



*Secrets of*  
**Pedophilia**  
in an.  
**American**  
**Religion**

Jehovah's Witnesses in Crisis

BARBARA ANDERSON

Court Documents

Ken L

vs

Jehovah's Witnesses

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8 SUPERIOR COURT OF CALIFORNIA  
9 COUNTY OF PLACER

10 KEN L.,  
11 Plaintiff,  
12 vs.  
13 ROES 1 through 100, inclusive and DOES  
14 110 through 120, inclusive,  
15 Defendants.

CASE NO: *SCV 16600*

Jury Trial Demanded

**Complaint for Damages:**

1. Sexual Battery
2. Common Law Negligence
3. Negligent Appointment, Retention, and Supervision
4. Gross Negligence - Wilful Misconduct
5. Breach of Fiduciary Duty
6. Intentional Infliction of Emotional Distress
7. Fraud - Intentional Misrepresentation
8. Fraud - Concealment
9. Conspiracy

20 **PLAINTIFF'S ORIGINAL COMPLAINT**

21 COMES NOW KEN L., Plaintiff in the above entitled cause, and files this, his  
22 Original Complaint, and alleges as follows:

23 I.

24 **PARTIES**

25 1. Plaintiff KEN L., born January 17, 1970, is and at all mentioned herein, was  
26 a resident of Placer County, California. At all material times, Plaintiff was also a child  
27 entrusted to the Defendants' care within the State of California. As a child, Plaintiff was  
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1 sexually abused by an elder appointed by the Defendants' organization within the State  
2 of California.

3 2. Plaintiff alleges on information and belief that at all relevant times,  
4 defendants ROES 1 through 100, are business or corporate entities incorporated in and/or  
5 doing business in California and DOES 110 through 120, are individuals.

6 3. The true names and capacities, whether individual, corporate, associate, or  
7 otherwise, of defendants ROES 1 through 100 and DOES 110 through 120, inclusive, are  
8 known and unknown to Plaintiff who therefore sues such defendants by such fictitious  
9 names in compliance with Code of Civil Procedure § 340.1(m), and will amend the  
10 complaint to show the true names and capacities of each known ROE and DOE defendant  
11 pursuant to Court Order and to show the true names and capacities of each unknown ROE  
12 and DOE defendant when ascertained. Plaintiff alleges on information and belief that each  
13 defendant designated as a ROE and DOE is legally responsible in some manner for the  
14 events, happenings, and/or tortuous, and unlawful conduct that caused the injuries and  
15 damages alleged in this complaint.

16 4. Defendant designated herein as ROE 1 is a corporation organized and  
17 existing under the laws of the State of New York, has conducted business within the State  
18 of California through its agents and alter egos. ROE 1 is, based upon best information and  
19 belief, a corporate religious entity that has engaged in conduct, or a lack thereof, thereby  
20 allowing children affiliated with its entity to be victims of sexual abuse. The identity of ROE  
21 1 is known by Plaintiff and his attorneys, and an order will be sought in compliance with  
22 Code of Civil Procedure § 340.1(m) to plead the true identity of ROE 1.

23 5. Defendant designated herein as ROE 2 is a corporation organized and  
24 existing under the laws of the State of Pennsylvania, has conducted business within the  
25 State of California through its agents and alter egos. ROE 2 is, based upon best  
26 information and belief, a corporate religious entity that has engaged in conduct, or a lack  
27 thereof, thereby allowing children affiliated with its entity to be victims of sexual abuse.  
28 The identity of ROE 2 is known by Plaintiff and his attorneys, and an order will be sought

1 in compliance with Code of Civil Procedure § 340.1(m) to plead the true identity of ROE  
2 2.

3 6. Defendant designated herein as ROE 3 is a corporation organized and  
4 existing under the laws of the State of New York, has conducted business within the State  
5 of California through its agents and alter egos. ROE 3 is, based upon best information and  
6 belief, a corporate religious entity that has engaged in conduct, or a lack thereof, thereby  
7 allowing children affiliated with its entity to be victims of sexual abuse. The identity of ROE  
8 3 is known by Plaintiff and his attorneys, and an order will be sought in compliance with  
9 Code of Civil Procedure § 340.1(m) to plead the true identity of ROE 3.

10 7. Defendant designated herein as ROE 4 is a corporation organized and  
11 existing under the laws of the State of California, has conducted business within the State  
12 of California through its agents and alter egos. ROE 4 is, based upon best information and  
13 belief, a corporate religious entity that has engaged in conduct, or a lack thereof, thereby  
14 allowing children affiliated with its entity to be victims of sexual abuse. The identity of ROE  
15 4 is known by Plaintiff and his attorneys, and an order will be sought in compliance with  
16 Code of Civil Procedure § 340.1(m) to plead the true identity of ROE 4.

17 8. Defendant DOE 110 is a resident of California and is believed to reside in  
18 Colfax, California. DOE 110 is and was, based upon best information and belief, an  
19 individual who sexually abused and molested children within the religious organization that  
20 he was an agent of, which engaged in conduct, or a lack thereof, thereby allowing children  
21 affiliated with its entity to be victims of sexual abuse. The identity of DOE 110 is known  
22 by Plaintiff and his attorneys, and an order will be sought in compliance with Code of Civil  
23 Procedure § 340.1(m) to plead the true identity of DOE 110.

24 9. The Defendant entities are collectively referred to herein as the "ROE  
25 DEFENDANTS" and each is the agent, servant and alter ego of each other and operates  
26 as a single business enterprise. Each Defendant was acting within the scope and course  
27 of his or its authority as an agent, servant, and/or alter ego of the other and each of them  
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1 engaged in, joined in and conspired with the other wrongdoers in carrying out the unlawful  
2 activities alleged in this complaint.

3 **II.**

4 **JURISDICTION AND VENUE**

5 10. Plaintiff has been damaged in an amount exceeding the minimum  
6 jurisdictional requirements of this Court.

7 11. Venue is proper in Placer County, California because most of the acts or  
8 omissions that give rise to Plaintiff's claims occurred in Placer County, California and  
9 Defendant ROE 4 is a resident of Placer County.

10 **III.**

11 **FACTS COMMON TO ALL CAUSES OF ACTION**

12 12. In the past, certain Elders, Ministerial Servants, Pioneers, agents, volunteers  
13 and other leaders and representatives of the ROE DEFENDANTS' organization, including  
14 DOE 110, have used their appointed positions of authority within the ROE DEFENDANTS'  
15 organization to sexually abuse minors, including Plaintiff. The ROE DEFENDANTS were  
16 notified of the abuse of these minors by their appointed Elder, DOE 110, and others, but  
17 intentionally concealed this information and continued to place DOE 110 in positions of  
18 authority where he could abuse children while pursuing activities within the scope of his  
19 appointment. The ROE DEFENDANTS failed to take reasonable steps to ensure the  
20 safety of Plaintiff and other minor children entrusted to their care and to prevent future acts  
21 of molestation. This suit seeks compensation for Plaintiff who was a victim of this sexual  
22 abuse.

23 13. All paragraphs of this Complaint are based on information and belief, except  
24 for those allegations, which pertain to the Plaintiff and his counsel. Plaintiff's information  
25 and belief are based upon, *inter alia*, the investigation conducted to date by Plaintiff and  
26 his counsel. Each allegation in this Complaint either has, or is likely to have, evidentiary  
27 support upon further investigation and discovery.

1           14. The ROE DEFENDANTS' organization has a hierarchical structure in which  
2 the GOVERNING BODY, consisting of a small group of men who operate out of various  
3 entities within the hierarchical structure, sits at the top of a chain of command that extends  
4 over each individual and Defendant entity in the organization including its worldwide  
5 operations. These individuals and entities act as agents, servants and alter egos of each  
6 other. Authority for actions by the organization and its members derive from the  
7 GOVERNING BODY.

8           15. All of the Defendants are the agents and servants of each other and are  
9 vicariously liable for each other's acts. The ROE DEFENDANTS are so organized and  
10 controlled and their affairs are so conducted that they are alter egos of each other and  
11 operate as a single business enterprise.

12           16. Through its hierarchical structure, the ROE DEFENDANTS assume  
13 responsibility for the development, protection and discipline of its membership, especially  
14 the children of members. Elders, Ministerial Servants, Pioneers and other leaders are  
15 appointed and empowered by the GOVERNING BODY to carry out this responsibility.

16           17. To further their goals, the ROE DEFENDANTS authorize male Elders,  
17 Ministerial Servants, Pioneers and other appointed male leaders to develop relationships  
18 of trust with women, children and families and to assume a role of counselor and advocate  
19 for problems that might arise, including claims of child abuse. It is the responsibility of the  
20 Elders and those higher in the chain of command, including the GOVERNING BODY, to  
21 decide if abuse has occurred and how it should be handled.

22           18. Despite knowledge of a problem with sexual abuse of minors by appointed  
23 leaders in the ROE DEFENDANTS' organization, the ROE DEFENDANTS acted to  
24 continue to appoint these sexual offenders to positions of authority with the opportunity to  
25 abuse children through activities within the scope of their appointment. The ROE  
26 DEFENDANTS demonstrated willful indifference and/or reckless and/or intentional  
27 disregard for the interest and safety of the children entrusted to their care. Rather than  
28 implement measures to redress and prevent the sexual molestation of these children, the

1 ROE DEFENDANTS engaged in a systematic pattern and practice of suppression of  
2 information to cover-up and hide incidents of child molestation from law enforcement and  
3 their membership in order to protect the ROE DEFENDANTS' reputation as well as those  
4 within the ROE DEFENDANTS' organization who committed acts of sexual molestation  
5 against children.

6 19. The ROE DEFENDANTS have likewise engaged in the routine practice of  
7 maintaining secret archival files regarding sexual abuse by Elders, Ministerial Servants,  
8 Pioneers and other appointed leaders in the organization. The existence of these files and  
9 the contents thereof were not disclosed or made available to law enforcement authorities  
10 or others in order for law enforcement to investigate the crimes of these leaders in the  
11 ROE DEFENDANTS' organization. The ROE DEFENDANTS furthered this conspiracy of  
12 concealment by, among other things, failing to properly report complaints of sexual  
13 misconduct to law enforcement authorities, failing to remove molesting leaders or prevent  
14 their access to children. Known molesting leaders were reaffirmed as leaders in good  
15 standing in the organization and were given authority that permitted continued frequent and  
16 unsupervised access to children in the organization.

17 20. At all material times, the ROE DEFENDANTS prohibited the victim and/or  
18 accuser from warning others or speaking about the matter to anyone under penalty of  
19 discipline. Victim/accusers were not permitted to report suspected abuse to outside  
20 authorities or to other Publishers within the organization, despite secular laws and duties  
21 regarding the reporting of sexual Abuse. Violation of this policy would lead to severe  
22 sanctions.

23 21. The ROE DEFENDANTS also failed to provide Plaintiff and his family with  
24 any notice or warning regarding the past misconduct of, and abuse by, DOE 110. The  
25 ROE DEFENDANTS represented to Plaintiff, members and the public that DOE 110 and  
26 other leaders were fit to lead, when in fact they were predator pedophiles. The ROE  
27 DEFENDANTS knew or had reason to know that DOE 110 and other leader molesters  
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1 would continue to sexually molest children, using their leadership positions to gain access  
2 to and control over their victims.

3 22. Prior to 1984, the ROE DEFENDANTS appointed DOE 110 to the leadership  
4 position of Elder with authority over women and children in the ROE DEFENDANTS'  
5 organization.

6 23. Beginning by at least 1984, the ROE DEFENDANTS' agent, DOE 110, used  
7 his position as an Elder to gain access to children under the care of the ROE  
8 DEFENDANTS' organization and to sexually abuse them.

9 24. Beginning in 1984 and continuing through approximately 1987, DOE 110 used  
10 his position as an Elder and leader in the ROE DEFENDANTS' organization to gain access  
11 to and sexually abuse Plaintiff, KEN L. KEN L. was approximately fourteen (14) years old  
12 when the abuse began. Using his delegated authority as a leader in the ROE  
13 DEFENDANTS' organization, DOE 110 repeatedly sexually abused KEN L. on ROE  
14 DEFENDANTS' premises and during ROE DEFENDANT activities. This sexual abuse  
15 included repeated fondling of genitalia and oral sex and occurred regularly in the Kingdom  
16 Hall bathroom.

17 25. When Plaintiff, KEN L. reported to the ROE DEFENDANTS that their agent,  
18 DOE 110, was using his appointed position as an Elder in the ROE DEFENDANTS'  
19 organization to sexually abuse Plaintiff who was under the organizations' care, they  
20 disfellowshipped DOE 110 for having a "poor attitude" but took no other steps to hold him  
21 accountable or to otherwise notify members and the families of the children whom they had  
22 placed under the authority of their agent, DOE 110. They did not report the abuse to  
23 authorities and instructed Plaintiff and his family to keep silent.

24 26. Plaintiff's position as a minor in the ROE DEFENDANTS' organization, as  
25 well DOE 110'S position as a spiritual leader and authority figure in the ROE  
26 DEFENDANTS' organization allowed him to maintain control and influence over Plaintiff.  
27 The ROE DEFENDANTS enabled DOE 110 to abuse Plaintiff and others by appointing him  
28 to positions of authority to engage in activities that gave him access to children, and then



1 actively concealing his ongoing sexual abuse. The ROE DEFENDANTS, each of them,  
2 used their positions in the organization to aid and abet DOE 110 and other leaders in the  
3 sexual abuse and exploitation of minors in the organization and in furtherance of the  
4 conspiracy to conceal the sexual molestation occurring within the ROE DEFENDANTS'  
5 organization.

6 27. The ROE DEFENDANTS knew or should have known that their appointed  
7 agent, DOE 110 was using his position of authority in the organization to gain access to  
8 and sexually molest and physically abuse adolescents under the care of the organization  
9 on ROE DEFENDANTS' premises and during ROE DEFENDANT activities. The ROE  
10 DEFENDANTS failed to notify anyone that their agent, DOE 110 had sexually molested  
11 Plaintiff who was under the ROE DEFENDANTS' care. They further failed to take any  
12 steps to protect Plaintiff from his abuse. Instead, they knowingly concealed this  
13 information from Plaintiff and others, thereby aiding and abetting the abuse.

14 28. When the ROE DEFENDANTS received reports of their agent's acts of  
15 sexual abuse against Plaintiff who was entrusted to their care, the ROE DEFENDANTS  
16 assumed the exclusive responsibility for dealing with the problem. They instructed Plaintiff  
17 and his family that they should leave the matter to the ROE DEFENDANTS to handle. The  
18 ROE DEFENDANTS chose not to report the abuse to law enforcement authorities nor did  
19 they warn any other members of the organization that they had appointed a dangerous  
20 pedophile to positions of leadership with authority over children. They did not act to help  
21 Plaintiff or his family deal with the trauma of abuse and actively prevented them from  
22 obtaining help from trained professionals and other available sources. The ROE  
23 DEFENDANTS failed to take appropriate steps to hold their agent, DOE 110, accountable  
24 for his conduct or to assist him in addressing his propensities.

25 29. DOE 110 used the authority of his position in the ROE DEFENDANTS'  
26 organization to gain access to and sexually abuse Plaintiff. The ROE DEFENDANTS  
27 directly and vicariously caused foreseeable harm to Plaintiff by, among other things:

- 28 a. aiding and abetting the abuse of children by their appointed agents;

- 1 b. blaming, humiliating, sanctioning and/or disciplining victims/accusers of  
2 sexual abuse instead of the perpetrator;
- 3 c. refusing to report such sexual abuse, including the abuse by DOE 110 to law  
4 enforcement and governmental child welfare agencies and requiring that  
5 members not make such reports;
- 6 d. refusing to warn Plaintiff, his family, and others of the risk of abuse by DOE  
7 110 after they knew or should have known of his propensities to use his  
8 positions of leadership to engage in acts of sexual abuse against children  
9 entrusted to the ROE DEFENDANTS' care;
- 10 e. negligently failing to train its Elders, Overseers, Ministerial Servants and  
11 other appointed leaders to identify, investigate, prevent and respond to or  
12 report child abuse;
- 13 f. negligently failing to adopt adequate policies and procedures for the  
14 protection of children and other members and/or to implement and comply  
15 with such procedures that did exist;
- 16 g. failing to properly investigate matters brought to the ROE DEFENDANTS'  
17 attention involving child sexual abuse and/or suspicions of child sexual  
18 abuse;
- 19 h. negligently failing to provide child abuse victims and their families with  
20 assistance in coping with the trauma of abuse and preventing Plaintiff and  
21 his family from reporting the abuse to outside authorities and obtaining  
22 outside help to deal with the trauma of abuse;
- 23 i. negligently appointing, retaining and failing to properly supervise DOE 110  
24 as a leader in the organization or to monitor his activities after they knew or  
25 should have known of his propensities to use his position of leadership to  
26 engage in acts of sexual abuse.

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IV.

CAUSES OF ACTION

**FIRST CAUSE OF ACTION**  
**SEXUAL BATTERY**

30. Plaintiff incorporates herein by this reference and re-allege paragraphs 1 through 29 of this Complaint as if fully set forth herein.

31. Plaintiff alleges that for a number of years, beginning in 1986, Defendant DOE 110 repeatedly engaged in un-permitted, harmful, and offensive sexual contact upon the person of Plaintiff, as described herein, without Plaintiff's consent, committing sexual abuse upon the person of Plaintiff in the State of California as referenced in Code of Civil Procedure § 340.1.

32. As a legal result of Defendant DOE 110'S conduct as described hereinabove, Plaintiff has suffered, and will continue to suffer great pain of mind, body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life. Further, Plaintiff was prevented and will continue to be prevented from performing daily activities and obtaining the full enjoyment of life. Plaintiff has sustained loss of earnings and earning capacity. Plaintiff has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

**SECOND CAUSE OF ACTION**  
**COMMON-LAW NEGLIGENCE**

33. Plaintiff incorporates herein by this reference and re-allege paragraphs 1 through 32 of this Complaint as if fully set forth herein.

34. Plaintiff alleges, at all times herein mentioned, that the ROE DEFENDANTS assumed a duty to protect Plaintiff from sexual predators within the ROE DEFENDANTS' organization. The ROE DEFENDANTS further knew or should have known that Plaintiff was at risk of foreseeable harm by their agent, DOE 110, but failed to act to protect him

1 from said harm. The ROE DEFENDANTS breached their duty to Plaintiff, thereby causing  
2 great harm to Plaintiff.

3 35. As a legal result of Defendants' conduct as described hereinabove, Plaintiff  
4 has suffered, and will continue to suffer great pain of mind, body, shock, emotional  
5 distress, physical manifestations of emotional distress, embarrassment, loss of self-  
6 esteem, disgrace, humiliation, and loss of enjoyment of life. Further, Plaintiff was  
7 prevented and will continue to be prevented from performing daily activities and obtaining  
8 the full enjoyment of life. Plaintiff has sustained loss of earnings and earning capacity.  
9 Plaintiff has incurred and will incur expenses for medical and psychological treatment,  
10 therapy, and counseling.

11 **THIRD CAUSE OF ACTION**  
**NEGLIGENT APPOINTMENT, RETENTION AND SUPERVISION**

12 36. Plaintiff incorporates herein by this reference and re-allege paragraphs 1  
13 through 35 of this Complaint as if fully set forth herein.

14 37. Plaintiff alleges, at all times herein mentioned, that the ROE DEFENDANTS  
15 knew or should have known of their agents, DOE 110'S, propensities to use his position  
16 as a leader in the local congregation to engage in acts of sexual abuse. The ROE  
17 DEFENDANTS failed to adequately investigate, evaluate, and otherwise research the  
18 background of their agent, DOE 110, prior to appointing him to leadership positions and  
19 entrusting children to his care.

20 38. Plaintiff further alleges that after DOE 110 was appointed by ROE  
21 DEFENDANTS acting on behalf of and under the supervision of the ROE DEFENDANTS,  
22 ROE DEFENDANTS failed to adequately investigate, evaluate, monitor and supervise the  
23 conduct of their agent, DOE 110, during his interactions with children entrusted to his care  
24 by ROE DEFENDANTS.

25 39. Plaintiff further alleges that ROE DEFENDANTS failed to provide adequate  
26 warning to Plaintiff and his family of their agent's dangerous propensities and unfitness to  
27 lead.  
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1 emotional, and physical injuries as a result of the acts of sexual abuse described  
2 hereinabove.

3 45. As a legal result of Defendants' conduct as described hereinabove, Plaintiff  
4 has suffered, and will continue to suffer great pain of mind, body, shock, emotional  
5 distress, physical manifestations of emotional distress, embarrassment, loss of self-  
6 esteem, disgrace, humiliation, and loss of enjoyment of life. Further, Plaintiff was  
7 prevented and will continue to be prevented from performing daily activities and obtaining  
8 the full enjoyment of life. Plaintiff has sustained loss of earnings and earning capacity.  
9 Plaintiff has incurred and will incur expenses for medical and psychological treatment,  
10 therapy, and counseling.

11 **FIFTH CAUSE OF ACTION**  
12 **BREACH OF FIDUCIARY DUTY**

13 46. Plaintiff incorporates herein by this reference and re-allege paragraphs 1  
14 through 45 of this Complaint as if fully set forth herein.

15 47. Plaintiff alleges, at all times herein mentioned, that by holding DOE 110 out  
16 as a qualified Elder and leader in the ROE DEFENDANTS' organization, and by  
17 undertaking the religious instruction and spiritual and emotional counseling of Plaintiff, the  
18 ROE DEFENDANTS, created a fiduciary relationship with Plaintiff. The ROE  
19 DEFENDANTS were in positions of trust and confidence with Plaintiff and such relationship  
20 imposed on them a duty to act to protect Plaintiff's best interests.

21 48. Plaintiff further alleges that because of this special relationship, Plaintiff and  
22 his family placed their trust and confidence in the ROE DEFENDANTS to protect him from  
23 harm and to warn Plaintiff of potential harm. This conduct was a breach of the fiduciary  
24 duty owed to Plaintiff by ROE DEFENDANTS.

25 49. As a legal result of Defendants' conduct as described hereinabove, Plaintiff  
26 has suffered, and will continue to suffer great pain of mind, body, shock, emotional  
27 distress, physical manifestations of emotional distress, embarrassment, loss of self-  
28 esteem, disgrace, humiliation, and loss of enjoyment of life. Further, Plaintiff was

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

5  
6 **SIXTH CAUSE OF ACTION**  
7 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

8 50. Plaintiff incorporates herein by this reference and re-alleges paragraphs 1  
9 through 49 of the Complaint as if fully set forth herein.

10 51. Plaintiff alleges ROE DEFENDANTS purposefully, intentionally, and after  
11 much deliberation, engaged in a pattern of conduct, as described more fully hereinabove,  
12 designed and intended to cover up allegations, acts, and investigations pertaining to sexual  
13 abuse suffered by children in their organization including, but not limited to, Plaintiff.

14 52. Plaintiff further alleges ROE DEFENDANTS' conduct of quelling complaints  
15 of sexual abuse by Plaintiff and others created a dangerous environment for Plaintiff and  
16 others to be sexually abused by members and agents in good standing within ROE  
17 DEFENDANTS' organization.

18 53. Plaintiff further alleges that after ROE DEFENDANTS were on notice that  
19 their members and agents, including Defendant DOE 110, were sexually abusing Plaintiff  
20 and others, ROE DEFENDANTS purposefully, intentionally and deliberately took action to  
21 prohibit and prevent Plaintiff and his family from reporting the acts of sexual abuse to legal  
22 or secular authorities, where Plaintiff and his family could have obtained assistance to  
23 address, prevent and/or resolve the continuous sexual abuse and its residual aftereffects.

24 54. Plaintiff further alleges that ROE DEFENDANTS' conduct was extreme and  
25 outrageous and exceeded the bounds tolerated by any civilized community because they  
26 purposefully, intentionally and deliberately engaged in a pattern and practice of quelling  
27 complaints by Plaintiff and his family of the sexual abuse inflicted by ROE DEFENDANTS'  
28 members and agents. Additionally, their conduct was outrageous based on their

1 knowledge, imputed or otherwise, that their member Defendant DOE 110 sexually abused  
2 other organization members since at least 1980, yet refrained from taking any action  
3 whatsoever to prevent or prohibit Defendant DOE 110 from sexually abusing Plaintiff, or  
4 to protect Plaintiff from being sexually abused by Defendant DOE 110.

5 55. Plaintiff further alleges that ROE DEFENDANTS intended to cause Plaintiff  
6 emotional distress by engaging in the above described conduct in order to prevent harm  
7 their organization's reputation and to avoid civil liability.

8 56. Plaintiff further alleges that ROE DEFENDANTS acted with reckless  
9 disregard of the of the probability that Plaintiff would suffer emotional distress, knowing that  
10 Plaintiff was present when the conduct was occurring, on-going and continuing to occur  
11 because of inaction on the part of ROE DEFENDANTS to protect Plaintiff entrusted to  
12 their care from sexual abuse.

13 57. As a result of ROE DEFENDANTS' extreme and outrageous conduct, Plaintiff  
14 has suffered and continue to suffer extreme emotional distress and that ROE  
15 DEFENDANTS' conduct was a substantial factor in causing Plaintiff severe emotional  
16 distress.

17 58. As a legal result of Defendants' conduct as described hereinabove, Plaintiff  
18 has suffered, and will continue to suffer great pain of mind, body, shock, emotional  
19 distress, physical manifestations of emotional distress, embarrassment, loss of self-  
20 esteem, disgrace, humiliation, and loss of enjoyment of life. Further, Plaintiff was  
21 prevented and will continue to be prevented from performing daily activities and obtaining  
22 the full enjoyment of life. Plaintiff has sustained loss of earnings and earning capacity.  
23 Plaintiff has incurred and will continue to incur expenses for medical and psychological  
24 treatment, therapy, and counseling.

25 **SEVENTH CAUSE OF ACTION**  
26 **FRAUD - INTENTIONAL MISREPRESENTATION**

27 59. Plaintiff incorporates herein by this reference and re-alleges paragraphs 1  
28 through 58 of this Complaint as if fully set forth herein.



1           60. Plaintiff alleges that after receiving reports that their member Defendant DOE  
2 110, who remained in good standing at all times mentioned herein, was sexually abusing  
3 adolescents prior to abusing Plaintiff, the ROE DEFENDANTS willfully and intentionally  
4 kept the information from Plaintiff, Plaintiff's family, other victims similarly situated and the  
5 community-at-large. The ROE DEFENDANTS intentionally misrepresented to Plaintiff and  
6 his family that Defendant DOE 110 was a member in good standing, could be trusted, and  
7 could interact with Plaintiff and other children, and could be safe during these interactions.  
8 The ROE DEFENDANTS further intentionally misrepresented that they would act in the  
9 best interests of Plaintiff and other children entrusted to their care. The ROE  
10 DEFENDANTS failed to disclose that they knew of Defendant DOE 110'S propensities to  
11 use his position of authority to sexually abuse Plaintiff and others and that they were doing  
12 nothing to protect the children, including Plaintiff, entrusted their care. Plaintiff did not  
13 know of the falsity of the ROE DEFENDANTS' representations, and were entitled to rely  
14 upon them, and did in fact rely upon them causing them serious injury and harm.

15           61. Plaintiff further alleges that by holding out Defendant DOE 110 as a member  
16 in good standing and allowing him to maintain a position of authority in the organization,  
17 allowed to interact with Plaintiff, and representing to Plaintiff and his families that  
18 Defendant DOE 110 could be trusted by Plaintiff to be free from being sexually abused,  
19 the ROE DEFENDANTS and each of them entered into a fiduciary relationship with  
20 Plaintiff based on their direction and guidance required to be followed based on Plaintiff's  
21 membership in the organization.

22           62. Plaintiff further alleges that as fiduciaries to Plaintiff, the ROE  
23 DEFENDANTS, and each of them, had a duty to obtain and disclose information relating  
24 to sexual misconduct by their member and agent, Defendant DOE 110, who at all times  
25 mentioned herein was held out to Plaintiff to be a member in good standing and leader  
26 who could be trusted. The ROE DEFENDANTS failed to disclose and later conspired to  
27 conceal such information from Plaintiff.  
28



1 of the world, including from sexual abuse from known sexual molesters, as described more  
2 fully above.

3 70. Plaintiff further alleges ROE DEFENDANTS intentionally failed to disclose  
4 important facts to Plaintiff, namely that Defendant DOE 110, a known sexual abuser, was  
5 safe be around and that they could interact with Defendant DOE 110 despite ROE  
6 DEFENDANTS' knowledge of Defendant DOE 110'S propensities to sexual molest and  
7 abuse children such as Plaintiff.

8 71. Plaintiff further alleges ROE DEFENDANTS intentionally failed to disclose  
9 important facts regarding Defendant DOE 110'S propensities to sexually molest and abuse  
10 children, which was known by ROE DEFENDANTS and their agents. Plaintiff was not able  
11 to discover by their own means that Defendant DOE 110 was prone to sexually molest and  
12 abuse children, until after the sexual abuse, described more fully above, had already  
13 occurred.

14 72. Plaintiff further alleges ROE DEFENDANTS actively concealed important  
15 facts regarding Defendant DOE 110'S propensities to sexually molest and abuse children,  
16 such as Plaintiff, and prevented Plaintiff from discovering these facts.

17 73. Plaintiff further alleges he did not know of the facts concealed by ROE  
18 DEFENDANTS regarding Defendant DOE 110'S propensities to sexually abuse children,  
19 such as Plaintiff.

20 74. Plaintiff further alleges he reasonably relied on ROE DEFENDANTS  
21 deception regarding their concealing the facts pertaining to Defendant DOE 110'S  
22 propensities to sexually abuse children and interacted with Defendant DOE 110 believing  
23 him to be safe and in good standing, as conveyed by ROE DEFENDANTS' holding out  
24 Defendant DOE 110 to be a member in good standing and a leader who could be trusted.

25 75. Plaintiff further alleges he was harmed by ROE DEFENDANTS' concealment  
26 of these important facts, which were substantial factors in causing harm to Plaintiff.

27 76. As a legal result of Defendants' conduct as described hereinabove, Plaintiff  
28 has suffered, and will continue to suffer great pain of mind, body, shock, emotional

1 distress, physical manifestations of emotional distress, embarrassment, loss of self-  
2 esteem, disgrace, humiliation, and loss of enjoyment of life. Further, Plaintiff was  
3 prevented and will continue to be prevented from performing daily activities and obtaining  
4 the full enjoyment of life. Plaintiff has sustained loss of earnings and earning capacity.  
5 Plaintiff has incurred and will continue to incur expenses for medical and psychological  
6 treatment, therapy, and counseling.

7  
8 **NINTH CAUSE OF ACTION**  
**CONSPIRACY**

9 77. Plaintiff incorporates herein by this reference and re-alleges paragraphs 1  
10 through 76 of this Complaint as if fully set forth herein.

11 78. The ROE DEFENDANTS, in concert with each other and with the intent to  
12 conceal, defraud, and misrepresent, conspired to misrepresent, conceal and fail to disclose  
13 information relating to the sexual misconduct of their member and appointed agent who  
14 they held out to be in good standing and to be trusted, Defendant DOE 110 to Plaintiff. By  
15 concealing such information, the ROE DEFENDANTS and each of them committed at least  
16 one act in furtherance of the conspiracy.

17 79. As a legal result of Defendants' conduct as described hereinabove, Plaintiff  
18 has suffered, and will continue to suffer great pain of mind, body, shock, emotional  
19 distress, physical manifestations of emotional distress, embarrassment, loss of self-  
20 esteem, disgrace, humiliation, and loss of enjoyment of life. Further, Plaintiff was  
21 prevented and will continue to be prevented from performing daily activities and obtaining  
22 the full enjoyment of life. Plaintiff has sustained loss of earnings and earning capacity.  
23 Plaintiff has incurred and will continue to incur expenses for medical and psychological  
24 treatment, therapy, and counseling.

25 **PRAYER**

26 WHEREFORE, Plaintiff demands judgment against the ROE DEFENDANTS  
27 individually, jointly and severally as follows:

- 28 1. For general damages according to proof;

2. For past and future medical expenses according to proof;
3. For past and future loss of earnings according to proof;
4. For prejudgment interest;
5. For costs of suit incurred herein; and
6. For such other and further relief as the Court deems just and proper.

Dated: 12/31/03

**NOLEN SAUL BRELSFORD**

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Rudy Nolen, Esq.,  
Attorneys for Plaintiff

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