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

11 John Rivera, Individually, Joshua Rivera,  
12 Individually, Ruth Bias, Individually, and  
13 Javier Cervantes, Individually,

Plaintiffs,

14  
15  
16 v.

17  
18  
19  
20 Defendant Doe 1, Pacific Beach Church;  
21 Defendant Doe 2, Linda Vista Church;  
22 Defendant Doe 3, New York National  
23 Church; Defendant Doe 4, Pennsylvania  
24 National Church; Defendant Doe 5,  
25 Perpetrator; and Does 6 through 100,  
26 inclusive,

Defendants.

CASE NUMBER:

37-2011-00096950-CU-PO-CTL

COMPLAINT FOR DAMAGES FOR:

1. NEGLIGENCE;
2. NEGLIGENT SUPERVISION/  
FAILURE TO WARN;
3. NEGLIGENT HIRING/RETENTION
4. NEGLIGENT FAILURE TO WARN, TRAIN,  
OR EDUCATE PLAINTIFF;
5. SEXUAL BATTERY;
6. SEXUAL HARASSMENT; AND
7. BREACH OF FIDUCIARY DUTY AND / OR  
CONFIDENTIAL RELATIONSHIP.

[Filed Concurrently with Certificates of Merit]  
[Demand for Jury Trial]

1 Based upon information and belief available to Plaintiffs, John Rivera, Joshua  
2 Rivera, Ruth Bias, and Javier Cervantes at the time of the filing of this Complaint, Plaintiffs  
3 make the following allegations:

4 **PARTIES**

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

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

9 1.2 Plaintiff, Ruth Bias, is an adult female. Plaintiff was a minor at the time of the sexual  
10 abuse alleged herein.

11 1.3. Plaintiff, Javier Cervantes, is an adult male. Plaintiff was a minor at the time of the  
12 sexual abuse alleged herein.

13 2. Defendant Doe 1 Pacific Beach Church ("Pacific Beach Church") is an  
14 unincorporated association authorized to conduct business and conducting business in the  
15 State of California, with its principal place of business in the County of San Diego,  
16 California. Defendant Pacific Beach Church is presently located in the Pacific Beach area  
17 of California. Defendant Pacific Beach Church has responsibility for Jehovah's Witness  
18 Church operations in the Pacific Beach area of California, and formerly had responsibility  
19 for Jehovah's Witness Church operations in the La Jolla area of California, including during  
20 the period of the time in which Plaintiffs were sexually abused.

21 2.1. From approximately 1987 to approximately 1994, Pacific Beach Church was located  
22 in La Jolla, California and was known as the La Jolla Spanish Congregation of Jehovah's  
23 Witnesses. The La Jolla Spanish Congregation of Jehovah's Witnesses moved its  
24 physical location from La Jolla, California to its present location in the Pacific Beach area in  
25 approximately 1994 and changed its name to Defendant Pacific Beach Church. The  
26 change of name and location resulted in a mere continuance of the business previously  
27 conducted by the La Jolla Spanish Congregation of Jehovah's Witnesses under a new  
28 name. Plaintiffs are informed and believe and on that basis allege that the La Jolla  
Spanish Congregation of Jehovah's Witnesses transferred substantially all of its assets to

1 Defendant Pacific Beach Church and received no consideration therefore. In this  
2 complaint, no further distinctions will be drawn between Defendant Pacific Beach Church  
3 and the La Jolla Spanish Congregation of Jehovah's Witnesses. Both shall be referred to  
4 as "Defendant Pacific Beach Church."

5 2.2. Defendant Doe 2 Linda Vista Church ("Linda Vista Church") is an unincorporated  
6 association, authorized to conduct business and conducting business in the State of  
7 California, with its principal place of business in the County of San Diego, California.  
8 Defendant Linda Vista Church has and had responsibility for Jehovah's Witness Church  
9 operations in the Linda Vista area of California.

10 2.3. Defendant Doe 3, New York National Church ("New York Church") is a branch of the  
11 Jehovah's Witness religion and is a corporation with its principle place of business in New  
12 York, and conducting business in the State of New York, and elsewhere. Defendant New  
13 York Church is the highest level of Jehovah's Witness governance, and is responsible for  
14 administration of the Jehovah's Witness Church worldwide, including operations in  
15 California.

16 2.4. Defendant Doe 4, Pennsylvania National Church ("Pennsylvania Church") is a  
17 branch of the Jehovah's Witness religion and is a corporation with its principle place of  
18 business in Pennsylvania, and conducting business in the State of Pennsylvania, and  
19 elsewhere. Defendant Pennsylvania Church has done business in the State of California  
20 through its agents and alter egos.

21 2.5. Defendant Pennsylvania Church is an alter ego of Defendant New York Church and  
22 Defendant New York Church is an alter ego of Defendant Pennsylvania National Church.  
23 There exists such unity of interest and ownership between Defendant New York Church  
24 and Defendant Pennsylvania Church that the separate corporations no longer exist,  
25 moreover, if the fiction of the separateness of Defendant Pennsylvania Church and  
26 Defendant New York Church is not disregarded, inequitable results will follow.

27 2.6. Defendant Doe 5, Perpetrator ("Perpetrator ") was at all times relevant a member of  
28 the Jehovah's Witness Church. Perpetrator held various leadership positions within

1 Defendant Pacific Beach Church and Defendant Linda Vista Church. During the dates of  
2 abuse of Plaintiffs, Perpetrator was a Baptized Publisher, Regular Pioneer, Auxiliary  
3 Pioneer, Ministerial Servant, Congregation Secretary and / or Elder in the leadership at  
4 Defendant Linda Vista Church, Defendant Pacific Beach Church and Does 6 through 100,  
5 and was under the direct supervision, employ and control of Defendant Linda Vista Church,  
6 Defendant Pacific Beach Church, Defendant New York Church, Defendant Pennsylvania  
7 Church and Does 6 through 100.

8 3. Defendant Does 6 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 **THE CHURCH DEFENDANTS**

24 5. The organizational structure of the Jehovah's Witness Church is hierarchical in  
25 nature with New York National Church and its alter ego Pennsylvania National Church  
26 sitting atop the hierarchical structure which extends over each individual and entity  
27 Defendant in the organization. These individuals and entities act as agents, servants, and  
28 alter egos of each other. Authority for actions by the organization and its members derive

1 from New York National Church and its alter ego Pennsylvania National Church.

2 5.1. All of the Defendants are the agents and servants of each other and are vicariously  
3 liable for each other's acts. The Jehovah's Witness faith is so organized and controlled  
4 that the affairs of the organization, including Defendant New York National Church,  
5 Defendant Pennsylvania National Church, Defendant Linda Vista Church and Defendant  
6 Pacific Beach Church, are so conducted that they are alter egos of each other and operate  
7 as a single business enterprise.

8 5.2. Through its hierarchical structure, the Jehovah's Witness faith, including Defendant  
9 New York National Church, Defendant Pennsylvania National Church, Defendant Linda  
10 Vista Church and Defendant Pacific Beach Church, assumes responsibility for the  
11 development, protection and discipline of its membership, especially the children of  
12 members. All male members, whether Elders, Ministerial Servants, Pioneers, and / or  
13 Publishers, are appointed and empowered by the Jehovah's Witness faith to carry out this  
14 responsibility.

15 THE PERPETRATOR

16 6. The Perpetrator was baptized one of Jehovah's Witness on September 27, 1980.  
17 Baptism as one of Jehovah's Witnesses is considered to be an immediate ordination as a  
18 minister of the Church. In order to become baptized as one of Jehovah's Witnesses, an  
19 individual must dedicate many months of studying the tenets, belief and structure of the  
20 Jehovah's Witness faith and must be interviewed and tested about the scope of the  
21 individual's knowledge and successfully demonstrate sufficient knowledge before he or she  
22 can be baptized.

23 6.1. In addition to being baptized as Jehovah's Witness, the Perpetrator was also a  
24 Publisher while he was associated with Linda Vista Church. A Publisher is a member of a  
25 local congregation of Jehovah's Witness who has demonstrated sufficient knowledge of  
26 the Bible, and whose morals and character have been vetted by a group of at least two  
27 Elders associated with the local congregation. Once a person is approved as a Publisher,  
28 he may represent the congregation in the community and engage in door-to-door

1 preaching.

2 6.2. Plaintiffs are further informed and believe that the Perpetrator was extensively  
3 involved in Defendant Linda Vista Church from September of 1980, at the latest, until  
4 approximately 1987. During the time in which he was associated with Defendant Linda  
5 Vista Church, Perpetrator served as a Publisher, preached to the congregation at church  
6 meetings, preached to families in the community of Linda Vista Church, and taught bible  
7 study to Jehovah's Witness children from Linda Vista Church, and other individuals who  
8 were interested in being baptized as one of Jehovah's Witnesses. Defendant Linda Vista  
9 Church was aware that the Perpetrator was engaged in these ministerial activities.

10 6.3. In approximately 1982, the Perpetrator was accused of molesting a young  
11 Jehovah's Witness boy. The molestation was reported to several Elders from Linda Vista  
12 Church. The Body of Elders from Linda Vista Church assigned two Elders to investigate  
13 the allegation. Ultimately, since there was only one accuser, Linda Vista Church decided  
14 to take no action. The allegation was not reported to the police or announced to the  
15 congregation. Members of the Linda Vista Church were not warned of the danger posed  
16 by the Perpetrator. No restrictions were placed on the Perpetrator's service privileges, or  
17 the Perpetrator's ability to spend alone time with children associated with Linda Vista  
18 Church. The Perpetrator was counseled by Defendant Linda Vista Church about his  
19 conduct.

20 6.4. In approximately 1986 the Perpetrator was again accused of molesting children  
21 within the Linda Vista Church. Linda Vista Church found sufficient evidence of the  
22 wrongdoing to commence a Judicial Committee, which was tasked with determining  
23 whether the molestation had taken place and what punishment of the Perpetrator was  
24 necessary. The Judicial Committee determined that the Perpetrator had committed the  
25 molestations, and indeed the Perpetrator confessed to the molestation, but the Judicial  
26 Committee determined that the Perpetrator was repentant for his conduct. The Judicial  
27 Committee decided to privately censure the Perpetrator. The private censure included a  
28 restriction on the Perpetrator's privileges within the church for a nine month period, but did

1 not result in any formal public censorship or warning to the Linda Vista Church members.

2 6.5. In approximately January of 1987, the Perpetrator became associated with the  
3 newly-formed Pacific Beach Church. Defendant Pacific Beach Church was formed when  
4 Linda Vista Church grew too large. Defendant Pacific Beach Church was comprised of  
5 former members of Defendant Linda Vista Church, and the initial Body of Elders of  
6 Defendant Pacific Beach Church were Elders from Defendant Linda Vista Church at the  
7 time of the split. Plaintiffs are informed and believe, and on that basis allege, that at least  
8 one of the initial Elders of Defendant Pacific Beach Church had participated on the 1986  
9 Judicial Committee investigating the Perpetrator, and was aware of that the Perpetrator  
10 had confessed to molesting at least one child, and was also aware of the private  
11 restrictions imposed upon the Perpetrator. Initially upon joining Pacific Beach Church, the  
12 Perpetrator was a Publisher. During his time with the Pacific Beach Church, the  
13 Perpetrator advanced to holding several elevated positions in the Church.

14 6.6. In approximately September of 1988, the Perpetrator was appointed as a Ministerial  
15 Servant. A Ministerial Servant is roughly equivalent to a deacon in other religions. To be  
16 appointed as a Ministerial Servant, a person must be a Publisher in good standing. The  
17 Body of Elders of the local church identifies potential candidates and determines whether  
18 they are suitable, and if they live their life in accordance with appropriate morals. Once a  
19 candidate has been identified by the local church, a recommendation is made to Defendant  
20 New York National Church. Defendant New York National Church has the ultimate  
21 authority as to whether a candidate is approved and becomes a Ministerial Servant.  
22 Plaintiffs are further informed and believe that while serving as a Ministerial Servant, the  
23 Perpetrator continued to preach to the congregation at Pacific Beach Church, preach in  
24 local homes, and teach bible study to children.

25 6.7. In June of 1993, the Perpetrator was appointed as an Elder of the Pacific Beach  
26 Church. Elders are responsible for the daily operations and governance of the local  
27 church. The Elders are the highest authority at the congregational level and direct door to  
28 door preaching activities, select potential candidates for becoming Ministerial Servants and

1 Elders, organize weekly church meetings, determine whether an individual is suitable for  
2 representing the church in the community by becoming a Publisher, handle finances for the  
3 local church, and determine the guilt, repentance and punishment of church members who  
4 commit serious sins. To be appointed as an Elder, a person must be a Ministerial Servant  
5 in good standing, or have served as an Elder in another congregation. The Body of Elders  
6 of the local church identifies potential candidates and determines whether they are  
7 suitable, and if they live their life in accordance with appropriate morals. Once a candidate  
8 has been identified by the local church, a recommendation is made to Defendant New York  
9 National Church. Defendant New York National Church has the ultimate authority as to  
10 whether a candidate is approved and becomes an Elder.

11 6.8. By October of 1993, at the latest, the Perpetrator, while serving as an Elder of the  
12 Pacific Beach Church had also been selected as the Secretary of Pacific Beach Church.

13 6.9. In approximately 1994, Pacific Beach Church moved its operations to a physical  
14 location in Pacific Beach and changed its name to Defendant Pacific Beach Church.

15 6.10. Upon moving from La Jolla to Pacific Beach, the Perpetrator continued to hold his  
16 positions as Elder and Secretary of the Pacific Beach Church.

17 6.11. In approximately April of 1994, a letter of complaint was written by Manuela and  
18 John Dorman, whose son had been sexually abused by the Perpetrator at Linda Vista  
19 Church. This letter was addressed to the Monmouth Congregation of Jehovah's Witnesses,  
20 in Oregon. On April 13, 1994, the letter was forwarded to Defendant New York National  
21 Church.

22 6.12. The night that Manuela Dorman learned that her son had been molested by the  
23 Perpetrator, in April of 1994, she called an Elder of the Pacific Beach Church and reported  
24 the abuse.

25 6.13. After getting off the phone with the Elder from Defendant Pacific Beach Church,  
26 Mrs. Dorman called the Perpetrator to confront him about the abuse of her son.  
27 Perpetrator confessed that he had sexually abused her son, but defended himself by  
28 saying that it had occurred several years earlier, and that he had been "reproved" by the



1 Judicial Committee, which means that a Judicial Committee within the Body of Elders  
2 determined that Perpetrator was repentant for his acts.

3 6.14. In June of 1994, Defendant New York National Church sent Defendant Pacific  
4 Beach Church a copy of the Dormans' letter of complaint. Some time after receiving the  
5 Dormans' letter of complaint, a Judicial Committee was formed by the Elders of Defendant  
6 Pacific Beach Church to determine whether the Perpetrator had committed acts of sexual  
7 abuse of children, whether he was repentant for his actions, and what punishment should  
8 be imposed.

9 6.15. One year after receiving the Dormans' letter of complaint, in June of 1995, the  
10 Perpetrator was disfellowshipped by the Judicial Committee, which means he was  
11 temporarily expelled from being one of Jehovah's Witnesses. At the time that the  
12 Perpetrator was disfellowshipped, the Judicial Committee suspected that Plaintiff John  
13 Rivera was one of the Perpetrator's many victims, however the Perpetrator denied that he  
14 had abused John Rivera. The following year, in 1996, the Perpetrator confessed to the  
15 Elders of Defendant Pacific Beach Church that he had sexually abused Plaintiff John  
16 Rivera, as well as Plaintiffs Joshua Rivera and Ruth Bias.

#### 17 JOHN RIVERA

18 7. Plaintiff John Rivera was born on May 4, 1979. Plaintiff John Rivera was raised in  
19 the Jehovah's Witness faith and attended church meetings and bible study with his family.  
20 Through his association with the Jehovah's Witness faith, and Defendants, Plaintiff was  
21 introduced to the Perpetrator, who was also associated with Defendants in various  
22 capacities. Plaintiff John Rivera was repeatedly and viciously sexually abused by the  
23 Perpetrator on numerous occasions between approximately 1986 and approximately 1992,  
24 when he was between the approximate ages of seven and twelve.

25 7.1. Plaintiff John Rivera was sexually molested by the Perpetrator on numerous  
26 occasions. Abuse took place while John Rivera accompanied the Perpetrator in field  
27 service. Plaintiff John Rivera was also molested by the Perpetrator on one occasion when  
28 the Perpetrator took Plaintiff John Rivera with him to give bible study to a person who was

1 studying to be baptized as one of Jehovah's Witnesses.

2 7.2. Without the access to Plaintiff John Rivera created by the Perpetrator's position with  
3 Defendant Pacific Beach Church, Defendant Linda Vista Church and Defendant New York  
4 National Church as a Publisher, Pioneer, preacher, Ministerial Servant, Elder and  
5 Congregation Secretary, the Perpetrator could not have sexually molested Plaintiff John  
6 Rivera.

7 7.3. The sexual abuse and exploitation of Plaintiff John Rivera and the circumstances  
8 under which it occurred caused Plaintiff John Rivera to develop various psychological  
9 coping mechanisms which reasonably made him incapable of ascertaining the resulting  
10 damages from that conduct, or the wrongfulness of Perpetrator' conduct. Plaintiff John  
11 Rivera did not begin to discover the causal relationship between the molestation and  
12 adulthood psychological injuries until 2011. He is still in the process of understanding the  
13 way that he has been affected by the molestation. Thus, within the three years prior to the  
14 filing of this Complaint, Plaintiff discovered that the psychological injury or illness occurring  
15 after the age of majority was caused by the sexual abuse.

#### 16 JOSHUA RIVERA

17 8. Plaintiff Joshua Rivera was born on July 19, 1984. Plaintiff Joshua Rivera was  
18 raised in the Jehovah's Witness faith and attended church meetings and bible study with  
19 his family. Through his association with the Jehovah's Witness faith, and Defendants,  
20 Plaintiff Joshua Rivera was introduced to the Perpetrator, who was also associated with  
21 Defendants in various capacities. Plaintiff Joshua Rivera was repeatedly and viciously  
22 sexually abused by the Perpetrator on numerous occasions between approximately 1990  
23 and 1993, when he was between the approximate ages of six and nine.

24 8.1. Plaintiff Joshua Rivera was sexually abused by the Perpetrator on numerous  
25 occasions. Abuse occurred when Plaintiff Joshua Rivera accompanied the Perpetrator in  
26 field service. Plaintiff Joshua Rivera was also sexually abused by the Perpetrator in the  
27 parking lot of Defendant Pacific Beach Church.

28 8.2. Without the access to Plaintiff Joshua Rivera created by the Perpetrator's position

1 with Defendant Pacific Beach Church, Defendant Linda Vista Church and Defendant New  
2 York National Church as a Publisher, Pioneer, preacher, Ministerial Servant, Elder and  
3 Congregation Secretary, the Perpetrator could not have sexually molested Plaintiff Joshua  
4 Rivera.

5 8.3. The sexual abuse and exploitation of Plaintiff Joshua Rivera and the circumstances  
6 under which it occurred caused Plaintiff Joshua Rivera to develop various psychological  
7 coping mechanisms which reasonably made him incapable of ascertaining the resulting  
8 damages from that conduct, or the wrongfulness of Perpetrator' conduct. In approximately  
9 early 2010, Plaintiff Joshua Rivera first discovered that he had suffered psychological injury  
10 during his adulthood, and that the psychological injury was related to his sexual  
11 molestation by Defendant Perpetrator, during a conversation with his girlfriend. Thus,  
12 within the three years prior to the filing of this Complaint, Plaintiff discovered that the  
13 psychological injury or illness occurring after the age of majority was caused by the sexual  
14 abuse.

#### 15 RUTH BIAS

16 9. Plaintiff Ruth Bias was born on June 6, 1981. Plaintiff Ruth Bias' maiden name is  
17 Ruth Christina Rivera. Plaintiff Ruth Bias was raised in the Jehovah's Witness faith and  
18 attended church meetings and bible study with her family. Through her association with  
19 the Jehovah's Witness faith, and Defendants, Plaintiff was introduced to the Perpetrator,  
20 who was also associated with Defendants in various capacities. Plaintiff Ruth Bias was  
21 repeatedly and viciously sexually abused by the Perpetrator on numerous occasions  
22 between 1989 and 1993 or 1994, when she was between the approximate ages of eight  
23 and twelve.

24 9.1. Plaintiff Ruth Bias was sexually abused by the Perpetrator on numerous occasions.  
25 Abuse occurred when Plaintiff Ruth Bias accompanied the Perpetrator in field service.  
26 Plaintiff Ruth Bias was also sexually abused by the Perpetrator at the physical location of  
27 Pacific Beach Church.

28 9.2. Without the access to Plaintiff Ruth Bias created by the Perpetrator's position with

1 Defendant Pacific Beach Church, Defendant Linda Vista Church and Defendant New York  
2 National Church as a Publisher, Pioneer, preacher, Ministerial Servant, Elder and  
3 Congregation Secretary, the Perpetrator could not have sexually molested Plaintiff Ruth  
4 Bias.

5 9.3. The sexual abuse and exploitation of Plaintiff Ruth Bias and the circumstances  
6 under which it occurred caused Plaintiff Ruth Bias to develop various psychological coping  
7 mechanisms which reasonably made her incapable of ascertaining the resulting damages  
8 from that conduct, or the wrongfulness of Perpetrator' conduct. Plaintiff's history of trauma,  
9 and her psychological response thereto has prevented her from understanding the way that  
10 she has been affected by the molestation and she is still in the process of discovering the  
11 extent of the damage caused by Defendant Perpetrator.

12 JAVIER CERVANTES

13 10. Plaintiff Javier Cervantes was born on April 21, 1976. Plaintiff Javier Cervantes was  
14 raised in the Jehovah's Witness faith and attended church meetings and bible study with  
15 his family. Through his association with the Jehovah's Witness faith, and Defendants,  
16 Plaintiff Javier Cervantes was introduced to the Perpetrator, who was also associated with  
17 Defendants in various capacities. Plaintiff Javier Cervantes was repeatedly sexually  
18 abused by the Perpetrator on numerous occasions between approximately 1984 and 1985,  
19 when he was between the approximate ages of eight and nine.

20 10.1. Plaintiff Javier Cervantes met the Perpetrator when he was a member of Defendant  
21 Linda Vista Church. At the time that Plaintiff Javier Cervantes came to know the  
22 Perpetrator, the Perpetrator has been baptized as one of Jehovah's Witnesses and was a  
23 Publisher. At the time of the sexual abuse of Plaintiff Javier Cervantes, Plaintiff Javier  
24 Cervantes is informed and believes and on that basis alleges that the Perpetrator was a  
25 Regular Pioneer in the Linda Vista Church. A Regular Pioneer is an elevated position  
26 within the local congregation. A Regular Pioneer undertakes to engage in a certain amount  
27 of preaching activities in a given month. To become a Regular Pioneer, a congregation  
28 member must be approved by the local congregation's Elders.

10.2. Without the access to Plaintiff Javier Cervantes created by the Perpetrator's position

1 with Defendant Linda Vista Church and Defendant New York National Church as a  
2 Publisher, preacher and Regular Pioneer, the Perpetrator could not have sexually molested  
3 Plaintiff Javier Cervantes.

4 10.3. The sexual abuse and exploitation of Plaintiff Javier Cervantes and the  
5 circumstances under which it occurred caused Plaintiff Javier Cervantes to develop various  
6 psychological coping mechanisms which reasonably made him incapable of ascertaining  
7 the resulting damages from that conduct. As a result of those psychological coping  
8 mechanisms, Plaintiff Javier Cervantes buried his memory of the abuse and did not  
9 understand that the abuse caused him to experience psychological injury or illness during  
10 his adulthood until, in approximately July of 2011, a family member spoke to him about the  
11 Perpetrator and informed Plaintiff Javier Cervantes that the Perpetrator's molestation of  
12 children was being investigated. Thus, within the three years prior to the filing of this  
13 Complaint, Plaintiff discovered that the psychological injury or illness occurring after the  
14 age of majority was caused by the sexual abuse.

15 10.4. Plaintiff Javier Cervantes has suffered psychological injury as a result of the  
16 molestation by the Perpetrator. These psychological injuries developed independently of  
17 any physical injury experienced at the time of the abuse, were not made more or less likely  
18 by the presence or absence of any recognizable physical injury occurring at the time of the  
19 abuse, and did not manifest until years after the abuse. Plaintiff did not discover the  
20 existence of these psychological injuries, or their connection to the molestation by the  
21 Perpetrator, until a time within three years of the filing of this complaint.

22 11. Defendant Linda Vista Church gained actual knowledge of a complaint in  
23 approximately 1982 that the Perpetrator had sexually abused a child associated with Linda  
24 Vista Church. Notwithstanding this knowledge, Linda Vista Church did not report the  
25 complaint to law enforcement, report the complaint to members of Linda Vista Church or  
26 warn members of the church of the danger posed to children by the Perpetrator, or restrict  
27 the Perpetrator's service privileges in any way. By retaining the Perpetrator as a Publisher  
28 in good standing, and not restricting the Perpetrator's service privileges or access to

1 children even after gaining knowledge of the Perpetrator's past molestation of a child,  
2 Defendant Linda Vista Church ratified the Perpetrator's sexual abuse of children.

3 11.1. Defendant Linda Vista Church gained actual knowledge that the Perpetrator had  
4 sexually abused a child in 1986 and convened a Judicial Committee which confirmed the  
5 Perpetrator's guilt. The Judicial Committee declined to impose any significant punishment  
6 on the Perpetrator for his wrongful conduct or to take any action to protect others from  
7 similar acts of abuse by the Perpetrator. By taking no significant action to protect children  
8 from being molested by the Perpetrator, even after gaining actual knowledge of prior acts  
9 of abuse, Defendant Linda Vista Church ratified the Perpetrator's sexual abuse of children.

10 11.2. Plaintiffs are informed and believe and on that basis allege that Elders from Linda  
11 Vista Church became the original Elders of Defendant Pacific Beach Church in 1987. At  
12 least one of the Elders that served on the 1986 Judicial Committee that determined that  
13 the Perpetrator had sexually molested children was among those Elders who were on the  
14 initial Body of Elders at Pacific Beach Church. Despite that Elder's knowledge of the  
15 Perpetrator's past sexual abuse of children, Defendant Pacific Beach Church  
16 recommended and accepted the Perpetrator as a Ministerial Servant, Pioneer and an  
17 Elder. By promoting the Perpetrator three times, even after gaining knowledge of his part  
18 sexual abuse of children, Defendant Pacific Beach Church ratified the Perpetrator's sexual  
19 abuse of children.

20 11.3. Defendant New York National Church received a letter of complaint about the  
21 Perpetrator's molestation of John and Manuela Dorman's son in April of 1994. The letter  
22 speculated that other young boys may also have been molested, and criticized the Pacific  
23 Beach Church for naming the Perpetrator as a Ministerial Servant shortly after he had  
24 confessed to the Judicial Committee that he had molested children.

25 11.4. Elders associated with the Pacific Beach Church received the Dormans' letter of  
26 complaint in June of 1994. Notwithstanding this complaint, the Perpetrator remained an  
27 Elder of the Pacific Beach Church, and continued molesting children, until at least 1995.  
28 By retaining the Perpetrator as an Elder for at least fourteen months after learning that he

1 had molested Manuela Dorman's son, Defendant Pacific Beach Church ratified the  
2 Perpetrator's sexual abuse of children.

3 11.5. Between April of 1994 and the date of his eventual disfellowshipping on June 9,  
4 1995, the Perpetrator continued to function as an Elder and Congregation Secretary of  
5 Defendant Pacific Beach Church, and Defendant New York National Church was aware of  
6 this fact. In November of 1994, a report prepared by Defendant New York National  
7 Church's agent, the Circuit Overseer, and sent to Defendant New York National Church,  
8 the Circuit Overseer noted that the Secretary of Defendant Pacific Beach Church was the  
9 Perpetrator. That same report praised the Perpetrator for serving as an Auxiliary Pioneer.  
10 The Perpetrator signed, as the Congregation Secretary, a report sent from Defendant  
11 Pacific Beach Congregation to Defendant New York National Church in November of 1994,  
12 5 months after the congregation received word of the Dorman's complaint. Similarly, in  
13 April of 1995, ten months after the congregation received written notice of the Dorman's  
14 complaint, the Perpetrator signed a document sent to Defendant New York National  
15 Church, again as the Congregation Secretary. By allowing the Perpetrator to continue to  
16 serve in elevated and respected positions as an Auxiliary Pioneer, Congregation Elder and  
17 Congregation Secretary for months after receiving a written complaint about sexual abuse  
18 by the perpetrator, Defendants Pacific Beach Church and New York National Church  
19 ratified the Perpetrator's sexual abuse of children.

20 **FIRST CAUSE OF ACTION**

21 **NEGLIGENCE**

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

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

24 13. Defendants had a duty to protect the minor Plaintiffs when they were entrusted to  
25 their care by Plaintiffs' parents. Plaintiffs' care, welfare, and/or physical custody was  
26 temporarily entrusted to Defendants. Defendants voluntarily accepted the entrusted care  
27 of Plaintiffs. As such, Defendants owed Plaintiffs, minor children, a special duty of care, in  
28 addition to a duty of ordinary care, and owed Plaintiffs the higher duty of care that adults

1 dealing with children owe to protect them from harm.

2 13.1. Defendants had a duty to control the Perpetrator and to prevent him from sexually  
3 molesting children. Defendants, were aware, prior to the sexual abuse of Plaintiffs herein,  
4 that the Perpetrator had sexually abused other minor children. Defendants were also  
5 aware that they had the ability to place restrictions on the Perpetrator's access to children,  
6 service and preaching activities, give warnings to the congregation, and otherwise control  
7 the Perpetrator's conduct. Defendants therefore assumed a duty to prevent the  
8 Perpetrator from sexually molesting children Jehovah's Witness children.

9 13.2. Defendants had a special duty to investigate and not employ the Perpetrator in his  
10 position as a Baptized Publisher, Regular Pioneer, Auxiliary Pioneer, Ministerial Servant,  
11 Congregation Secretary and / or Elder. Defendants knew that the Perpetrator, in light of  
12 his known propensity to sexually molest children, was likely to harm others in light of the  
13 work entrusted to him.

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 **(All Plaintiffs against All Defendants)**

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

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

25 19. Defendants, by and through their agents, servants and employees, knew or  
26 reasonably should have known of the Perpetrator's dangerous and exploitive propensities  
27 and/or that the Perpetrator was an unfit agent. Despite such knowledge, Defendants  
28 negligently failed to supervise the Perpetrator in the position of trust and authority as a

1 Jehovah's Witness speaker, Publisher, Regular Pioneer, Auxiliary Pioneer, Ministerial  
2 Servant, Congregation Secretary, Elder, religious instructor, counselor, surrogate parent,  
3 spiritual mentor, emotional mentor, and/or other authority figure, where he was able to  
4 commit the wrongful acts against the Plaintiffs. Defendants failed to provide reasonable  
5 supervision of the Perpetrator, failed to use reasonable care in investigating the  
6 Perpetrator, and failed to provide adequate warning to Plaintiffs and Plaintiffs' families of  
7 the Perpetrator's dangerous propensities and unfitness. Defendants further failed to take  
8 reasonable measures to prevent future sexual abuse.

9 20. 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 **THIRD CAUSE OF ACTION**

18 **NEGLIGENT HIRING/RETENTION**

19 **(All Plaintiffs against All Defendants)**

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

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

24 23. Defendant Pacific Beach Church, Defendant Linda Vista Church, Defendant New  
25 York National Church, Defendant Pennsylvania National Church, and Does 6 through 100,  
26 by and through their agents, servants and employees, knew or reasonably should have  
27 known of the Perpetrator's dangerous and exploitive propensities and/or that the  
28 Perpetrator was an unfit agent. Despite such knowledge, Defendants negligently hired

1 and/or retained the Perpetrator in the position of trust and authority as a Jehovah's  
2 Witness speaker, Publisher, Regular Pioneer, Auxiliary Pioneer, Ministerial Servant,  
3 Congregation Secretary, Elder, religious instructor, counselor, surrogate parent, spiritual  
4 mentor, emotional mentor, and/or other authority figure, where he was able to commit the  
5 wrongful acts against the Plaintiffs. Defendants failed to use reasonable care in  
6 investigating the Perpetrator and failed to provide adequate warning to Plaintiffs and  
7 Plaintiffs' families of the Perpetrator's dangerous propensities and unfitness. Defendants  
8 further failed to take reasonable measures to prevent future sexual abuse.

9 24. 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 **FOURTH CAUSE OF ACTION**

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

19 **(All Plaintiffs against All Defendants)**

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

21 26. Defendants breached their duty to take reasonable protective measures to protect  
22 Plaintiffs and other minor congregants and/or bible students from the risk of childhood  
23 sexual abuse by the Perpetrator, such as the failure to properly warn, train, or educate  
24 Plaintiffs and other minor parishioners and/or students about how to avoid such a risk,  
25 pursuant to Juarez v. Boy Scouts of America, Inc., 97 Cal.Rptr.2d 12, 81 Cal.App.4th 377  
26 (2000).

27 27. 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 **FIFTH CAUSE OF ACTION**

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

9 **(All Plaintiffs Against All Defendants)**

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

11 29. From approximately 1986 to 1992, the Perpetrator engaged in unpermitted, harmful  
12 and offensive sexual contact upon the person of Plaintiff John Rivera, and Defendant  
13 Pacific Beach Church, Defendant Linda Vista Church, Defendant New York National  
14 Church, Defendant Pennsylvania National Church and Does 6 through 100 ratified or  
15 approved of that sexual contact.

16 30. From approximately 1990 to approximately 1993, the Perpetrator engaged in  
17 unpermitted, harmful and offensive sexual contact upon the person of Plaintiff Joshua  
18 Rivera, and Defendant Pacific Beach Church, Defendant Linda Vista Church, Defendant  
19 New York National Church, Defendant Pennsylvania National Church, and Does 6 through  
20 100 ratified or approved of that sexual contact.

21 31. From approximately 1989 to approximately 1994, the Perpetrator engaged in  
22 unpermitted, harmful and offensive sexual contact upon the person of Plaintiff Ruth Bias,  
23 and Defendant Pacific Beach Church, Defendant Linda Vista Church, Defendant New York  
24 National Church, Defendant Pennsylvania National Church, and Does 6 through 100  
25 ratified or approved of that sexual contact.

26 32. From approximately 1984 to approximately 1985, the Perpetrator engaged in  
27 unpermitted, harmful and offensive sexual contact upon the person of Plaintiff Javier  
28 Cervantes, and Defendant Pacific Beach Church, Defendant Linda Vista Church,

1 Defendant New York National Church, Defendant Pennsylvania National Church, and Does  
2 6 through 100 ratified or approved of that sexual contact.

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

13 **SIXTH CAUSE OF ACTION**

14 **SEXUAL HARASSMENT**

15 **(Plaintiff John Rivera Against Defendant Linda Vista Church, Defendant Pacific**  
16 **Beach Church, Defendant Perpetrator and Does 6 through 100; Plaintiff Joshua**  
17 **Rivera Against Defendant Pacific Beach Church, Defendant Perpetrator and Does 6**  
18 **through 100; Plaintiff Ruth Bias Against Defendant Pacific Beach Church, Defendant**  
19 **Perpetrator and Does 6 through 100; and Plaintiff Javier Cervantes Against**  
20 **Defendant Linda Vista Church, Defendant Pacific Beach Church, Defendant**  
21 **Perpetrator and Does 6 through 100. )**

22 34. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

23 35. During Plaintiff John Rivera's time as a congregant, church member and student at  
24 Defendant Pacific Beach Church, Perpetrator intentionally, recklessly and wontonly made  
25 sexual advances, sexual solicitations, sexual comments and sexual requests and engaged  
26 in other visual, verbal or physical conduct of a sexual nature based on Plaintiff John  
27 Rivera's gender that were unwelcome, pervasive and severe, including but not limited to  
28 engaging in sexual talk with John Rivera and touching John Rivera in a sexually motivated

1 and illegal manner, all while Perpetrator was acting in the course and scope of his agency  
2 with Defendant Pacific Beach Church and Does 6 through 100.

3 36. During Plaintiff John Rivera's time as a congregant, church member and student at  
4 Defendant Linda Vista Church, Perpetrator intentionally, recklessly and wontonly made  
5 sexual advances, sexual solicitations, sexual comments and sexual requests and engaged  
6 in other visual, verbal or physical conduct of a sexual nature based on Plaintiff John  
7 Rivera's gender that were unwelcome, pervasive and severe, including but not limited to  
8 engaging in sexual talk with John Rivera and touching John Rivera in a sexually motivated  
9 and illegal manner, all while Perpetrator was acting in the course and scope of his agency  
10 with Defendant Linda Vista Church and Does 6 through 100.

11 37. During Plaintiff Joshua Rivera's time as a congregant, church member and student  
12 at Defendant Pacific Beach Church, Perpetrator intentionally, recklessly and wontonly  
13 made sexual advances, sexual solicitations, sexual comments and sexual requests and  
14 engaged in other visual, verbal or physical conduct of a sexual nature based on Plaintiff  
15 Joshua Rivera's gender that were unwelcome, pervasive and severe, including but not  
16 limited to engaging in sexual talk with Joshua Rivera and touching Joshua Rivera in a  
17 sexually motivated and illegal manner, all while Perpetrator was acting in the course and  
18 scope of his agency with Defendant Pacific Beach Church and Does 6 through 100.

19 38. During Plaintiff Ruth Bias' time as a congregant, church member and student at  
20 Defendant Pacific Beach Church, Perpetrator intentionally, recklessly and wontonly made  
21 sexual advances, sexual solicitations, sexual comments and sexual requests and engaged  
22 in other visual, verbal or physical conduct of a sexual nature based on Plaintiff Ruth Bias'  
23 gender that were unwelcome, pervasive and severe, including but not limited to engaging  
24 in sexual talk with Ruth Bias and touching Ruth Bias in a sexually motivated and illegal  
25 manner, all while Perpetrator was acting in the course and scope of his agency with  
26 Defendant Pacific Beach Church and Does 6 through 100.

27 39. During Plaintiff Javier Cervantes' time as a congregant, church member and student  
28 at Defendant Linda Vista Church, Perpetrator intentionally, recklessly and wontonly made

1 sexual advances, sexual solicitations, sexual comments and sexual requests and engaged  
2 in other visual, verbal or physical conduct of a sexual nature based on Plaintiff Javier  
3 Cervantes' gender that were unwelcome, pervasive and severe, including but not limited to  
4 engaging in sexual talk with Javier Cervantes and touching Javier Cervantes in a sexually  
5 motivated and illegal manner, all while Perpetrator was acting in the course and scope of  
6 his agency with Defendant Linda Vista Church and Does 6 through 100.

7 40. The incidents of sexual misconduct and sexual harassment outlined herein took  
8 place while Plaintiff John Rivera was under the control of Perpetrator, in his capacity as a  
9 Publisher, Pioneer, teacher and speaker at Defendant Linda Vista Church and while  
10 specifically acting on behalf of the Defendant Linda Vista Church and Does 6 through 100.

11 41. The incidents of sexual misconduct and sexual harassment outlined herein took  
12 place while Plaintiff John Rivera was under the control of Perpetrator, in his capacity as a  
13 Publisher, Pioneer, Ministerial Servant, teacher and speaker at Defendant Pacific Beach  
14 Church and while specifically acting on behalf of the Defendant Pacific Beach Church and  
15 Does 6 through 100.

16 42. The incidents of sexual misconduct and sexual harassment outlined herein took  
17 place while Plaintiff Joshua Rivera was under the control of Perpetrator, in his capacity as  
18 a Ministerial Servant, Pioneer, Elder, teacher and speaker at Defendant Pacific Beach  
19 Church, and while specifically acting on behalf of the Defendant Pacific Beach Church, and  
20 Does 6 through 100.

21 43. The incidents of sexual misconduct and sexual harassment outlined herein took  
22 place while Plaintiff Ruth Bias was under the control of Perpetrator, in his capacity as a  
23 Ministerial Servant, Pioneer, Elder, Congregation Secretary, teacher and speaker at  
24 Defendant Pacific Beach Church, and while specifically acting on behalf of the Defendant  
25 Pacific Beach Church, and Does 6 through 100.

26 44. The incidents of sexual misconduct and sexual harassment outlined herein took  
27 place while Plaintiff Javier Cervantes was under the control of Perpetrator, in his capacity  
28 as a teacher, speaker, Publisher and / or Regular Pioneer at Defendant Linda Vista Church

1 and while specifically acting on behalf of the Defendant Linda Vista Church and Does 6  
2 through 100.

3 45. During Plaintiff John Rivera's time as a church member, congregant and student at  
4 Defendant Pacific Beach Church, Perpetrator intentionally, recklessly and wontonly did  
5 acts which resulted in harmful and offensive contact with intimate parts of Plaintiff John  
6 Rivera's person, including but not limited to, using his position as a Ministerial Servant,  
7 Publisher, Pioneer, teacher and speaker to require Plaintiff John Rivera to give into his  
8 sexual suggestions, and used his authority and position of trust to exploit John Rivera  
9 physically, sexually and emotionally.

10 46. During Plaintiff John Rivera's time as a church member, congregant and student at  
11 Defendant Linda Vista Church, Perpetrator intentionally, recklessly and wontonly did acts  
12 which resulted in harmful and offensive contact with intimate parts of Plaintiff John Rivera's  
13 person, including but not limited to, using his position as a Publisher, Pioneer, Ministerial  
14 Servant, teacher and speaker to require Plaintiff John Rivera to give into his sexual  
15 suggestions, and used his authority and position of trust to exploit John Rivera physically,  
16 sexually and emotionally.

17 47. During Plaintiff Joshua Rivera's time as a church member, congregant and student  
18 at Defendant Pacific Beach Church, Perpetrator intentionally, recklessly and wontonly did  
19 acts which resulted in harmful and offensive contact with intimate parts of Plaintiff Joshua  
20 Rivera's person, including but not limited to, using his position as a Pioneer, Ministerial  
21 Servant, Elder, teacher and speaker to require Plaintiff Joshua Rivera to give into his  
22 sexual suggestions, and used his authority and position of trust to exploit Joshua Rivera  
23 physically, sexually and emotionally.

24 48. During Plaintiff Ruth Bias' time as a church member, congregant and student at  
25 Defendant Pacific Beach Church, Perpetrator intentionally, recklessly and wontonly did  
26 acts which resulted in harmful and offensive contact with intimate parts of Plaintiff Ruth  
27 Bias' person, including but not limited to, using his position as a Pioneer, Ministerial  
28 Servant, Elder, Congregation Secretary, teacher and speaker to require Plaintiff Ruth Bias



1 to give into his sexual suggestions, and used his authority and position of trust to exploit  
2 Ruth Bias physically, sexually and emotionally.

3 49. During Plaintiff Javier Cervantes' time as a church member, congregant and student  
4 at Defendant Linda Vista Church, Perpetrator intentionally, recklessly and wontonly did  
5 acts which resulted in harmful and offensive contact with intimate parts of Plaintiff Javier  
6 Cervantes' person, including but not limited to, using his position as a Baptized Publisher,  
7 Regular Pioneer, teacher and / or speaker to require Plaintiff Javier Cervantes to give into  
8 his sexual suggestions, and used his authority and position of trust to exploit Javier  
9 Cervantes physically, sexually and emotionally.

10 50. Because of Plaintiff John Rivera's relationship with Perpetrator, Plaintiff John  
11 Rivera's young age as a minor congregant and student, and Plaintiff John Rivera's  
12 inexperience, Plaintiff John Rivera was emotionally unable to terminate the contact he had  
13 with Perpetrator.

14 51. Because of Plaintiff Joshua Rivera's relationship with Perpetrator, Plaintiff Joshua  
15 Rivera's young age as a congregant and student, and Plaintiff Joshua Rivera's  
16 inexperience, Plaintiff Joshua Rivera was emotionally unable to terminate the contact he  
17 had with Perpetrator.

18 52. Because of Plaintiff Ruth Bias' relationship with Perpetrator, Plaintiff Ruth Bias'  
19 young age as a congregant and student, and Plaintiff Ruth Bias' inexperience, Plaintiff  
20 Ruth Bias was emotionally unable to terminate the contact he had with Perpetrator.

21 53. Because of Plaintiff Javier Cervantes' relationship with Perpetrator, Plaintiff Javier  
22 Cervantes' young age as a minor congregant and student, and Plaintiff Javier Cervantes'  
23 inexperience, Plaintiff Javier Cervantes was emotionally unable to terminate the contact he  
24 had with Perpetrator.

25 54. Because of Perpetrator' position of authority over Plaintiff John Rivera, Plaintiff John  
26 Rivera's mental and emotional state, and Plaintiff John Rivera's young age under the age  
27 of consent, Plaintiff John Rivera was unable to, and did not, give meaningful consent to  
28 such acts.

1 55. Because of Perpetrator' position of authority over Plaintiff Joshua Rivera, Plaintiff  
2 Joshua Rivera's mental and emotional state, and Plaintiff Joshua Rivera's young age  
3 under the age of consent, Plaintiff Joshua Rivera was unable to, and did not, give  
4 meaningful consent to such acts.

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

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

13 58. Even though Defendant Pacific Beach Church, Defendant Linda Vista Church,  
14 Defendant New York National Church, Defendant Pennsylvania National Church and Does  
15 6 through 100 knew or should have known of these activities by Perpetrator, Defendant  
16 Pacific Beach Church, Defendant Linda Vista Church, Defendant New York Church,  
17 Defendant Pennsylvania Church and Does 6 through 100 did nothing to investigate,  
18 supervise or monitor Perpetrator to ensure the safety of the minor students and choir  
19 members.

20 59. Defendant Pacific Beach Church, Defendant Linda Vista Church, Defendant New  
21 York Church, Defendant Pennsylvania Church and Does 6 through 100's conduct was a  
22 breach of their duties to Plaintiffs.

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

1 capacity; and/or have incurred and will continue to incur expenses for medical and  
2 psychological treatment, therapy, and counseling.

3 **SEVENTH CAUSE OF ACTION**

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

5 **(All Plaintiffs Against All Defendants)**

6 61. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

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

12 63. By holding the Perpetrator out as a qualified Publisher, Pioneer, preacher, bible  
13 study teacher, Ministerial Servant, counselor, surrogate parent, spiritual mentor, emotional  
14 mentor, Congregation Secretary, Elder and/or any other authority figure, and by  
15 undertaking the religious and/or secular instruction and spiritual and/or emotional  
16 counseling of Plaintiffs, Defendants entered into a fiduciary and/or confidential relationship  
17 with the minor Plaintiffs.

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

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

28 WHEREFORE, Plaintiffs pray for damages; costs; interest; statutory/civil penalties

1 according to law; punitive damages against Defendant Perpetrator; attorney's fees and  
2 such other relief as the court deems appropriate and just.

3 **JURY DEMAND**

4 Plaintiffs demand a jury trial on all issues so triable.

5 THE ZALKIN LAW FIRM, P.C.

6  
7 Dated: 8/25/11

8 By:   
9 Devin M. Storey  
10 Attorney for Plaintiffs  
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