

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF WASCO

MARY DOE, an individual proceeding
under a fictitious name, as guardian ad litem
for MELISSA DOE, a minor individual
proceeding under a fictitious name,

PLAINTIFF,

v.

THE FIRST CHRISTIAN CHURCH OF
THE DALLES, OREGON, an Oregon
corporation,

DEFENDANT.

Case No. _____

COMPLAINT

(Sexual Battery of a Child/*Respondeat
Superior*; Negligence)

JURY TRIAL DEMANDED

Not Subject to Mandatory Arbitration

Prayer Amount: \$5,000,000.00

Plaintiff alleges:

COMMON ALLEGATIONS

1.

Plaintiff Mary Doe is a pseudonym for the adult female Oregon resident serving as guardian ad litem for Melissa Doe. Melissa Doe is the pseudonym for a minor female Oregon resident born in 2002. For convenience, Melissa Doe will be referred to hereinafter as "Plaintiff."

2.

At all times relevant to this Complaint, Plaintiff was an unemancipated minor who attended and participated in church-related activities sponsored by the First Christian Church of The Dalles ("Defendant") beginning in approximately fall of 2014.

3.

1 The Dalles (“Defendant”) beginning in approximately fall of 2014.

2 3.

3 At all times relevant to this Complaint, Defendant was an Oregon corporation with its
4 principal place of business in The Dalles, Oregon. At all times relevant to this Complaint,
5 Defendant invited members of the public to join the congregation and participate in activities
6 sponsored by the First Christian Church. At all times relevant to this Complaint, Defendant
7 selected, approved, hired, and retained ministers, including youth counselors and youth leaders,
8 to befriend, educate, minister to, and provide other pastoral services to children involved with
9 Defendant, including Plaintiff.

10 4.

11 At all times relevant to this Complaint, Defendant selected, approved, and retained
12 Michael C. Stephens (“Stephens”) for the position of youth minister or a similar leadership role
13 dedicated to befriending, counseling, mentoring and/or ministering to youth (hereinafter “Youth
14 Leader”) for First Christian Church. As a Youth Leader, Stephens acted as the agent of
15 Defendant, agreeing to act on Defendant’s behalf and under its control, and with Defendant’s
16 assent to Stephens acting on its behalf.

17 5.

18 As a Youth Leader, Stephens’s role was to befriend, mentor, counsel, and instruct youth
19 attendees and participants of First Christian Church and its programs, including Plaintiff, to
20 provide spiritual, ethical, and moral guidance, counseling, and religious education, and to
21 perform any other duties of a Youth Leader not specifically mentioned.

22 6.

23 In or around 2014 or 2015, by and through his role as a Youth Leader, Stephens sexually
24 abused Plaintiff.

1 7.

2 Defendant authorized and empowered Stephens to perform all the duties of a Youth
3 Leader discussed in paragraph 5. Defendant knew that as part of his duties as a Youth Leader,
4 Stephens would be in a position of trust, confidence, respect, and authority over members and
5 participants in First Christian Church, especially youth such as Plaintiff. Defendant retained the
6 right to control the means and methods used by Stephens in fulfilling his duties as a Youth
7 Leader for Defendant.

8 8.

9 While performing his duties as a Youth Leader, and at least in part for the purpose of
10 furthering his duties required in those roles, Stephens befriended Plaintiff and gained the trust
11 and confidence of Plaintiff and her family as a trustworthy mentor, counselor, and authority
12 figure. As such, Stephens was able to spend substantial periods of time alone with Plaintiff. As
13 a result, Plaintiff was conditioned to trust Stephens, to comply with his directions, and to respect
14 him as a person of authority in spiritual, moral, and ethical matters. This course of conduct is
15 referred to in this Complaint as "Grooming."

16 9.

17 By using and manipulating his position of trust, authority, respect, and confidence, and
18 through the Grooming process, Stephens induced Plaintiff to engage in sexual acts with him.
19 Stephens's acts of Grooming Plaintiff were: (1) committed in direct connection and for the
20 purposes of fulfilling his agency duties with Defendant; (2) committed within the time and space
21 limits of his agency as a Youth Leader; (3) done initially and at least in part from a desire to
22 serve the interests of Defendant; (4) done directly in the performance of his duties as a Youth
23 Leader; (5) consisted generally of actions of a kind and nature which Stephens was required to
24 perform as a Youth Leader; and (6) done at the direction of, and pursuant to, the power vested in
25 him by the Defendant. Defendant had the right and ability to control Stephens's Grooming of
26 youth affiliated with the Church, and his interactions with those youth. In the alternative, acts

1 within the course and scope of Stephen's agency as a Youth Leader led to or resulted in the
2 Plaintiff's abuse.

3 10.

4 In or around 2014 or 2015, when Plaintiff was approximately 12 to 13 years old,
5 Stephens sexually abused Plaintiff, and continued to abuse Plaintiff on multiple, subsequent
6 occasions until the summer of 2015. The sexual abuse included but was not limited to exposing
7 Plaintiff to sexually explicit text messaging, sexually explicit photos/videos, kissing, fondling
8 Plaintiff's genitals, oral sodomy and anal sodomy.

9 11.

10 In July of 2015, Stephens was indicted on three (3) counts of sodomy in the second
11 degree (Class B Felonies), one count of online sexual corruption of a child of the first degree
12 (Class B Felony), and one count of luring a minor (Class C Felony) for his sexual abuse of
13 Plaintiff. In April of 2016, Stephens pled guilty to one count of sodomy in the second degree in
14 relation to his sexual abuse of Plaintiff. Stephens was also charged with and pled guilty to
15 numerous additional felony charges relating to his sexual abuse of other minor female youth
16 affiliated with the Church. In particular, aside from his entry of a plea of guilty to a charge of
17 sodomy in the second degree (in connection with his abuse of Plaintiff), Stephens also pled
18 guilty to charges of sex abuse in the first degree, sex abuse in the second degree, luring a minor,
19 and one additional charge of sodomy in the second degree in relation to his sexual abuse of four
20 additional female youth affiliated with the Church and community.

21 12.

22 On information and belief, Defendant – by and through its agents – were aware of
23 warning signs indicating that Stephens was sexually abusing Plaintiff or other female minors
24 while Plaintiff was a minor participating in activities sponsored by First Christian Church and
25 while Stephens was a Youth Leader for Defendant. In the alternative or in conjunction with the
26 above, Defendant knew that at least one prior Minister at Defendant's Church had been

1 convicted of sexually abusing female youth at First Christian Church, and therefore knew of the
2 risk of child sexual abuse posed by trusted agents, volunteers and/or employees in the absence of
3 reasonable child abuse prevention policies, procedures, and training.

4 13.

5 Stephens's sexual abuse of Plaintiff constituted a sexual and physical battery of
6 Plaintiff's person. As a result of Stephens's abuse and breach of authority, trust, and confidence,
7 Plaintiff suffered and continues to suffer from: alcohol and drug abuse, sleep disturbances, and
8 physical symptoms of stress and anxiety. In addition to the aforementioned physical injuries,
9 and as a further result of Stephens's abuse, Plaintiff suffered and will suffer in the future: severe
10 and debilitating mental and emotional injury, including but not limited to pain and suffering,
11 emotional trauma, guilt, anxiety, stress, depression, social isolation, and trust issues. All of the
12 aforementioned injuries have caused and will cause Plaintiff non-economic damages in the
13 approximate amount of \$4,000,000, the exact amount to be proven at trial.

14 14.

15 As an additional result and consequence of Stephens's abuse, Plaintiff has
16 suffered future impairment of earning capacity, incurred and will incur in the future costs for
17 psychotherapy, psychological evaluations, psychiatric care, substance abuse treatment and
18 similar medical treatment. All of the aforementioned injuries have caused and will cause
19 Plaintiff economic damages in the approximate amount of \$1,000,000, the exact amount of
20 which will be proven at the time of trial.

21 15.

22 Pursuant to ORS 12.117(1), Plaintiff has until age 40 to file suit for claims arising
23 from child abuse. Plaintiff is under 40 years old at the time of the filing of this case. This case is
24 timely as a matter of law.

1 **FIRST CLAIM FOR RELIEF**
2 (Sexual Battery of a Child/ *Respondeat Superior*)

3 16.

4 Plaintiff realleges and incorporates by reference paragraphs 1 through 15.

5 17.

6 While acting in the course and scope of his agency for Defendant, Stephens induced and
7 directed Plaintiff to engage in various sexual acts with him, as described in paragraphs 8–10.
8 These acts constituted a harmful or offensive touching of Plaintiff to which she did not and could
9 not consent.

10 18.

11 As a result and consequence of Stephens’s sexual abuse, Plaintiff suffered the injuries
12 and incurred damages alleged in paragraphs 13 and 14.

13 19.

14 In abusing Plaintiff, Stephens acted with malice or a reckless and outrageous indifference
15 to a highly unreasonable risk of harm and with a conscious indifference to the health, safety, and
16 welfare of Plaintiff. Under Oregon law, a principal is liable for punitive damages for the acts of
17 its agent. Accordingly, Plaintiff hereby provides notice of her intent to move to add allegations
18 of punitive damages against Defendant at any time after the filing of this Complaint.

19
20 **SECOND CLAIM FOR RELIEF**
21 (Negligence)

22 20.

23 Plaintiff realleges and incorporates by reference paragraphs 1 through 19.

24 21.

25 Defendant created a special relationship with Plaintiff by inviting and encouraging
26 members of the public (including Plaintiff), to participate in activities, programs, and religious

1 services offered by Defendant. Defendant also encouraged Church members and participants to
2 look to respected and trusted Youth Leaders (including Stephens), for spiritual, ethical, and
3 moral guidance. This special relationship created a duty of care on the part of Defendant to
4 ensure Plaintiff's safety—as a minor participating in activities sponsored by First Christian
5 Church—while involved with Defendant's activities, programs, and religious services.

6 22.

7 Defendant breached a duty of care owed to Plaintiff based on the special relationship
8 and/or dangerous condition, and created a foreseeable risk of Stephens sexually abusing Plaintiff
9 and additional victims in one or more of the following ways:

- 10 (a) In failing to investigate or otherwise reasonably and adequately respond to
11 warning signs indicating Stephens's Grooming of Plaintiff or other female youth
12 affiliated with First Christian Church;
- 13 (b) In failing to properly supervise or restrict Stephen's agency upon learning of
14 warning signs indicating his grooming or abuse of female youth affiliated with
15 First Christian Church;
- 16 (c) In failing to warn members and participants of the First Christian Church, such as
17 Plaintiff and her family, of the danger of Stephens's sexual abuse of female
18 youth;
- 19 (d) In failing to adequately train employees, volunteers, and/or representatives of
20 First Christian Church to adequately and appropriately respond to warning signs
21 indicating grooming or sexual abuse of youth affiliated with First Christian
22 Church; and
- 23 (e) In failing to implement adequate child sexual abuse prevention policies that
24 would have prevented Stephens from isolating, grooming, and abusing Plaintiff
25 on numerous occasions.
- 26

1 23.

2 In light of the knowledge Defendant had of warning signs indicating grooming and
3 sexual abuse by Stephens, in addition to and in conjunction with Defendant's knowledge of at
4 least one prior Minister's sexual abuse of female youth members at First Christian Church, it was
5 foreseeable to Defendant that Stephens would sexually abuse female youth affiliated with First
6 Christian Church, including Plaintiff. Plaintiff was within the class of persons to be protected by
7 reasonable sexual abuse prevention measures, as described in a paragraph 22, and such measures
8 would have prevented some or all of Plaintiff's abuse.

9 24.

10 Defendant's failures, as described in paragraphs 22 – 23, created a foreseeable risk of
11 harm to the safety of children in Defendant's care, including Plaintiff. Plaintiff's interest in
12 being free from sexual abuse is an interest of a kind that the law protects against negligent
13 invasion.

14 25.

15 Defendant's failure to undertake reasonable sexual abuse prevention measures, as
16 described in paragraph 22, was unreasonable. Any or all of Defendant's failures as described in
17 paragraph 22 were substantial and contributing causal factors of all or some of Plaintiff's abuse
18 and damages as alleged in paragraphs 10, 13, and 14. As a direct result and consequence of
19 Defendant's negligence, Plaintiff incurred the damages described in paragraphs 13 and 14.

20 26.

21 In its negligence toward Plaintiff, Defendant acted with malice or a reckless and
22 outrageous indifference to a highly unreasonable risk of harm and with a conscious indifference
23 to the health, safety, and welfare of Plaintiff. Plaintiff provides notice of her intent to move to
24 add allegations of punitive damages against Defendant at any time after filing this Complaint.

25

26

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

1. If successful on any of Plaintiff's claims for relief, non-economic damages for Plaintiff in the amount of \$4,000,000, the exact amount to be determined by the jury at the time of trial;
2. If successful on any of Plaintiff's claims for relief, economic damages for Plaintiff in the amount of \$1,000,000, the exact amount to be determined by the jury at the time of the trial;
3. For Plaintiff's disbursements and incurred costs; and
4. For any other relief this Court deems just and equitable.

DATED this 9th day of June, 2016.

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