

**COMMONWEALTH OF KENTUCKY
LEWIS COUNTY CIRCUIT COURT
VANCEBURG, KENTUCKY
CASE NO. _____**

**JOHN DOE (Pseudonym)
c/o Konrad Kircher, Esq.
4824 Socialville-Foster Rd.
Mason, OH 45040**

PLAINTIFF

vs.

**VANCEBURG CHRISTIAN CHURCH, INC.
38 Front St.
Vanceburg, KY 41179**

**Lewis Circuit Court Clerk serve via
Certified Mail/Restricted Delivery:**

**Serve: Registered Agent
Clayton G. Lykins, Jr.
Holder and Lykins
21 Second St.
P.O. Box 160
Vanceburg, KY 41179-0160**

DEFENDANT

COMPLAINT; JURY DEMAND ENDORSED HEREON

Now comes Plaintiff, John Doe, by and through counsel, and for his Complaint states as follows:

1. Plaintiff is an adult male, born December 27, 1997, and a resident of the Commonwealth of Kentucky. The name "John Doe" is a pseudonym, and Plaintiff's true identity shall be disclosed to the Court and to Defendant upon request. Plaintiff respectfully requests leave to proceed under the pseudonym, as he is a victim of child sex abuse and would suffer even further harm if his identity and the details of his harm

become public record. Permitting Plaintiff to proceed under the pseudonym is consistent with public policy, caselaw and rules governing this Court.

2. Defendant, Vanceburg Christian Church, Inc. (“the Church”) is a Kentucky Corporation which, among other things, operates a church and youth ministry.

3. Plaintiff is the youngest of four sons of his parents. In approximately 2007, Plaintiff and his family lived in Vanceburg, Lewis County, Kentucky, in close proximity to the Church. Both of Plaintiff’s parents were employed outside the home, causing Plaintiff to be a “latch-key” child.

4. In or about that same year, the Pastor of the Church, Duncan Aker, visited Plaintiff’s home and invited Plaintiff to come to the Church regularly after school and on weekends. Aker represented to Plaintiff and his parents that the Church would be a wholesome, safe environment for Plaintiff.

5. Plaintiff and his parents relied on Aker’s representations and Plaintiff began to frequent the Church, especially between late 2007 and early 2010. Plaintiff at times performed groundskeeping, cleaning and other chores which conferred a benefit on the Church, as directed by Aker.

6. During that period of time, when Plaintiff was 9-12 years old and Aker was 56-59 years old, Aker brutally and repeatedly sexually molested and raped Plaintiff. The assaults occurred at various locations at the Church as well as at locations off the site where Aker would take Plaintiff. Aker threatened Plaintiff not to tell anyone and used his position in the Church to intimidate Plaintiff.

7. After Aker left the Church, Plaintiff reported the crimes. Following Plaintiff’s report, Aker was convicted of multiple criminal offenses involving abuse of the Plaintiff.

8. As a direct and proximate result of the molestation and rapes, Plaintiff has suffered depression, anxiety, suicide attempts, humiliation, anger, shame, pain and suffering damages, medical and counseling expenses, lost wages and lost earning capacity, and will continue to suffer such damages in the future.

FIRST CAUSE OF ACTION
(Negligence)

9. Plaintiff incorporates all allegations of his Complaint as if fully restated herein.

10. Plaintiff was a minor parishioner, invitee of the Church, controlled and operated by Defendant at the times that he was molested and raped. This relationship created a duty on the part of Defendant toward Plaintiff to protect him from foreseeable harm and to prevent further harm.

11. By 2007, knowledge within religious communities of the propensities of religious leaders to abuse their authority and molest children was commonplace. Defendant had a duty and obligation to closely supervise their leaders and establish policies and procedures prohibiting opportunities for exploitation of children.

12. Yet Defendant was negligent regarding its obligations and held Aker out to the public in general and to its parishioners in particular as a Man of God with outstanding moral and ethical character.

13. Plaintiff and his family justifiably relied on Defendant's representations.

14. Defendant was aware, or should have been aware, of Aker's harmful conduct and/or molestations of Plaintiff. Defendant negligently failed to prevent the harmful conduct, concealed the conduct, failed to take any action to investigate the details of Aker's conduct, failed to protect Plaintiff from harm, and failed to warn and inform Plaintiff and his

family of Aker's propensities. Defendant failed to establish and/or follow policies and procedures to protect its parishioners, including children.

15. Such conduct breached Defendant's duty to protect Plaintiff from foreseeable harm and to prevent further harm.

16. As a direct and proximate result of Defendant's negligent conduct, Plaintiff has incurred the damages described above.

SECOND CAUSE OF ACTION
(Personal Injury)

17. Plaintiff incorporates all allegations of his Complaint as if fully restated herein.

18. Defendant's conduct, errors and/or omissions proximately caused personal injury to Plaintiff.

19. As a direct and proximate result of Defendant's wrongdoing, Plaintiff has incurred the damages described above.

THIRD CAUSE OF ACTION
(Breach of Fiduciary Duty – *In Loco Parentis*)

20. Plaintiff incorporates all allegations of his Complaint as if fully restated herein.

21. By encouraging families to leave their children in the care and custody of the Church and its leaders, Defendant established a relationship of *in loco parentis* with Plaintiff and other children.

22. The relationship of *in loco parentis* entails a heightened, fiduciary duty owed by Defendant to Plaintiff, parents, caregivers and parishioners.

23. By failing to protect Plaintiff from foreseeable harm, Defendant breached its fiduciary duty to him.

24. As a direct and proximate result of Defendant's conduct, Plaintiff has incurred the damages described above.

FOURTH CAUSE OF ACTION
(Intentional Infliction of Emotional Distress/Tort of Outrage)

25. Plaintiff incorporates all allegations of his Complaint as if fully restated herein.

26. The conduct of Defendant described above is outrageous, was performed intentionally or recklessly, and has caused severe emotional distress to Plaintiff.

27. As a direct and proximate result of Defendant's conduct, Plaintiff has incurred the damages described above.

FIFTH CAUSE OF ACTION
(Premises Liability)

28. Plaintiff incorporates all allegations of his Complaint as if fully restated herein.

29. Plaintiff was an invitee upon the premises of Defendant.

30. As such, Defendant owed Plaintiff a duty to protect him from hazards caused by its employees, volunteers and agents.

31. Defendant failed to protect Plaintiff from harm, proximately causing the damages described above.

SIXTH CAUSE OF ACTION
(Respondeat Superior)

32. Plaintiff incorporates all allegations of his Complaint as if fully restated herein.

33. At all times relevant to the allegations in this Complaint, Duncan Aker was a Pastor employed by and assigned to Vanceburg Christian Church, Inc. As such, Pastor Aker was an employee and agent of Defendant. During that employment and agency, Pastor Aker provided pastoral services to Plaintiff, and was acting within the course and scope of his employment or agency in performing duties for and on behalf of Defendant.

34. Defendant empowered Pastor Aker to perform all duties of a pastor, including pastoral and religious services, counseling, spiritual and moral guidance, and religious instruction, and other duties of a pastor. Defendant knew that as part of his duties as a pastor, Pastor Aker would be in a position of trust and confidence with children and their families, including the Plaintiff in this case. Defendant retained the right to control the means, methods, and physical details of any pastor employed by the Church.

35. Defendant also held Pastor Aker out as a “pastor” of the Church. Defendant held out Pastor Aker – to the public in general and to its parishioners in particular – as a Man of God with outstanding moral and ethical character.

36. Defendant invited Plaintiff, his family, and all other members of the public to enter into a special, fiduciary relationship with the Church, in part inviting Plaintiff and his family to entrust the Church with their spiritual matters and encouraging Plaintiff to submit to the rules of the Church in exchange.

37. While acting as a pastor, and for the purpose of furthering his assigned duties as a pastor, Pastor Aker identified Plaintiff’s family as one with an adolescent boy; befriended the Plaintiff and his family, gained the family’s trust and confidence as a

spiritual guide, and as a valuable and trustworthy mentor to Plaintiff; gained the permission, acquiescence, and support of Plaintiff's family to spend substantial periods of time alone with the Plaintiff; and sought and gained the instruction of Plaintiff's parents to Plaintiff that he was to have respect for Pastor Aker's authority and to comply with Pastor Aker's instruction and requests.

38. For the purpose of furthering his duties as a pastor, Pastor Aker also sought and gained the trust, friendship, admiration and obedience of the Plaintiff in this case. As a result, Plaintiff was conditioned to trust Pastor Aker, to comply with Pastor Aker's direction, and to respect Pastor Aker as a person of authority in religious, spiritual, moral and ethical matters.

39. Beginning in or about the year 2007, while Plaintiff and his family were parishioners at the Church, Pastor Aker befriended Plaintiff and had Plaintiff assist Pastor Aker at the Church property. The course of conduct described in this paragraph and in paragraphs 37 and 38, above, is hereinafter collectively referred to as "Grooming."

40. Pastor Aker used the Grooming process described in paragraphs 37 and 38 to accomplish his acts of abuse of the Plaintiff. Pastor Aker's Grooming was (1) committed in direct connection and for the purposes of fulfilling Pastor Aker's employment and agency with the Defendant; (2) committed within the time and space limits of his employment and agency as a pastor; (3) done directly in the performance of his duties as a pastor; (4) undertaken, at least in part, with the desire to serve the Defendant; (5) was generally actions of a kind and nature which Pastor Aker was required to perform as a pastor; and (6) was done at the direction of, and pursuant to, the power vested in him by the Defendant.

41. Pastor Aker, while acting within the course and scope of his employment and agency, and using the authority and position of trust as a pastor and agent for the Defendant—through the Grooming process—induced and directed Plaintiff to engage in various sexual acts with Pastor Aker from 2007 and 2010 as described in paragraph 6, above. The sexual assaults resulted from a progressive series of actions that began with and continued to involve Pastor Aker's performance of the ordinary and authorized duties of a pastor, and/or the assaults occurred during occasions when Pastor Aker had authority over Plaintiff in his position as pastor for Defendant.

42. The abuse described in paragraph 6, above, constituted a harmful and offensive touching of Plaintiff, to which Plaintiff could not and did not consent.

43. As a direct and proximate result of Pastor Aker's abuse of Plaintiff, Pastor Aker's battery upon Plaintiff, and Pastor Aker's breach of authority, trust and position as pastor and authority figure to the Plaintiff, Plaintiff has suffered permanent and lasting damages distinct from the abuse itself, as detailed above.

SEVENTH CAUSE OF ACTION
(Punitive Damages)

44. Plaintiff incorporates all allegations of his Complaint as if fully restated herein.

45. The acts and omissions as set forth herein constitute willful and wanton conduct, gross negligence, and/or malice and oppression, for which Plaintiff is entitled to recover punitive damages.

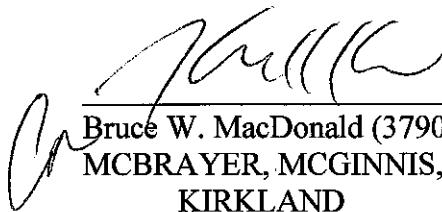
46. Plaintiff is entitled to recover punitive damages in the amount as supported by the evidence.

WHEREFORE, Plaintiff respectfully demands judgment against Defendant for compensatory damages in such amount as supported by the evidence, for pre- and post-judgment interest, for punitive damages, for his attorney fees and costs, a trial by jury and all other relief to which he may be lawfully entitled.

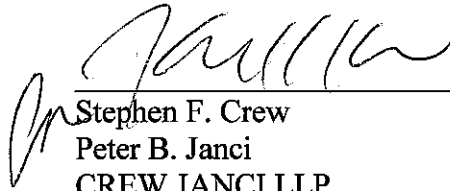
Respectfully submitted,



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Admission Forthcoming*