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12 JANE ROE 8.

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Superior Court of California
County of Fresno
By: I. Herrera, Deputy

9 **SUPERIOR COURT OF CALIFORNIA**
10 **COUNTY OF FRESNO**

11 ****

12 JANE ROE 8, an individual;)

Case No.: 22CECG01633

13 Plaintiff,)

AMENDED COMPLAINT FOR DAMAGES:

14 v.)

- 15 1. **NEGLIGENCE**
- 16 2. **CLAIM FOR CHILDHOOD SEXUAL ASSAULT**
- 17 3. **(California Civil Code § 340.1)**
- 18 4. **NEGLIGENT SUPERVISION/**
- 19 5. **FAILURE TO WARN**
- 20 6. **NEGLIGENT HIRING/RETENTION**
- 21 7. **INTENTIONAL INFLICTION OF**
- 22 8. **EMOTIONAL DISTRESS**
- 23 9. **BREACH OF STATUTORY DUTY**
- 24 10. **(California Civil Code § 51.7)**

15 RIVERDALE ASSEMBLY OF GOD,)
16 INC. d.b.a. RIVERDALE CHRISTIAN)
17 ACADEMY, a California non-profit)
18 religious corporation; THE GENERAL)
19 COUNCIL OF THE ASSEMBLIES OF)
20 GOD, a foreign non-profit religious)
21 corporation; THE SOUTHERN)
22 CALIFORNIA DISTRICT COUNCIL OF)
23 THE ASSEMBLIES OF GOD, a California)
24 non-profit religious corporation;)
25 CHARLES SPENCER, JR., an individual;)
26 JASON FOX, an individual; and DOES 7)
27 through 100, inclusive,)

28 Defendants.)

25 Based upon information and belief available to Plaintiff JANE ROE 8 at all times
26 relevant to the filing of this Complaint Plaintiff alleges as follows against Defendants,
27 RIVERDALE ASSEMBLY OF GOD, INC. d.b.a. RIVERDALE CHRISTIAN ACADEMY, a
28 California non-profit religious corporation; THE GENERAL COUNCIL OF THE

1 ASSEMBLIES OF GOD, a foreign non-profit religious corporation; THE SOUTHERN
2 CALIFORNIA DISTRICT COUNCIL OF THE ASSEMBLIES OF GOD, a California non-
3 profit religious corporation; CHARLES SPENCER, JR., an individual; JASON FOX, an
4 individual; and DOES 7 through 100, inclusive, as follows:

5 **NATURE OF THE ACTION**

6 1. Between approximately 1998 and 2003, when Plaintiff JANE ROE 8 was a
7 minor child and a member, congregant, and student of Defendants, RIVERDALE ASSEMBLY
8 OF GOD, INC. d.b.a. RIVERDALE CHRISTIAN ACADEMY, THE GENERAL COUNCIL OF
9 THE ASSEMBLIES OF GOD, and THE SOUTHERN CALIFORNIA DISTRICT COUNCIL
10 OF THE ASSEMBLIES OF GOD in Riverdale, California, she was groomed and sexually
11 abused by church elders, staff and/or agents of Defendant RIVERDALE ASSEMBLY OF GOD,
12 INC. d.b.a. RIVERDALE CHRISTIAN ACADEMY. Commencing at the age of 13 years old
13 JANE ROE 8 was groomed for a sexual relationship by Defendant JASON FOX, whereafter
14 JASON FOX initiated and maintained a pattern of sexually assaulting JANE ROE 8 until she
15 was separated from JASON FOX by RIVERDALE ASSEMBLY OF GOD, INC. d.b.a.
16 RIVERDALE CHRISTIAN ACADEMY elders, employees, directors, senior pastors, associate
17 pastors, teachers and directors, at the age of 15. Later when JANE ROE 8 was approximately 15
18 to 16 years old Defendant CHARLES SPENCER, JR., knowing of prior childhood sexual abuse,
19 groomed and attempted to commit wrongful sexual acts with JANE ROE 8 and exposed himself
20 to JANE ROE 8 with the intent to commit a wrongful sexual act.

21 2. Between approximately 1999 and 2001, at all relevant times Defendant JASON
22 FOX was a Sunday school bus driver and Sunday school teacher at RIVERDALE ASSEMBLY
23 OF GOD, INC. d.b.a. RIVERDALE CHRISTIAN ACADEMY. Further, through the direction of
24 RIVERDALE ASSEMBLY OF GOD, INC. d.b.a. RIVERDALE CHRISTIAN ACADEMY,
25 elders, employees, elders and directors, JASON FOX employed JANE ROE 8 to pay for tuition
26 at the school located on the premises of RIVERDALE ASSEMBLY OF GOD, INC. d.b.a.
27 RIVERDALE CHRISTIAN ACADEMY. Despite the fact that Defendants RIVERDALE
28 ASSEMBLY OF GOD, INC. d.b.a. RIVERDALE CHRISTIAN ACADEMY, THE GENERAL

1 COUNCIL OF THE ASSEMBLIES OF GOD, and THE SOUTHERN CALIFORNIA
2 DISTRICT COUNCIL OF THE ASSEMBLIES OF GOD, knew or should have known that
3 Defendant JASON FOX was a danger to children, in that he was likely to use his positions with
4 them to groom and to sexually assault children, they failed to take reasonable steps to protect
5 JANE ROE 8 and other children from that danger.

6 3. Between approximately 2001 and 2003, at all relevant times Defendant
7 CHARLES SPENCER, JR. was a teacher and/or school supervisor, and pastor at Defendant
8 RIVERDALE ASSEMBLY OF GOD, INC. d.b.a. RIVERDALE CHRISTIAN ACADEMY.
9 Despite the fact that Defendants RIVERDALE ASSEMBLY OF GOD, INC. d.b.a.
10 RIVERDALE CHRISTIAN ACADEMY, THE GENERAL COUNCIL OF THE ASSEMBLIES
11 OF GOD, and THE SOUTHERN CALIFORNIA DISTRICT COUNCIL OF THE
12 ASSEMBLIES OF GOD, knew or should have known that Defendant CHARLES SPENCER,
13 JR. was a danger to children, in that he was likely to use his positions with them to groom and to
14 sexually assault children, they failed to take reasonable steps to protect JANE ROE 8 and other
15 children from that danger.

16 **PARTIES**

17 4. Plaintiff, JANE ROE 8 (“ROE 8”), is an adult female currently residing in
18 Kings County, within the State of California. ROE 8 was a minor throughout the period of child
19 sexual assault alleged herein. At the time of filing this Complaint for childhood sexual assault
20 ROE 8 is under the age of 40 years old. At all times relevant, ROE 8 resided in Fresno County,
21 California. ROE 8 attended Defendant RIVERDALE ASSEMBLY OF GOD, INC.
22 (“RIVERDALE ASSEMBLY OF GOD”) as a congregant of the church and attended school at
23 RIVERDALE CHRISTIAN ACADEMY (“ACADEMY”) located on the premises of
24 RIVERDALE ASSEMBLY OF GOD. ROE 8 brings this Complaint pursuant to Code of Civil
25 Procedure Section 340.1 for the childhood sexual assault she suffered due to Defendants’
26 negligence and malfeasance.

27 5. At all relevant times, Defendant RIVERDALE ASSEMBLY OF GOD, was and
28 is a California non-profit religious corporation authorized to conduct business and is conducting

1 business in the State of California, with its principal place of business in the County of Fresno,
2 California. At all times relevant, RIVERDALE ASSEMBLY OF GOD had responsibility for
3 church operations in Riverdale, California.

4 6. At all relevant times, Defendant THE GENERAL COUNCIL OF THE
5 ASSEMBLIES OF GOD (“GENERAL COUNCIL”), was and is a foreign non-profit religious
6 corporation with its principal place of business in the State of Missouri. At all times relevant,
7 GENERAL COUNCIL organized, administered and directed the congregational affairs of church
8 members in the United States. At all times relevant GENERAL COUNCIL owned, operated,
9 managed, and/or controlled local churches and schools throughout the United States, including
10 RIVERDALE ASSEMBLY OF GOD in Riverdale, California.

11 7. At all relevant times, Defendant THE SOUTHERN CALIFORNIA DISTRICT
12 COUNCIL OF THE ASSEMBLIES OF GOD (“DISTRICT COUNCIL”), was and is a
13 California non-profit religious corporation authorized to conduct business and is conducting
14 business in the State of California, with its principal place of business in Irvine, California. At all
15 times relevant, DISTRICT COUNCIL organized, administered and directed the congregational
16 affairs of church members in the State of California. At all times relevant GENERAL COUNCIL
17 owned, operated, managed, and/or controlled local churches and schools throughout California,
18 including RIVERDALE ASSEMBLY OF GOD in Riverdale, California.

19 8. At all relevant times, Defendant, CHARLES SPENCER, JR. (“SPENCER”), an
20 individual, is and was an adult male who, at all times relevant, was associated with, supervised,
21 directed and controlled by RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL and
22 DISTRICT COUNCIL. While supervised, directed and controlled by RIVERDALE
23 ASSEMBLY OF GOD, GENERAL COUNCIL and DISTRICT COUNCIL, SPENCER
24 committed the acts of childhood sexual assault alleged herein as an employee of RIVERDALE
25 ASSEMBLY OF GOD, and a teacher and/or school supervisor at ACADEMY located on the
26 premises of RIVERDALE ASSEMBLY OF GOD and in his capacity as pastor at RIVERDALE
27 ASSEMBLY OF GOD.

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1 9. At all relevant times Defendant, JASON FOX (“FOX”), an individual, is and
2 was an adult male who, at all times relevant, was associated with, supervised, directed and
3 controlled by RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, and DISTRICT
4 COUNCIL. While supervised, directed and controlled by RIVERDALE ASSEMBLY OF GOD,
5 GENERAL COUNCIL, and DISTRICT COUNCIL, FOX committed the acts of childhood
6 sexual assault alleged herein as an employee or agent of RIVERDALE ASSEMBLY OF GOD
7 and a Sunday school bus driver and Sunday school teacher at RIVERDALE ASSEMBLY OF
8 GOD. At the direction of church elders, FOX employed ROE 8 in order for her to pay
9 ACADEMY tuition.

10 10. At all relevant times GENERAL COUNCIL, was the owner of RIVERDALE
11 ASSEMBLY OF GOD and held itself out to the public as the owner or controller of
12 RIVERDALE ASSEMBLY OF GOD.

13 11. At all relevant times GENERAL COUNCIL, through its agents, servants, and
14 employees, managed, maintained, operated, and controlled RIVERDALE ASSEMBLY OF
15 GOD.

16 12. At all relevant times GENERAL COUNCIL, through its agents, servants, and
17 employees, managed, maintained, operated, and controlled RIVERDALE ASSEMBLY OF
18 GOD, and held out to the public its agents, servants, and employees as those who managed,
19 maintained, operated, and controlled RIVERDALE ASSEMBLY OF GOD.

20 13. At all relevant times GENERAL COUNCIL was responsible for and did the
21 hiring and staffing at RIVERDALE ASSEMBLY OF GOD.

22 14. At all relevant times GENERAL COUNCIL was responsible for and did the
23 recruitment and staffing of volunteers at RIVERDALE ASSEMBLY OF GOD.

24 15. At all relevant times DISTRICT COUNCIL was the owner of RIVERDALE
25 ASSEMBLY OF GOD and held itself out to the public as the owner or controller of
26 RIVERDALE ASSEMBLY OF GOD.

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1 16. At all relevant times DISTRICT COUNCIL, through its agents, servants, and
2 employees, managed, maintained, operated, and controlled RIVERDALE ASSEMBLY OF
3 GOD.

4 17. At all relevant times DISTRICT COUNCIL, through its agents, servants, and
5 employees, managed, maintained, operated, and controlled RIVERDALE ASSEMBLY OF GOD
6 and held out to the public its agents, servants, and employees as those who managed, maintained,
7 operated, and controlled RIVERDALE ASSEMBLY OF GOD.

8 18. At all relevant times DISTRICT COUNCIL was responsible for and did the
9 hiring and staffing at RIVERDALE ASSEMBLY OF GOD.

10 19. At all relevant times DISTRICT COUNCIL was responsible for and did the
11 recruitment and staffing of volunteers at RIVERDALE ASSEMBLY OF GOD.

12 20. At all relevant times SPENCER was on the staff of, acted as an agent of, and
13 served as an employee of RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL and
14 DISTRICT COUNCIL.

15 21. At all relevant times SPENCER was acting in the course and scope of his
16 employment with RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL and DISTRICT
17 COUNCIL.

18 22. At all relevant times GENERAL COUNCIL and DISTRICT COUNCIL
19 materially benefited from the operation of RIVERDALE ASSEMBLY OF GOD, including the
20 services of SPENCER and the services of those who managed and supervised SPENCER.

21 23. At all relevant times SPENCER was employed by RIVERDALE ASSEMBLY
22 OF GOD, GENERAL COUNCIL and DISTRICT COUNCIL he used his positions as a teacher
23 and/or school supervisor at the ACADEMY and as pastor of RIVERDALE ASSEMBLY OF
24 GOD to groom and sexually assault ROE 8.

25 24. To the extent RIVERDALE ASSEMBLY OF GOD was a different entity,
26 corporation, or organization during the period of time during which SPENCER used his positions
27 as a teacher and/or school supervisor at the ACADEMY and as pastor of RIVERDALE
28 ASSEMBLY OF GOD to groom and sexually assault ROE 8, such entity, corporation, or

1 organization is hereby on notice that it is intended to be a defendant in this lawsuit and is
2 identified in the Complaint as RIVERDALE ASSEMBLY OF GOD.

3 25. To the extent RIVERDALE ASSEMBLY OF GOD is a successor to a different
4 entity, corporation, or organization which existed during the period of time during which
5 SPENCER used his positions as a teacher and/or school supervisor at ACADEMY and as pastor
6 at RIVERDALE ASSEMBLY OF GOD to groom and to sexually assault ROE 8, such
7 predecessor entity, corporation, or organization is hereby on notice that it is intended to be a
8 defendant in this lawsuit and is identified in the Complaint as RIVERDALE ASSEMBLY OF
9 GOD.

10 26. To the extent GENERAL COUNCIL was a different entity, corporation, or
11 organization during the period of time during which SPENCER used his positions as a teacher
12 and/or school supervisor at the ACADEMY and as pastor of RIVERDALE ASSEMBLY OF
13 GOD to groom and to sexually assault ROE 8, such entity, corporation, or organization is hereby
14 on notice that it is intended to be a defendant in this lawsuit and is identified in the Complaint as
15 GENERAL COUNCIL.

16 27. To the extent GENERAL COUNCIL is a successor to a different entity,
17 corporation, or organization which existed during the period of time during which SPENCER
18 used his positions as a teacher and/or school supervisor at the ACADEMY and as pastor of
19 RIVERDALE ASSEMBLY OF GOD to groom and to sexually assault ROE 8 and such
20 predecessor entity, corporation, or organization is hereby on notice that it is intended to be a
21 defendant in this lawsuit and is identified in the Complaint as GENERAL COUNCIL.

22 28. To the extent DISTRICT COUNCIL was a different entity, corporation, or
23 organization during the period of time during which SPENCER used his positions as a teacher
24 and/or school supervisor at the ACADEMY and as pastor of RIVERDALE ASSEMBLY OF
25 GOD to groom and to sexually assault ROE 8, such entity, corporation, or organization is hereby
26 on notice that it is intended to be a defendant in this lawsuit and is identified in the Complaint as
27 DISTRICT COUNCIL.

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1 29. To the extent DISTRICT COUNCIL is a successor to a different entity,
2 corporation, or organization which existed during the period of time during which SPENCER
3 used his positions as a teacher and/or school supervisor at the ACADEMY and as pastor of
4 RIVERDALE ASSEMBLY OF GOD to groom and to sexually assault ROE 8, such predecessor
5 entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this
6 lawsuit and is identified in the Complaint as DISTRICT COUNCIL.

7 30. At all relevant times FOX was on the staff of, acted as an agent of, and/or
8 served as an employee of RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL and
9 DISTRICT COUNCIL.

10 31. At all relevant times FOX was acting in the course and scope of his employment
11 or agency with RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL and DISTRICT
12 COUNCIL.

13 32. At all relevant times GENERAL COUNCIL and DISTRICT COUNCIL
14 materially benefited from the operation of RIVERDALE ASSEMBLY OF GOD, including the
15 services of FOX and the services of those who managed and supervised FOX.

16 33. At all relevant times FOX was employed by RIVERDALE ASSEMBLY OF
17 GOD, GENERAL COUNCIL and DISTRICT COUNCIL, he used his positions as Sunday
18 school bus driver and Sunday school teacher at of RIVERDALE ASSEMBLY OF GOD.

19 34. To the extent RIVERDALE ASSEMBLY OF GOD was a different entity,
20 corporation, or organization during the period of time during which FOX used his positions as
21 Sunday school bus driver and Sunday school teacher at RIVERDALE ASSEMBLY OF GOD to
22 groom and sexually assault ROE 8, such entity, corporation, or organization is hereby on notice
23 that it is intended to be a defendant in this lawsuit and is identified in the Complaint as
24 RIVERDALE ASSEMBLY OF GOD.

25 35. To the extent RIVERDALE ASSEMBLY OF GOD is a successor to a different
26 entity, corporation, or organization which existed during the period of time during which FOX
27 used his positions as Sunday school bus driver and Sunday school teacher at RIVERDALE
28 ASSEMBLY OF GOD to groom and to sexually assault ROE 8, such predecessor entity,

1 corporation, or organization is hereby on notice that it is intended to be a defendant in this
2 lawsuit and is identified in the Complaint as RIVERDALE ASSEMBLY OF GOD.

3 36. To the extent GENERAL COUNCIL, was a different entity, corporation, or
4 organization during the period of time during which FOX used his positions as Sunday school
5 bus driver and Sunday school teacher at RIVERDALE ASSEMBLY OF GOD to groom and to
6 sexually assault ROE 8, such entity, corporation, or organization is hereby on notice that it is
7 intended to be a defendant in this lawsuit and is identified in the Complaint as GENERAL
8 COUNCIL.

9 37. To the extent GENERAL COUNCIL is a successor to a different entity,
10 corporation, or organization which existed during the period of time during which FOX used his
11 positions as Sunday school bus driver and Sunday school teacher at RIVERDALE ASSEMBLY
12 OF GOD to groom and to sexually assault ROE 8 and such predecessor entity, corporation, or
13 organization is hereby on notice that it is intended to be a defendant in this lawsuit and is
14 identified in the Complaint as GENERAL COUNCIL.

15 38. To the extent DISTRICT COUNCIL was a different entity, corporation, or
16 organization during the period of time during which FOX use his positions as Sunday school bus
17 driver and Sunday school teacher at RIVERDALE ASSEMBLY OF GOD to groom and to
18 sexually assault ROE 8, such entity, corporation, or organization is hereby on notice that it is
19 intended to be a defendant in this lawsuit and is identified in the Complaint as DISTRICT
20 COUNCIL.

21 39. To the extent DISTRICT COUNCIL is a successor to a different entity,
22 corporation, or organization which existed during the period of time during which FOX used his
23 positions as Sunday school bus driver and Sunday school teacher at RIVERDALE ASSEMBLY
24 OF GOD to groom and to sexually assault ROE 8, such predecessor entity, corporation, or
25 organization is hereby on notice that it is intended to be a defendant in this lawsuit and is
26 identified in the Complaint as DISTRICT COUNCIL.

27 40. Despite a mandatory reporting obligation, RIVERDALE ASSEMBLY OF
28 GOD, GENERAL COUNCIL and DISTRICT COUNCIL, their directors, employees, agents,

1 pastors and teachers knew of or reasonably suspected the sexual abuse, and did not report the
2 abuse to law enforcement.

3 41. Defendants DOES 7 through 100, inclusive, are individuals and/or business or
4 corporate entities incorporated in and/or doing business in California whose true names and
5 capacities are unknown to Plaintiff who therefore sues such defendants by such fictitious names,
6 and who will amend the Complaint to show the true names and capacities of each such DOE
7 Defendant when ascertained. Each such Defendant DOE is legally responsible in some manner
8 for the events, happenings and/or tortious and unlawful conduct that caused the injuries and
9 damages alleged in this Complaint. Defendants RIVERDALE ASSEMBLY OF GOD,
10 GENERAL COUNCIL, DISTRICT COUNCIL, SPENCER, FOX and DOES 7 through 100, are
11 sometimes hereinafter referred to collectively as the "Defendants".

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

18 **BACKGROUND FACTS APPLICABLE TO ALL COUNTS**

19 43. Plaintiff is informed and believes, and upon such information and belief hereby
20 allege the following:

21 44. Defendant RIVERDALE ASSEMBLY OF GOD is located in Riverdale,
22 County of Fresno, California, and at all times relevant is and was a member church of
23 Defendants, GENERAL COUNCIL and DISTRICT COUNCIL.

24 45. At all times relevant to this Complaint, Defendants operated a church in
25 Riverdale, California, and invited the participation of the public, including ROE 8, into the
26 church community. As part of the church community, minors were invited to participate in youth
27 group activities, attend the ACADEMY for their schooling, participate in volunteer events and
28 participate in RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL and DISTRICT

1 COUNCIL sponsored youth choir tours. Additionally, members were invited to participate in
2 other church activities including mission trips, Sunday school, bible study, and church retreats.

3 46. At all times relevant to this Complaint, Plaintiff ROE 8 attended RIVERDALE
4 ASSEMBLY OF GOD as a congregant and attended ACADEMY located on the premises of
5 RIVERDALE ASSEMBLY OF GOD as a student.

6 47. At all times relevant to this Complaint, FOX acted in the capacity as a church
7 elder, and was a Sunday school bus driver and Sunday school teacher at RIVERDALE
8 ASSEMBLY OF GOD.

9 48. At all times relevant to this Complaint, SPENCER acted in the capacity as a
10 church elder and Pastor at RIVERDALE ASSEMBLY OF GOD. Further, SPENCER acted as a
11 teacher and/or school supervisor of ACADEMY located on the premises of RIVERDALE
12 ASSEMBLY OF GOD.

13 49. At all times relevant to this Complaint, RIVERDALE ASSEMBLY OF GOD,
14 GENERAL COUNCIL, DISTRICT COUNCIL, FOX and SPENCER facilitated activities,
15 including, but not limited to, bible study, church and ACADEMY functions, chaperoning events
16 including, sports activities, choir activities, interstate travel, Sunday school and driving the
17 Sunday school bus for RIVERDALE ASSEMBLY OF GOD. FOX's and SPENCER's positions
18 and responsibilities within RIVERDALE ASSEMBLY OF GOD were evident to all church
19 attendees as DOE 1, Local Church, would advertise FOX's and SPENCER's involvement with
20 various activities through announcements and flyers, and through the operation of the
21 ACADEMY. At the time of the childhood sexual assault Defendants FOX and SPENCER were
22 employed by and acted as agents of RIVERDALE ASSEMBLY OF GOD and by ACADEMY,
23 and were under it's the direct supervision, employ and control of RIVERDALE ASSEMBLY OF
24 GOD, GENERAL COUNCIL, DISTRICT COUNCIL and DOES 7 through 100.

25 50. During all times relevant to this complaint, FOX was employed by or acted as
26 an agent of RIVERDALE ASSEMBLY OF GOD and ACADEMY, and was employed by and
27 acted as an agent of RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, and
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1 DISTRICT COUNCIL, and was under their direct supervision and employment as a Sunday
2 school bus driver and Sunday school teacher at RIVERDALE ASSEMBLY OF GOD.

3 51. During all times relevant to this complaint, SPENCER was employed by or
4 acted as an agent of RIVERDALE ASSEMBLY OF GOD and ACADEMY, and was employed
5 by and acted as an agent of RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL and
6 DISTRICT COUNCIL, and was under their direct supervision and employment as a teacher
7 and/or school supervisor at the ACADEMY and as pastor at RIVERDALE ASSEMBLY OF
8 GOD.

9 52. At the time of the childhood sexual assaults alleged herein ROE 8 belonged to
10 RIVERDALE ASSEMBLY OF GOD and regularly attended services and events sponsored by
11 RIVERDALE ASSEMBLY OF GOD. At all relevant times, ROE 8 attended school at
12 ACADEMY located on the premises of RIVERDALE ASSEMBLY OF GOD, where FOX was a
13 Sunday school bus driver and Sunday school teacher. RIVERDALE ASSEMBLY OF GOD was
14 operated and controlled by senior pastors who performed duties to control, operate, supervise
15 and direct staff and volunteers at both RIVERDALE ASSEMBLY OF GOD and ACADEMY.

16 53. At the time of the childhood sexual assaults alleged herein ROE 8 belonged to
17 RIVERDALE ASSEMBLY OF GOD and regularly attended RIVERDALE ASSEMBLY OF
18 GOD services and events sponsored by that congregation. At all relevant times, ROE 8 attended
19 school at ACADEMY, located on the premises of RIVERDALE ASSEMBLY OF GOD, where
20 SPENCER was as a teacher and/or school supervisor at the ACADEMY and, as pastor at
21 RIVERDALE ASSEMBLY OF GOD, was operated and controlled by senior pastors who
22 performed duties to control, operate, supervise, and direct staff and volunteers at both
23 RIVERDALE ASSEMBLY OF GOD and ACADEMY.

24 **ABUSE BY JASON FOX**

25 54. Plaintiff ROE 8 began attending services at RIVERDALE ASSEMBLY OF
26 GOD in 1990's. ROE 8 attended church services, attended youth groups, participated in
27 volunteer events, was a member of the choir, attended mission trips, utilized the Sunday school
28

1 bus, attended Sunday school ministry, attended school at ACADEMY and travelled with the
2 youth choir on interstate tours where she was housed with other minor members of the church.

3 55. At the time of the childhood sexual assaults alleged herein ROE 8 was a minor,
4 she was a member and congregant of RIVERDALE ASSEMBLY OF GOD, GENERAL
5 COUNCIL and DISTRICT COUNCIL. Further, ROE 8 was a student at ACADEMY.

6 56. RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL and DISTRICT
7 COUNCIL, through their respective agents, servants, and employees, held FOX out to the public
8 and to Plaintiff as their agent and employee.

9 57. RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL and DISTRICT
10 COUNCIL, through their respective agents, servants, and employees, held FOX out to the public
11 and to Plaintiff as having been vetted, screened, and approved by them as someone who was safe
12 and could be trusted with children.

13 58. Plaintiff ROE 8 and Plaintiff's parents reasonably relied upon the acts and
14 representations of RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL and DISTRICT
15 COUNCIL, through their respective agents, servants, and employees, and reasonably believed
16 that FOX was an agent or employee of the Defendants who was vetted, screened, and approved
17 by it and who was safe and could be trusted with children.

18 59. Plaintiff ROE 8 and Plaintiff's parents trusted FOX because RIVERDALE
19 ASSEMBLY OF GOD, GENERAL COUNCIL and DISTRICT COUNCIL held him out as
20 someone who was safe and could be trusted with the supervision, care, custody, and control of
21 children, including ROE 8.

22 60. Plaintiff ROE 8 and Plaintiff's parents believed that RIVERDALE ASSEMBLY
23 OF GOD, GENERAL COUNCIL and DISTRICT COUNCIL would exercise such care as would
24 a parent of ordinary prudence in comparable circumstances when the Defendants assumed
25 supervision, care, custody, and control of minor Plaintiff, including protecting Plaintiff from the
26 danger of being sexually abused.

27 61. Between approximately 1999 and 2001, ROE 8 was a minor, she was groomed
28 and sexually abused by FOX. ROE 8 was a member, congregant, and student at RIVERDALE

1 ASSEMBLY OF GOD, and between the ages 13 to 15 years old FOX groomed and sexually
2 abused her in his capacity as a Sunday school bus driver and Sunday school teacher at
3 RIVERDALE ASSEMBLY OF GOD.

4 62. From approximately 1998 to 2001 ROE 8, lived at the residence of
5 RIVERDALE ASSEMBLY OF GOD elders, employees and directors who acted as ROE 8's de
6 facto guardians between the ages of 12 and 15 years old. The RIVERDALE ASSEMBLY OF
7 GOD elders, employees and directors arranged employment for ROE 8 with FOX in order for
8 her to earn money to pay for tuition at ACADEMY.

9 63. Based on the representations of RIVERDALE ASSEMBLY OF GOD,
10 GENERAL COUNCIL and DISTRICT COUNCIL that FOX was safe and trustworthy, ROE 8
11 and her parents allowed herself to be under the supervision, and in the care, custody, and control
12 of Defendants including when ROE 8 was sexually abused by FOX.

13 64. In order to sexually abuse ROE 8, FOX exploited the trust and authority vested
14 in him by the Plaintiff and her parents by grooming ROE 8 to gain her trust and to obtain control
15 over her.

16 65. Commencing in 1999, when ROE 8 was 13 years old, FOX in his capacity as
17 RIVERDALE ASSEMBLY OF GOD employee, elder and agent, employed ROE 8 in order to
18 fund her tuition at ACADEMY at the direction, approval and request of her de factor guardians
19 RIVERDALE ASSEMBLY OF GOD church elders, directors, employees and/or agents with
20 whom ROE 8 resided. Thereafter, FOX began grooming ROE 8 for the purposes of a sexual
21 relationship.

22 66. On Sunday mornings RIVERDALE ASSEMBLY OF GOD sent buses on
23 different routes to retrieve minor RIVERDALE ASSEMBLY OF GOD congregants and other
24 minor child from surrounding communities to attend Sunday school ministries and other church
25 sponsored events. FOX drove and worked on the Sunday school bus. In his capacity as an
26 employee or agent of RIVERDALE ASSEMBLY OF GOD as the Sunday school bus driver
27 FOX would find any opportunity to touch ROE 8. FOX's touching progressed from touching of
28 legs to fondling minor ROE 8 in a wrongful sexual manner.

1 67. After completing the Sunday school bus route FOX taught in the Sunday school
2 ministries. In his capacity as an employee or agent of RIVERDALE ASSEMBLY OF GOD as a
3 Sunday school teacher, FOX would find any opportunity to touch and fondle ROE 8.

4 68. During the evenings ROE 8 would conduct janitorial services as part of her
5 employment by FOX and his wife. FOX would come up from behind ROE 8 as she was cleaning
6 and hug ROE 8 from behind. FOX then progressed to attempting to touch ROE 8's breasts.
7 Despite efforts by ROE 8 to block his hands from touching her breasts, FOX fondled ROE 8's
8 breasts, both over and under ROE 8's clothing.

9 69. The wrongful sexual touching progressed to wrongful sexual acts. FOX
10 committed wrongful sex acts on ROE 8 when she was between the ages of 13 to 15 years old.
11 These acts would occur either in the offices where janitorial services were being performed or
12 the residence of FOX when ROE 8 spent the night after completing her employment duties for
13 the evening.

14 70. FOX would tell ROE 8 that if she told anyone about his continuous pattern of
15 wrongful sex acts and sexual abuse that he would tell them that ROE 8 was lying and that she
16 would no longer have a job.

17 71. ROE 8's natural parents did not contribute to her tuition at ACADEMY. ROE 8
18 was employed by FOX for the sole purpose of being able to pay ACADEMY's tuition. FOX
19 used his knowledge of ROE 8's need to maintain employment to force her performance of
20 wrongful sex acts on him and on her.

21 72. On or around 2001, at the age of 15 years old, ROE 8 moved to the house of
22 RIVERDALE ASSEMBLY OF GOD children's director and associate pastor, and his wife,
23 thereafter they became ROE 8's de facto guardians. At that time ROE 8's employment by FOX
24 was immediately terminated by her new de facto guardians and ROE 8 was given a new job
25 cleaning the houses of RIVERDALE ASSEMBLY OF GOD congregants.

26 73. When ROE 8 was approximately 16 years old she was at her then boyfriend's
27 parents' house for Easter. The house was located next door to the residence of FOX. ROE 8 is
28

1 unaware of what transpired at FOX's residence, but FOX's distraught sister-in-law came over to
2 the house where ROE 8 was celebrating easter and started making accusation about ROE 8.

3 74. After FOX's sister-in-law departed, the mother of ROE 8's boyfriend sat her
4 down and asked her about the accusations. ROE 8 disclosed for the first time that she was a
5 victim of prolonged sexual abuse perpetrated by FOX.

6 75. The mother of ROE 8's boyfriend immediately took ROE 8 to her de facto
7 guardians, RIVERDALE ASSEMBLY OF GOD children's director and associate pastor, and his
8 wife, to tell them of childhood sexual assaults perpetrated by FOX.

9 76. The mother of ROE 8's boyfriend and the wife of RIVERDALE ASSEMBLY
10 OF GOD children's director and associated pastor had a heated exchange on the doorstep. The
11 exchange was so loud that it drew the attention of the next-door neighbor who was the mother of
12 RIVERDALE ASSEMBLY OF GOD children's director and associate pastor, and senior pastor
13 of RIVERDALE ASSEMBLY OF GOD. The senior pastor told the mother of ROE 8's
14 boyfriend not to call law enforcement because it would cause trouble and that church elders and
15 employees would handle the situation.

16 77. Thereafter, the sexual assaults perpetrated by FOX were immediately blamed on
17 ROE 8. ROE 8 was shamed, humiliated and guilty to remain silent about the wrongful sexual
18 abuse perpetrated by FOX.

19 78. After it was disclosed that ROE 8 was a victim of sexual abuse perpetrated by
20 FOX, the female RIVERDALE ASSEMBLY OF GOD elders, employees and associate pastors
21 began a pattern of berating, humiliating, guiltig and shaming ROE 8 in order to maintain her
22 silence regarding the childhood sexual assaults perpetrated by FOX.

23 79. When ROE 8 was approximately 16 years old her de facto guardian, wife of
24 RIVERDALE ASSEMBLY OF GOD children's director and associate pastor, made ROE 8
25 apologize to the wife of FOX because of the marital issues that arose as a result FOX's wrongful
26 sexual abuse of ROE 8.

27 80. On one occasion at a RIVERDALE ASSEMBLY OF GOD "workday" when
28 ROE 8 was approximately 16 or 17 years of age, she entered the lunchroom adjacent to the room

1 that other church congregants were working. FOX followed ROE 8 into the lunchroom and into
2 the ice room, closing the door behind him. The ice room was very narrow, effectively trapping
3 ROE 8 in the room with FOX because she could not get around him. FOX then began telling
4 ROE 8 how he missed her and how he wanted to be with her, and questioned her whether she
5 missed him. Panic and fear began to set in due to ROE 8's situation, just then the door to the ice
6 room opened and her de facto guardians RIVERDALE ASSEMBLY OF GOD children's
7 director and associate pastor, and his wife, extract ROE 8 from the situation.

8 81. RIVERDALE ASSEMBLY OF GOD children's director and associate pastor,
9 stayed behind in the ice room and had words with FOX. After that event FOX never spoke with
10 or harassed ROE 8 again.

11 82. ROE 8 is informed and believes that all church elders, employee, agents
12 directors, senior pastors, associate pastors and teachers were aware of the sexual abuse
13 perpetrated by FOX, and actively concealed and hid the sexual abuse, and failed to report the
14 sexual assault to law enforcement.

15 83. Humiliated, shamed and blamed, ROE 8 was made to apologize for the
16 childhood sexual abuse perpetrated upon her by FOX. ROE 8 is informed and believes that the
17 aforementioned RIVERDALE ASSEMBLY OF GOD and ACADEMY elders, employees,
18 directors, and associate pastors used that shame, embarrass and humiliation to manipulate her
19 from disclosing FOX's childhood sexual abuse.

20 **ABUSE BY CHARLES SPENCER, JR.**

21 84. At the time of the childhood sexual assaults alleged herein Plaintiff ROE 8 was
22 a minor, she was a member and congregant of RIVERDALE ASSEMBLY OF GOD,
23 GENERAL COUNCIL and DISTRICT COUNCIL. Further, ROE 8 was a student at
24 ACADEMY.

25 85. RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL and DISTRICT
26 COUNCIL, through their respective agents, servants, and employees, held SPENCER out to the
27 public and to Plaintiff as their agent and employee.

28

1 86. RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL and DISTRICT
2 COUNCIL, through their respective agents, servants, and employees, held SPENCER out to the
3 public and to Plaintiff as having been vetted, screened, and approved by them as someone who
4 was safe and could be trusted with children.

5 87. Plaintiff ROE 8 and Plaintiff's parents reasonably relied upon the acts and
6 representations of RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL and DISTRICT
7 COUNCIL, through their respective agents, servants, and employees, and reasonably believed
8 that SPENCER was an agent or employee of the Defendants who was vetted, screened, and
9 approved by it and who was safe and could be trusted with children.

10 88. Plaintiff ROE 8 and Plaintiff's parents trusted SPENCER because
11 RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL and DISTRICT COUNCIL held
12 him out as someone who was safe and could be trusted with the supervision, care, custody, and
13 control of children, including Plaintiff ROE 8.

14 89. Plaintiff ROE 8 and Plaintiff's parents believed that RIVERDALE ASSEMBLY
15 OF GOD, GENERAL COUNCIL and DISTRICT COUNCIL would exercise such care as would
16 a parent of ordinary prudence in comparable circumstances when the Defendants assumed
17 supervision, care, custody, and control of minor Plaintiff, including protecting Plaintiff from the
18 danger of being sexually abused.

19 90. Between approximately 2001 and 2003, when ROE 8 was a minor, she was
20 groomed and sexually abused by SPENCER. ROE 8 was a member, congregant, and student at
21 RIVERDALE ASSEMBLY OF GOD, and between the ages 15 to 17 years old, SPENCER
22 groomed and sexually abused her in his capacity as teacher, school administer and pastor at
23 RIVERDALE ASSEMBLY OF GOD.

24 91. SPENCER first initiated grooming ROE 8 by greeting her at church with a
25 handshake where he would grasp her hand with both of his hands, ROE 8 describes the way
26 SPENCER held her hand was special and made her feel unique.

27 92. ROE 8 began noticing SPENCER staring at her and winking at her during
28 church services at RIVERDALE ASSEMBLY OF GOD and during class at ACADEMY.

1 93. During class at ACADEMY, SPENCER would utilize the schools integrated
2 computer system to direct message ROE 8 compliments and give her special attention. The
3 messages sent by SPENCER started as simple compliments and progressed overtime to become
4 inappropriate and sexually explicit in nature.

5 94. Whenever SPENCER had an opportunity to touch ROE 8 during school he
6 would. The touching progressed to rubbing ROE 8's back and shoulders, while giving her
7 compliments.

8 95. During class SPENCER would walk up behind ROE 8 while she was sitting at
9 her computer and push his genitals against her back.

10 96. When SPENCER learned of FOX's sexual abuse of ROE 8, he utilized the
11 schools integrated computer system to direct message ROE 8 questions about the wrongful sex
12 acts that she was forced to perform on FOX.

13 97. SPENCER used the school messenger system to proposition ROE 8 to perform
14 the same wrongful sex acts that she had been forced to performed on FOX. In particular
15 SPENCER was focused on a specific wrongful sexual act, referring to his genitals as a particular
16 type of candy.

17 98. SPENCER use the knowledge of the sexual abuse perpetrated on ROE 8 and his
18 position as teacher and/or school administer and pastor at RIVERDALE ASSEMBLY OF GOD
19 to further victimize and sexually abuse ROE 8.

20 99. When ROE 8 was approximately 16 years old, SPENCER used the school
21 messenger system to invite ROE 8 to the trailer he lived in on the premises of RIVERDALE
22 ASSEMBLY OF GOD for the purpose of committing a wrongful sex act. SPENCER made it
23 clear in his message to ROE 8 what wrongful sex act he wanted her to perform.

24 100. ROE 8 went to SPENCER's trailer at the time SPENCER requested. ROE 8
25 could hear SPENCER in the shower, she waited a short period of time and then departed the
26 trailer, uncomfortable and embarrassed that she had gone there to perform the wrongful sex act
27 requested by SPENCER.

28

1 101. After the incident in the trailer SPENCER continued his pattern of touching
2 ROE 8, rubbing her back and shoulders, while giving her complements, and using the schools
3 messenger system to proposition ROE 8 to perform wrongful sex acts that she had been forced to
4 performed on FOX.

5 102. A short time after the trailer incident ROE 8, still 16 years old, was at
6 RIVERDALE ASSEMBLY OF GOD for a church event one evening. ROE 8 believes the event
7 was either a rehearsal for the RIVERDALE ASSEMBLY OF GOD spring festival or a youth
8 ministry event because she was wearing a costume. Earlier in the day SPENCER told ROE 8 to
9 meet him in the band room of RIVERDALE ASSEMBLY OF GOD after the event was over.

10 103. ROE 8 went to the band room at the time designated by SPENCER. Upon
11 entering the band room ROE 8 found SPENCER approximately 6 to 8 feet away from the
12 entrance with his pants and underwear around his knees, exposing his genital to ROE 8.

13 104. Shocked that SPENCER was exposing his genitals to her, ROE 8 made a
14 statement to her recollection akin to, “What are you doing? You have a wife and child!” before
15 exiting the band room.

16 105. After the incident in the RIVERDALE ASSEMBLY OF GOD band room,
17 SPENCER ceased his pattern of touching ROE 8, rubbing her back and shoulders, giving her
18 compliments and no longer utilized the schools messenger system to proposition ROE 8 to
19 perform wrongful sex acts.

20 106. ROE 8 is informed and believes that her rebuke of SPENCER’s attempted
21 wrongful sexual act in the band room caused SPENCER to disengage from his pattern of
22 grooming and inappropriate sexual conduct.

23 107. ROE 8 continued to live at the house of RIVERDALE ASSEMBLY OF GOD
24 children’s director and associate pastor, and his wife until she was 19 years old.

25 108. ROE 8 did not tell anyone of SPENCER’s wrongful sexual conduct until
26 RIVERDALE ASSEMBLY OF GOD children’s director and associate pastor, and his wife,
27 started accusing her at the age of 19 years old of having a sexual relationship with her then
28 boyfriend. In retaliation for their attempted control of her personal life, ROE 8 informed

1 RIVERDALE ASSEMBLY OF GOD director and associate pastor, and his wife, that their focus
2 should be their family member SPENCER, thereafter disclosing SPENCER’s wrongful sexual
3 conduct.

4 109. Thereafter, ROE 8 moved out of the house of RIVERDALE ASSEMBLY OF
5 GOD children’s director and associate pastor, and his wife, and out of Riverdale.

6 110. A short time later ROE 8 returned to Riverdale and met with senior pastors
7 Charles Spencer, Sr. and Wilma Spencer, parents of SPENCER. Senior pastors, Charles Spencer,
8 Sr. and Wilma Spencer, apologized for SPENCER’s actions and asked ROE 8 not to tell
9 SPENCER’s wife about SPENCER’s wrongful sexual conduct.

10 **DOE 1, DOE 2 and DOE 3**

11 111. FOX’s and SPENCER’s sexual abuse of ROE 8 was unlawful sexual
12 molestation under California law, including California Code of Civil Procedure Section 340.1.

13 112. At all relevant times RIVERDALE ASSEMBLY OF GOD, GENERAL
14 COUNCIL and DISTRICT COUNCIL, through their agents, servants, and employees, knew or
15 should have known that FOX and SPENCER were dangers to children, in that they were likely to
16 sexually abuse them.

17 113. It was reasonably foreseeable to Defendants, through their agents, servants, and
18 employees, that FOX’s and SPENCER’s sexual abuse of children would likely result in injury to
19 others, including the sexual abuse of ROE 8 and other children by FOX and SPENCER.

20 114. RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL and DISTRICT
21 COUNCIL, through their agents, servants, and employees, knew or should have known that FOX
22 and SPENCER were sexually abusing children at RIVERDALE ASSEMBLY OF GOD,
23 including ROE 8.

24 115. RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL and DISTRICT
25 COUNCIL, through their respective agents, servants, and employees, consciously and recklessly
26 disregarded their knowledge that FOX and SPENCER would use their positions with the
27 Defendants to sexually abuse children, including Plaintiff ROE 8.

28

1 116. RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL and DISTRICT
2 COUNCIL, through their respective agents, servants, and employees, acted in concert with each
3 other and/or with FOX and SPENCER to conceal the danger that FOX and SPENCER posed to
4 children, including ROE 8, so that FOX and SPENCER could continue serving the church
5 despite their knowledge of that danger.

6 117. RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL and DISTRICT
7 COUNCIL, through their respective agents, servants, and employees, acted in concert with each
8 other and/or with FOX and SPENCER to enable FOX and SPENCER to sexually abuse children,
9 including Plaintiff ROE 8.

10 118. RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL and DISTRICT
11 COUNCIL, through their respective agents, servants, and employees, knew that their negligent,
12 reckless, and outrageous conduct would inflict severe emotional and psychological distress, as
13 well as personal mental and physical injury on others, including Plaintiff ROE 8.

14 119. RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL and DISTRICT
15 COUNCIL, through their respective agents, servants, and employees, concealed the sexual abuse
16 of children by pastors, teachers, school administrators, volunteers, and others, in order to conceal
17 their own bad acts in failing to protect children from being abused, to protect their reputations,
18 and to prevent victims of such sexual abuse from coming forward during the extremely limited
19 statute of limitations prior to the enactment of the recent legislative amendment that allows
20 Plaintiffs to pursue their claims now, despite knowing that those pastors, other religious persons,
21 teachers, school administrators, and other persons would continue to molest children.

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

FIRST CAUSE OF ACTION

(Negligence)

AGAINST ALL DEFENDANTS

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

122. Defendants, RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL DISTRICT COUNCIL, SPENCER, FOX and DOES 7 through 100, had a duty to protect the minor Plaintiff while she was entrusted to their care by Plaintiff's parents. Plaintiff's care, welfare, and/or physical custody were temporarily entrusted to Defendants. Defendants voluntarily accepted the entrusted care of Plaintiff. As such, Defendants owed Plaintiff, a minor child, a special duty of care, in addition to a duty of ordinary care, and owed Plaintiff the higher duty of care that adults dealing with children owe to protect them from harm.

123. All Defendants had a duty to control FOX and SPENCER and to prevent them from sexually assaulting and molesting children. Defendants were aware, prior to the conclusion of the sexual abuse of Plaintiff listed herein, of FOX's and SPENCER's dangerous and exploitive propensities. Defendants were also aware that they had the ability to place restrictions on FOX's and SPENCER's access to children, give warnings to the congregation, and otherwise control FOX's and SPENCER's conduct. Defendants therefore assumed a duty to prevent FOX and SPENCER from sexually assaulting and molesting children. Defendants also had a duty to report known or suspected child abuse or neglect by FOX and SPENCER to law enforcement.

124. Defendants had a special duty to investigate and not employ FOX as a Sunday school bus driver and Sunday school teacher at RIVERDALE ASSEMBLY OF GOD, or SPENCER in his position as a teacher and/or school supervisor at the ACADEMY and as pastor at RIVERDALE ASSEMBLY OF GOD. Defendants knew that FOX and SPENCER were likely to harm others in light of the work entrusted to them.

125. Defendants, by and through their agents, servants and employees, knew or reasonably should have known of FOX's and SPENCER's dangerous and exploitive propensities and/or that FOX and SPENCER were unfit agents. It was foreseeable that if Defendants did not adequately exercise or provide the duty of care owed to children in their care, including but not

1 limited to Plaintiff, the children entrusted to Defendants' care would be vulnerable to sexual
2 abuse by FOX and SPENCER.

3 126. Defendants breached their duty of care to the minor Plaintiff by allowing,
4 enabling and permitting FOX and SPENCER to have access to Plaintiff; by failing to investigate
5 or otherwise confirm or deny such facts about FOX and SPENCER; by failing to tell or
6 concealing from Plaintiff, Plaintiff's parents, guardians, or law enforcement officials that FOX
7 and SPENCER were or may have been sexually abusing Plaintiff; by failing to tell or concealing
8 from Plaintiff's parents, guardians, or law enforcement officials that Plaintiff was or may have
9 been sexually abused after Defendants knew or had reason to know that FOX and SPENCER
10 may have sexually abused Plaintiff, thereby creating the circumstance where Plaintiff was less
11 likely to receive medical/mental health care and treatment, thus exacerbating the harm done to
12 Plaintiff; by holding out FOX and SPENCER to the Plaintiff and her parents or guardians as
13 being in good standing and trustworthy; and/or by failing to report known child abuse of Plaintiff
14 by FOX and SPENCER to law enforcement. Defendants cloaked within the facade of normalcy
15 Defendants' and/or FOX's and SPENCER's contact and/or actions with the Plaintiff and/or with
16 other minors who were victims of FOX and SPENCER, and/or disguised the nature of the sexual
17 abuse and contact.

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

25 **SECOND CAUSE OF ACTION**

26 **(Claim for Childhood Sexual Assault Pursuant to C.C.P. § 340.1)**

27 **AGAINST ALL DEFENDANTS**

28 128. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

1 229. Between approximately 1999 and 2003, when Plaintiff ROE 8 was
2 approximately 13 to 17 years old, FOX and SPENCER engaged in grooming and unpermitted,
3 harmful, and offensive sexual conduct and contact upon the person of Plaintiff ROE 8.

4 230. Said conduct was undertaken while FOX and SPENCER were agents, managing
5 agents, employees, and/or servants of the Defendants, RIVERDALE ASSEMBLY OF GOD,
6 GENERAL COUNCIL, DISTRICT COUNCIL and DOES 7 through 100, and while FOX and
7 SPENCER were acting in the course and scope of their employment, agency, and/or service with
8 the Defendants.

9 231. Said conduct of FOX and SPENCER was known to and ratified by the
10 Defendants.

11 232. Each Defendant had a duty to take reasonable steps to protect Plaintiff ROE 8, a
12 minor female, from foreseeable harm when she was in their care, custody, and control.

13 233. During the time that FOX and SPENCER were working for and serving the
14 Defendants, each Defendant had a duty to use reasonable care to prevent FOX and SPENCER
15 from using the tasks, premises, and instrumentalities of their positions with Defendants to target,
16 groom, and sexually abuse children, including Plaintiff ROE 8.

17 234. Each Defendant breached the foregoing duties by failing to use reasonable care
18 to protect Plaintiff ROE 8 from FOX and SPENCER, and allowed FOX and SPENCER to groom
19 and to sexually assault the minor female.

20 235. As a direct and proximate result of the above-described conduct Plaintiff ROE 8
21 suffered and will continue to suffer, great pain of mind and body, shock, emotional distress,
22 physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace,
23 humiliation, and loss of enjoyment of life, and Plaintiff was prevented from performing daily
24 activities and obtaining the full enjoyment of life.

25 236. Between 1999 and 2003, FOX and SPENCER engaged in unpermitted, harmful
26 and offensive sexual contact upon or around the person of Plaintiff ROE 8, Defendants,
27 RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, DISTRICT COUNCIL and
28 DOES 7 through 100, ratified or approved of that sexual contact.

1 137. Defendant FOX and SPENCER were aided in committing the harmful and
2 offensive touching of Plaintiff by their status as agents of Defendants, RIVERDALE
3 ASSEMBLY OF GOD, GENERAL COUNCIL, DISTRICT COUNCIL and DOES 7 through
4 100.

5 138. Without FOX's position as Sunday school bus driver and Sunday school teacher
6 at RIVERDALE ASSEMBLY OF GOD, FOX could not have accomplished the harmful and
7 offensive touching of Plaintiff. Without SPENCER's position as a teacher and/or school
8 supervisor at the ACADEMY and as pastor at RIVERDALE ASSEMBLY OF GOD, SPENCER
9 could not have accomplished the harmful and offensive touching of Plaintiff.

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

17 **THIRD CAUSE OF ACTION**

18 **(Negligent Supervision/Failure to Warn)**

19 **AGAINST ALL DEFENDANTS**

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

21 141. Defendants, RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL,
22 DISTRICT COUNCIL and DOES 7 through 100, had a duty to provide reasonable supervision
23 of FOX and SPENCER; to use reasonable care in investigating Defendants FOX and SPENCER;
24 and to provide adequate warning to Plaintiff, Plaintiff's parents and other minor congregants of
25 FOX's and SPENCER's dangerous propensities and unfitness.

26 142. Defendants, RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL,
27 DISTRICT COUNCIL and DOES 7 through 100, by and through their agents, servants and
28 employees, knew or reasonably should have known of FOX's and SPENCER's dangerous and

1 exploitive propensities and/or that FOX and SPENCER were unfit agents. Despite such
2 knowledge, Defendants negligently failed to supervise FOX in his position of trust and authority
3 as Sunday school bus driver and Sunday school teacher at RIVERDALE ASSEMBLY OF GOD,
4 where he was able to commit the wrongful acts against Plaintiff. Further, despite such
5 knowledge, Defendants negligently failed to supervise SPENCER in his position as a teacher
6 and/or school supervisor at the ACADEMY and as pastor at RIVERDALE ASSEMBLY OF
7 GOD, where he was able to commit the wrongful acts against Plaintiff.

8 143. Defendants failed to provide reasonable supervision of FOX and SPENCER,
9 failed to use reasonable care in investigating FOX and SPENCER, and failed to provide adequate
10 warning to Plaintiff and Plaintiff's family of FOX's and SPENCER's dangerous propensities and
11 unfitness. Defendants further failed to take reasonable measures to prevent future sexual abuse.

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

19 **FOURTH CAUSE OF ACTION**

20 **(Negligent Hiring/Retention)**

21 **AGAINST ALL DEFENDANTS**

22 145. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

23 146. Defendants, RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL,
24 DISTRICT COUNCIL and DOES 7 through 100, had a duty to not hire and/or retain Defendants
25 FOX and SPENCER, and other employees, agents, volunteers, and other representatives, given
26 Defendants FOX's and SPENCER's dangerous and exploitive propensities.

27 147. Defendants, RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL,
28 DISTRICT COUNCIL and DOES 7 through 100, by and through their agents, servants and

1 employees, knew or reasonably should have known of FOX's and SPENCER's dangerous and
2 exploitive propensities and/or that FOX and SPENCER were unfit agents. Despite such
3 knowledge, Defendants negligently hired and/or retained FOX in his position of trust and
4 authority as Sunday school bus driver and Sunday school teacher at RIVERDALE ASSEMBLY
5 OF GOD, where he was able to commit the wrongful acts against Plaintiff. Further, despite such
6 knowledge, Defendants negligently hired and/or retained SPENCER in his position of trust and
7 authority as in a teacher and/or school supervisor at the ACADEMY and as pastor at
8 RIVERDALE ASSEMBLY OF GOD, where he was able to commit the wrongful acts against
9 Plaintiff. Defendants failed to use reasonable care in investigating FOX and SPENCER and
10 failed to provide adequate warning to Plaintiff and Plaintiff's parents of FOX's and SPENCER's
11 dangerous propensities and unfitness. Defendants further failed to take reasonable measures to
12 prevent future sexual abuse.

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

20 **FIFTH CAUSE OF ACTION**

21 **(Intentional Infliction of Emotional Distress)**

22 **AGAINST ALL DEFENDANTS**

23 149. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

24 150. Defendants, RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL,
25 DISTRICT COUNCIL and DOES 7 through 100, conduct was extreme and outrageous and was
26 intentional or done recklessly.

27 151. Defendants FOX's and SPENCER's conduct in sexually assaulting Plaintiff was
28 extreme and outrageous and was intentional.


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 sustain
4 loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for
5 medical and psychological treatment, therapy and counseling.

6 **WHEREFORE**, Plaintiff prays for a jury trial and for judgment against Defendants,
7 RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, DISTRICT COUNCIL,
8 SPENCER, FOX and DOES 7 through 100, and each of them, as follows:

- 9 1. General damages in an amount to be shown according to proof at the time of
10 trial;
- 11 2. Special damages including medical and psychological care expenses in an
12 amount to be shown according to proof at the time of trial;
- 13 3. Treble damages, pursuant to CCP § 340.1(b);
- 14 4. Costs of suit incurred herein;
- 15 5. For punitive damages;
- 16 6. For prejudgment and post-judgment interest as may be allowed; and
- 17 7. Such other and further relief as this Court deems just and proper.

18 DATED: June 21, 2022

19 DIAS HALL INC.
20 A Professional Corporation

21 
22 _____
23 STEVEN S. DIAS,
24 Attorney for Plaintiff,
25 JANE ROE 8
26
27
28