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Superior Court of California
County of Fresno
By: C. York, Deputy

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16 Attorneys for [REDACTED]

17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
18 **COUNTY OF FRESNO**

19 [REDACTED]
20 [REDACTED]

21 Plaintiff,

22 v.

23 GENERAL COUNCIL OF THE
ASSEMBLIES OF GOD, A CALIFORNIA
24 CORPORATION; THE SOUTHERN
CALIFORNIA DISTRICT COUNCIL OF
25 THE ASSEMBLIES OF GOD; RIVERDALE
ASSEMBLY OF GOD CHURCH AND
26 SCHOOL; AND DOES 4-10, INCLUSIVE,

27 Defendants.
28

Case No. 21CECG02868

FIRST AMENDED COMPLAINT FOR DAMAGES

- 1. CLAIM FOR CHILDHOOD SEXUAL ASSAULT PURSUANT TO CAL. CODE OF CIVIL PROCEDURE 340.1
- 2. NEGLIGENCE
- 3. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

1 NATURE OF THE ACTION

2 Between approximately 1985 and 1989, when Plaintiff [REDACTED] was a minor child
3 and a member, parishioner, and student of Defendants GENERAL COUNCIL OF THE
4 ASSEMBLIES OF GOD, THE SOUTHERN CALIFORNIA DISTRICT COUNCIL OF THE
5 ASSEMBLIES OF GOD, and RIVERDALE ASSEMBLY OF GOD CHURCH AND SCHOOL in
6 Riverdale, California, he was sexually molested by Jim Davis, a music director, choir director, and
7 photography director of Defendant RIVERDALE ASSEMBLY OF GOD CHURCH AND
8 SCHOOL. Despite the fact that Defendants GENERAL COUNCIL OF THE ASSEMBLIES OF
9 GOD, THE SOUTHERN CALIFORNIA DISTRICT COUNCIL OF THE ASSEMBLIES OF GOD,
10 and RIVERDALE ASSEMBLY OF GOD CHURCH AND SCHOOL knew or should have known
11 that Jim Davis was a danger to children, and that he was likely to use his positions with them to
12 groom and to sexually abuse them, they failed to take reasonable steps to protect Plaintiff Wesley
13 McMillan and other children from that danger.

14 Plaintiff [REDACTED] complains against each Defendant as follows:

15 PARTIES

16 1. Plaintiff [REDACTED] is an adult male who currently resides in Fresno County,
17 California.

18 2. At all relevant times Defendant GENERAL COUNCIL OF THE ASSEMBLIES OF
19 GOD (hereinafter referred to as "GENERAL COUNCIL") was and is a foreign non-profit
20 corporation with its principal place of business in Springfield, Missouri.

21 3. At all relevant times DOE 1 conducted business as GENERAL COUNCIL OF THE
22 ASSEMBLIES OF GOD and "THE ASSEMBLIES OF GOD."

23 4. At all relevant times GENERAL COUNCIL owned, operated, managed, and/or
24 controlled local churches and schools throughout California, including in RIVERDALE
25 ASSEMBLY OF GOD CHURCH AND SCHOOL Riverdale, California (hereinafter referred to as
26 "RIVERDALE ASSEMBLY OF GOD").

27 5. At all relevant times GENERAL COUNCIL employed pastors, teachers, volunteers,
28 school administrators, and others who served various institutions and families, including Plaintiff

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1 [REDACTED] and his family.

2 6. Jim Davis was a music director, choir director, and photography director employed
3 by GENERAL COUNCIL to serve families in the geographic area under its supervision and control,
4 including Plaintiff [REDACTED] and his family.

5 7. At all relevant times GENERAL COUNCIL was the owner of RIVERDALE
6 ASSEMBLY OF GOD and held itself out to the public as the owner of RIVERDALE ASSEMBLY
7 OF GOD.

8 8. At all relevant times GENERAL COUNCIL, through its agents, servants, and
9 employees, managed, maintained, operated, and controlled RIVERDALE ASSEMBLY OF GOD.

10 9. At all relevant times GENERAL COUNCIL, through its agents, servants, and
11 employees, managed, maintained, operated, and controlled RIVERDALE ASSEMBLY OF GOD,
12 and held out to the public its agents, servants, and employees as those who managed, maintained,
13 operated, and controlled RIVERDALE ASSEMBLY OF GOD.

14 10. At all relevant times GENERAL COUNCIL was responsible for and did the hiring
15 and staffing at RIVERDALE ASSEMBLY OF GOD.

16 11. At all relevant times GENERAL COUNCIL was responsible for and did the
17 recruitment and staffing of volunteers at RIVERDALE ASSEMBLY OF GOD.

18 12. At all relevant times Jim Davis was on the staff of, acted as an agent of, and served
19 as an employee of GENERAL COUNCIL.

20 13. At all relevant times Jim Davis was acting in the course and scope of his employment
21 with DOE 1.

22 14. At all relevant times GENERAL COUNCIL materially benefited from the operation
23 of RIVERDALE ASSEMBLY OF GOD, including the services of Jim Davis and the services of
24 those who managed and supervised Jim Davis.

25 15. During the time Jim Davis was employed by GENERAL COUNCIL, he used his
26 positions as a music director, choir director, and photography director of RIVERDALE
27 ASSEMBLY OF GOD to groom and to sexually abuse Plaintiff [REDACTED]

28 16. To the extent GENERAL COUNCIL was a different entity, corporation, or

1 organization during the period of time during which Jim Davis used his positions as a music director,
2 choir director, and photography director to sexually abuse Plaintiff [REDACTED] such entity,
3 corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit
4 and is identified in the Complaint as GENERAL COUNCIL or as a "Doe" defendant.

5 17. To the extent GENERAL COUNCIL is a successor to a different entity, corporation,
6 or organization which existed during the period of time during which Jim Davis used his positions
7 as a music director, choir director, and photography director to sexually abuse Plaintiff Wesley
8 McMillan, such predecessor entity, corporation, or organization is hereby on notice that it is
9 intended to be a defendant in this lawsuit and is identified in the Complaint as GENERAL
10 COUNCIL or as a "Doe" defendant.

11 18. All such GENERAL COUNCIL-related entities, corporations, or organizations are
12 collectively referred to herein as the "GENERAL COUNCIL."

13 19. At all relevant times, Defendant THE SOUTHERN CALIFORNIA DISTRICT
14 COUNCIL OF THE ASSEMBLIES OF GOD (hereinafter referred to as "SOCAL DISTRICT
15 COUNCIL") was and is a non-profit California corporation with its principal place of business in
16 Irvine, California.

17 20. At all relevant times, SOCAL DISTRICT COUNCIL conducted business as "THE
18 SOUTHERN CALIFORNIA DISTRICT COUNCIL OF THE ASSEMBLIES OF GOD" and
19 "SOCAL DISTRICT COUNCIL OF THE ASSEMBLIES OF GOD."

20 21. At all relevant times, SOCAL DISTRICT COUNCIL owned, operated, managed,
21 and/or controlled local churches and schools throughout Southern California, including
22 RIVERDALE ASSEMBLY OF GOD in Riverdale, California.

23 22. At all relevant times, SOCAL DISTRICT COUNCIL employed pastors, teachers,
24 volunteers, school administrators, and others who served various institutions and families, including
25 Plaintiff [REDACTED] and his family.

26 23. Jim Davis was a music director, choir director, and photography director employed
27 by SOCAL DISTRICT COUNCIL to serve families in the geographic area under its supervision
28 and control, including Plaintiff [REDACTED] and his family.

1 24. At all relevant times, SOCAL DISTRICT COUNCIL was the owner of
2 RIVERDALE ASSEMBLY OF GOD and held itself out to the public as the owner of RIVERDALE
3 ASSEMBLY OF GOD.

4 25. At all relevant times, SOCAL DISTRICT COUNCIL, through its agents, servants,
5 and employees, managed, maintained, operated, and controlled RIVERDALE ASSEMBLY OF
6 GOD.

7 26. At all relevant times, SOCAL DISTRICT COUNCIL, through its agents, servants,
8 and employees, managed, maintained, operated, and controlled RIVERDALE ASSEMBLY OF
9 GOD, and held out to the public its agents, servants, and employees as those who managed,
10 maintained, operated, and controlled RIVERDALE ASSEMBLY OF GOD.

11 27. At all relevant times, SOCAL DISTRICT COUNCIL was responsible for the hiring
12 and staffing, and did the hiring and staffing, at RIVERDALE ASSEMBLY OF GOD.

13 28. At all relevant times, SOCAL DISTRICT COUNCIL was responsible for and did the
14 recruitment and staffing of volunteers at RIVERDALE ASSEMBLY OF GOD.

15 29. At all relevant times, Jim Davis was on the staff of, acted as an agent of, and served
16 as an employee of SOCAL DISTRICT COUNCIL.

17 30. At all relevant times, Jim Davis was acting in the course and scope of his employment
18 with SOCAL DISTRICT COUNCIL.

19 31. At all relevant times, SOCAL DISTRICT COUNCIL materially benefited from the
20 operation of RIVERDALE ASSEMBLY OF GOD, including the services of Jim Davis and the
21 services of those who managed and supervised Jim Davis.

22 32. During the time Jim Davis was employed by SOCAL DISTRICT COUNCIL, he
23 used his positions as a music director, choir director, and photography director of RIVERDALE
24 ASSEMBLY OF GOD to groom and to sexually abuse Plaintiff [REDACTED]

25 33. To the extent SOCAL DISTRICT COUNCIL was a different entity, corporation, or
26 organization during the period of time during which Jim Davis used his positions as a music director,
27 choir director, and photography director to sexually abuse Plaintiff [REDACTED] such entity,
28 corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit

1 and is identified in the Complaint as SOCAL DISTRICT COUNCIL or as a "Doe" defendant.

2 34. To the extent SOCAL DISTRICT COUNCIL is a successor to a different entity,
3 corporation, or organization which existed during the period of time during which Jim Davis used
4 his positions as a music director, choir director, and photography director to sexually abuse Plaintiff
5 [REDACTED] such predecessor entity, corporation, or organization is hereby on notice that it
6 is intended to be a defendant in this lawsuit and is identified in the Complaint as SOCAL DISTRICT
7 COUNCIL or as a "Doe" defendant.

8 35. All such SOCAL DISTRICT COUNCIL-related entities, corporations, or
9 organizations are collectively referred to herein as the "SOCAL DISTRICT COUNCIL."

10 36. At all relevant times, Defendant RIVERDALE ASSEMBLY OF GOD CHURCH
11 AND SCHOOL (hereinafter referred to as "RIVERDALE ASSEMBLY OF GOD") was and is a
12 non-profit California corporation with its principal place of business in Riverdale, California.

13 37. At all relevant times, RIVERDALE ASSEMBLY OF GOD conducted business as
14 "RIVERDALE ASSEMBLY OF GOD CHURCH AND SCHOOL", "RIVERDALE ASSEMBLY
15 OF GOD", and "RIVERDALE CHRISTIAN ACADEMY".

16 38. At all relevant times, RIVERDALE ASSEMBLY OF GOD owned, operated,
17 managed, and/or controlled a church and school in Riverdale, California.

18 39. At all relevant times, RIVERDALE ASSEMBLY OF GOD employed pastors,
19 teachers, volunteers, school administrators, and others who served various families, including
20 Plaintiff [REDACTED] and his family.

21 40. Jim Davis was a music director, choir director, and photography director employed
22 by RIVERDALE ASSEMBLY OF GOD to serve families at RIVERDALE ASSEMBLY OF GOD,
23 including Plaintiff [REDACTED] and his family.

24 41. At all relevant times, RIVERDALE ASSEMBLY OF GOD was the owner of
25 RIVERDALE ASSEMBLY OF GOD and held itself out to the public as the owner of RIVERDALE
26 ASSEMBLY OF GOD.

27 42. At all relevant times, RIVERDALE ASSEMBLY OF GOD, through its agents,
28 servants, and employees, managed, maintained, operated, and controlled RIVERDALE

1 ASSEMBLY OF GOD.

2 43. At all relevant times, RIVERDALE ASSEMBLY OF GOD, through its agents,
3 servants, and employees, managed, maintained, operated, and controlled RIVERDALE
4 ASSEMBLY OF GOD, and held out to the public its agents, servants, and employees as those who
5 managed, maintained, operated, and controlled RIVERDALE ASSEMBLY OF GOD.

6 44. At all relevant times, RIVERDALE ASSEMBLY OF GOD was responsible for the
7 hiring and staffing, and did the hiring and staffing, at RIVERDALE ASSEMBLY OF GOD.

8 45. At all relevant times, RIVERDALE ASSEMBLY OF GOD was responsible for and
9 did the recruitment and staffing of volunteers at RIVERDALE ASSEMBLY OF GOD.

10 46. At all relevant times, Jim Davis was on the staff of, acted as an agent of, and served
11 as an employee of RIVERDALE ASSEMBLY OF GOD.

12 47. At all relevant times, Jim Davis was acting in the course and scope of his employment
13 with RIVERDALE ASSEMBLY OF GOD.

14 48. At all relevant times, RIVERDALE ASSEMBLY OF GOD materially benefited
15 from the operation of RIVERDALE ASSEMBLY OF GOD, including the services of Jim Davis
16 and the services of those who managed and supervised Jim Davis.

17 49. During the time, Jim Davis was employed by RIVERDALE ASSEMBLY OF GOD,
18 he used his positions as a music director, choir director, and photography director of RIVERDALE
19 ASSEMBLY OF GOD to groom and to sexually abuse Plaintiff [REDACTED]

20 50. To the extent RIVERDALE ASSEMBLY OF GOD was a different entity,
21 corporation, or organization during the period of time during which Jim Davis used his positions as
22 music director, choir director, and photography director to sexually abuse Plaintiff Wesley
23 McMillan, such entity, corporation, or organization is hereby on notice that it is intended to be a
24 defendant in this lawsuit and is identified in the Complaint as RIVERDALE ASSEMBLY OF GOD
25 or as a "Doe" defendant.

26 51. To the extent RIVERDALE ASSEMBLY OF GOD is a successor to a different
27 entity, corporation, or organization which existed during the period of time during which Jim Davis
28 used his positions as a music director, choir director, and photography director to sexually abuse

1 Plaintiff [REDACTED] such predecessor entity, corporation, or organization is hereby on notice
2 that it is intended to be a defendant in this lawsuit and is identified in the Complaint as DOE 3 or as
3 a "Doe" defendant.

4 52. All such RIVERDALE ASSEMBLY OF GOD-related entities, corporations,
5 organizations, and ministries are collectively referred to herein as the "RIVERDALE ASSEMBLY
6 OF GOD."

7 53. The Defendants named in this complaint as DOES 4 through 10 are individuals,
8 corporations, and/or other entities whose true names and capacities are unknown to Plaintiff at this
9 time and are therefore identified using fictitious names. Plaintiff will seek leave to amend this
10 Complaint to include their true names when they have been ascertained. Plaintiff is informed and
11 believes, and upon such information and belief hereby alleges, that each of the Defendants sued
12 herein as DOES 4 through 10, inclusive, is negligent or in some other manner liable or responsible
13 for the events and happenings alleged in this Complaint and by their conduct directly and
14 substantially caused Plaintiff to sustain the injuries and damages alleged herein.

15 **BACKGROUND FACTS APPLICABLE TO ALL COUNTS**

16 54. When Plaintiff [REDACTED] was a minor, he and his parents were members and
17 parishioners of GENERAL COUNCIL, SOCAL COUNCIL, and RIVERDALE ASSEMBLY OF
18 GOD, including when Plaintiff [REDACTED] was a student at RIVERDALE ASSEMBLY OF
19 GOD.

20 55. GENERAL COUNCIL, SOCAL COUNCIL, and RIVERDALE ASSEMBLY OF
21 GOD, through their respective agents, servants, and employees, held Jim Davis out to the public, to
22 Plaintiff, and to his parents, as their agent and employee.

23 56. GENERAL COUNCIL, SOCAL COUNCIL, and RIVERDALE ASSEMBLY OF
24 GOD, through their respective agents, servants, and employees, held Jim Davis out to the public, to
25 Plaintiff, and to his parents, as having been vetted, screened, and approved by it as someone who
26 was safe and could be trusted with children.
27
28

1 57. Plaintiff and his parents reasonably relied upon the acts and representations of
2 GENERAL COUNCIL, SOCAL COUNCIL, and RIVERDALE ASSEMBLY OF GOD through
3 their respective agents, servants, and employees, and reasonably believed that Jim Davis was an
4 agent or employee of the Defendant who was vetted, screened, and approved by it and who was safe
5 and could be trusted with children.
6

7 58. Plaintiff and his parents trusted Jim Davis because GENERAL COUNCIL, SOCAL
8 COUNCIL, and RIVERDALE ASSEMBLY OF GOD held him out as someone who was safe and
9 could be trusted with the supervision, care, custody, and control of children, including Plaintiff
10

11 59. Plaintiff and his parents believed that GENERAL COUNCIL, SOCAL COUNCIL,
12 and RIVERDALE ASSEMBLY OF GOD would exercise such care as would a parent of ordinary
13 prudence in comparable circumstances when the Defendants assumed supervision, care, custody,
14 and control of Plaintiff, including protecting Plaintiff from the danger of being sexually abused.
15

16 60. When Plaintiff [REDACTED] was a minor, Jim Davis used his positions with the
17 Defendants to sexually abuse him.

18 61. Between approximately 1985 and 1989, Plaintiff [REDACTED] was sexually
19 abused by Jim Davis. Plaintiff [REDACTED] was approximately 13 to 17 years old when Jim
20 Davis sexually abused him.
21

22 62. Based on the representations of GENERAL COUNCIL, SOCAL COUNCIL, and
23 RIVERDALE ASSEMBLY OF GOD that Jim Davis was safe and trustworthy, Plaintiff Wesley
24 McMillan and his parents allowed him to be under the supervision of, and in the care, custody, and
25 control of, GENERAL COUNCIL, SOCAL COUNCIL, and RIVERDALE ASSEMBLY OF GOD,
26 including when Plaintiff was sexually abused by Jim Davis.
27
28

1 63. In order to sexually abuse Plaintiff [REDACTED] and other children, Jim Davis
2 exploited the trust and authority vested in him by the Defendant by grooming Plaintiff to gain his
3 trust and to obtain control over him.

4 64. Jim Davis used his positions of trust and authority as a music director, choir director,
5 and photography director of GENERAL COUNCIL, SOCAL COUNCIL, and RIVERDALE
6 ASSEMBLY OF GOD to groom Plaintiff [REDACTED] and to sexually abuse him, including
7 when Plaintiff [REDACTED] was under the supervision of, and in the care, custody, or control
8 of GENERAL COUNCIL, SOCAL COUNCIL, and RIVERDALE ASSEMBLY OF GOD and Jim
9 Davis.
10

11 65. Some of the sexual abuse of Plaintiff [REDACTED] by Jim Davis occurred using
12 the tasks, premises, or instrumentalities that the Defendants entrusted to Jim Davis, including the
13 classrooms of RIVERDALE ASSEMBLY OF GOD, the bathrooms of RIVERDALE ASSEMBLY
14 OF GOD, the church of RIVERDALE ASSEMBLY OF GOD, the photography dark room of
15 RIVERDALE ASSEMBLY OF GOD, on a bus and at hotels during choir tours across the United
16 States, and at the Owens High School Valley gym.
17

18 66. Jim Davis's sexual abuse of Plaintiff [REDACTED] occurred during activities
19 that were sponsored by, or were a direct result of activities sponsored by GENERAL COUNCIL,
20 SOCAL COUNCIL, and RIVERDALE ASSEMBLY OF GOD, including at and during school,
21 school basketball tournaments, choir retreats, and church activities.
22

23 67. Jim Davis's sexual abuse of Plaintiff [REDACTED] was unlawful sexual
24 molestation under California law, including California Code of Civil Procedure Section 340.1.

25 68. At all relevant times, GENERAL COUNCIL, SOCAL COUNCIL, and
26 RIVERDALE ASSEMBLY OF GOD through their agents, servants, and employees, knew or
27
28

1 should have known that Jim Davis was a danger to children, in that he was likely to sexually abuse
2 them.

3 69. It was reasonably foreseeable to Defendants, through their agents, servants, and
4 employees, that Jim Davis's sexual abuse of children would likely result in injury to others, including
5 the sexual abuse of Plaintiff [REDACTED] and other children by Jim Davis.

6 70. GENERAL COUNCIL, SOCAL COUNCIL, and RIVERDALE ASSEMBLY OF
7 GOD through their agents, servants, and employees, knew or should have known that Jim Davis
8 was sexually abusing children at DOE 3, including Plaintiff [REDACTED]

9 71. GENERAL COUNCIL, SOCAL COUNCIL, and RIVERDALE ASSEMBLY OF
10 GOD, through their respective agents, servants, and employees, knew or should have known before
11 and during Jim Davis's sexual abuse of Plaintiff [REDACTED] that pastors, teachers, school
12 administrators, volunteers, and/or other persons serving RIVERDALE ASSEMBLY OF GOD had
13 used their positions with the Defendants to groom and to sexually abuse children.
14

15 72. GENERAL COUNCIL, SOCAL COUNCIL, and RIVERDALE ASSEMBLY OF
16 GOD through their respective agents, servants, and employees knew or should have known before
17 and during Jim Davis's sexual abuse of Plaintiff [REDACTED] that such pastors, teachers, school
18 administrators, and/or other persons could not be "cured" through treatment or counseling.
19

20 73. GENERAL COUNCIL, SOCAL COUNCIL, and RIVERDALE ASSEMBLY OF
21 GOD through their respective agents, servants, and employees, concealed the sexual abuse of
22 children by Jim Davis in order to conceal their own bad acts in failing to protect children from him,
23 to protect their reputations, and to prevent victims of such sexual abuse from coming forward during
24 the extremely limited statute of limitations prior to the enactment of the recent legislative
25 amendment that allows Plaintiff to pursue his claim now, despite knowing that Jim Davis would
26 continue to molest children.
27
28

1 74. GENERAL COUNCIL, SOCIAL COUNCIL, and RIVERDALE ASSEMBLY OF
2 GOD through their respective agents, servants, and employees, consciously and recklessly
3 disregarded their knowledge that Jim Davis would use his positions with the Defendants to sexually
4 abuse children, including Plaintiff [REDACTED]

5 75. GENERAL COUNCIL, SOCIAL COUNCIL, and RIVERDALE ASSEMBLY OF
6 GOD through their respective agents, servants, and employees, acted in concert with each other
7 and/or with Jim Davis to conceal the danger that Jim Davis posed to children, including Plaintiff, so
8 that Jim Davis could continue serving it despite their knowledge of that danger.

9 76. GENERAL COUNCIL, SOCIAL COUNCIL, and RIVERDALE ASSEMBLY OF
10 GOD through their respective agents, servants, and employees, acted in concert with each other
11 and/or with Jim Davis to enable Jim Davis to sexually abuse children, including Plaintiff.

12 77. GENERAL COUNCIL, SOCIAL COUNCIL, and RIVERDALE ASSEMBLY OF
13 GOD through their respective agents, servants, and employees, knew that their negligent, reckless,
14 and outrageous conduct would inflict severe emotional and psychological distress, as well as
15 personal physical injury on others, including Plaintiff, and Plaintiff did, in fact, suffer severe
16 emotional and psychological distress and personal physical injury as a result of their wrongful
17 conduct.

18 78. GENERAL COUNCIL, SOCIAL COUNCIL, and RIVERDALE ASSEMBLY OF
19 GOD through their respective agents, servants, and employees, concealed the sexual abuse of
20 children by pastors, teachers, school administrators, volunteer, and others, including Jim Davis, in
21 order to conceal their own bad acts in failing to protect children from being abused, to protect their
22 reputations, and to prevent victims of such sexual abuse from coming forward during the extremely
23 limited statute of limitations prior to the enactment of the recent legislative amendment that allows
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1 Plaintiff to pursue his claim now, despite knowing that those pastors, other religious persons,
2 teachers, school administrators, and other persons would continue to molest children.

3 79. GENERAL COUNCIL, SOCAL COUNCIL, and RIVERDALE ASSEMBLY OF
4 GOD are based on information and belief, religious corporations, organized under the laws of
5 California, and therefore, are afforded the protection of Code of Civil Procedure §425.14. Upon
6 such time as appropriate, the Plaintiff expressly reserves the right to file a Motion to Amend the
7 instant Complaint, in order to allege facts sufficient to constitute punitive damages against
8 GENERAL COUNCIL, SOCAL COUNCIL, and RIVERDALE ASSEMBLY OF GOD, in accord
9 with evidence that substantiates a finding of the clear and convincing evidentiary requirement of
10 Civil Code §3294.

11 80. By reason of the wrongful acts of GENERAL COUNCIL, SOCAL COUNCIL, and
12 RIVERDALE ASSEMBLY OF GOD, as detailed herein, Plaintiff [REDACTED] sustained
13 physical and psychological injuries, including but not limited to severe emotional and psychological
14 distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith,
15 a severe shock to his nervous system, physical pain and mental anguish, and emotional and
16 psychological damage.

17 81. Some or all of the injuries described above are of a permanent and lasting nature, and
18 Plaintiff has and/or will become obligated to expend sums of money for treatment.

19
20
21
22 **FIRST CAUSE OF ACTION**

23 **CLAIM FOR CHILDHOOD SEXUAL ASSAULT PURSUANT TO CAL. CODE OF CIVIL**
24 **PROCEDURE § 340.1**

25 **(Against Defendants GENERAL COUNCIL, SOCAL COUNCIL, and RIVERDALE**
26 **ASSEMBLY OF GOD, and DOES 4 through 10, Inclusive)**

27 82. Plaintiff [REDACTED] incorporates all paragraphs of this Complaint as if fully
28 set forth herein.

1 83. Between approximately 1985 to 1989, when Plaintiff [REDACTED] was
2 approximately 13 to 17 years old, Jim Davis engaged in unpermitted, harmful, and offensive sexual
3 conduct and contact upon the person of Plaintiff [REDACTED]

4 84. Said conduct was undertaken while Jim Davis was an agent, managing agent,
5 employee, and/or servant of the Defendants, and while Jim Davis was acting in the course and scope
6 of his employment, agency, and/or service with the Defendants.
7

8 85. Said conduct of Jim Davis was known to and ratified by the Defendants.

9 86. Each Defendant had a duty to take reasonable steps to protect Plaintiff Wesley
10 McMillan, a minor, from foreseeable harm when he was in its care, custody, and control.

11 87. During the time that Jim Davis was working for and serving the Defendants, each
12 Defendant had a duty to use reasonable care to prevent Jim Davis from using the tasks, premises,
13 and instrumentalities of his position with the Defendant to target, groom, and sexually abuse
14 children, including Plaintiff [REDACTED]

15 88. Each Defendant breached the foregoing duties by failing to use reasonable care to
16 protect Plaintiff [REDACTED] from Jim Davis and allowed Jim Davis to groom and to sexually
17 abuse him.

18 89. As a direct and proximate result of the above-described conduct, Plaintiff Wesley
19 McMillan suffered, and will continue to suffer, great pain of mind and body, shock, emotional
20 distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace,
21 humiliation, and loss of enjoyment of life, and Plaintiff was prevented from performing daily
22 activities and obtaining the full enjoyment of life.

23 **SECOND CAUSE OF ACTION**

24 **NEGLIGENCE**

25 **(Against Defendants GENERAL COUNCIL, SOCIAL COUNCIL, and RIVERDALE**

26 **ASSEMBLY OF GOD, and DOES 4 through 10, Inclusive)**

27 90. Plaintiff [REDACTED] incorporates all paragraphs of this Complaint as if fully
28 set forth herein.

1 GOD, knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and
2 psychological distress, including personal physical injury on others, and Plaintiff [REDACTED]
3 did, in fact, suffer severe emotional and psychological distress and personal physical injury as a
4 result, including severe mental anguish, humiliation, and emotional and physical distress.

5 98. As a direct and proximate result of the above-described conduct, Plaintiff Wesley
6 McMillan suffered, and will continue to suffer, great pain of mind and body, shock, emotional
7 distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace,
8 humiliation, and loss of enjoyment of life, and Plaintiff was prevented from performing daily
9 activities and obtaining the full enjoyment of life.

10 **PRAYER**

- 11 1. For economic damages according to proof;
- 12 2. For non-economic damages according to proof;
- 13 3. For all attorney's fees allowable by statute;
- 14 4. For costs of suit incurred herein;
- 15 5. For prejudgment interest as may be allowed; and
- 16 6. For such other and further relief as the Court deems just and proper.

17
18 DATED: April 4, 2022

PANISH SHEA & BOYLE LLP

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20 By: 

21 Spencer K. Lucas
22 Brian J. Panish
23 Matthew G. Freeman
24 Paige K. Miller

25 PFAU COCHRAN VERTETIS AMALA PLLC
26 Akinyemi O. Ajayi
27 Michael T. Pfau
28 Jason P. Amala

Attorneys for Plaintiff [REDACTED]

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all causes of action.

DATED: April 4, 2022

PANISH SHEA & BOYLE LLP

By:



Spencer R. Lucas
Brian J. Panish
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Attorneys for Plaintiff



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PROOF OF SERVICE

McMillan vs. Doe
Case No. 21CECG02868

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 11111 Santa Monica Boulevard, Suite 700, Los Angeles, CA 90025.

On April 4, 2022, I served true copies of the following document(s) described as **FIRST AMENDED COMPLAINT** on the interested parties in this action as follows:

David G. Hagopian
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Attorneys for Defendant DOE 1

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address azarian@psblaw.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on April 4, 2022, at Los Angeles, California.

Nicole Azarian

Nicole Azarian