

1 **STEVEN S. DIAS, #251138**
2 **BRIAN J. FORSYTHE, #338685**
3 **DIAS HALL INC.**
4 A Professional Corporation
5 1141 West Shaw Avenue, Suite 101
6 Fresno, California 93711
7 Telephone: (559) 540-2911
8 Facsimile: (559) 354-0318
9 sdias@diashall.com
10 bforsythe@diashall.com
11 Attorneys for Plaintiff,
12 JANE ROE 1.

E-FILED
8/12/2022 11:05 AM
Superior Court of California
County of Fresno
By: C. York, Deputy

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

10 ****

11 JANE ROE 1, an individual;
12
13 Plaintiff,

14 v.

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
23 OF THE ASSEMBLIES OF GOD, a
24 California non-profit religious
25 corporation; CHARLES SPENCER, JR.,
26 an individual; and DOES 5 through 100,
27 inclusive;
28 Defendants.

) Case No.: 22CECG01945

) **AMENDED COMPLAINT FOR**
) **DAMAGES:**

-) **1. NEGLIGENCE**
) **2. CLAIM FOR CHILDHOOD SEXUAL**
) **ASSAULT**
) **(California Civil Code § 340.1)**
) **3. NEGLIGENT SUPERVISION/**
) **FAILURE TO WARN**
) **4. NEGLIGENT HIRING/RETENTION**
) **5. INTENTIONAL INFLICTION OF**
) **EMOTIONAL DISTRESS**
) **6. BREACH OF STATUTORY DUTY**
) **(California Civil Code § 51.7)**

24 Based upon information and belief available to Plaintiff JANE ROE 1 at all times
25 relevant to the filing of this Complaint Plaintiff alleges against Defendants, RIVERDALE
26 ASSEMBLY OF GOD, INC. d.b.a. RIVERDALE CHRISTIAN ACADEMY, a California non-
27 profit religious corporation; THE GENERAL COUNCIL OF THE ASSEMBLIES OF GOD, a
28 foreign non-profit religious corporation; THE SOUTHERN CALIFORNIA DISTRICT

1 COUNCIL OF THE ASSEMBLIES OF GOD, a California nonprofit religious corporation;
2 CHARLES SPENCER, JR., an individual; and DOES 5 through 100, inclusive, as follows:

3 **NATURE OF THE ACTION**

4 1. Between approximately 2010 and 2014, when Plaintiff JANE ROE 1 was a minor
5 child and a member, congregant, and student of Defendants, RIVERDALE ASSEMBLY OF
6 GOD, INC. d.b.a. RIVERDALE CHRISTIAN ACADEMY, THE GENERAL COUNCIL OF
7 THE ASSEMBLIES OF GOD, and THE SOUTHERN CALIFORNIA DISTRICT COUNCIL OF
8 THE ASSEMBLIES OF GOD in Riverdale, California, she was groomed and sexually assaulted
9 by CHARLES SPENCER, JR., a teacher and/or school supervisor, and pastor at RIVERDALE
10 ASSEMBLY OF GOD, INC. d.b.a. RIVERDALE CHRISTIAN ACADEMY. Commencing at the
11 age of 13 years old, Plaintiff JANE ROE 1 was groomed for a sexual relationship by Defendant
12 CHARLES SPENCER, JR. When Plaintiff JANE ROE 1 was 13 years old Defendant CHARLES
13 SPENCER, JR. initiated and maintained a pattern of grooming and sexually assaulting Plaintiff
14 JANE ROE 1 until the time she left Defendant RIVERDALE ASSEMBLY OF GOD, INC. d.b.a.
15 RIVERDALE CHRISTIAN ACADEMY at the approximate age of 17 years old.

16 2. At all relevant times Defendant CHARLES SPENCER, JR. was a teacher and/or
17 school supervisor at the associated school on the premises, a supervisor of youth activities, and an
18 associate pastor at Defendant RIVERDALE ASSEMBLY OF GOD, INC. d.b.a. RIVERDALE
19 CHRISTIAN ACADEMY. Despite the fact that Defendants RIVERDALE ASSEMBLY OF
20 GOD, INC. d.b.a. RIVERDALE CHRISTIAN ACADEMY, THE GENERAL COUNCIL OF
21 THE ASSEMBLIES OF GOD, and THE SOUTHERN CALIFORNIA DISTRICT COUNCIL OF
22 THE ASSEMBLIES OF GOD knew or should have known that Defendant CHARLES SPENCER,
23 JR. was a danger to children, in that he was likely to use his positions with them to groom and to
24 sexually assault minor children, they failed to take reasonable steps to protect Plaintiff JANE ROE
25 1 and other minor children from that danger.

26 **PARTIES**

27 3. Plaintiff, JANE ROE 1 (“ROE 1”), is an adult female currently residing in Kings
28 County, California. ROE 1 was a minor throughout the period of child sexual assault alleged

1 herein. At the time of filing this Complaint for childhood sexual assault ROE 1 is under the age of
2 40 years old. At all times relevant, ROE 1 resided in Fresno County, California. ROE 1 attended
3 Defendant RIVERDALE ASSEMBLY OF GOD, INC. (“RIVERDALE ASSEMBLY OF GOD”)
4 as a congregant of the church and attended school at RIVERDALE CHRISTIAN ACADEMY
5 (“ACADEMY”) located on the premises of RIVERDALE ASSEMBLY OF GOD. ROE 1 brings
6 this Complaint pursuant to Code of Civil Procedure Section 340.1 for the childhood sexual assault
7 she suffered due to Defendants' negligence and malfeasance.

8 4. At all relevant times, Defendant RIVERDALE ASSEMBLY OF GOD was and
9 is a California non-profit religious corporation authorized to conduct business and is conducting
10 business in the State of California, with its principal place of business in the County of Fresno,
11 California. At all times relevant, RIVERDALE ASSEMBLY OF GOD had responsibility for
12 church and ACADEMY operations in Riverdale, California.

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

20 6. At all relevant times, Defendant THE SOUTHERN CALIFORNIA DISTRICT
21 COUNCIL OF THE ASSEMBLIES OF GOD (“DISTRICT COUNCIL”) was and is a California
22 non-profit religious corporation authorized to conduct business and is conducting business in the
23 State of California, with its principal place of business in Irvine, California. At all times relevant,
24 DISTRICT COUNCIL organized, administered and directed the congregational affairs of church
25 members in the State of California. At all times relevant GENERAL COUNCIL owned, operated,
26 managed, and/or controlled local churches and schools throughout California, including
27 RIVERDALE ASSEMBLY OF GOD in Riverdale, California.

28 //

1 7. At all relevant times, Defendant CHARLES SPENCER, JR. (“SPENCER”) is
2 and was an adult male who was associated with, supervised, directed and controlled by
3 RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL and DISTRICT COUNCIL. While
4 supervised, directed and controlled by RIVERDALE ASSEMBLY OF GOD, GENERAL
5 COUNCIL and DISTRICT COUNCIL, SPENCER committed the acts of childhood sexual assault
6 alleged herein as an employee, teacher and/or school supervisor at ACADEMY, youth supervisor
7 and associate pastor at Defendant RIVERDALE ASSEMBLY OF GOD.

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

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

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

17 11. At all relevant times GENERAL COUNCIL was responsible for and did the
18 hiring and staffing at RIVERDALE ASSEMBLY OF GOD.

19 12. At all relevant times GENERAL COUNCIL was responsible for and did the
20 recruitment and staffing of volunteers at RIVERDALE ASSEMBLY OF GOD.

21 13. At all relevant times DISTRICT COUNCIL was the owner of RIVERDALE
22 ASSEMBLY OF GOD, and held itself out to the public as the owner or controller of RIVERDALE
23 ASSEMBLY OF GOD.

24 14. At all relevant times DISTRICT COUNCIL, through its agents, servants, and
25 employees, managed, maintained, operated, and controlled RIVERDALE ASSEMBLY OF GOD.

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

1 and held out to the public its agents, servants, and employees as those who managed, maintained,
2 operated, and controlled RIVERDALE ASSEMBLY OF GOD.

3 16. At all relevant times DISTRICT COUNCIL was responsible for and did the hiring
4 and staffing at RIVERDALE ASSEMBLY OF GOD.

5 17. At all relevant times DISTRICT COUNCIL was responsible for and did the
6 recruitment and staffing of volunteers at RIVERDALE ASSEMBLY OF GOD.

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

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

13 20. 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 SPENCER and the services of those who managed and supervised SPENCER.

16 21. At all relevant times SPENCER was employed by RIVERDALE ASSEMBLY
17 OF GOD, GENERAL COUNCIL, and DISTRICT COUNCIL when he used his positions as
18 teacher and/or school supervisor at ACADEMY, and pastor at Defendant RIVERDALE
19 ASSEMBLY OF GOD to groom and sexually assault ROE 1.

20 22. Despite a mandatory reporting obligation, RIVERDALE ASSEMBLY OF GOD,
21 GENERAL COUNCIL, and DISTRICT COUNCIL, their directors, employees, agents, pastors
22 and teachers knew of or reasonably suspected the sexual abuse, and did not report the abuse to law
23 enforcement.

24 23. To the extent RIVERDALE ASSEMBLY OF GOD was a different entity,
25 corporation, or organization during the period of time during which SPENCER used his positions
26 as teacher and/or school supervisor at ACADEMY, and pastor at Defendant RIVERDALE
27 ASSEMBLY OF GOD to groom and sexually assault ROE 1, such entity, corporation, or
28

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

3 24. 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 teacher and/or school supervisor at ACADEMY, and pastor at
6 Defendant RIVERDALE ASSEMBLY OF GOD to groom and to sexually assault ROE 1, 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 25. 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 teacher and/or
12 school supervisor at ACADEMY, and pastor at Defendant RIVERDALE ASSEMBLY OF GOD
13 to groom and to sexually assault ROE 1, such entity, corporation, or organization is hereby on
14 notice that it is intended to be a defendant in this lawsuit and is identified in the Complaint as
15 GENERAL COUNCIL.

16 26. 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 used
18 his positions as teacher and/or school supervisor at ACADEMY, and pastor at Defendant
19 RIVERDALE ASSEMBLY OF GOD to groom and to sexually assault ROE 1 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 27. 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 teacher and/or
24 school supervisor at ACADEMY, and pastor at Defendant RIVERDALE ASSEMBLY OF GOD
25 to groom and to sexually assault ROE 1, such entity, corporation, or organization is hereby on
26 notice that it is intended to be a defendant in this lawsuit and is identified in the Complaint as
27 DISTRICT COUNCIL.

28 //

1 28. 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 used
3 his positions as teacher and/or school supervisor at ACADEMY, and pastor at Defendant
4 RIVERDALE ASSEMBLY OF GOD to groom and to sexually assault ROE 1, 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 29. Defendants DOES 5 through 100, inclusive, are individuals and/or business or
8 corporate entities incorporated in and/or doing business in California whose true names and
9 capacities are unknown to Plaintiff who therefore sues such defendants by such fictitious names,
10 and who will amend the Complaint to show the true names and capacities of each such DOE
11 Defendant when ascertained. Each such Defendant DOE is legally responsible in some manner for
12 the events, happenings and/or tortious and unlawful conduct that caused the injuries and damages
13 alleged in this Complaint. Defendants RIVERDALE ASSEMBLY OF GOD, GENERAL
14 COUNCIL, DISTRICT COUNCIL, SPENCER, and DOES 5 through 100, are sometimes
15 hereinafter referred to collectively as the "Defendants".

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

21 **BACKGROUND FACTS APPLICABLE TO ALL COUNTS**

22 31. Plaintiff is informed and believes, and upon such information and belief hereby
23 alleges the following:

24 32. Defendant RIVERDALE ASSEMBLY OF GOD is located in Riverdale, County of
25 Fresno, California, and at all times relevant is and was a member church of Defendants,
26 GENERAL COUNCIL and DISTRICT COUNCIL.

27 33. At all times relevant to this Complaint, Defendants operated a church and school
28 in Riverdale, California, and invited the participation of the public, including ROE 1, into the

1 church community. As part of the church community, minors were invited to participate in youth
2 group activities, attend the ACADEMY for their schooling, participate in volunteer events and
3 participate in RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, and DISTRICT
4 COUNCIL sponsored events. Additionally, members were invited to participate in other church
5 and school activities including organized sports and seasonal volunteer events. The volunteer,
6 seasonal and other activities were organized and chaperoned by paid staff, employees and agents
7 and/or volunteers that were selected, approved and maintained by Defendants and operational
8 agents in the church community. Defendants accepted these paid staff and/or volunteers as agents
9 of RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, and DISTRICT COUNCIL.

10 34. At all times relevant to this Complaint, Plaintiff ROE 1 attended RIVERDALE
11 ASSEMBLY OF GOD as a congregant, and as a student at ACADEMY, located on the premises
12 of RIVERDALE ASSEMBLY OF GOD.

13 35. At all times relevant to this Complaint, SPENCER acted in the capacity as a
14 teacher and/or school supervisor at ACADEMY, and pastor of RIVERDALE ASSEMBLY OF
15 GOD. Additionally, SPENCER was a youth supervisor for RIVERDALE ASSEMBLY OF GOD
16 youth, seasonal and volunteer events which were sanctioned, managed, and/or controlled by
17 Defendants RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, and DISTRICT
18 COUNCIL.

19 36. At all times relevant to this Complaint, RIVERDALE ASSEMBLY OF GOD,
20 GENERAL COUNCIL, DISTRICT COUNCIL, and SPENCER facilitated activities, including
21 but not limited to, bible study, church and ACADEMY functions, chaperoning events including,
22 but not limited to, sports activities, choir activities, interstate travel for RIVERDALE ASSEMBLY
23 OF GOD, administration of RIVERDALE ASSEMBLY OF GOD youth choir and ACADEMY.
24 SPENCER's positions and responsibilities within RIVERDALE ASSEMBLY OF GOD were
25 evident to all church attendees as RIVERDALE ASSEMBLY OF GOD would advertise
26 SPENCER's involvement with various activities through announcements and flyers, and through
27 the operation of the ACADEMY. At the time of the childhood sexual assaults Defendant
28 SPENCER was employed by and acted as an agent of RIVERDALE ASSEMBLY OF GOD, and

1 was under it's the direct supervision, employ and control of RIVERDALE ASSEMBLY OF GOD,
2 GENERAL COUNCIL, DISTRICT COUNCIL, and DOES 5 through 100.

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

8 38. At the time of the childhood sexual assaults alleged herein ROE 1 attended school
9 at ACADEMY located on the premises of RIVERDALE ASSEMBLY OF GOD, where
10 SPENCER was a teacher and supervisor. At all relevant times, ROE 1 was a congregant of
11 RIVERDALE ASSEMBLY OF GOD and regularly attended RIVERDALE ASSEMBLY OF
12 GOD events and seasonal activities sponsored by that congregation. RIVERDALE ASSEMBLY
13 OF GOD was operated and controlled by senior pastors who performed duties to control, operate,
14 supervise and direct staff and volunteers at RIVERDALE ASSEMBLY OF GOD.

15 39. ROE 1 began attending classes at RIVERDALE ASSEMBLY OF GOD when she
16 was in elementary school in the 2000's. ROE 1 attended classes at ACADEMY, sports practices,
17 youth group activities, participated in volunteer events, and was a member of the youth choir.

18 40. At the time of the wrongful sexual abuse alleged herein Plaintiff ROE 1 was a
19 minor, she was a member and congregant at RIVERDALE ASSEMBLY OF GOD, GENERAL
20 COUNCIL, and DISTRICT COUNCIL. Further, ROE 1 was student at ACADEMY where
21 SPENCER was a teacher and/or supervisor and pastor at RIVERDALE ASSEMBLY OF GOD.

22 41. RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, and DISTRICT
23 COUNCIL, through their respective agents, servants, and employees, held SPENCER out to the
24 public, to Plaintiff, and to Plaintiff's parents, as their agent and employee.

25 42. RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, and DISTRICT
26 COUNCIL, through their respective agents, servants, and employees, held SPENCER out to the
27 public, to Plaintiff, and to Plaintiff's parents, as having been vetted, screened, and approved by
28 them as someone who was safe and could be trusted with children.

1 43. Plaintiff ROE 1 and Plaintiff’s parents reasonably relied upon the acts and
2 representations of RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, and DISTRICT
3 COUNCIL, through their respective agents, servants, and employees, and reasonably believed that
4 SPENCER was an agent or employee of the Defendants who was vetted, screened, and approved,
5 and who was safe and could be trusted with children.

6 44. Plaintiff ROE 1 and Plaintiff’s parents trusted SPENCER because RIVERDALE
7 ASSEMBLY OF GOD, GENERAL COUNCIL, and DISTRICT COUNCIL held him out as
8 someone who was safe and could be trusted with the supervision, care, custody, and control of
9 children, including Plaintiff ROE 1.

10 45. Plaintiff ROE 1 and Plaintiff’s parents believed that RIVERDALE ASSEMBLY
11 OF GOD, GENERAL COUNCIL, and DISTRICT COUNCIL would exercise such care as would
12 a parent of ordinary prudence in comparable circumstances when the Defendants assumed
13 supervision, care, custody, and control of minor Plaintiff, including protecting Plaintiff from the
14 danger of being sexually abused.

15 46. Between approximately 2010 and 2014, ROE 1 was a minor, she was groomed
16 and sexually abused by SPENCER. Plaintiff ROE 1 was a congregant and student at RIVERDALE
17 ASSEMBLY OF GOD, and between the ages of approximately 13 to 17 years old SPENCER
18 groomed and sexually abused her in his capacity as teacher and/or school supervisor, youth
19 supervisor and pastor at Defendant RIVERDALE ASSEMBLY OF GOD.

20 47. At approximately the age of 13 years old ROE 1 started her freshman year at
21 ACADEMY, which was owned and operated by RIVERDALE ASSEMBLY OF GOD. At the
22 time of ROE 1’s freshman year of high school at RIVERDALE ASSEMBLY OF GOD, ROE 1
23 was experiencing difficulties at home concerning her parent’s marriage.

24 48. Upon entering high school, ROE 1 played on the ACADEMY volleyball team.
25 ROE 1 lived with her parents outside of Riverdale which proved problematic for the early morning
26 volleyball practice, therefore, ROE 1 would regularly stay the night at the residence of SPENCER,
27 and the wife, or in a modular trailer on the premises of RIVERDALE ASSEMBLY OF GOD.

28 //

1 49. ROE 1 began noticing SPENCER talking with her more and giving her extra
2 attention during class at ACADEMY. SPENCER would find excuses to touch ROE 1, coming up
3 behind her and rubbing her shoulders in class at ACADEMY.

4 50. During class SPENCER would walk up behind ROE 1 while she was sitting at
5 her computer and push his genitals against her back while assisting her with ACADEMY class
6 work related questions.

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

11 52. When ROE 1 was approximately 13 years old, she stayed the night prior to a
12 volleyball practice at the residence of SPENCER. The only individuals present at the residence at
13 that time were SPENCER and ROE 1. As ROE 1 exited a bathroom located in a long hallway at
14 the residence, SPENCER intercepted her and began hugging ROE 1 and performing wrongful
15 sexual conduct. SPENCER told ROE 1 that he wished he could have ROE 1, a statement ROE 1
16 understood to mean have her in a sexual manner.

17 53. In or around approximately 2011, when ROE 1 was 14 years old, she obtained
18 her first cellular telephone. SPENCER acquired her telephone number and commenced sending
19 sexually explicit text messages.

20 54. When ROE 1 was approximately 14 years old, SPENCER solicited and received
21 nude digital pictures from ROE 1. SPENCER instructed ROE 1 what pictures to send him and by
22 which medium to send the images.

23 55. When ROE 1 was approximately 14 years old, she was playing a game of hide-
24 and-seek in the main structure of RIVERDALE ASSEMBLY OF GOD with other minor
25 congregants. ROE 1 entered a back hallway at RIVERDALE ASSEMBLY OF GOD, and
26 unbeknownst to ROE 1, SPENCER had followed her into the hallway. SPENCER grabbed her
27 arm and pulled her against his body, thereafter SPENCER began fondling ROE 1 and committing
28 wrongful sexual abuse. Despite ROE 1 attempting to break free, SPENCER continued the

1 wrongful sexual abuse until SPENCER’s daughter, who was hiding nearby, overheard SPENCER
2 saying sexually explicit things to ROE 1, and yelled “DAD!”. After being alerted of his daughter’s
3 presence SPENCER immediately ceased the wrongful sexual abuse.

4 56. When ROE 1 was approximately 15 years old, she and other minor congregants
5 and ACADEMY classmates were watching a movie at the main church building located at
6 RIVERDALE ASSEMBLY OF GOD. During the movie, ROE 1 left the room where other minor
7 congregants were located to use the restroom. As ROE 1 walked down a hallway of RIVERDALE
8 ASSEMBLY OF GOD, toward the restrooms, SPENCER pulled ROE 1 into a private room
9 adjacent to the hallway. SPENCER hugged ROE 1 and began fondling her over her school
10 uniform. Thereafter, SPENCER pulled ROE 1’s skirt up and her underwear down, committing a
11 wrongful sexual act. Thereafter, SPENCER exposed his genitals to ROE 1 and forced her to grasp
12 his genitals.

13 57. When ROE 1 was approximately 16 years old, during a RIVERDALE
14 ASSEMBLY OF GOD seasonal event in December, SPENCER texted ROE 1 to meet him by a
15 large recreational vehicle located on the premises of RIVERDALE ASSEMBLY OF GOD.
16 SPENCER lured ROE 1 inside the trailer. Thereafter, SPENCER pulled ROE 1 against his body
17 committing wrongful sexual abuse by kissing, fondling and groping ROE 1.

18 58. Following the incident in the recreational vehicle SPENCER maintained a pattern
19 of sending ROE 1 inappropriate and sexually explicit messages to ROE 1 on ACADEMY’s
20 integrated computer system and directly to her cellular telephone. These wrongful sexually explicit
21 messages continued until ROE 1 left RIVERDALE ASSEMBLY OF GOD and ACADEMY in
22 2014.

23 59. ROE 1 is informed and believes that SPENCER used his knowledge of her youth
24 and difficulties at home surrounding her parent’s separation to take advantage of ROE 1 by
25 grooming and committing acts of childhood sexual assault.

26 60. In order to sexually abuse ROE 1 and other children, SPENCER exploited the
27 trust and authority vested in him by the Defendants by grooming ROE 1 to gain her trust and to
28 obtain control over her.

1 61. SPENCER’s sexual abuse of ROE 1 was unlawful sexual molestation of a minor
2 under California law, including California Code of Civil Procedure Section 340.1.

3 62. Based on the representations of RIVERDALE ASSEMBLY OF GOD,
4 GENERAL COUNCIL, and DISTRICT COUNCIL that SPENCER was safe and trustworthy,
5 ROE 1 and her parents allowed her to be under the supervision of, and in the care, custody, and
6 control of Defendants, including when ROE 1 was sexually abused by SPENCER.

7 63. At all relevant times RIVERDALE ASSEMBLY OF GOD, GENERAL
8 COUNCIL, and DISTRICT COUNCIL, through their agents, servants, and employees, knew or
9 should have known that SPENCER was a danger to children, in that he was likely to sexually
10 abuse them.

11 64. It was reasonably foreseeable to Defendants, through their agents, servants, and
12 employees, that SPENCER’s sexual abuse of children would likely result in injury to others,
13 including the sexual abuse of ROE 1 and other children by SPENCER.

14 65. RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, and DISTRICT
15 COUNCIL, through their agents, servants, and employees, knew or should have known that
16 SPENCER was sexually abusing children at RIVERDALE ASSEMBLY OF GOD, including
17 ROE 1.

18 66. RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, and DISTRICT
19 COUNCIL, through their respective agents, servants, and employees, consciously and recklessly
20 disregarded their knowledge that SPENCER would use his positions with the Defendants to
21 sexually abuse children, including ROE 1.

22 67. RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, and DISTRICT
23 COUNCIL, through their respective agents, servants, and employees, acted in concert with each
24 other and/or with SPENCER to conceal the danger that SPENCER posed to children, including
25 ROE 1, so that SPENCER could continue serving the church despite their knowledge of that
26 danger.

27 //
28 //

1 custody were temporarily entrusted to Defendants. Defendants voluntarily accepted the entrusted
2 care of Plaintiff. As such, Defendants owed Plaintiff, a minor child, a special duty of care, in
3 addition to a duty of ordinary care, and owed Plaintiff the higher duty of care that adults dealing
4 with children owe to protect them from harm.

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

13 75. Defendants had a special duty to investigate and not employ SPENCER in his
14 position as teacher at ACADEMY, supervisor, and pastor at Defendant RIVERDALE
15 ASSEMBLY OF GOD. Defendants knew that SPENCER was likely to harm others in light of the
16 work entrusted to him.

17 76. Defendants, by and through their agents, servants and employees, knew or
18 reasonably should have known of SPENCER's dangerous and exploitive propensities and/or that
19 SPENCER was an unfit agent. It was foreseeable that if Defendants did not adequately exercise or
20 provide the duty of care owed to children in their care, including but not limited to Plaintiff, the
21 children entrusted to Defendants' care would be vulnerable to sexual abuse by SPENCER.

22 77. Defendants breached their duty of care to the minor Plaintiff by allowing,
23 enabling and permitting SPENCER to have access to Plaintiff; by failing to investigate or
24 otherwise confirm or deny such facts about SPENCER; by failing to tell or concealing from
25 Plaintiff, Plaintiff's parents, guardians, or law enforcement officials that SPENCER was or may
26 have been sexually abusing Plaintiff; by failing to tell or concealing from Plaintiff's parents,
27 guardians, or law enforcement officials that Plaintiff was or may have been sexually abused after
28 Defendants knew or had reason to know that SPENCER may have sexually abused Plaintiff,

1 thereby creating the circumstance where Plaintiff was less likely to receive medical/mental health
2 care and treatment, thus exacerbating the harm done to Plaintiff; by holding out SPENCER to the
3 Plaintiff and her parents or guardians as being in good standing and trustworthy; and/or by failing
4 to report known child abuse of Plaintiff by SPENCER to law enforcement. Defendants cloaked
5 within the facade of normalcy Defendants' and/or SPENCER's contact and/or actions with the
6 Plaintiff and/or with other minors who were victims of SPENCER, and/or disguised the nature of
7 the sexual abuse and contact.

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

15 **SECOND CAUSE OF ACTION**

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

17 **AGAINST ALL DEFENDANTS**

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

19 80. Between approximately 2010 and 2014, when Plaintiff ROE 1 was approximately
20 13 to 17 years old, SPENCER engaged in grooming and un-permitted, harmful, and offensive
21 sexual conduct and contact upon the person of ROE 1.

22 81. Said conduct was undertaken while SPENCER was an agent, managing agent,
23 employee, and/or servant of the Defendants, RIVERDALE ASSEMBLY OF GOD, GENERAL
24 COUNCIL, DISTRICT COUNCIL, and DOES 5 through 100, and while SPENCER was acting
25 in the course and scope of his employment, agency, and/or service with the Defendants.

26 82. Said conduct of SPENCER was known to and ratified by the Defendants.

27 83. Each Defendant had a duty to take reasonable steps to protect ROE 1, a minor
28 female, from foreseeable harm when she was in their care, custody, and control.

1 84. During the time that SPENCER was working for and serving the Defendants,
2 each Defendant had a duty to use reasonable care to prevent SPENCER from using the tasks,
3 premises, and instrumentalities of his position with the Defendants to target, groom, and sexually
4 abuse children, including ROE 1.

5 85. Each Defendant breached the foregoing duties by failing to use reasonable care
6 to protect ROE 1 from SPENCER, and allowed SPENCER to groom and to sexually assault the
7 minor female.

8 86. As a direct and proximate result of the above-described conduct ROE 1 suffered
9 and will continue to suffer, great pain of mind and body, shock, emotional distress, physical
10 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation,
11 and loss of enjoyment of life, and Plaintiff was prevented from performing daily activities and
12 obtaining the full enjoyment of life.

13 87. Between 2010 and 2014, SPENCER engaged in un-permitted, harmful and
14 offensive sexual contact upon the person of ROE 1, Defendants RIVERDALE ASSEMBLY OF
15 GOD, GENERAL COUNCIL, DISTRICT COUNCIL, and DOES 5 through 100, ratified or
16 approved of that sexual contact.

17 88. Defendant SPENCER was aided in committing the harmful and offensive
18 touching of Plaintiff by his status as an agent of Defendants RIVERDALE ASSEMBLY OF GOD,
19 GENERAL COUNCIL, DISTRICT COUNCIL, and DOES 5 through 100.

20 89. Without his position as teacher at ACADEMY, supervisor and pastor at
21 Defendant RIVERDALE ASSEMBLY OF GOD, SPENCER could not have accomplished the
22 harmful and offensive touching of Plaintiff.

23 90. As a result of the above-described conduct, Plaintiff has suffered, and continues
24 to suffer great pain of mind and body, shock, emotional distress, physical manifestations of
25 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
26 enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue
27 to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of
28

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

3 **THIRD CAUSE OF ACTION**

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

5 **AGAINST ALL DEFENDANTS**

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

7 92. Defendants, RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL,
8 DISTRICT COUNCIL, and DOES 5 through 100, had a duty to provide reasonable supervision of
9 SPENCER; to use reasonable care in investigating Defendant SPENCER; and to provide adequate
10 warning to Plaintiff, Plaintiff's parents and other minor congregants of SPENCER's dangerous
11 propensities and unfitness.

12 93. Defendants, RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL,
13 DISTRICT COUNCIL, and DOES 5 through 100, by and through their agents, servants and
14 employees, knew or reasonably should have known of SPENCER's dangerous and exploitive
15 propensities and/or that SPENCER was an unfit agent. Despite such knowledge, Defendants
16 negligently failed to supervise SPENCER in the position of trust and authority as teacher and/or
17 school supervisor at ACADEMY, and pastor at Defendant RIVERDALE ASSEMBLY OF GOD,
18 where he was able to commit the wrongful acts against Plaintiff. Defendants failed to provide
19 reasonable supervision of SPENCER, failed to use reasonable care in investigating SPENCER,
20 and failed to provide adequate warning to Plaintiff and Plaintiff's family of SPENCER's dangerous
21 propensities and unfitness. Defendants further failed to take reasonable measures to prevent future
22 sexual abuse.

23 94. As a result of the above-described conduct, Plaintiff has suffered, and continues
24 to suffer great pain of mind and body, shock, emotional distress, physical manifestations of
25 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
26 enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue
27 to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of
28

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

3 **FOURTH CAUSE OF ACTION**

4 **(Negligent Hiring/Retention)**

5 **AGAINST ALL DEFENDANTS**

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

7 96. Defendants, RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL,
8 DISTRICT COUNCIL, and DOES 5 through 100, had a duty to not hire and/or retain Defendant
9 SPENCER, and other employees, agents, volunteers, and other representatives, given Defendant
10 SPENCER's dangerous and exploitive propensities.

11 97. Defendants, RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL,
12 DISTRICT COUNCIL, and DOES 5 through 100, by and through their agents, servants and
13 employees, knew or reasonably should have known of SPENCER's dangerous and exploitive
14 propensities and/or that SPENCER was an unfit agent. Despite such knowledge, Defendants
15 negligently hired and/or retained SPENCER in the position of trust and authority as teacher/school
16 supervisor at ACADEMY, and pastor at Defendant RIVERDALE ASSEMBLY OF GOD, where
17 he was able to commit the wrongful acts against Plaintiff. Defendants failed to use reasonable care
18 in investigating SPENCER and failed to provide adequate warning to Plaintiff and Plaintiff's
19 parents of SPENCER's dangerous propensities and unfitness. Defendants further failed to take
20 reasonable measures to prevent future sexual abuse.

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

28 //

1 **FIFTH CAUSE OF ACTION**

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

3 **AGAINST ALL DEFENDANTS**

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

5 100. Defendants, RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL,
6 DISTRICT COUNCIL, and DOES 5 through 100, conduct was extreme and outrageous and was
7 intentional or done recklessly.

8 101. Defendant SPENCER's conduct in sexually assaulting Plaintiff was extreme and
9 outrageous and was intentional.

10 102. Defendants, RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL,
11 DISTRICT COUNCIL, and DOES 5 through 100, ratified or approved of the extreme and
12 outrageous conduct of Defendant SPENCER.

13 103. As a result of Defendants' conduct, Plaintiff experienced and continues to
14 experience severe emotional distress resulting in mental, emotional and bodily harm.

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

22 **SIXTH CAUSE OF ACTION**

23 **(Breach Of Statutory Duty – California Civil Code§ 51.7)**

24 **AGAINST ALL DEFENDANTS**

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

26 106. Pursuant to California Civil Code§ 51.7(a), Plaintiff has the right to be free from
27 any violence, or intimidation by threat of violence, committed against her person on account of
28

1 her gender. SPENCER had a statutory duty to not perpetrate violence or the threat of violence
2 upon Plaintiff. Defendants repeatedly breached that duty as alleged in the facts above.

3 107. Defendants, RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL,
4 DISTRICT COUNCIL, and DOES 5 through 100, ratified or approved of the violence against her
5 committed by Defendant SPENCER.

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

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

16 //
17 //
18 //
19 //
20 //
21 //
22 //
23 //
24 //
25 //
26 //
27 //
28 //

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

WHEREFORE, Plaintiff prays for a jury trial and for judgment against Defendants, RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, DISTRICT COUNCIL, SPENCER and DOES 5 through 100, and each of them, as follows:

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

DATED: August 12, 2022

DIAS HALL INC.
A Professional Corporation



STEVEN S. DIAS,
Attorney for Plaintiff,
JANE ROE 1