mechanisms which reasonably made him incapable of ascertaining the resulting
15 damages from that conduct, or the wrongfulness of Perpetrator' conduct. In approximately
16 2008 or 2009, Plaintiff Joel Gamboa learned that Perpetrator was still associated with, and
17 attending Jehovah's Witness services in the San Diego area. At that time, Joel was forced
18 to revisit his victimization by Perpetrator, and discovered, for the first time, that
19 psychological injuries occurring during his adulthood were caused by the molestation by
20 Perpetrator. Thus, within the three years prior to the filing of this Complaint, Plaintiff
21 discovered that the psychological injury or illness occurring after the age of majority was
22 caused by the sexual abuse.

23 **FIRST CAUSE OF ACTION**

24 **NEGLIGENCE**

25 **(All Plaintiffs against All Defendants)**

26 12. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

27 13. Defendants had a duty to protect the minor Plaintiffs when they were entrusted to
28 their care by Plaintiffs' parents. Plaintiffs' care, welfare, and/or physical custody was
temporarily entrusted to Defendants. Defendants voluntarily accepted the entrusted care

1 of Plaintiffs. As such, Defendants owed Plaintiffs, minor children, a special duty of care, in
2 addition to a duty of ordinary care, and owed Plaintiffs the higher duty of care that adults
3 dealing with children owe to protect them from harm.

4 14. Defendants, by and through their agents, servants and employees, knew or
5 reasonably should have known of the Perpetrator's dangerous and exploitive propensities
6 and/or that the Perpetrator was an unfit agent. It was foreseeable that if Defendants did
7 not adequately exercise or provide the duty of care owed to children in their care, including
8 but not limited to Plaintiffs, the children entrusted to Defendants' care would be vulnerable
9 to sexual abuse by the Perpetrator.

10 15. Defendants breached their duty of care to the minor Plaintiffs by allowing the
11 Perpetrator to come into contact with the minor Plaintiffs without supervision; by failing to
12 adequately hire, supervise, or retain the Perpetrator who they permitted and enabled to
13 have access to Plaintiffs; by failing to investigate or otherwise confirm or deny such facts
14 about the Perpetrator; by failing to tell or concealing from Plaintiffs, Plaintiffs' parents,
15 guardians, or law enforcement officials that the Perpetrator was or may have been sexually
16 abusing minors; by failing to tell or concealing from Plaintiffs' parents, guardians, or law
17 enforcement officials that Plaintiffs were or may have been sexually abused after
18 Defendants knew or had reason to know that the Perpetrator may have sexually abused
19 Plaintiffs, thereby enabling Plaintiffs to continue to be endangered and sexually abused,
20 and/or creating the circumstance where Plaintiffs were less likely to receive medical/mental
21 health care and treatment, thus exacerbating the harm done to Plaintiffs; and/or by holding
22 out the Perpetrator to the Plaintiffs and their parents or guardians as being in good
23 standing and trustworthy. Defendants cloaked within the facade of normalcy Defendants'
24 and/or the Perpetrator's contact and/or actions with the Plaintiffs and/or with other minors
25 who were victims of the Perpetrator, and/or disguised the nature of the sexual abuse and
26 contact.

27 16. As a result of the above-described conduct, Plaintiffs have suffered, and continue to
28 suffer great pain of mind and body, shock, emotional distress, physical manifestations of

1 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
2 enjoyment of life; have suffered and continue to suffer spiritually; were prevented and will
3 continue to be prevented from performing Plaintiffs' daily activities and obtaining the full
4 enjoyment of life; have sustained and will continue to sustain loss of earnings and earning
5 capacity; and/or have incurred and will continue to incur expenses for medical and
6 psychological treatment, therapy, and counseling.

7 **SECOND CAUSE OF ACTION**

8 **NEGLIGENT SUPERVISION/FAILURE TO WARN**

9 **(All Plaintiffs against All Defendants)**

10 17. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

11 18. Defendants had a duty to provide reasonable supervision of the Perpetrator; to use
12 reasonable care in investigating the Perpetrator; and to provide adequate warning to the
13 Plaintiffs, the Plaintiffs' families, minor students, and minor parishioners of the
14 Perpetrator's dangerous propensities and unfitness.

15 19. Defendants, by and through their agents, servants and employees, knew or
16 reasonably should have known of the Perpetrator's dangerous and exploitive propensities
17 and/or that the Perpetrator was an unfit agent. Despite such knowledge, Defendants
18 negligently failed to supervise the Perpetrator in the position of trust and authority as a
19 Jehovah's Witness speaker, ministerial servant, Elder, religious instructor, counselor,
20 surrogate parent, spiritual mentor, emotional mentor, and/or other authority figure, where
21 he was able to commit the wrongful acts against the Plaintiffs. Defendants failed to provide
22 reasonable supervision of the Perpetrator, failed to use reasonable care in investigating the
23 Perpetrator, and failed to provide adequate warning to Plaintiffs and Plaintiffs' families of
24 the Perpetrator's dangerous propensities and unfitness. Defendants further failed to take
25 reasonable measures to prevent future sexual abuse.

26 20. As a result of the above-described conduct, Plaintiffs have suffered, and continue to
27 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
28 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of

1 enjoyment of life; have suffered and continue to suffer spiritually; were prevented and will
2 continue to be prevented from performing Plaintiffs' daily activities and obtaining the full
3 enjoyment of life; have sustained and will continue to sustain loss of earnings and earning
4 capacity; and/or have incurred and will continue to incur expenses for medical and
5 psychological treatment, therapy, and counseling.

6 **THIRD CAUSE OF ACTION**

7 **NEGLIGENT HIRING/RETENTION**

8 **(All Plaintiffs against All Defendants)**

9 21. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

10 22. Defendants had a duty to not hire and/or retain the Perpetrator, and other
11 employees, agents, volunteers, and other representatives, given the Perpetrator's
12 dangerous and exploitive propensities.

13 23. Defendant La Jolla Church, Defendant Linda Vista Church, Defendant Supervisory
14 Organization and Does 5 through 100, by and through their agents, servants and
15 employees, knew or reasonably should have known of the Perpetrator's dangerous and
16 exploitive propensities and/or that the Perpetrator was an unfit agent. Despite such
17 knowledge, Defendants negligently hired and/or retained the Perpetrator in the position of
18 trust and authority as a Jehovah's Witness speaker, ministerial servant, Elder, religious
19 instructor, counselor, surrogate parent, spiritual mentor, emotional mentor, and/or other
20 authority figure, where he was able to commit the wrongful acts against the Plaintiffs.
21 Defendants failed to use reasonable care in investigating the Perpetrator and failed to
22 provide adequate warning to Plaintiffs and Plaintiffs' families of the Perpetrator's
23 dangerous propensities and unfitness. Defendants further failed to take reasonable
24 measures to prevent future sexual abuse.

25 24. As a result of the above-described conduct, Plaintiffs have suffered, and continue to
26 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
27 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
28 enjoyment of life; have suffered and continue to suffer spiritually; were prevented and will

1 continue to be prevented from performing Plaintiffs' daily activities and obtaining the full
2 enjoyment of life; have sustained and will continue to sustain loss of earnings and earning
3 capacity; and/or have incurred and will continue to incur expenses for medical and
4 psychological treatment, therapy, and counseling.

5 **FOURTH CAUSE OF ACTION**

6 **FRAUD**

7 **(Plaintiff John Dorman Against Defendants La Jolla Church, Defendant Supervisory**
8 **Organization and Does 5 through 100; Plaintiff Joel Gamboa Against Defendant La**
9 **Jolla Church, Defendant Linda Vista Church, Defendant Supervisory Organization**
10 **and Does 5 through 100)**

- 11 25. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.
- 12 26. Defendants knew and/or had reason to know of the sexual misconduct of the
13 Perpetrator.
- 14 27. Defendants misrepresented, concealed or failed to disclose information relating to
15 sexual misconduct of the Perpetrator as described herein, and that Defendants continued
16 to misrepresent, conceal, and fail to disclose information relating to sexual misconduct of
17 the Perpetrator as described herein.
- 18 28. Defendants knew that they misrepresented, concealed or failed to disclose
19 information relating to sexual misconduct of the Perpetrator.
- 20 29. Plaintiffs justifiably relied upon Defendants for information relating to sexual
21 misconduct of the Perpetrator.
- 22 30. Defendants, with the intent to conceal and defraud, did misrepresent, conceal or fail
23 to disclose information relating to the sexual misconduct of the Perpetrator.
- 24 31. As a direct result of Defendants' fraud, Plaintiffs have suffered, and continue to
25 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
26 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
27 enjoyment of life; have suffered and continue to suffer spiritually; were prevented and will
28 continue to be prevented from performing Plaintiffs' daily activities and obtaining the full

1 enjoyment of life; have sustained and will continue to sustain loss of earnings and earning
2 capacity; and/or have incurred and will continue to incur expenses for medical and
3 psychological treatment, therapy, and counseling.

4 32. In addition, when Plaintiffs finally discovered the fraud of Defendants, and
5 continuing thereafter, Plaintiffs experienced recurrences of the above-described injuries.
6 In addition, when Plaintiffs finally discovered the fraud of Defendants, and continuing
7 thereafter, Plaintiffs experienced extreme and severe mental and emotional distress that
8 Plaintiffs had been the victim of the Defendants' fraud; that Plaintiffs had not been able to
9 help other minors being molested because of the fraud; and that Plaintiffs had not been
10 able because of the fraud to receive timely medical treatment needed to deal with the
11 problems Plaintiffs have suffered and continue to suffer as a result of the molestations.

12 **FIFTH CAUSE OF ACTION**

13 **NEGLIGENT FAILURE TO WARN, TRAIN, OR EDUCATE PLAINTIFF**

14 **(All Plaintiffs against All Defendants)**

15 33. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

16 34. Defendants breached their duty to take reasonable protective measures to protect
17 Plaintiffs and other minor parishioners and/or students from the risk of childhood sexual
18 abuse by the Perpetrator, such as the failure to properly warn, train, or educate Plaintiffs
19 and other minor parishioners and/or students about how to avoid such a risk, pursuant to
20 Juarez v. Boy Scouts of America, Inc., 97 Cal.Rptr.2d 12, 81 Cal.App.4th 377 (2000).

21 35. As a result of the above-described conduct, Plaintiffs have suffered, and continue to
22 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
23 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
24 enjoyment of life; have suffered and continue to suffer spiritually; were prevented and will
25 continue to be prevented from performing Plaintiffs' daily activities and obtaining the full
26 enjoyment of life; have sustained and will continue to sustain loss of earnings and earning
27 capacity; and/or have incurred and will continue to incur expenses for medical and
28 psychological treatment, therapy, and counseling.

1 **SIXTH CAUSE OF ACTION**

2 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

3 **(Plaintiff John Dorman Against Defendants La Jolla Church, Defendant Supervisory**
4 **Organization, Defendant Perpetrator and Does 5 through 100; Plaintiff Joel Gamboa**
5 **Against Defendants La Jolla Church, Defendant Linda Vista Church, Defendant**
6 **Supervisory Organization, Defendant Perpetrator and Does 5 through 100)**

7 36. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

8 37. Defendants' conduct was extreme and outrageous and was intentional or done
9 recklessly.

10 38. As a result of Defendants' conduct, Plaintiffs experienced and continue to
11 experience severe emotional distress resulting in bodily harm.

12 39. As a result of the above-described conduct, Plaintiffs have suffered, and continue to
13 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
14 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
15 enjoyment of life; have suffered and continue to suffer spiritually; were prevented and will
16 continue to be prevented from performing Plaintiffs' daily activities and obtaining the full
17 enjoyment of life; have sustained and will continue to sustain loss of earnings and earning
18 capacity; and/or have incurred and will continue to incur expenses for medical and
19 psychological treatment, therapy, and counseling.

20 **SEVENTH CAUSE OF ACTION**

21 **NEGLIGENCE PER SE**

22 **(All Plaintiffs against All Defendants)**

23 40. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

24 41. At all times or sometimes herein mentioned, there was in full force and effect Penal
25 Code §§ 32; 11166; 273a; 266j; 285; 286(b)(1) & (2); 286(c); 288(a) & (b); 288a(b)(1) & (2);
26 288a(c); 289(h), (l) & (j); 647.6; or any prior laws of California of similar effect at the time
27 these acts described herein were committed. These laws made unlawful certain acts
28 relating to the sexual abuse of minors.

1 42. At the times mentioned herein, Defendants were in violation of the aforesaid
2 statutes in doing the acts set forth herein.

3 43. Plaintiffs were within the class of persons to be protected by Penal Code §§ 32;
4 11166; 273a; 266j; 285; 286(b)(1) & (2); 286(c); 288(a) & (b); 288a(b)(1) & (2); 288a(c);
5 289(h), (l) & (j); 647.6; or any prior laws of California of similar effect at the time these acts
6 described herein were committed.

7 44. As a result of the above-described conduct, Plaintiffs have suffered, and will
8 continue to suffer great pain of mind and body, shock, emotional distress, physical
9 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace,
10 humiliation, and loss of enjoyment of life; have suffered and will continue to suffer
11 spiritually; were prevented and will continue to be prevented from performing Plaintiffs'
12 daily activities and obtaining the full enjoyment of life; have sustained and will continue to
13 sustain loss of earnings and earning capacity; and/or have incurred and will continue to
14 incur expenses for medical and psychological treatment, therapy, and counseling.

15 **EIGHTH CAUSE OF ACTION**

16 **SEXUAL BATTERY (Civil Code § 1708.5)**

17 **(All Plaintiffs Against All Defendants)**

18 45. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

19 46. From approximately 1983 to 1985, the Perpetrator engaged in unpermitted, harmful
20 and offensive sexual contact upon the person of Plaintiff John Dorman, and Defendant La
21 Jolla Church, Defendant Linda Vista Church, Defendant Supervisory Organization and
22 Does 5 through 100 ratified or approved of that sexual contact.

23 47. From approximately 1988 to approximately 1995, the Perpetrator engaged in
24 unpermitted, harmful and offensive sexual contact upon the person of Plaintiff Joel
25 Gamboa, and Defendant La Jolla Church, Defendant Linda Vista Church, Defendant
26 Supervisory Organization and Does 5 through 100 ratified or approved of that sexual
27 contact.

28 48. As a result of the above-described conduct, Plaintiffs have suffered, and continue to

1 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
2 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
3 enjoyment of life; have suffered and continue to suffer spiritually; were prevented and will
4 continue to be prevented from performing Plaintiffs' daily activities and obtaining the full
5 enjoyment of life; have sustained and will continue to sustain loss of earnings and earning
6 capacity; and/or have incurred and will continue to incur expenses for medical and
7 psychological treatment, therapy, and counseling. Pursuant to Civil Code § 1708.5(c),
8 Plaintiffs are also entitled to injunctive relief for this cause of action pursuant, in which the
9 Perpetrator is enjoined from committing further acts of sexual battery.

10 **NINTH CAUSE OF ACTION**

11 **SEXUAL HARASSMENT**

12 **(Plaintiff John Dorman Against Defendants La Jolla Church, Defendant Perpetrator**
13 **and Does 5 through 100; Plaintiff Joel Gamboa Against Defendant La Jolla Church,**
14 **Defendant Linda Vista Church, Defendant Perpetrator and Does 5 through 100)**

15 49. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

16 50. During Plaintiff John Dorman's time as a congregant, church member and student at
17 Defendant La Jolla Church, Perpetrator intentionally, recklessly and wontonly made sexual
18 advances, sexual solicitations, sexual comments and sexual requests and engaged in
19 other visual, verbal or physical conduct of a sexual nature based on Plaintiff John
20 Dorman's gender that were unwelcome, pervasive and severe, including but not limited to
21 engaging in sexual talk with John Dorman and touching John Dorman in a sexually
22 motivated and illegal manner, all while Perpetrator was acting in the course and scope of
23 his agency with Defendant La Jolla Church and Does 5 through 100.

24 51. During Plaintiff Joel Gamboa's time as a congregant, church member and student at
25 Defendant Linda Vista Church, Perpetrator intentionally, recklessly and wontonly made
26 sexual advances, sexual solicitations, sexual comments and sexual requests and engaged
27 in other visual, verbal or physical conduct of a sexual nature based on Plaintiff Joel
28 Gamboa's gender that were unwelcome, pervasive and severe, including but not limited to

1 engaging in sexual talk with Joel Gamboa and touching Joel Gamboa in a sexually
2 motivated and illegal manner, all while Perpetrator was acting in the course and scope of
3 his agency with Defendant Linda Vista Church and Does 5 through 100.

4 52. The incidents of sexual misconduct and sexual harassment outlined herein took
5 place while Plaintiff John Dorman was under the control of Perpetrator, in his capacity as a
6 ministerial servant, teacher and speaker at Defendant La Jolla Church and while
7 specifically acting on behalf of the Defendant La Jolla Church and Does 5 through 100.

8 53. The incidents of sexual misconduct and sexual harassment outlined herein took
9 place while Plaintiff Joel Gamboa was under the control of Perpetrator, in his capacity as a
10 ministerial servant, teacher and speaker at Defendant La Jolla Church, and while
11 specifically acting on behalf of the Defendant La Jolla Church, Defendant Linda Vista
12 Church and Does 5 through 100.

13 54. During Plaintiff John Dorman's time as a church member, congregant and student at
14 Defendant La Jolla Church, Perpetrator intentionally, recklessly and wontonly did acts
15 which resulted in harmful and offensive contact with intimate parts of Plaintiff John
16 Dorman's person, including but not limited to, using his position as a ministerial servant,
17 teacher and speaker to require Plaintiff John Dorman to give into his sexual suggestions,
18 and used his authority and position of trust to exploit John Dorman physically, sexually and
19 emotionally.

20 55. During Plaintiff Joel Gamboa's time as a church member, congregant and student at
21 Defendant Linda Vista Church, Perpetrator intentionally, recklessly and wontonly did acts
22 which resulted in harmful and offensive contact with intimate parts of Plaintiff Joel
23 Gamboa's person, including but not limited to, using his position as a ministerial servant,
24 teacher and speaker to require Plaintiff Joel Gamboa to give into his sexual suggestions,
25 and used his authority and position of trust to exploit Joel Gamboa physically, sexually and
26 emotionally.

27 56. Because of Plaintiff John Dorman's relationship with Perpetrator, Plaintiff John
28 Dorman's young age as a minor congregant and student, and Plaintiff John Dorman's

1 inexperience, Plaintiff John Dorman was emotionally unable to terminate the contact he
2 had with Perpetrator.

3 57. Because of Plaintiff Joel Gamboa's relationship with Perpetrator, Plaintiff Joel
4 Gamboa's young age as a congregant and student, and Plaintiff Joel Gamboa's
5 inexperience, Plaintiff Joel Gamboa was emotionally unable to terminate the contact he
6 had with Perpetrator.

7 58. Because of Perpetrator's position of authority over Plaintiff John Dorman, Plaintiff
8 John Dorman's mental and emotional state, and Plaintiff John Dorman's young age under
9 the age of consent, Plaintiff John Dorman was unable to, and did not, give meaningful
10 consent to such acts.

11 59. Because of Perpetrator's position of authority over Plaintiff Joel Gamboa, Plaintiff
12 Joel Gamboa's mental and emotional state, and Plaintiff Joel Gamboa's young age under
13 the age of consent, Plaintiff Joel Gamboa was unable to, and did not, give meaningful
14 consent to such acts.

15 60. Even though Defendant La Jolla Church, Defendant Linda Vista Church and Does 5
16 through 100 knew or should have known of these activities by Perpetrator, Defendant La
17 Jolla Church, Defendant Linda Vista Church and Does 5 through 100 did nothing to
18 investigate, supervise or monitor Perpetrator to ensure the safety of the minor students and
19 choir members.

20 61. Defendant La Jolla Church, Defendant Linda Vista Church and Does 5 through
21 100's conduct was a breach of their duties to Plaintiffs.

22 63. As a result of the above-described conduct, Plaintiffs have suffered and will continue
23 to suffer great pain of mind and body, shock, emotional distress, physical manifestations of
24 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
25 enjoyment of life; have suffered and will continue to suffer spiritually; were prevented and
26 will continue to be prevented from performing Plaintiffs' daily activities and obtaining the full
27 enjoyment of life; have sustained and will continue to sustain loss of earnings and earning
28 capacity; and/or have incurred and will continue to incur expenses for medical and

1 psychological treatment, therapy, and counseling.

2 **TENTH CAUSE OF ACTION**

3 **BREACH OF FIDUCIARY DUTY AND/OR CONFIDENTIAL RELATIONSHIP**

4 **(All Plaintiffs Against All Defendants)**

5 64. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

6 65. Because of Plaintiffs' young ages, and because of the status of the Perpetrator as
7 an authority figure to Plaintiffs, Plaintiffs were vulnerable to the Perpetrator. The
8 Perpetrator sought Plaintiffs out, and was empowered by and accepted Plaintiffs'
9 vulnerability. Plaintiffs' vulnerability also prevented Plaintiffs from effectively protecting
10 themselves.

11 66. By holding the Perpetrator out as a qualified pioneer, preacher, bible study teacher,
12 ministerial servant, counselor, surrogate parent, spiritual mentor, emotional mentor, elder
13 and/or any other authority figure, and by undertaking the religious and/or secular instruction
14 and spiritual and/or emotional counseling of Plaintiffs, Defendants entered into a fiduciary
15 and/or confidential relationship with the minor Plaintiffs.

16 67. Defendants and each of them breached their fiduciary duty to Plaintiffs by engaging
17 in the negligent and wrongful conduct described herein.

18 68. As a direct result of Defendants' breach of their fiduciary duty, Plaintiffs have
19 suffered, and continue to suffer great pain of mind and body, shock, emotional distress,
20 physical manifestations of emotional distress, embarrassment, loss of self-esteem,
21 disgrace, humiliation, and loss of enjoyment of life; have suffered and continue to suffer
22 spiritually; were prevented and will continue to be prevented from performing Plaintiffs'
23 daily activities and obtaining the full enjoyment of life; have sustained and will continue to
24 sustain loss of earnings and earning capacity; and/or have incurred and will continue to
25 incur expenses for medical and psychological treatment, therapy, and counseling.

26 WHEREFORE, Plaintiffs pray for damages; costs; interest; statutory/civil penalties
27 according to law; punitive damages against Defendant Perpetrator; attorney's fees and
28 such other relief as the court deems appropriate and just.

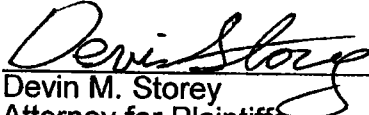
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JURY DEMAND

Plaintiffs demand a jury trial on all issues so triable.

THE ZALKIN LAW FIRM, P.C.

Dated: 10/22/10

By: 
Devin M. Storey
Attorney for Plaintiffs