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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF LOS ANGELES**

| | | | |
|----|--|---|---------------------------------------|
| 13 | Leonor Vasquez, Individually, |) | CASE NO.: |
| 14 | |) | |
| 15 | Plaintiffs, |) | COMPLAINT FOR DAMAGES FOR: |
| 16 | v. |) | 1. NEGLIGENCE |
| 17 | Defendant Doe 1, Local Church; Defendant |) | 2. NEGLIGENT |
| 18 | Doe 2, National Church; Defendant Doe 3, |) | SUPERVISION/FAILURE TO |
| 19 | Individually; Defendant Doe 4, |) | WARN |
| 20 | Individually; and Does 5 through 100, |) | 3. NEGLIGENT |
| 21 | inclusive, |) | HIRING/RETENTION |
| 22 | Defendants. |) | 4. NEGLIGENT FAILURE TO |
| 23 | |) | WARN, TRAIN, OR EDUCATE |
| 24 | |) | 5. SEXUAL BATTERY |
| 25 | |) | 6. INTENTIONAL INFLICTION |
| 26 | |) | OF EMOTIONAL DISTRESS |
| 27 | |) | 7. BREACH OF STATUTORY |
| 28 | |) | DUTY (California Civil Code § |
| | |) | 51.7) |
| | |) | 8. GENDER VIOLENCE |
| | |) | (California Civil Code § 52.4) |
| | |) | [Demand for Jury Trial] |

1 Based upon information and belief available to Plaintiff, Leonor Vasquez, at the time of
2 the filing of this Complaint for Damages, Plaintiff makes the following allegations:

3 **PARTIES**

- 4 1. Plaintiff, Leonor Vasquez, is an adult female. Plaintiff was born on February 18, 1982, and
5 was a minor at the time of the sexual abuse alleged herein.
- 6 2. Defendant Doe 1, Local Church, (“Defendant Local Church”) is a corporation authorized to
7 conduct business and conducting business in the State of California, with its principal place
8 of business in the County of Los Angeles, California. At all times relevant, Defendant
9 Local Church had responsibility for Assembly of God Pentecostal Church operations in
10 Lancaster, California.
- 11 3. Defendant Doe 2, National Church, (“Defendant National Church”) is a religious
12 organization authorized to conduct business and conducting business in the State of
13 California, County of Los Angeles, with its principal place of business in the State of
14 Missouri. At all times relevant, Defendant National Church, organized, administered and
15 directed the congregational affairs of Assembly of God Pentecostal Church members in the
16 United States.
- 17 4. Defendant Doe 3, an individual, (“Defendant Doe 3”) is an adult male who, at all times
18 relevant, was associated with, and supervised, directed and controlled by, Defendants Local
19 Church and National Church. While supervised, directed and controlled by Defendants
20 Local Church and National Church, Defendant Doe 3 committed the acts of childhood
21 sexual abuse alleged herein.
- 22 5. Defendant Doe 4, an individual, (“Defendant Doe 4”) is an adult female who, at all times
23 relevant, was married to and resided with Defendant Doe 3. Defendant Doe 4, at all times
24 relevant, was associated with, and supervised, directed and controlled by, Defendants Local
25 Church and National Church. Defendant Doe 4 acted under the direct supervision, employ
26 and control of Defendants Local Church and National Church as a church receptionist.
- 27 6. Defendant Does 5 through 100, inclusive, are individuals and/or business or corporate
28 entities incorporated in and/or doing business in California whose true names and capacities

1 are unknown to Plaintiff who therefore sues such defendants by such fictitious names, and
2 who will amend the Complaint to show the true names and capacities of each such Doe
3 Defendant when ascertained. Each such Defendant Doe is legally responsible in some
4 manner for the events, happenings and/or tortious and unlawful conduct that caused the
5 injuries and damages alleged in this Complaint. Defendants Doe 1, Local Church,
6 Defendant Doe 2, National Church, Defendant Doe 3 an individual, and Defendant Doe 4,
7 an individual, and Does 5 through 100 are sometimes hereinafter referred to as the
8 “Defendants.”

- 9 7. Each Defendant is the agent, servant and/or employee of other Defendants, and each
10 Defendant was acting within the course and scope of his, her or its authority as an agent,
11 servant and/or employee of the other Defendants. Defendants, and each of them, are
12 individuals, corporations, partnerships and other entities which engaged in, joined in and
13 conspired with the other wrongdoers in carrying out the tortious and unlawful activities
14 described in this Complaint.

15 **BACKGROUND FACTS APPLICABLE TO ALL COUNTS**

- 16 8. Defendant Local Church is located in Lancaster, California, and is a member church of
17 Defendant National Church.
- 18 9. At all times relevant to this complaint, Defendants operated a church in Lancaster,
19 California, and invited the participation of the public, including Plaintiff, into the church
20 community. As part of the church community, minors were invited to participate in youth
21 group activities. Additionally, members were invited to participate in other church activities
22 including mission trips, the puppet ministry, bible study, and the Royal Family Kids Camp.
23 The youth group and other activities were organized and chaperoned by paid staff and/or
24 volunteers that were selected, approved and maintained by Defendants’ leaders and
25 operational agents in the church community. Defendants accepted these paid staff and/or
26 volunteers as agents.
- 27 10. At all times relevant to this complaint, Defendants Doe 3 and 4 attended services at
28 Defendant Local Church and acted as youth group leaders for Defendant Local Church.

1 They also facilitated other church activities, including bible study and the puppet ministry,
2 and chaperoned other events. Their positions and responsibilities within Defendant Local
3 Church were evident to all Defendant Local Church attendees as Defendant Local Church
4 would advertise their involvement with various youth-related activities through
5 announcements and flyers. At the time of the abuse of Plaintiff, Defendants Doe 3 and 4
6 were employed by and acted as agents of Defendant Local Church, and were under its direct
7 supervision, employ and control.

8 11. During times relevant to this complaint, Defendant Doe 4 was employed as a church
9 receptionist at Defendant Local Church and was employed by and acted as an agent of
10 Defendant Local Church, and was under its direct supervision, employ and control.

11 12. Plaintiff was raised in a practicing Christian family. From birth until after the sexual abuse
12 alleged herein Plaintiff belonged to various Christian churches. At the time of the sexual
13 abuse alleged herein, Plaintiff and Defendant Doe 3 both belonged to Defendant Local
14 Church and regularly attended Local Church services and events sponsored by that
15 congregation.

16 13. Plaintiff began attending services at Local Church in 1995. Plaintiff attended services,
17 attended youth group, participated in volunteer events, was a member of the puppet
18 ministry, attended missions trips, and travelled to and stayed at the Royal Family Kids
19 Camp.

20 14. Plaintiff first met Defendants Doe 3 and 4 through Local Church. The first time Plaintiff
21 recalls meeting Defendant Doe 3 was on a Local Church mission trip to Mexico.

22 15. In late 1997/early 1998 Plaintiff's mother, Eileen Cordova, decided to move to Germany
23 with her boyfriend, Michael Esser. Plaintiff and Mr. Esser did not get along and Plaintiff
24 did not want to move to Germany. Defendants Doe 3 and 4 found out through contacts at
25 Defendant Local Church that Plaintiff needed a place to live and offered her to move in with
26 them.

27 16. Plaintiff did not know Defendants Doe 3 and 4 very well, but relied on their good standing
28 through representations of Defendant Local Church and agreed to live with them. In or

1 around May 1, 1998 Plaintiff began residing with Defendants Doe 3 and 4.

2 17. Plaintiff continued attending services and events at Defendant Local Church with
3 Defendants Doe 3 and 4 after she moved in with them.

4 18. Shortly after moving in with Defendants Doe 3 and 4, Defendant Doe 3 began
5 inappropriately touching Plaintiff, first by rubbing her leg. He became more blatant and
6 inappropriate as time went on. The touching progressed to scratching Plaintiff's back and
7 rubbing her shoulders. He would also hold Plaintiff down and tickle her, despite her
8 repeatedly asking him to stop. Defendant Doe 3 then progressed to attempting to touch
9 Plaintiff's breasts while massaging her. Despite efforts by Plaintiff to block his hands from
10 touching her breasts, Defendant Doe 3 fondled Plaintiff's breasts, both over and under
11 Plaintiff's clothing.

12 19. In addition to touching Plaintiff, Defendant Doe 3 would also make sexualized comments to
13 Plaintiff. He would comment on Plaintiff's body, specifically referring to her "breast size"
14 and "breast development." He would even take out a measuring tape and measure her breast
15 and waist size. Defendant Doe 3 would ask Plaintiff about her sexual preferences and her
16 previous sexual history with clear illicit intent. He would also ask Plaintiff whether she
17 shaved certain parts of her body including her vaginal area.

18 20. While Plaintiff was still a minor, Defendants Doe 3 and 4 took Plaintiff on a camping trip.
19 While Plaintiff, and Defendants Doe 3 and 4 set up the tent, Defendant Doe 3 indicated he
20 wanted to sleep between Defendant Doe 4 and Plaintiff. He then told Plaintiff with
21 Defendant Doe 4 present, "If I touch you, just push me off."

22 21. Without the access to Plaintiff created by Defendant Doe 3's position with Defendants Local
23 Church and National Church as a youth group leader, Defendant Doe 3 could not have
24 sexually molested Plaintiff.

25 22. Defendant Doe 3 regularly inappropriately rubbed Plaintiff's leg while on trips or at events
26 sponsored by Defendant Local Church. When rubbing Plaintiff's leg, Defendant Doe 3
27 would consistently rub between her upper thigh and crotch.

28 23. In or around 1999 Defendant Doe 3's improper and illegal touching of Plaintiff was reported

1 to Defendants.

2 24. Plaintiff is informed and believes that Defendant Doe 4 and another church receptionist
3 were informed of Defendant Doe 3's inappropriate touching of Plaintiff. That day,
4 Defendant Doe 4 angrily confronted Plaintiff about Defendant Doe 3 inappropriately
5 touching Plaintiff. Plaintiff continued to be molested by Defendant Doe 3 after Defendants
6 learned of Defendant Doe 3's sexual abuse of Plaintiff.

7 25. Despite a mandatory reporting obligation to do so, Defendant Local Church did not report
8 the abuse to law enforcement.

9 26. Defendants Local Church, National Church, and Does 5 through 100, by and through their
10 employees, agents, and other representatives, therefore knew or had reason to know, or were
11 otherwise on notice of acts of unlawful sexual conduct by Defendant Doe 3 prior to the
12 conclusion of the abuse of Plaintiff and armed with that awareness failed to take reasonable
13 steps or implement reasonable safeguards to prevent future acts of unlawful sexual conduct.

14 27. Plaintiff and Defendants Doe 3 and 4 moved to Tehachapi, California in or around late
15 1999/early 2000. They continued to attend Defendant Local Church after moving to
16 Tehachapi, California.

17 28. After moving to Tehachapi, California, the unlawful sexual conduct of Defendant Doe 3
18 continued and progressed. On multiple occasions Defendant Doe 3 made skin to skin
19 contact with Plaintiff's vagina and vaginal area, under her clothing.

20 29. The sexual abuse of Plaintiff by Defendant Doe 3 continued until Plaintiff moved out of
21 Defendants Doe 3 and 4's home in 2001.

22 30. Several days after Plaintiff left the home of Defendants Doe 3 and 4, James Majeske, Lead
23 Pastor of Defendant Local Church, contacted Plaintiff and her boyfriend Andrew Landis,
24 inviting them to come meet with him. In the meeting, also attended by Local Church
25 employee Bobbie Moody, Pastor Majeske indicated Defendant Doe 3 came to Pastor
26 Majeske and admitted to the sexual molest of Plaintiff. Despite this, Defendant Local
27 Church still did not report the abuse to law enforcement.

28 31. The sexual abuse of Plaintiff and the circumstances under which it occurred caused Plaintiff

1 to develop psychological coping mechanisms that reasonably prevented her from
2 understanding the damages resulting from the abuse. Consequently, as a result of the coping
3 mechanisms, Plaintiff did not discover that the sexual abuse caused her to experience
4 adulthood psychological injuries until a date within three years of the commencement of this
5 action.

6 32. As a result of the above-described conduct, Plaintiff has suffered, and will continue to suffer
7 great pain of mind and body, shock, emotional distress, physical manifestations of emotional
8 distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of
9 life; has suffered and continues to suffer spiritually; was prevented and will continue to be
10 prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of
11 life; will sustain loss of earnings and earning capacity; and/or has incurred and will continue
12 to incur expenses for medical and psychological treatment, therapy, and counseling.

13 **PLAINTIFF'S FIRST CAUSE OF ACTION**

14 **NEGLIGENCE**

15 **(Against Defendants Local Church, National Church, Doe 3, Defendant Doe 4, and Does 5**
16 **through 100)**

17 33. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

18 34. All Defendants had a duty to protect the minor Plaintiff while she was entrusted to their care
19 by Plaintiff's parents. Plaintiff's care, welfare, and/or physical custody were temporarily
20 entrusted to Defendants. Defendants voluntarily accepted the entrusted care of Plaintiff. As
21 such, Defendants owed Plaintiff, a minor child, a special duty of care, in addition to a duty
22 of ordinary care, and owed Plaintiff the higher duty of care that adults dealing with children
23 owe to protect them from harm.

24 35. All Defendants had a duty to control the Defendant Doe 3 and to prevent him from sexually
25 molesting children. Defendants were aware, prior to the conclusion of the sexual abuse of
26 Plaintiff herein, of the Defendant Doe 3's dangerous and exploitive propensities.

27 Defendants were also aware that they had the ability to place restrictions on Defendant Doe
28 3's access to children, give warnings to the congregation, and otherwise control Defendant

1 Doe 3's conduct. Defendants therefore assumed a duty to prevent Defendant Doe 3 from
2 sexually molesting children. Defendants also had a duty to report known or suspected child
3 abuse or neglect by Defendant Doe 3 to law enforcement.

4 36. Defendants had a special duty to investigate and not employ Defendant Doe 3 in his position
5 as a youth group leader and chaperone. Defendants knew that Defendant Doe 3 was likely
6 to harm others in light of the work entrusted to him.

7 37. Defendants, by and through their agents, servants and employees, knew or reasonably
8 should have known of Defendant Doe 3's dangerous and exploitive propensities and/or that
9 Defendant Doe 3 was an unfit agent. It was foreseeable that if Defendants did not
10 adequately exercise or provide the duty of care owed to children in their care, including but
11 not limited to Plaintiff, the children entrusted to Defendants' care would be vulnerable to
12 sexual abuse by Defendant Doe 3.

13 38. Defendants breached their duty of care to the minor Plaintiff by allowing Defendant Doe 3
14 to come into contact with the minor Plaintiff without supervision; by failing to adequately
15 hire, supervise, or retain Defendant Doe 3 who they permitted and enabled to have access to
16 Plaintiff; by failing to investigate or otherwise confirm or deny such facts about Defendant
17 Doe 3; by failing to tell or concealing from Plaintiff, Plaintiff's parents, guardians, or law
18 enforcement officials that Defendant Doe 3 was or may have been sexually abusing
19 Plaintiff; by failing to tell or concealing from Plaintiff's parents, guardians, or law
20 enforcement officials that Plaintiff was or may have been sexually abused after Defendants
21 knew or had reason to know that Defendant Doe 3 may have sexually abused Plaintiff,
22 thereby creating the circumstance where Plaintiff was less likely to receive medical/mental
23 health care and treatment, thus exacerbating the harm done to Plaintiff; by holding out
24 Defendant Doe 3 to the Plaintiff and her parents or guardians as being in good standing and
25 trustworthy; and/or by failing to report known child abuse of Plaintiff by Defendant Doe 3
26 to law enforcement. Defendants cloaked within the facade of normalcy Defendants' and/or
27 Defendant Doe 3's contact and/or actions with the Plaintiff and/or with other minors who
28 were victims of Defendant Doe 3, and/or disguised the nature of the sexual abuse and

1 contact.

2 39. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer
3 great pain of mind and body, shock, emotional distress, physical manifestations of emotional
4 distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of
5 life; has suffered and continues to suffer spiritually; was prevented and will continue to be
6 prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of
7 life; will sustain loss of earnings and earning capacity; and/or has incurred and will continue
8 to incur expenses for medical and psychological treatment, therapy, and counseling.

9 **SECOND CAUSE OF ACTION**

10 **NEGLIGENT SUPERVISION/FAILURE TO WARN**

11 **(Against Defendants Local Church, National Church, Defendant Doe 4, and Does 5**
12 **through 100)**

13 40. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

14 41. Defendants Local Church, National Church, Defendant Doe 4, and Does 5 through 100 had
15 a duty to provide reasonable supervision of Defendant Doe 3; to use reasonable care in
16 investigating Defendant Doe 3; and to provide adequate warning to the Plaintiff, the
17 Plaintiff's family and minor congregants of Defendant Doe 3's dangerous propensities and
18 unfitness.

19 42. Defendants Local Church, National Church, Defendant Doe 4, and Does 5 through 100, by
20 and through their agents, servants and employees, knew or reasonably should have known of
21 Defendant Doe 3's dangerous and exploitive propensities and/or that Defendant Doe 3 was
22 an unfit agent. Despite such knowledge, Defendants negligently failed to supervise
23 Defendant Doe 3 in the position of trust and authority as a Youth Group leader, where he
24 was able to commit the wrongful acts against the Plaintiff. Defendants failed to provide
25 reasonable supervision of Defendant Doe 3, failed to use reasonable care in investigating
26 Defendant Doe 3, and failed to provide adequate warning to Plaintiff and Plaintiff's family
27 of Defendant Doe 3's dangerous propensities and unfitness. Defendants further failed to
28 take reasonable measures to prevent future sexual abuse.

1 43. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer
2 great pain of mind and body, shock, emotional distress, physical manifestations of emotional
3 distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of
4 life; has suffered and continues to suffer spiritually; was prevented and will continue to be
5 prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of
6 life; will sustain loss of earnings and earning capacity; and/or has incurred and will continue
7 to incur expenses for medical and psychological treatment, therapy, and counseling.

8 **THIRD CAUSE OF ACTION**

9 **NEGLIGENT HIRING/RETENTION**

10 **(Against Defendants Local Church, National Church, Defendant Doe 4, and Does 5**
11 **through 100)**

12 44. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

13 45. Defendants had a duty to not hire and/or retain Defendant Doe 3, and other employees,
14 agents, volunteers, and other representatives, given Defendant Doe 3's dangerous and
15 exploitive propensities.

16 46. Defendants Local Church, National Church, Defendant Doe 4, and Does 5 through 100, by
17 and through their agents, servants and employees, knew or reasonably should have known of
18 Defendant Doe 3's dangerous and exploitive propensities and/or that Defendant Doe 3 was
19 an unfit agent. Despite such knowledge, Defendants negligently hired and/or retained
20 Defendant Doe 3 in the position of trust and authority as a Youth Group leader, where he
21 was able to commit the wrongful acts against the Plaintiff. Defendants failed to use
22 reasonable care in investigating Defendant Doe 3 and failed to provide adequate warning to
23 Plaintiff and Plaintiff's family of Defendant Doe 3's dangerous propensities and unfitness.
24 Defendants further failed to take reasonable measures to prevent future sexual abuse.

25 47. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer
26 great pain of mind and body, shock, emotional distress, physical manifestations of emotional
27 distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of
28 life; has suffered and continues to suffer spiritually; was prevented and will continue to be

1 prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of
2 life; will sustain loss of earnings and earning capacity; and/or has incurred and will continue
3 to incur expenses for medical and psychological treatment, therapy, and counseling.

4 **FOURTH CAUSE OF ACTION**

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

6 **(Against Defendants Local Church, National Church, Defendant Doe 4, and Does 5
7 through 100)**

8 48. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

9 49. Defendants Local Church, National Church, Defendant Doe 4, and Does 5 through 100
10 breached their duty to take reasonable protective measures to protect Plaintiff and other
11 minors and/or congregants from the risk of childhood sexual abuse by Defendant Doe 3,
12 such as the failure to properly warn, train, or educate Plaintiff and other minor congregants
13 about how to avoid such a risk, pursuant to *Juarez v. Boy Scouts of America, Inc.*, 97 Cal.
14 Rptr. 2d 12, 81 Cal. App. 4th 377 (2000).

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

22 **FIFTH CAUSE OF ACTION**

23 **BATTERY**

24 **(Against Defendants Local Church, National Church, Defendant Doe 3, Defendant Doe 4,
25 and Does 5 through 100)**

26 51. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.
27
28

1 52. Between 1998 and 2001, Defendant Doe 3 engaged in unpermitted, harmful and offensive
2 sexual contact upon the person of Plaintiff, and Defendants Doe 4, Local Church, National
3 Church, and Does 5 through 100 ratified or approved of that sexual contact.

4 53. Defendant Doe 3 was aided in committing the harmful and offensive touching of Plaintiff by
5 his status as an agent of Defendants Local Church, National Church, Defendant Doe 4, and
6 Does 5 through 100.

7 54. Without his position as a youth group leader and chaperone, Defendant could not have
8 accomplished the harmful and offensive touching of Plaintiff.

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

16 **SIXTH CAUSE OF ACTION**

17 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

18 **(Against Defendants Local Church, National Church, Defendant Doe 3, Defendant Doe 4,
19 and Does 5 through 100)**

20 56. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

21 57. Defendants' conduct was extreme and outrageous and was intentional or done recklessly.

22 58. Defendant Doe 3's conduct in molesting Plaintiff was extreme and outrageous and was
23 intentional.

24 59. Defendants ratified or approved of the extreme and outrageous conduct of Defendant Doe 3.

25 60. As a result of Defendants' conduct, Plaintiff experienced and continues to experience severe
26 emotional distress resulting in bodily harm.

27 61. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer
28 physical injury, shock, emotional distress, physical manifestations of emotional distress,

1 embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has
2 suffered and continues to suffer spiritually; was prevented and will continue to be prevented
3 from performing Plaintiff's daily activities and obtaining the full enjoyment of life; will
4 sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur
5 expenses for medical and psychological treatment, therapy, and counseling.

6 **SEVENTH CAUSE OF ACTION**

7 **BREACH OF STATUTORY DUTY**

8 **(California Civil Code § 51.7)**

9 **(Against Defendants Local Church, National Church, Defendant Doe 3, Defendant Doe 4,**
10 **and Does 5 through 100)**

11 62. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

12 63. Pursuant to California Civil Code § 51.7(a), Plaintiff had the right to be free from any
13 violence, or intimidation by threat of violence, committed against her person on account of
14 her gender. Defendant Doe 3 had a statutory duty to not perpetrate violence or the threat of
15 violence upon Plaintiff. Defendant repeatedly breached that duty as alleged in the facts
16 above.

17 64. Defendants ratified or approved of the extreme and outrageous conduct of Defendant Doe 3.

18 65. At all material times, Plaintiff was a person within the jurisdiction of this State and, at all
19 material times, Defendants were required to comply with the laws of this State, including,
20 but not limited to, California Civil Code § 51.7.

21 66. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer
22 physical injury, shock, emotional distress, physical manifestations of emotional distress,
23 embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has
24 suffered and continues to suffer spiritually; was prevented and will continue to be prevented
25 from performing Plaintiff's daily activities and obtaining the full enjoyment of life; will
26 sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur
27 expenses for medical and psychological treatment, therapy, and counseling.
28

1 **EIGHTH CAUSE OF ACTION**

2 **GENDER VIOLENCE**

3 **(California Civil Code § 52.4)**

4 **(Against Defendants Local Church, National Church, Defendant Doe 3, Defendant Doe 4,**
5 **and Does 5 through 100)**

6 67. Plaintiffs incorporate by reference all paragraphs of this Complaint as if fully set forth
7 herein.

8 68. Plaintiff was the victim of one or more acts perpetrated by Defendant Doe 3, as described
9 above, which would constitute a criminal offense under state law that have as an element the
10 use, attempted use, or threatened use of physical force against the person of another. Such
11 act and/or acts were committed, at least in part, based on Plaintiff's gender.

12 69. Plaintiff was the victim of a physical intrusion or physical invasion by Defendant Doe 3 of a
13 sexual nature under coercive conditions.

14 70. Defendants ratified or approved of the extreme and outrageous conduct of Defendant Doe 3.

15 71. At all material times, Defendants were required to comply with the laws of this State,
16 including, but not limited to, California Civil Code § 52.4.

17 72. As a result of Defendants violation of California Civil Code § 52.4, Plaintiff is entitled to
18 bring a civil action for damages against any responsible party. Therefore, Plaintiff seeks
19 actual damages, compensatory damages, punitive damages, attorney's fees and costs, and
20 any other appropriate relief.

21
22 WHEREFORE, Plaintiff prays for damages; punitive damages against Defendant Doe 3 and
23 Defendant Doe 4; costs; interest; statutory/civil penalties according to law; and such other relief
24 as the court deems appropriate and just.

25 ///

26 ///

JURY DEMAND

Plaintiff demands a jury trial on all issues so triable.

THE ZALKIN LAW FIRM, P.C.

Dated: _____

By: _____
Ryan M. Cohen
Attorney for Plaintiff