

1 Irwin M. Zalkin, Esq. (#89957)
2 Devin M. Storey, Esq. (#234271)
3 Michael J. Kinslow, Esq. (#238310)
4 THE ZALKIN LAW FIRM, P.C.
5 12555 High Bluff Drive, Suite 260
6 San Diego, CA 92130
7 Tel: 858/259-3011
8 Fax: 858/259-3015

F I L E D
Clerk of the Superior Court

SEP 19 2011

By: Y. TERRONEZ, Deputy

Attorneys for Plaintiffs

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

11 John Doman, Individually, and Joel
12 Gamboa, Individually,
13 Plaintiffs,

15 v.

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20 Defendant Doe 1, La Jolla Church;
21 Defendant Doe 2, Linda Vista Church;
22 Defendant Doe 3, Supervisory
23 Organization; Defendant Doe 4,
24 Perpetrator, and Does 5 through 100,
25 inclusive,

Defendants.

CASE NUMBER: 37-2010-00092450-CU-PO-CTL

SECOND AMENDED COMPLAINT FOR
DAMAGES FOR:

1. NEGLIGENCE;
2. NEGLIGENT SUPERVISION/
FAILURE TO WARN;
3. NEGLIGENT HIRING/RETENTION
4. DELETED;
5. NEGLIGENT FAILURE TO WARN, TRAIN,
OR EDUCATE PLAINTIFF;
6. DELETED
7. DELETED;
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 Second 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. In this Second Amended Complaint, Plaintiff John Dorman
7 asserts causes of action against Defendant Linda Vista Church, Defendant Supervisory
8 Organization, Defendant Perpetrator and Does 5 through 100 only.

9 1.1 Plaintiff, Joel Gamboa, is an adult male. Plaintiff was a minor at the time of the
10 sexual abuse alleged herein. In this Second Amended Complaint, Plaintiff Joel Gamboa
11 asserts causes of action against Defendant La Jolla Church, Defendant Linda Vista
12 Church, Defendant Supervisory Organization, Defendant Perpetrator and Does 5 through
13 100.

14 2. Defendant La Jolla Church ("La Jolla Church") is a California corporation, authorized
15 to conduct business and conducting business in the State of California, with its principal
16 place of business in the County of San Diego, California. Defendant La Jolla Church has
17 responsibility for Jehovah's Witness Church operations in the La Jolla area of California.

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

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

2.3. Defendant Gonzalo Campos ("Perpetrator ") was at all times relevant a member of

1 the Jehovah's Witness Church. Perpetrator held various leadership positions within
2 Defendant La Jolla Church and Defendant Linda Vista Church. During the dates of abuse
3 of Plaintiffs, Perpetrator was a practicing speaker, ministerial servant and / or Elder in the
4 leadership at Defendant La Jolla Church, Defendant Linda Vista Church and Does 5
5 through 100, and was under the direct supervision, employ and control of Defendant La
6 Jolla Church, Defendant Linda Vista Church, Defendant Supervisory Organization and
7 Does 5 through 100.

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

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

22 **BACKGROUND FACTS APPLICABLE TO ALL COUNTS**

23 5. Plaintiff John Dorman was born on September 7, 1977. Plaintiff John Dorman was
24 repeatedly and viciously sexually abused by Perpetrator on numerous occasions between
25 1983 and 1985, when he was between the approximate ages of six and eight.

26 5.1. Plaintiff John Dorman experienced a strict Jehovah's Witness upbringing. Plaintiff
27 John Dorman was taught to look at non-members of the Jehovah's Witness faith with
28 skepticism, and to trust in members of the Jehovah's Witness faith. Plaintiff John Dorman

1 was taught to trust, respect and revere elders in the Jehovah's Witness Church. As a
2 minor in the Jehovah's Witness faith, Plaintiff John Dorman did not contemplate that an
3 elder in the Jehovah's Witness Church would mislead him.

4 5.1.1. Plaintiff John Dorman attended religious services with his mother at Defendant La
5 Jolla Church beginning in approximately 1982, and continued attending services there until
6 approximately late 1985, or early 1986. Plaintiff John Dorman attended religious services
7 with his mother at Defendant Linda Vista Church beginning in approximately 1981, and
8 continuing until approximately 1987. Plaintiff John Dorman and his mother attended
9 services regularly at both Defendant La Jolla Church and Defendant Linda Vista Church,
10 varying by the day of the week.

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

18 5.1.3. While serving Defendant La Jolla Church and Defendant Linda Vista Church as a
19 pioneer, the Perpetrator performed activities such as preaching at religious services,
20 preaching at people's homes, and providing bible study classes to Jehovah's Witness
21 children in the children's homes.

22 5.1.4. The Perpetrator regularly taught Plaintiff John Dorman in the family home from
23 approximately 1982 through approximately 1987. The Perpetrator frequently picked up
24 Plaintiff John Dorman, and his mother, and took them to religious services at which the
25 Perpetrator preached.

26 5.1.5. Without the access to Plaintiff John Dorman created by the Perpetrator's position
27 with Defendant La Jolla Church and Defendant Linda Vista Church as a pioneer, preacher
28 and bible study teacher, the Perpetrator could not have sexually molested Plaintiff John

1 Dorman.

2 5.2. Plaintiff Joel Gamboa was born on December 31, 1980. Plaintiff Joel Gamboa was
3 repeatedly and viciously sexually abused by Perpetrator from approximately 1988 until
4 approximately 1995. The abuse ceased when Plaintiff Joel Gamboa moved away from the
5 San Diego area in 1995.

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

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

18 5.4.1. Without the access to Plaintiff Joel Gamboa created by the Perpetrator's position
19 with Defendant La Jolla Church and Defendant Linda Vista Church as a pioneer, preacher,
20 ministerial servant, elder and bible study teacher, the Perpetrator could not have sexually
21 molested Plaintiff Joel Gamboa.

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

27 6. REMOVED.

28 6.0.1. Plaintiffs are informed and believe and on that basis allege that, the Perpetrator was

1 baptized Jehovah's Witness on September 27, 1980. Plaintiffs are further informed and
2 believe that the Perpetrator was extensively involved in both Defendant La Jolla Church
3 and Defendant Linda Vista Church from approximately 1982 through at least 1988. During
4 that time, the Perpetrator served as a pioneer, preached to the congregations at both
5 Defendant La Jolla Church and Defendant Linda Vista Church, preached to families in the
6 communities of both Defendant La Jolla Church and Defendant Linda Vista Church, and
7 taught bible study to Jehovah's Witness children from both Defendant La Jolla Church and
8 Defendant Linda Vista Church.

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

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

25 6.0.4. Plaintiffs are informed and believe and on that basis allege that by October of 1993,
26 at the latest, the Perpetrator had been selected as the Secretary of Defendant La Jolla
27 Church, and was therefore an officer of the corporation.

28 6.1. REMOVED.

1 6.1.1. Plaintiffs are informed and believe and on that basis allege that prior to his
2 appointment as an elder of Defendant La Jolla Church in 1993, the Perpetrator was
3 frequently chosen as a speaker to preach to the congregation by the elders and was being
4 groomed by the elders at Defendant La Jolla Church to become an elder himself.

5 6.2. REMOVED.

6 7 REMOVED.

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

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

18 7.1.1. Plaintiffs are informed and believe and on that basis allege that Defendant La Jolla
19 Church and Defendant Linda Vista Church received complaints about sexual abuse by the
20 Perpetrator prior to the Perpetrator's appointment as an elder of Defendant La Jolla
21 Church.

22 7.1.2. Approximately the next day, Mrs. Dorman discussed the abuse with elder Jesus
23 Martinez from Defendant La Jolla Church.

24 7.1.3. Plaintiffs are informed and believe and on that basis allege that Mrs. Dorman also
25 spoke to elders with Defendant Linda Vista Church about the molestation of her son by the
26 Perpetrator.

27 7.1.4. Plaintiffs are informed and believe and on that basis allege that in approximately
28 December of 1993 or January of 1994, Mrs. Dorman reported the abuse of her son by the

1 Perpetrator to Brother Ken Nissen with the Monmouth, Oregon Kingdom Hall. Plaintiffs are
2 further informed and believe that after speaking with Brother Nissen, Mrs. Dorman wrote a
3 letter of complaint to Defendant Supervisory Organization regarding the abuse.

4 8. In approximately 1995, Plaintiff John Dorman received a telephone call from an
5 elder from Defendant La Jolla Church. Plaintiff John Dorman was interviewed about the
6 abuse by Perpetrator, and was told that the statute of limitations had already expired for
7 both criminal and civil claims relating to the molestation by Perpetrator. This statement
8 was not correct when it was made. The civil statute of limitation had not expired on Plaintiff
9 John Dorman's claim at that time.

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

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

21 8.3. Plaintiff John Dorman did not discover, and could not reasonably have discovered,
22 that the criminal and civil statutes of limitation had not expired in 1995, as represented by
23 the elder from Defendant La Jolla Church until January of 2010.

24 8.4. During her conversation with an elder from Defendant La Jolla Church, Mrs. Dorman
25 was told that Defendant was aware that Perpetrator had sexually abused children from
26 Defendant La Jolla Church, and that she should not pursue the matter any further. The
27 representative of Defendant La Jolla Church informed Mrs. Dorman that this was a church
28 matter, and Defendant La Jolla Church would take care of it. The elder at Defendant La

1 Jolla Church also threatened that if Mrs. Dorman pursued there would be repercussions
2 that would effect her and her family's standing in the local Jehovah's Witness community.
3 Plaintiffs are informed and believe and on that basis allege that the elder was Roberto
4 Rivera.

5 8.5. At the time the threat was made, Mrs. Dorman reasonably believed that the
6 representative of Defendant La Jolla Church would follow through on the threat and that
7 there would be dire consequences for her and her family.

8 8.6. This threat reasonably caused Mrs. Dorman to cease pursuing the matter of the
9 molestation of her son by Perpetrator and to accept and believe the representations of the
10 elder of Defendant La Jolla Church that the criminal and civil statutes of limitations had
11 expired by 1995.

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

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

25 9.1. In approximately December of 1993 or January of 1994, Defendant La Jolla Church
26 gained actual knowledge that Plaintiff John Dorman was sexually abused by Perpetrator.
27 Notwithstanding this knowledge, Defendant La Jolla Church retained Perpetrator in his
28 leadership position with Defendant La Jolla Church. By retaining Perpetrator after learning

1 of his sexual abuse of Plaintiff John Dorman, Defendant La Jolla Church ratified and
2 authorized Perpetrator' conduct.

3 9.1.1. Plaintiffs are informed and believe, and on that basis allege, that in March of 1994,
4 Defendant La Jolla Church merged into Defendant Linda Vista Church. Following the
5 merger, the Perpetrator remained an elder of Defendant Linda Vista Church and served as
6 the Secretary of corporation. Defendant Linda Vista Church thereby ratified the sexual
7 misconduct by the Perpetrator.

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

19 9.3. Defendant La Jolla Church, having knowledge, prior to December of 1993, that
20 Perpetrator had committed acts of childhood sexual abuse, and retaining Perpetrator in a
21 leadership position authorized Perpetrator' subsequent sexual abuse of children, including
22 Plaintiff Joel Gamboa.

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

26 10.1. After becoming aware of acts of childhood sexual abuse committed by Perpetrator,
27 Defendant La Jolla Church did not warn or advise the congregation of the danger that
28 Perpetrator posed to children, or his past history of sexually abusing minors.

1 10.2. Defendant La Jolla Church actively concealed Perpetrator' sexual abuse of children,
2 and prevented members of the congregation from learning of Perpetrator' sexual abuse of
3 children.

4 10.3. Defendant La Jolla Church, notwithstanding its knowledge of acts of childhood
5 sexual abuse committed by Perpetrator, held Perpetrator out to the community and the
6 congregation, including Plaintiff Joel Gamboa, as a ministerial servant, speaker and / or
7 Elder in good standing with Defendant La Jolla Church. In doing so, Defendant La Jolla
8 Church represented that Plaintiff Joel Gamboa, and other minor parishioners, were safe in
9 Perpetrator' presence and under his supervision. Defendant La Jolla Church knew these
10 representations to be false.

11 10.4. Defendant La Jolla Church had sole knowledge of Perpetrator' history of sexually
12 abusing children. As a result of Defendant La Jolla Church's affirmative and active conduct
13 in suppressing information relating to Perpetrator' sexual abuse of children, such facts
14 were not known or reasonably discoverable to Plaintiff Joel Gamboa.

15 10.5. By virtue of their superior knowledge of Perpetrator' past history of sexually abusing
16 minors, and active conduct in preventing Plaintiff Joel Gamboa from ascertaining similar
17 knowledge, Defendant La Jolla Church assumed obligations to warn and or disclose the
18 danger posed by Perpetrator to Plaintiff Joel Gamboa and other parishioners.

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

27 10.7. Defendant La Jolla Church affirmatively misrepresented to Plaintiff John Dorman in
28 approximately 1995 that the statute of limitations for both a criminal action against

1 Perpetrator and a civil case resulting from the abuse had expired, and that no legal action
2 could be taken by Plaintiff John Dorman.

3 10.8. This representation was false when made since Plaintiff John Dorman had not
4 reached the age of majority and the civil statute of limitations had not even commenced
5 running. Defendant La Jolla Church and its agent and representatives knew this statement
6 to be false when uttered.

7 10.9. Plaintiff John Dorman reasonably relied on the statement to his detriment.

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

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

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1 **FIRST CAUSE OF ACTION**

2 **NEGLIGENCE**

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

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

8 13. Defendants had a duty to protect the minor Plaintiffs when they were entrusted to
9 their care by Plaintiffs' parents. Plaintiffs' care, welfare, and/or physical custody was
10 temporarily entrusted to Defendants. Defendants voluntarily accepted the entrusted care
11 of Plaintiffs. As such, Defendants owed Plaintiffs, minor children, a special duty of care, in
12 addition to a duty of ordinary care, and owed Plaintiffs the higher duty of care that adults
13 dealing with children owe to protect them from harm.

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

20 15. Defendants breached their duty of care to the minor Plaintiffs by allowing the
21 Perpetrator to come into contact with the minor Plaintiffs without supervision; by failing to
22 adequately hire, supervise, or retain the Perpetrator who they permitted and enabled to
23 have access to Plaintiffs; by failing to investigate or otherwise confirm or deny such facts
24 about the Perpetrator; by failing to tell or concealing from Plaintiffs, Plaintiffs' parents,
25 guardians, or law enforcement officials that the Perpetrator was or may have been sexually
26 abusing minors; by failing to tell or concealing from Plaintiffs' parents, guardians, or law
27 enforcement officials that Plaintiffs were or may have been sexually abused after
28 Defendants knew or had reason to know that the Perpetrator may have sexually abused

1 Plaintiffs, thereby enabling Plaintiffs to continue to be endangered and sexually abused,
2 and/or creating the circumstance where Plaintiffs were less likely to receive medical/mental
3 health care and treatment, thus exacerbating the harm done to Plaintiffs; and/or by holding
4 out the Perpetrator to the Plaintiffs and their parents or guardians as being in good
5 standing and trustworthy. Defendants cloaked within the facade of normalcy Defendants'
6 and/or the Perpetrator's contact and/or actions with the Plaintiffs and/or with other minors
7 who were victims of the Perpetrator, and/or disguised the nature of the sexual abuse and
8 contact.

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

17 **SECOND CAUSE OF ACTION**

18 **NEGLIGENT SUPERVISION/FAILURE TO WARN**

19 **(Plaintiff John Dorman Against Defendant Linda Vista Congregation, Defendant**
20 **Supervisory Organization and Does 5 through 100; Plaintiff Joel Gamboa Against**
21 **Defendant Linda Vista Congregation, Defendant La Jolla Congregation, Defendant**
22 **Supervisory Organization, and Does 5 through 100)**

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

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

28 19. Defendants, by and through their agents, servants and employees, knew or

1 reasonably should have known of the Perpetrator's dangerous and exploitive propensities
2 and/or that the Perpetrator was an unfit agent. Despite such knowledge, Defendants
3 negligently failed to supervise the Perpetrator in the position of trust and authority as a
4 Jehovah's Witness speaker, ministerial servant, Elder, religious instructor, counselor,
5 surrogate parent, spiritual mentor, emotional mentor, and/or other authority figure, where
6 he was able to commit the wrongful acts against the Plaintiffs. Defendants failed to provide
7 reasonable supervision of the Perpetrator, failed to use reasonable care in investigating the
8 Perpetrator, and failed to provide adequate warning to Plaintiffs and Plaintiffs' families of
9 the Perpetrator's dangerous propensities and unfitness. Defendants further failed to take
10 reasonable measures to prevent future sexual abuse.

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

19 **THIRD CAUSE OF ACTION**

20 **NEGLIGENT HIRING/RETENTION**

21 **(Plaintiff John Dorman Against Defendant Linda Vista Congregation, Defendant**
22 **Supervisory Organization and Does 5 through 100; Plaintiff Joel Gamboa Against**
23 **Defendant Linda Vista Congregation, Defendant La Jolla Congregation, Defendant**
24 **Supervisory Organization, and Does 5 through 100)**

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

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

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

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

21 **FOURTH CAUSE OF ACTION**

22 **REMOVED**

- 23 25. REMOVED
- 24 26. REMOVED
- 25 27. REMOVED
- 26 28. REMOVED
- 27 29. REMOVED
- 28 30. REMOVED

1 31. REMOVED

2 32. REMOVED

3 **FIFTH CAUSE OF ACTION**

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

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

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

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

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

23 **SIXTH CAUSE OF ACTION**

24 **REMOVED**

25 36. REMOVED

26 37. REMOVED

27 38. REMOVED

28 39. REMOVED

1 **SEVENTH CAUSE OF ACTION**

2 **REMOVED**

3 40. REMOVED

4 41. REMOVED

5 42. REMOVED

6 43. REMOVED

7 44. REMOVED

8 **EIGHTH CAUSE OF ACTION**

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

10 **(Plaintiff John Dorman Against Defendant Linda Vista Congregation, Defendant**
11 **Supervisory Organization, Defendant Perpetrator and Does 5 through 100; Plaintiff**
12 **Joel Gamboa Against Defendant Linda Vista Congregation, Defendant La Jolla**
13 **Congregation, Defendant Supervisory Organization, Defendant Perpetrator and Does**
14 **5 through 100)**

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

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

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

25 48. 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. Pursuant to Civil Code § 1708.5(c),
5 Plaintiffs are also entitled to injunctive relief for this cause of action pursuant, in which the
6 Perpetrator is enjoined from committing further acts of sexual battery.

7 **NINTH CAUSE OF ACTION**

8 **SEXUAL HARASSMENT**

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

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

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

22 51. During Plaintiff Joel Gamboa's time as a congregant, church member and student at
23 Defendant Linda Vista Church, Perpetrator intentionally, recklessly and wontonly made
24 sexual advances, sexual solicitations, sexual comments and sexual requests and engaged
25 in other visual, verbal or physical conduct of a sexual nature based on Plaintiff Joel
26 Gamboa's gender that were unwelcome, pervasive and severe, including but not limited to
27 engaging in sexual talk with Joel Gamboa and touching Joel Gamboa in a sexually
28 motivated and illegal manner, all while Perpetrator was acting in the course and scope of

1 his agency with Defendant Linda Vista Church and Does 5 through 100.

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

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

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

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

25 56. Because of Plaintiff John Dorman's relationship with Perpetrator, Plaintiff John
26 Dorman's young age as a minor congregant and student, and Plaintiff John Dorman's
27 inexperience, Plaintiff John Dorman was emotionally unable to terminate the contact he
28 had with Perpetrator.

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

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

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

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

18 61. Defendant La Jolla Church, Defendant Linda Vista Church and Does 5 through
19 100's conduct was a breach of their duties to Plaintiffs.

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

28

1 TENTH CAUSE OF ACTION

2 BREACH OF FIDUCIARY DUTY AND/OR CONFIDENTIAL RELATIONSHIP

3 (Plaintiff John Dorman Against Defendant Linda Vista Congregation, Defendant
4 Supervisory Organization, Defendant Perpetrator and Does 5 through 100; Plaintiff
5 Joel Gamboa Against Defendant Linda Vista Congregation, Defendant La Jolla
6 Congregation, Defendant Supervisory Organization, Defendant Perpetrator and Does
7 5 through 100)

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

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

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

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

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

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

JURY DEMAND

Plaintiffs demand a jury trial on all issues so triable.

THE ZALKIN LAW FIRM, P.C.

Dated: 9/19/11

By: 
Devin M. Storey
Attorney for Plaintiffs

1 **PROOF OF SERVICE**

2 Irwin M. Zalkin, Esq. SBN 89957
3 Devin M. Storey, Esq. SBN 234271
4 Michael J. Kinslow, Esq. SBN 238310
5 **THE ZALKIN LAW FIRM, P.C.**
6 12555 High Bluff Drive, Suite 260
San Diego, California 92130
Telephone (858) 259-3011
Facsimile: (858) 259-3015
Attorney for Plaintiffs

7 I, Lisa E. Maynes, am employed in the city and county of San Diego, State of
8 California. I am over the age of 18 and no a party to the action; my business address is 12555
High Bluff Drive, Suite 260, San Diego, CA 92130.

9 On September 19, 2011, I caused to be served:
10 **STIPULATION RE FILING OF PLAINTIFFS' SECOND AMENDED COMPLAINT;**
11 **SECOND AMENDED COMPLAINT; COVER PAGE RE DOCUMENTS FILED UNDER**
12 **SEAL PURSUANT TO CCP SECTION 340.1 AND CRC SECTION 2.585 - NO MOTION**
13 **TO SEAL REQUIRED BY RULES OF COURT; ORDER TO SERVE; [PROPOSED]**
14 **ORDER RE PLAINTIFF JOHN DORMAN'S APPLICATION TO SEAL PLAINTIFF'S**
15 **CERTIFICATE OF MERIT BY ATTORNEY RE DEFENDANT LINDA VISTA**
16 **CHURCH; REQUEST FOR DISMISSAL**

17 in this action by placing a true and correct copy of said documents(s) in sealed envelopes
18 addressed as follows:

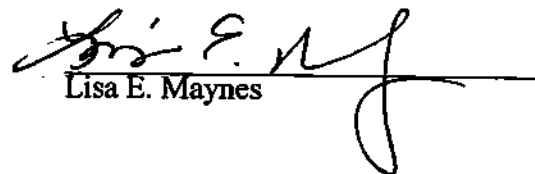
19 **SEE ATTACHED SERVICE LIST**

20 X (BY MAIL) I am readily familiar with the firm's practice of collection and processing
21 correspondence for mailing. Under that practice it would be deposited with the U.S.
22 Postal Service on that same day with postage thereon fully prepaid at San Diego,
23 California, in the ordinary course of business. I am aware that on motion of the party
24 served, service is presumed invalid if postal cancellation date or postage meter date is
25 more than one day after date of deposit for mailing in affidavit.

26 _____ (BY PERSON SERVICE) By causing to be delivered by hand to the offices of the
27 addressee(s).

28 I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct.

Dated: 9-19-11


Lisa E. Maynes

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MAILING LIST

James M. McCabe, Esq.
The McCabe Law Firm, APC
4817 Santa Monica Avenue, Suite B
San Diego, CA 92107
Tel: 619-224-2848
Fax: 619-224-0089
email: jim@mccabelaw.net
Attorneys for Defendants
Defendant Doe 1, Playa Pacifica Spanish Congregation of Jehovah's Witnesses (formerly La Jolla Spanish Congregation)

Rocky K. Copley, Esq.
Law Office of Rocky K. Copley
225 Broadway, Suite 2100
San Diego, CA 92101
Tel: 619-232-3131
Fax: 619-232-1690
email: rkopley@rkc-rocklaw.com
Attorney for Defendant
Defendant Doe 2, Linda Vista Spanish Congregation

Mario Moreno, Esq.
Law Offices of Mario Moreno
100 Watchtower Drive
Patterson, New York 12563
Tel: 845-306-0700
Fax: 845-306-0709
Attorney for Defendant Defendant Doe 3, Watchtower Bible & Tract Society of New York