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Superior Court of California
County of Fresno
By: E. Meyer, Deputy

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

11 ****

12 JOHN ROE 20, an individual;

) Case No.: 22CECG02023

13 Plaintiff,

) **AMENDED COMPLAINT FOR DAMAGES:**

14 v.

-) **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)**

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 JAMES DAVIS, an individual;
27 DALE SPENCER, an individual;
28 and DOES 8 through 100, inclusive;

) Defendants.

25 Based upon information and belief available to Plaintiff JOHN ROE 20 at all times
26 relevant to the filing of this Complaint Plaintiff alleges against Defendants, RIVERDALE
27 ASSEMBLY OF GOD, INC. d.b.a. RIVERDALE CHRISTIAN ACADEMY, a California non-
28 profit religious corporation; THE GENERAL COUNCIL OF THE ASSEMBLIES OF GOD, a

1 foreign non-profit religious corporation; THE SOUTHERN CALIFORNIA DISTRICT
2 COUNCIL OF THE ASSEMBLIES OF GOD, a California nonprofit religious corporation;
3 CHARLES SPENCER, JR., an individual; JAMES DAVIS, an individual; DALE SPENCER, an
4 individual, and DOES 8 through 100, inclusive, as follows:

5 **NATURE OF THE ACTION**

6 1. Between approximately 1996 and 1998, when Plaintiff JOHN ROE 20 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. Commencing at the age of 15 years
11 old Plaintiff JOHN ROE 20 was groomed for a sexual relationship by Defendants CHARLES
12 SPENCER, JR., JAMES DAVIS, and DALE SPENCER. Defendant JAMES DAVIS, a music
13 director, photography director, choir director, and your choir tour chaperone of RIVERDALE
14 ASSEMBLY OF GOD, INC. d.b.a. RIVERDALE CHRISTIAN ACADEMY initiated a pattern
15 of grooming which culminated with wrongful sexual acts with JOHN ROE 20. At the age of 15
16 years old Defendant CHARLES SPENCER, JR., a teacher and associate pastor at Defendant
17 RIVERDALE ASSEMBLY OF GOD, INC. d.b.a. RIVERDALE CHRISTIAN ACADEMY
18 initiated a pattern of sexual grooming which culminated in wrongful sexual acts with Plaintiff
19 JOHN ROE 20 at the age of 16 years old. At approximate the same time as CHARLES
20 SPENCER JR.'s grooming and wrongful sexual acts with JOHN ROE 20, DALE SPENCER, an
21 employee and Sunday school teacher at RIVERDALE ASSEMBLY OF GOD, INC. d.b.a.
22 RIVERDALE CHRISTIAN ACADEMY groomed and committed wrongful sexual act on
23 JOHN ROE 20.

24 2. At all relevant times Defendant CHARLES SPENCER, JR. was a teacher and
25 associate pastor at Defendant RIVERDALE ASSEMBLY OF GOD, INC. d.b.a. RIVERDALE
26 CHRISTIAN ACADEMY. Despite the fact that Defendants RIVERDALE ASSEMBLY OF
27 GOD, INC. d.b.a. RIVERDALE CHRISTIAN ACADEMY, THE GENERAL COUNCIL OF
28 THE ASSEMBLIES OF GOD, and THE SOUTHERN CALIFORNIA DISTRICT COUNCIL

1 OF THE ASSEMBLIES OF GOD knew or should have known that Defendant CHARLES
2 SPENCER, JR. was a danger to children, in that he was likely to use his positions with them to
3 groom and to sexually assault children, they failed to take reasonable steps to protect JOHN ROE
4 20 and other children from that danger.

5 3. At all relevant times Defendant JAMES DAVIS was a music director,
6 photography director, choir director and youth choir tour chaperone of RIVERDALE
7 ASSEMBLY OF GOD, INC. d.b.a. RIVERDALE CHRISTIAN ACADEMY. Despite the fact
8 that Defendants RIVERDALE ASSEMBLY OF GOD, INC. d.b.a. RIVERDALE CHRISTIAN
9 ACADEMY, THE GENERAL COUNCIL OF THE ASSEMBLIES OF GOD, and THE
10 SOUTHERN CALIFORNIA DISTRICT COUNCIL OF THE ASSEMBLIES OF GOD knew or
11 should have known that Defendant JAMES DAVIS was a danger to children, in that he was
12 likely to use his positions with them to groom and to sexually assault them, they failed to take
13 reasonable steps to protect Plaintiff JOHN ROE 20 and other children from that danger.

14 4. At all relevant times Defendant DALE SPENCER, was an employee and
15 Sunday school teacher at RIVERDALE ASSEMBLY OF GOD, INC. d.b.a. RIVERDALE
16 CHRISTIAN ACADEMY. Despite the fact that Defendants RIVERDALE ASSEMBLY OF
17 GOD, INC. d.b.a. RIVERDALE CHRISTIAN ACADEMY, THE GENERAL COUNCIL OF
18 THE ASSEMBLIES OF GOD, and THE SOUTHERN CALIFORNIA DISTRICT COUNCIL
19 OF THE ASSEMBLIES OF GOD knew or should have known that Defendant DALE
20 SPENCER was a danger to children, in that he was likely to use his positions with them to
21 groom and to sexually assault them, they failed to take reasonable steps to protect Plaintiff JOHN
22 ROE 20 and other children from that danger.

23 5. Plaintiff, JOHN ROE 20 (“ROE 20”), is an adult male currently residing within
24 the State of California. ROE 20 was a minor throughout the period of childhood sexual assault
25 alleged herein. At the time of filing this Complaint for the childhood sexual assault ROE 20 is
26 over the age of 40 years old. At all times relevant, ROE 20 resided in Fresno County, California.
27 ROE 20 attended Defendant RIVERDALE ASSEMBLY OF GOD, INC. (“RIVERDALE
28 ASSEMBLY OF GOD”) as a congregant of the church and attended school at RIVERDALE

1 CHRISTIAN ACADEMY (“ACADEMY”) located on the premises of RIVERDALE
2 ASSEMBLY OF GOD. ROE 20 brings this Complaint pursuant to Code of Civil Procedure
3 Section 340.1, as amended by Assembly Bill 218, for the childhood sexual assault she suffered
4 due to DOE Defendants negligence and malfeasance. Thus, Plaintiff’s claims for damages
5 suffered as a result of childhood sexual assault are timely, as it is filed within three years of
6 January 1, 2020.

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

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

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

27 9. At all relevant times, Defendant, CHARLES SPENCER, JR. (“CHUCK
28 SPENCER”), an individual, is and was an adult male who was associated with, supervised,

1 directed and controlled by RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL and
2 DISTRICT COUNCIL. While supervised, directed and controlled by RIVERDALE
3 ASSEMBLY OF GOD, GENERAL COUNCIL and DISTRICT COUNCIL, CHUCK SPENCER
4 committed the acts of childhood sexual assault alleged herein as a teacher and associate pastor at
5 Defendant RIVERDALE ASSEMBLY OF GOD.

6 10. At all relevant times, Defendant JAMES DAVIS (“DAVIS”), an individual, is
7 and was an adult male who was associated with, supervised, directed and controlled by
8 RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL and DISTRICT COUNCIL.
9 While supervised, directed and controlled by RIVERDALE ASSEMBLY OF GOD, GENERAL
10 COUNCIL and DISTRICT COUNCIL, DAVIS committed the acts of childhood sexual assault
11 alleged herein as an employee, music director, photography director, choir director and youth
12 choir tour chaperone at RIVERDALE ASSEMBLY OF GOD.

13 11. At all relevant times, Defendant, DALE SPENCER (“DALE SPENCER”), an
14 individual, is and was an adult male who was associated with, supervised, directed and
15 controlled by RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL and DISTRICT
16 COUNCIL. While supervised, directed and controlled by RIVERDALE ASSEMBLY OF GOD,
17 GENERAL COUNCIL and DISTRICT COUNCIL, District Church, DALE SPENCER
18 committed the acts of childhood sexual assault alleged herein as an employee and Sunday school
19 teacher at RIVERDALE ASSEMBLY OF GOD.

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

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

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

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

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

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

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

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

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

21 22. At all relevant times CHUCK SPENCER, DAVIS, and DALE SPENCER were
22 on the staff of, acted as agents of, and served as employees of RIVERDALE ASSEMBLY OF
23 GOD, GENERAL COUNCIL and DISTRICT COUNCIL.

24 23. At all relevant times CHUCK SPENCER, DAVIS, and DALE SPENCER were
25 acting in the course and scope of their employment with RIVERDALE ASSEMBLY OF GOD,
26 GENERAL COUNCIL and DISTRICT COUNCIL.

27 24. At all relevant times GENERAL COUNCIL, and DISTRICT COUNCIL
28 materially benefited from the operation of RIVERDALE ASSEMBLY OF GOD, including the

1 services of CHUCK SPENCER, DAVIS, and DALE SPENCER and the services of those who
2 managed and supervised CHUCK SPENCER, DAVIS, and DALE SPENCER.

3 25. At all relevant times CHUCK SPENCER was employed by RIVERDALE
4 ASSEMBLY OF GOD, GENERAL COUNCIL and DISTRICT COUNCIL, and he used his
5 positions as a teacher and associate pastor at Defendant RIVERDALE ASSEMBLY OF GOD to
6 groom and sexually assault ROE 20.

7 26. At all relevant times DAVIS was employed by RIVERDALE ASSEMBLY OF
8 GOD, GENERAL COUNCIL and DISTRICT COUNCIL, and he used his positions as an
9 employee, music director, photography director, choir director and youth choir tour chaperone at
10 RIVERDALE ASSEMBLY OF GOD to groom and sexually assault ROE 20.

11 27. At all relevant times DALE SPENCER was an employee and/or agent of
12 RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL and DISTRICT COUNCIL, and
13 he used his positions as an employee and Sunday school teacher at RIVERDALE ASSEMBLY
14 OF GOD to groom and sexually assault ROE 20.

15 28. Despite a mandatory reporting obligation, RIVERDALE ASSEMBLY OF
16 GOD, GENERAL COUNCIL and DISTRICT COUNCIL, their directors, employees, agents,
17 pastors and teachers knew of or reasonably suspected the sexual abuse, and did not report the
18 abuse to law enforcement.

19 29. To the extent RIVERDALE ASSEMBLY OF GOD was a different entity,
20 corporation, or organization during the period of time during which CHUCK SPENCER,
21 DAVIS, and DALE SPENCER used their positions as employees, agents, teachers, associate
22 pastors and/or servants of RIVERDALE ASSEMBLY OF GOD, to groom and sexually assault
23 ROE 20, such entity, corporation, or organization is hereby on notice that it is intended to be a
24 defendant in this lawsuit and is identified in the Complaint as RIVERDALE ASSEMBLY OF
25 GOD.

26 30. To the extent RIVERDALE ASSEMBLY OF GOD is a successor to a different
27 entity, corporation, or organization which existed during the period of time during which
28 CHUCK SPENCER, DAVIS, and DALE SPENCER used their positions as employees, music

1 director, choir director, youth choir tour chaperone, teacher, photography director and/or youth
2 leader of RIVERDALE ASSEMBLY OF GOD to groom and sexually assault ROE 20, such
3 predecessor entity, corporation, or organization is hereby on notice that it is intended to be a
4 defendant in this lawsuit and is identified in the Complaint as RIVERDALE ASSEMBLY OF
5 GOD.

6 31. To the extent GENERAL COUNCIL was a different entity, corporation, or
7 organization during the period of time during which CHUCK SPENCER, DAVIS, and DALE
8 SPENCER used their positions as employees, music director, choir director, youth choir tour
9 chaperone, teacher, photography director and/or youth leader of RIVERDALE ASSEMBLY OF
10 GOD to groom and sexually assault ROE 20, such entity, corporation, or organization is hereby
11 on notice that it is intended to be a defendant in this lawsuit and is identified in the Complaint as
12 GENERAL COUNCIL.

13 32. To the extent GENERAL COUNCIL is a successor to a different entity,
14 corporation, or organization which existed during the period of time during which CHUCK
15 SPENCER, DAVIS, and DALE SPENCER used their positions as employees, music director,
16 choir director, youth choir tour chaperone, teacher, photography director and/or youth leader of
17 RIVERDALE ASSEMBLY OF GOD to groom and sexually assault ROE 20, such predecessor
18 entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this
19 lawsuit and is identified in the Complaint as GENERAL COUNCIL.

20 33. To the extent DISTRICT COUNCIL was a different entity, corporation, or
21 organization during the period of time during which CHUCK SPENCER, DAVIS, and DALE
22 SPENCER used their positions as employees, music director, choir director, youth choir tour
23 chaperone, teacher, photography director and/or youth leader of RIVERDALE ASSEMBLY OF
24 GOD to groom and sexually assault ROE 20, such entity, corporation, or organization is hereby
25 on notice that it is intended to be a defendant in this lawsuit and is identified in the Complaint as
26 DISTRICT COUNCIL.

27 34. To the extent DISTRICT COUNCIL is a successor to a different entity,
28 corporation, or organization which existed during the period of time during which CHUCK

1 SPENCER, DAVIS, and DALE SPENCER used their positions as employees, music director,
2 choir director, youth choir tour chaperone, teacher, photography director and/or youth leader of
3 RIVERDALE ASSEMBLY OF GOD to groom and sexually assault ROE 20, such predecessor
4 entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this
5 lawsuit and is identified in the Complaint as DISTRICT COUNCIL.

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

16 36. 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 describes in this Complaint.

21 **BACKGROUND FACTS APPLICABLE TO ALL COUNTS**

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

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

27 39. At all times relevant to this Complaint, Defendants operated a church in
28 Riverdale, California, and invited the participation of the public, including ROE 20, into the

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

10 40. At all times relevant to this Complaint, Plaintiff ROE 20 attended RIVERDALE
11 ASSEMBLY OF GOD as a congregant, and attended ACADEMY located on the premises of
12 RIVERDALE ASSEMBLY OF GOD as a student.

13 41. At all times relevant to this Complaint, Defendant CHUCK SPENCER acted in
14 the capacity as a teacher and associate pastor at Defendant RIVERDALE ASSEMBLY OF
15 GOD.

16 42. At all times relevant to this Complaint, Defendant DAVIS acted in the capacity
17 as a music director, photography director, choir director, and your choir tour chaperone of
18 RIVERDALE ASSEMBLY OF GOD.

19 43. At all times relevant to this Complaint, Defendant DALE SPENCER acted in
20 the capacity as an employee and Sunday school teacher at RIVERDALE ASSEMBLY OF GOD.

21 44. At all times relevant to this Complaint, RIVERDALE ASSEMBLY OF GOD,
22 GENERAL COUNCIL, DISTRICT COUNCIL, CHUCK SPENCER, DAVIS, and DALE
23 SPENCER facilitated activities, including but not limited to, bible study, church and
24 ACADEMY functions, chaperoning events including, seasonal events, choir activities, interstate
25 travel for RIVERDALE ASSEMBLY OF GOD and administration of RIVERDALE
26 ASSEMBLY OF GOD youth choir tour. CHUCK SPENCER's, DAVIS's, and DALE
27 SPENCER's positions and responsibilities within RIVERDALE ASSEMBLY OF GOD were
28 evident to all church attendees as RIVERDALE ASSEMBLY OF GOD would advertise

1 Defendants CHUCK SPENCER's, DAVIS's, and DALE SPENCER's involvement with various
2 activities through announcements and flyers, and through the operation of ACADEMY. At the
3 time of the sexual assaults, Defendants CHUCK SPENCER, DAVIS, and DALE SPENCER
4 were employed by and acted as agents of RIVERDALE ASSEMBLY OF GOD and by
5 ACADEMY, and were under the direct supervision, employ, and control of RIVERDALE
6 ASSEMBLY OF GOD, GENERAL COUNCIL, DISTRICT COUNCIL, and DOES 8 through
7 100.

8 45. During all times relevant to this Complaint, CHUCK SPENCER was employed
9 by RIVERDALE ASSEMBLY OF GOD and ACADEMY, and was employed by and acted as an
10 agent of RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, and DISTRICT
11 COUNCIL. He was under their direct supervision and employment as a teacher and associate
12 pastor at RIVERDALE ASSEMBLY OF GOD.

13 46. During all times relevant to this Complaint, DAVIS was employed by
14 RIVERDALE ASSEMBLY OF GOD and ACADEMY, and was employed by and acted as an
15 agent of RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, and DISTRICT
16 COUNCIL. He was under their direct supervision and employment as music director,
17 photography director, choir director and youth choir tour chaperone of RIVERDALE
18 ASSEMBLY OF GOD.

19 47. During all times relevant to this Complaint, DALE SPENCER was employed by
20 RIVERDALE ASSEMBLY OF GOD and ACADEMY, and was employed by and acted as an
21 agent of RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, and DISTRICT
22 COUNCIL. He was under their direct supervision and employment as youth leader, Sunday
23 school teacher and youth choir tour chaperone.

24 48. At the times of the sexual assaults alleged herein ROE 20 belonged to
25 RIVERDALE ASSEMBLY OF GOD and regularly attended RIVERDALE ASSEMBLY OF
26 GOD services and events sponsored by that congregation. At all relevant times, ROE 20 attended
27 school at ACADEMY located on the premises of RIVERDALE ASSEMBLY OF GOD, where
28 CHUCK SPENCER was a teacher and associate pastor at Defendant RIVERDALE ASSEMBLY

1 OF GOD. At all relevant times, ROE 20 attended school at ACADEMY located on the premises
2 of RIVERDALE ASSEMBLY OF GOD, where DAVIS was an employee, music director,
3 photography director, choir director of RIVERDALE ASSEMBLY OF GOD. At all relevant
4 times, ROE 20 was a congregant of RIVERDALE ASSEMBLY OF GOD, where DALE
5 SPENCER was an employee and Sunday school teacher. RIVERDALE ASSEMBLY OF GOD
6 was operated and controlled by senior pastors who performed duties to control, operate,
7 supervise and direct staff and volunteers at both RIVERDALE ASSEMBLY OF GOD and
8 ACADEMY.

9 49. At the time of the childhood sexual assaults alleged herein Plaintiff ROE 20 was
10 a minor, he was a member and congregant of RIVERDALE ASSEMBLY OF GOD, GENERAL
11 COUNCIL, and DISTRICT COUNCIL. Further, ROE 20 was a student at ACADEMY. ROE 20
12 began attending services at RIVERDALE ASSEMBLY OF GOD in 1996. ROE 20 attended
13 church services, attended youth groups, participated in volunteer events, participated in the
14 organization of seasonal events, was a member of the choir, attended mission trips, attended
15 school at ACADEMY and travelled with the youth choir on interstate tours where he was housed
16 with other minor members of the church.

17 **ABUSE BY DAVIS**

18 50. Between approximately 1996 and 1997, when ROE 20 was a minor, he was
19 groomed and sexually abused by DAVIS. Plaintiff ROE 20 was a member, congregant, and
20 student at RIVERDALE ASSEMBLY OF GOD, and between the ages of 15 to 16 years old
21 DAVIS groomed and sexually abused him in his capacity as employee, music director,
22 photography director, choir director and youth choir tour chaperone of RIVERDALE
23 ASSEMBLY OF GOD.

24 51. Based on the representations of RIVERDALE ASSEMBLY OF GOD,
25 GENERAL COUNCIL, and DISTRICT COUNCIL that DAVIS was safe and trustworthy, ROE
26 20 and his parents allowed him to be under the supervision of, and in the care, custody, and
27 control of Defendants including when ROE 20 was sexually abused by DAVIS.

28 //

1 52. In order to sexually abuse ROE 20 and other children, DAVIS exploited the
2 trust and authority vested in him by the Defendants by grooming ROE 20 to gain his trust and to
3 obtain control over him.

4 53. Commencing in 1996 when ROE 20 was 15 years old, DAVIS, in his capacity
5 as employee, music director, photography director, choir director and youth choir tour chaperone
6 of RIVERDALE ASSEMBLY OF GOD began grooming ROE 20 for the purposes of initiating
7 an inappropriate sexual relationship.

8 54. DAVIS initiated a pattern of wrongful sexual abuse when ROE 20 was
9 approximately 15 years old. DAVIS would inappropriately touch or playfully spank minor
10 children, including ROE 20, during church sponsored activities such as choir practice or
11 volunteer events. One day, while Plaintiff ROE 20 was helping DAVIS move a musical
12 instrument at RIVERDALE ASSEMBLY OF GOD, DAVIS inappropriately and wrongful
13 touched ROE 20 by playfully spanking him, thereafter, committing wrongful sexual abuse by
14 groping ROE 20. ROE 20 is informed and believes that the playful spanking and wrongful
15 touching by DAVIS was sexual abuse perpetrated to groom and normalize such behavior so
16 wrongful sexual acts could be perpetrated.

17 55. DAVIS regularly scheduled haircuts for the minor male congregants of
18 RIVERDALE ASSEMBLY OF GOD and minor male ACADEMY students. DAVIS would
19 perform the haircuts in his office or in a modular trailer, both located on the premises of
20 RIVERDALE ASSEMBLY OF GOD. DAVIS would use this time to sexually groom and make
21 inappropriate sexual comments to ROE 20 and other minor male congregants of RIVERDALE
22 ASSEMBLY OF GOD and students of ACADEMY. DAVIS would make ROE 20 take his shirt
23 off for the haircuts and would regularly make sexually explicit comments regarding ROE 20's
24 body.

25 56. On one occasion when Plaintiff ROE 20 was approximately 15 years old, he
26 went to DAVIS's office for a haircut. DAVIS made sexually explicit comments. During the
27 course of the haircut, DAVIS exposed his genitals and forced ROE 20 to perform a wrongful
28 sexual act upon him. The wrongful sexual act culminated in DAVIS committing a particularly

1 egregious wrongful act. Thereafter, ROE 20 cleaned himself and left the trailer confused,
2 embarrassed and feeling shame for what had just occurred.

3 57. During the time that DAVIS was working for and serving the Defendants, each
4 Defendant had a duty to use reasonable care to prevent DAVIS from using the tasks, premises,
5 and instrumentalities of his position with the Defendants to target, groom, and sexually abuse
6 children, including ROE 20.

7 58. The sexual abuse of ROE 20 by DAVIS occurred using the tasks, premises, or
8 instrumentalities that the Defendants entrusted to DAVIS, including the grounds, bathrooms,
9 modular trailers, offices, the congregation room and classrooms located on the premises of
10 RIVERDALE ASSEMBLY OF GOD.

11 59. DAVIS's sexual abuse of ROE 20 occurred during activities that were
12 sponsored by, or were a direct result of activities sponsored by RIVERDALE ASSEMBLY OF
13 GOD, GENERAL COUNCIL, and DISTRICT COUNCIL, including at or during school, youth
14 choir events and tours, seasonal church events, and church sponsored activities.

15 60. RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, and DISTRICT
16 COUNCIL, through their respective agents, servants, and employees, held DAVIS out to the
17 public, to Plaintiff, and to Plaintiff's parents, as their agent and employee.

18 61. RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, and DISTRICT
19 COUNCIL, through their respective agents, servants, and employees, held DAVIS out to the
20 public, to Plaintiff, and to Plaintiff's parents, as having been vetted, screened, and approved by
21 them as someone who was safe and could be trusted with children.

22 62. Plaintiff ROE 20 and Plaintiff's parents reasonably relied upon the acts and
23 representations of RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, and
24 DISTRICT COUNCIL, through their respective agents, servants, and employees, and reasonably
25 believed that DAVIS was an agent or employee of the Defendants who was vetted, screened, and
26 approved by it and who was safe and could be trusted with children.

27 63. Plaintiff ROE 20 and Plaintiff's parents trusted DAVIS because RIVERDALE
28 ASSEMBLY OF GOD, GENERAL COUNCIL, and DISTRICT COUNCIL held him out as

1 someone who was safe and could be trusted with the supervision, care, custody, and control of
2 children, including Plaintiff ROE 20.

3 64. Plaintiff ROE 20 and Plaintiff's parents believed that RIVERDALE
4 ASSEMBLY OF GOD, GENERAL COUNCIL, and DISTRICT COUNCIL would exercise such
5 care as would a parent of ordinary prudence in comparable circumstances when the Defendants
6 assumed supervision, care, custody, and control of minor Plaintiff, including protecting Plaintiff
7 from the danger of being sexually abused.

8 65. DAVIS's sexual abuse of ROE 20 was unlawful sexual molestation under
9 California law, including California Code of Civil Procedure Section 340.1.

10 66. At all relevant times RIVERDALE ASSEMBLY OF GOD, GENERAL
11 COUNCIL, and DISTRICT COUNCIL, through their agents, servants, and employees, knew or
12 should have known that DAVIS was a danger to children, in that he was likely to sexually abuse
13 them.

14 67. It was reasonably foreseeable to Defendants, through their agents, servants, and
15 employees, that DAVIS's sexual abuse of children would likely result in injury to others,
16 including the sexual abuse of ROE 20 and other children by DAVIS.

17 68. RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, and DISTRICT
18 COUNCIL, through their agents, servants, and employees, knew or should have known that
19 DAVIS was sexually abusing children at RIVERDALE ASSEMBLY OF GOD, including ROE
20 20.

21 69. RIVERDALE ASSEMBLY OF GOD GENERAL COUNCIL, and DISTRICT
22 COUNCIL, through their respective agents, servants, and employees, consciously and recklessly
23 disregarded their knowledge that DAVIS would use his positions with the Defendants to sexually
24 abuse children, including Plaintiff ROE 20.

25 70. RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, and DISTRICT
26 COUNCIL, through their respective agents, servants, and employees, acted in concert with each
27 other and/or with DAVIS to conceal the danger that DAVIS posed to children, including ROE
28 20, so that DAVIS could continue serving the church despite their knowledge of that danger.

1 71. 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 DAVIS to enable DAVIS to sexually abuse children, including Plaintiff.

4 72. RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, and DISTRICT
5 COUNCIL, through their respective agents, servants, and employees, knew that their negligent,
6 reckless, and outrageous conduct would inflict severe emotional and psychological distress, as
7 well as personal physical injury on others, including Plaintiff ROE 20.

8 73. RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, and DISTRICT
9 COUNCIL, through their respective agents, servants, and employees, concealed the sexual abuse
10 of children by pastors, teachers, school administrators, volunteers, and others, including DAVIS,
11 in order to conceal their own bad acts in failing to protect children from being abused, to protect
12 their reputations, and to prevent victims of such sexual abuse from coming forward during the
13 extremely limited statute of limitations prior to the enactment of the recent legislative
14 amendment that allows Plaintiff to pursue his claim now, despite knowing that these pastors,
15 other religious persons, teachers, school administrators, and other persons would continue to
16 molest children, and continue to intentionally dissuade victims and their families from coming
17 forward.

18 74. As a result of the above-described conduct, Plaintiff ROE 20 has suffered, and
19 will continue to suffer great pain of mind and body, shock, emotional distress, physical
20 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation,
21 and loss of enjoyment of life; has suffered and continues to suffer spiritually; were prevented and
22 will 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 **ABUSE BY DALE SPENCER**

26 75. Between approximately 1996 and 1998, when ROE 20 was a minor, he was
27 groomed and sexually abused by DALE SPENCER. Plaintiff ROE 20 was a member,
28 congregant, and student at RIVERDALE ASSEMBLY OF GOD, and between the ages of 16 to

1 17 years old DALE SPENCER groomed and sexually abused him in his capacity as an employee
2 and Sunday school teacher at RIVERDALE ASSEMBLY OF GOD.

3 76. Based on the representations of RIVERDALE ASSEMBLY OF GOD,
4 GENERAL COUNCIL, and DISTRICT COUNCIL that DALE SPENCER was safe and
5 trustworthy, ROE 20 and his parents allowed him to be under the supervision of, and in the care,
6 custody, and control of Defendants including when ROE 20 was sexually abused by DALE
7 SPENCER.

8 77. In order to sexually abuse ROE 20 and other children, DALE SPENCER
9 exploited the trust and authority vested in him by the Defendants by grooming ROE 20 to gain
10 his trust and to obtain control over him.

11 78. Commencing in 1997 when ROE 20 was 16 years old, DALE SPENCER, in his
12 capacity as an employee and Sunday school teacher at RIVERDALE ASSEMBLY OF GOD
13 began grooming ROE 20 for the purposes of initiating an inappropriate sexual relationship.

14 79. DALE SPENCER committed an act of childhood sexual assault when ROE 20
15 was approximately 16 years old. ROE 20 volunteered to stay overnight at an annual seasonal
16 event in December which takes place on the premises of RIVERDALE ASSEMBLY OF GOD.
17 DALE SPENCER was present at the event to oversee and care for the minor congregants who
18 were volunteering. Throughout the evening DALE SPENCER provided ROE 20 with alcohol.

19 80. In the early hours of the morning DALE SPENCER invited ROE 20 into a
20 restroom located on the premises of RIVERDALE ASSEMBLY OF GOD. Upon entering the
21 restroom, DALE SPENCER began making sexually explicit comments and propositioned ROE
22 20 to perform a wrongful sexual act. ROE 20, confused and scared of what was transpiring,
23 attempted to extricate himself from the situation. DALE SPENCER then exposed his genitals
24 and forced ROE 20 to commit a wrongful sex act on him. ROE 20 was confused, embarrassed
25 and scared after the wrongful sexual abuse and left the premises of RIVERDALE ASSEMBLY
26 OF GOD, returning to his parents' residence.

27 81. On another occasion, when DALE SPENCER was chaperoning the
28 RIVERDALE ASSEMBLY OF GOD youth choir tour outside the state of California, and while

1 ROE 20 was under his care and supervision, DALE SPENCER forced ROE 20 to perform a
2 wrongful sex act.

3 82. The wrongful sexual abuse of ROE 20 by DALE SPENCER occurred using the
4 tasks, premises, or instrumentalities that the Defendants entrusted to DALE SPENCER,
5 including the grounds, bathrooms, modular trailers, offices, the congregation room and
6 classrooms located on the premises of RIVERDALE ASSEMBLY OF GOD.

7 83. During the time that DALE SPENCER was working for and serving the
8 Defendants, each Defendant had a duty to use reasonable care to prevent DALE SPENCER from
9 using the tasks, premises, and instrumentalities of his position with the Defendants to target,
10 groom, and sexually abuse children, including ROE 20.

11 84. DALE SPENCER's wrongful sexual abuse of ROE 20 occurred during
12 activities that were sponsored by, or were a direct result of activities sponsored by RIVERDALE
13 ASSEMBLY OF GOD, GENERAL COUNCIL, and DISTRICT COUNCIL, including at or
14 during school, youth choir events and tours, seasonal church events, and church sponsored
15 activities.

16 85. RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, and DISTRICT
17 COUNCIL, through their respective agents, servants, and employees, held DALE SPENCER out
18 to the public, to Plaintiff, and to Plaintiff's parents, as their agent and employee.

19 86. RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, and DISTRICT
20 COUNCIL, through their respective agents, servants, and employees, held DALE SPENCER out
21 to the public, to Plaintiff, and to Plaintiff's parents, as having been vetted, screened, and
22 approved by them as someone who was safe and could be trusted with children.

23 87. Plaintiff ROE 20 and Plaintiff's parents reasonably relied upon the acts and
24 representations of RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, and
25 DISTRICT COUNCIL, through their respective agents, servants, and employees, and reasonably
26 believed that DALE SPENCER was an agent or employee of the Defendants who was vetted,
27 screened, and approved by it and who was safe and could be trusted with children.

28 //

1 88. Plaintiff ROE 20 and Plaintiff's parents trusted DALE SPENCER because
2 RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, and DISTRICT COUNCIL held
3 him out as someone who was safe and could be trusted with the supervision, care, custody, and
4 control of children, including Plaintiff ROE 20.

5 89. Plaintiff ROE 20 and Plaintiff's parents believed that RIVERDALE
6 ASSEMBLY OF GOD, GENERAL COUNCIL, and DISTRICT COUNCIL would exercise such
7 care as would a parent of ordinary prudence in comparable circumstances when the Defendants
8 assumed supervision, care, custody, and control of minor Plaintiff, including protecting Plaintiff
9 from the danger of being sexually abused.

10 90. DALE SPENCER's wrongful sexual abuse of ROE 20 was unlawful sexual
11 molestation under California law, including California Code of Civil Procedure Section 340.1.

12 91. At all relevant times RIVERDALE ASSEMBLY OF GOD, GENERAL
13 COUNCIL, and DISTRICT COUNCIL, through their agents, servants, and employees, knew or
14 should have known that DALE SPENCER was a danger to children, in that he was likely to
15 sexually abuse them.

16 92. It was reasonably foreseeable to Defendants, through their agents, servants, and
17 employees, that DALE SPENCER's sexual abuse of children would likely result in injury to
18 others, including the sexual abuse of ROE 20 and other children by DALE SPENCER.

19 93. RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, and DISTRICT
20 COUNCIL, through their agents, servants, and employees, knew or should have known that
21 DALE SPENCER was sexually abusing children at RIVERDALE ASSEMBLY OF GOD,
22 including ROE 20.

23 94. RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, and DISTRICT
24 COUNCIL, through their respective agents, servants, and employees, consciously and recklessly
25 disregarded their knowledge that DALE SPENCER would use his positions with the Defendants
26 to sexually abuse children, including Plaintiff ROE 20.

27 95. RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, and DISTRICT
28 COUNCIL, through their respective agents, servants, and employees, acted in concert with each

1 other and/or with DALE SPENCER to conceal the danger that DALE SPENCER posed to
2 children, including ROE 20, so that DALE SPENCER could continue serving the church despite
3 their knowledge of that danger.

4 96. RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, and DISTRICT
5 COUNCIL, through their respective agents, servants, and employees, acted in concert with each
6 other and/or with DALE SPENCER to enable DALE SPENCER to sexually abuse children,
7 including Plaintiff.

8 97. RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, and DISTRICT
9 COUNCIL, through their respective agents, servants, and employees, knew that their negligent,
10 reckless, and outrageous conduct would inflict severe emotional and psychological distress, as
11 well as personal physical injury on others, including Plaintiff ROE 20.

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

22 99. As a result of the above-described conduct, Plaintiff ROE 20 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; were 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.

1 **ABUSE BY CHUCK SPENCER**

2 100. Between approximately 1996 and 1998, when ROE 20 was a minor, he was
3 groomed and sexually abused by CHUCK SPENCER a teacher and associate pastor at Defendant
4 RIVERDALE ASSEMBLY OF GOD and ACADEMY. Plaintiff ROE 20 was a member,
5 congregant, and student at RIVERDALE ASSEMBLY OF GOD, and between the ages of 15 to
6 16 years old CHUCK SPENCER groomed and sexually abused him in his capacity as a teacher
7 and associate pastor at Defendant RIVERDALE ASSEMBLY OF GOD.

8 101. Based on the representations of RIVERDALE ASSEMBLY OF GOD,
9 GENERAL COUNCIL, and DISTRICT COUNCIL that CHUCK SPENCER was safe and
10 trustworthy, ROE 20 and his parents allowed him to be under the supervision of, and in the care,
11 custody, and control of Defendants including when ROE 20 was sexually abused by CHUCK
12 SPENCER.

13 102. In order to sexually abuse ROE 20 and other children, CHUCK SPENCER
14 exploited the trust and authority vested in him by the Defendants by grooming ROE 20 to gain
15 his trust and to obtain control over him.

16 103. Commencing in 1996 when ROE 20 was 15 years old, CHUCK SPENCER, in
17 his capacity as a teacher and associate pastor at RIVERDALE ASSEMBLY OF GOD, began
18 grooming ROE 20 for the purposes of initiating an inappropriate sexual relationship.

19 104. CHUCK SPENCER initiated a pattern of sexual abuse when ROE 20 was
20 approximately 15 years old. ROE 20 attended ACADEMY where CHUCK SPENCER was his
21 teacher. CHUCK SPENCER would regularly speak to ROE 20 in sexually explicit manner and
22 proposition him to perform wrongful sexual acts for the sake of initiating an inappropriate sexual
23 relationship.

24 105. On more than one occasion, CHUCK SPENCER made sexually explicit
25 comments in ROE 20's presence, either referring to his own genitals, Plaintiff ROE 20's
26 genitals, or the genitals of other minor congregants and/or ACADEMY students. He would
27 regularly tell ROE 20 about sexually explicit acts he had performed and would ask ROE 20 if he
28 would like those sexual acts to be done to him.

1 106. CHUCK SPENCER committed an act of childhood sexual assault when ROE
2 20 was approximately 16 years old. ROE 20 volunteered to stay overnight at an annual seasonal
3 event in December which takes place on the premises of RIVERDALE ASSEMBLY OF GOD.
4 CHUCK SPENCER was present at the event to oversee and care for the minor congregants who
5 were volunteering. Throughout the evening ROE 20 was supplied with alcohol by church elders
6 of RIVERDALE ASSEMBLY OF GOD.

7 107. In the early morning hours, CHUCK SPENCER and ROE 20 were sitting
8 around a campfire on the premise of RIVERDALE ASSEMBLY OF GOD, where CHUCK
9 SPENCER was making sexually explicit comment to ROE 20. Thereafter, CHUCK SPENCER
10 unzipped his pants, exposed his genitals to ROE 20, and forced ROE 20 to perform a wrongful
11 sex act. The wrongful sexual act culminated in CHUCK SPENCER committing a particular
12 egregious wrongful act.

13 108. After CHUCK SPENCER completed the wrongful sexual act, ROE 20 cleaned
14 himself and returned to his volunteering duties on the premises of RIVERDALE ASSEMBLY
15 OF GOD.

16 109. The sexual abuse of ROE 20 by CHUCK SPENCER occurred using the tasks,
17 premises, or instrumentalities that the Defendants entrusted to CHUCK SPENCER, including the
18 grounds, bathrooms, modular trailers, offices, the congregation room and classrooms located on
19 the premises of RIVERDALE ASSEMBLY OF GOD.

20 110. During the time that CHUCK SPENCER was working for and serving the
21 Defendants, each Defendant had a duty to use reasonable care to prevent CHUCK SPENCER
22 from using the tasks, premises, and instrumentalities of his position with the Defendants to
23 target, groom, and sexually abuse children, including ROE 20.

24 111. CHUCK SPENCER's sexual abuse of ROE 20 occurred during activities that
25 were sponsored by, or were a direct result of activities sponsored by RIVERDALE ASSEMBLY
26 OF GOD, GENERAL COUNCIL, and DISTRICT COUNCIL, including at or during school,
27 youth choir events and tours, seasonal church events, and church sponsored activities.

28 //

1 112. RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, and DISTRICT
2 COUNCIL, through their respective agents, servants, and employees, held CHUCK SPENCER
3 out to the public, to Plaintiff, and to Plaintiff’s parents, as their agent and employee.

4 113. RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, and DISTRICT
5 COUNCIL, through their respective agents, servants, and employees, held CHUCK SPENCER
6 out to the public, to Plaintiff, and to Plaintiff’s parents, as having been vetted, screened, and
7 approved by them as someone who was safe and could be trusted with children.

8 114. Plaintiff ROE 20 and Plaintiff’s parents reasonably relied upon the acts and
9 representations of RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, and
10 DISTRICT COUNCIL, through their respective agents, servants, and employees, and reasonably
11 believed that CHUCK SPENCER was an agent or employee of the Defendants who was vetted,
12 screened, and approved by it and who was safe and could be trusted with children.

13 115. Plaintiff ROE 20 and Plaintiff’s parents trusted CHUCK SPENCER because
14 RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, and DISTRICT COUNCIL held
15 him out as someone who was safe and could be trusted with the supervision, care, custody, and
16 control of children, including Plaintiff ROE 20.

17 116. Plaintiff ROE 20 and Plaintiff’s parents believed that RIVERDALE
18 ASSEMBLY OF GOD, GENERAL COUNCIL, and DISTRICT COUNCIL would exercise such
19 care as would a parent of ordinary prudence in comparable circumstances when the Defendants
20 assumed supervision, care, custody, and control of minor Plaintiff, including protecting Plaintiff
21 from the danger of being sexually abused.

22 117. CHUCK SPENCER’s sexual abuse of ROE 20 was unlawful sexual molestation
23 under California law, including California Code of Civil Procedure Section 340.1.

24 118. At all relevant times RIVERDALE ASSEMBLY OF GOD, GENERAL
25 COUNCIL, and DISTRICT COUNCIL, through their agents, servants, and employees, knew or
26 should have known that CHUCK SPENCER was a danger to children, in that he was likely to
27 sexually abuse them.

28 //

1 119. RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, and DISTRICT
2 COUNCIL, through their respective agents, servants, and employees, knew that their negligent,
3 reckless, and outrageous conduct would inflict severe emotional and psychological distress, as
4 well as personal physical injury on others, including Plaintiff ROE 20.

5 120. RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, and DISTRICT
6 COUNCIL, through their respective agents, servants, and employees, concealed the sexual abuse
7 of children by pastors, teachers, school administrators, volunteers, and others, including CHUCK
8 SPENCER in order to conceal their own bad acts in failing to protect children from being
9 abused, to protect their reputations, and to prevent victims of such sexual abuse from coming
10 forward during the extremely limited statute of limitations prior to the enactment of the recent
11 legislative amendment that allows Plaintiff to pursue his claim now, despite knowing that these
12 pastors, other religious persons, teachers, school administrators, and other persons would
13 continue to molest children, and continue to intentionally dissuade victims and their families
14 from coming forward.

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

22 **CHUCK SPENCER, DAVIS, and DALE SPENCER**

23 122. CHUCK SPENCER, DAVIS, and DALE SPENCER’s sexual abuse of ROE 20
24 was unlawful sexual molestation under California law, including California Code of Civil
25 Procedure Section 340.1

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

1 should have known that CHUCK SPENCER, DAVIS, and DALE SPENCER were dangers to
2 children, in that they were likely to sexually abuse them.

3 124. It was reasonably foreseeable to Defendants, through their agents, servants, and
4 employees, that CHUCK SPENCER, DAVIS, and DALE SPENCER's sexual abuse of children
5 would likely result in injury to others, including the sexual abuse of ROE 20 and other children
6 by CHUCK SPENCER, DAVIS, and DALE SPENCER.

7 125. RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, and DISTRICT
8 COUNCIL, through their agents, servants, and employees, knew or should have known that
9 CHUCK SPENCER, DAVIS and DALE SPENCER were sexually abusing children at
10 RIVERDALE ASSEMBLY OF GOD, including ROE 20.

11 126. RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, and DISTRICT
12 COUNCIL, through their respective agents, servants, and employees, consciously and recklessly
13 disregarded their knowledge that CHUCK SPENCER, DAVIS and DALE SPENCER would use
14 their positions with the Defendants to sexually abuse children, including ROE 20.

15 127. RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, and DISTRICT
16 COUNCIL, through their respective agents, servants, and employees, acted in concert with each
17 other and/or with CHUCK SPENCER, DAVIS and DALE SPENCER to conceal the danger that
18 CHUCK SPENCER, DAVIS and DALE SPENCER posed to children, including ROE 20, so that
19 CHUCK SPENCER, DAVIS and DALE SPENCER could continue serving the church despite
20 their knowledge of that danger.

21 128. RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, and DISTRICT
22 COUNCIL, through their respective agents, servants, and employees, acted in concert with each
23 other and/or with CHUCK SPENCER, DAVIS and DALE SPENCER to enable CHUCK
24 SPENCER, DAVIS and DALE SPENCER to sexually abuse children, including Plaintiff ROE
25 20.

26 129. RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, and DISTRICT
27 COUNCIL, through their respective agents, servants, and employees, knew that their negligent,
28

1 reckless, and outrageous conduct would inflict severe emotional and psychological distress, as
2 well as personal mental and physical injury on others, including Plaintiff ROE 20.

3 130. RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, and DISTRICT
4 COUNCIL, through their respective agents, servants, and employees, concealed the sexual abuse
5 of children by pastors, teachers, school administrators, volunteers, and others, in order to conceal
6 their own bad acts in failing to protect children from being abused, to protect their reputations,
7 and to prevent victims of such sexual abuse from coming forward during the extremely limited
8 statute of limitations prior to the enactment of the recent legislative amendment that allows
9 Plaintiffs to pursue their claims now, despite knowing that those pastors, other religious persons,
10 teachers, school administrators, and other persons would continue to molest children, and
11 continue to intentionally dissuade victims and their families from coming forward.

12 131. As a result of the above-described conduct, Plaintiff ROE 20 has suffered, and
13 will continue to suffer great pain of mind and body, shock, emotional distress, physical
14 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation,
15 and loss of enjoyment of life; has suffered and continues to suffer spiritually was prevented and
16 will 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 insure expenses for medical and psychological treatment, therapy, and counseling.

19 **FIRST CAUSE OF ACTION**

20 **(Negligence)**

21 **AGAINST ALL DEFENDANTS**

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

23 133. 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
27 continue to be prevented from performing Plaintiff's daily activities and obtaining the full
28

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

3 Defendants, RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, and DISTRICT
4 COUNCIL, CHUCK SPENCER, individually, DAVIS, individually, DALE SPENCER,
5 individually, and DOES 8 through 100, had a duty to protect the minor Plaintiff while he was
6 entrusted to their care by Plaintiff's parents. Plaintiff's care, welfare, and/or physical custody
7 were temporarily entrusted to Defendants. Defendants voluntarily accepted the entrusted care of
8 Plaintiff. As such, Defendants owed Plaintiff, a minor child, a special duty of care, in addition to
9 a duty of ordinary care, and owed Plaintiff the higher duty of care that adults dealing with
10 children owe to protect them from harm.

11 134. All Defendants had a duty to control CHUCK SPENCER, DAVIS and DALE
12 SPENCER and to prevent them from sexually assaulting and molesting children. Defendants
13 were aware, prior to the conclusion of the sexual abuse of Plaintiff listed herein, of CHUCK
14 SPENCER's, DAVIS's and DALE SPENCER's dangerous and exploitative propensities.
15 Defendants were also aware that they had the ability to place restrictions on CHUCK
16 SPENCER's, DAVIS's and DALE SPENCER's access to children, give warnings to the
17 congregation, and otherwise control CHUCK SPENCER's, DAVIS's and DALE SPENCER's
18 conduct. Defendants therefore assumed a duty to prevent CHUCK SPENCER, DAVIS and
19 DALE SPENCER from sexually assaulting and molesting children. Defendants also had a duty
20 to report known or suspected child sexual abuse or neglect by CHUCK SPENCER, DAVIS and
21 DALE SPENCER to law enforcement.

22 135. Defendants had a special duty to investigate and not employ DAVIS as a music
23 director, photography director, choir director, and your choir tour chaperone of RIVERDALE
24 ASSEMBLY OF GOD; or DALE SPENCER as an employee and Sunday school teacher at
25 RIVERDALE ASSEMBLY OF GOD; or CHUCK SPENCER in his position as a teacher at
26 ACADEMY and as pastor at RIVERDALE ASSEMBLY OF GOD. Defendants knew that
27 CHUCK SPENCER, DAVIS and DALE SPENCER were likely to harm others in light of the
28 work entrusted to them.

1 136. Defendants, by and through their agents, servants and employees, knew or
2 reasonably should have known of CHUCK SPENCER's, DAVIS's and DALE SPENCER's
3 dangerous and exploitative propensities and/or that CHUCK SPENCER, DAVIS and DALE
4 SPENCER were an unfit agent. It was foreseeable that if Defendants did not adequately exercise
5 or provide the duty of care owed to children in their care, including, but not limited to Plaintiff,
6 the children entrusted to Defendants' care would be vulnerable to sexual abuse by CHUCK
7 SPENCER, DAVIS and/or DALE SPENCER.

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

26 138. As a result of the above-described conduct, Plaintiff has suffered, and continues
27 to suffer great pain of mind and body, shock, emotional distress, physical manifestations of
28 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of

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

5 **SECOND CAUSE OF ACTION**

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

7 **AGAINST ALL DEFENDANTS**

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

9 140. Between approximately 1996 and 1998, when Plaintiff ROE 20 was 15 to 17
10 years old, CHUCK SPENCER, DAVIS and DALE SPENCER engaged in grooming and
11 unpermitted, harmful, and offensive sexual conduct and contact upon the person of Plaintiff ROE
12 20.

13 141. Said conduct was undertaken while CHUCK SPENCER, DAVIS and DALE
14 SPENCER were agents, managing agents, employees, and/or servants of the Defendants
15 RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, DISTRICT COUNCIL, and
16 DOES 8 through 100, and while CHUCK SPENCER, DAVIS and DALE SPENCER were acting
17 in the course and scope of their employment, agency, and/or service with the Defendants.

18 142. Said conduct of CHUCK SPENCER, DAVIS and DALE SPENCER was known
19 to and ratified by the Defendants.

20 143. Each Defendant had a duty to take reasonable steps to protect Plaintiff ROE 20,
21 a minor male, from foreseeable harm when he was in their care, custody and control.

22 144. During the time that CHUCK SPENCER, DAVIS and DALE SPENCER were
23 working for and serving the Defendants, each Defendant had a duty to use reasonable care to
24 prevent CHUCK SPENCER, DAVIS and DALE SPENCER from using the tasks, premises, and
25 instrumentalities of his position with the Defendants to target, groom, and sexually abuse
26 children, including Plaintiff ROE 20.

27 145. Each Defendant breached the foregoing duties by failing to use reasonable care
28 to protect Plaintiff ROE 20 from CHUCK SPENCER, DAVIS and DALE SPENCER and

1 allowed CHUCK SPENCER, DAVIS and DALE SPENCER to groom and to sexually assault
2 Plaintiff ROE 20.

3 146. As a result of the above-described conduct, Plaintiff has suffered, and continues
4 to suffer great pain of mind and body, shock, emotional distress, physical manifestations of
5 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
6 enjoyment of life, and Plaintiff was prevented from performing Plaintiff's daily activities and
7 obtaining the full enjoyment of life.

8 147. Between 1996 and 1998, CHUCK SPENCER, DAVIS and DALE SPENCER
9 engaged in unpermitted, harmful and offensive sexual contact upon the person of Plaintiff ROE
10 20, Defendants RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, DISTRICT
11 COUNCIL, and DOES 8 through 100, ratified or approved of that sexual contact.

12 148. Defendant CHUCK SPENCER, DAVIS and DALE SPENCER were aided in
13 committing the harmful and offensive touching of Plaintiff by their status as agents of
14 Defendants RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, DISTRICT
15 COUNCIL, and DOES 8 through 100.

16 149. Without CHUCK SPENCER's position as a teacher and associate pastor at
17 Defendant RIVERDALE ASSEMBLY OF GOD, CHUCK SPENCER could not have
18 accomplished the harmful and offensive touching of Plaintiff. Without DAVIS's position as
19 employee, music director, photography director, choir director and youth choir tour chaperone of
20 RIVERDALE ASSEMBLY OF GOD, DAVIS could not have accomplished the harmful and
21 offensive touching of Plaintiff. Without DALE SPENCER's position as an employee and Sunday
22 school teacher at RIVERDALE ASSEMBLY OF GOD, DALE SPENCER could not have
23 accomplished the harmful and offensive touching of Plaintiff.

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

1 enjoyment of life; will sustain loss of earnings and earning capacity; and/or has insured and will
2 continue to 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**

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

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

13 153. Defendants RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL,
14 DISTRICT COUNCIL, and DOES 8 through 100, by and through their agents, servants and
15 employees, knew or reasonably should have known of CHUCK SPENCER's, DAVIS's and
16 DALE SPENCER's dangerous and exploitative propensities and/or that CHUCK SPENCER,
17 DAVIS and DALE SPENCER were an unfit agent. Despite such knowledge, Defendants
18 negligently failed to supervise CHUCK SPENCER, DAVIS and DALE SPENCER in the
19 positions of trust and authority as employees, pastors, music directors, choir directors,
20 photography directors, youth choir tour chaperones, youth leaders and Sunday school teachers,
21 and/or teachers at RIVERDALE ASSEMBLY OF GOD, where they were able to commit the
22 wrongful acts against Plaintiff. Defendants failed to provide reasonable supervision of CHUCK
23 SPENCER, DAVIS and DALE SPENCER, failed to use reasonable care in investigating
24 CHUCK SPENCER, DAVIS and DALE SPENCER, and failed to provide adequate warning to
25 Plaintiff and Plaintiff's family of CHUCK SPENCER's, DAVIS's and DALE SPENCER's
26 dangerous propensities and unfitness. Defendants further failed to take reasonable measure to
27 prevent future sexual abuse.

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

8 **FOURTH CAUSE OF ACTION**

9 **(Negligent Hiring/Retention)**

10 **AGAINST ALL DEFENDANTS**

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

12 156. Defendants RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL,
13 DISTRICT COUNCIL, and DOES 8 through 100, had a duty not to hire and/or retain Defendant
14 CHUCK SPENCER, DAVIS and DALE SPENCER and other employees, agents, volunteers,
15 and other representatives, given Defendant CHUCK SPENCER's, DAVIS's and DALE
16 SPENCER's dangerous and exploitative propensities.

17 157. Defendants RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL,
18 DISTRICT COUNCIL, and DOES 8 through 100, by and through their agents, servants and
19 employees, knew or reasonably should have known of CHUCK SPENCER's, DAVIS's and
20 DALE SPENCER's dangerous and exploitative propensities and/or that CHUCK SPENCER,
21 DAVIS and DALE SPENCER were unfit agents. Despite such knowledge, Defendants
22 negligently hired and/or retained CHUCK SPENCER, DAVIS and DALE SPENCER in the
23 positions of trust and authority as employees, pastors, music directors, supervisor choir directors,
24 photography directors, youth choir tour chaperones, youth leaders and Sunday school teachers,
25 and/or teachers at RIVERDALE ASSEMBLY OF GOD, where they were able to commit the
26 wrongful acts against Plaintiff. Defendants failed to use reasonable care in investigating CHUCK
27 SPENCER, DAVIS and DALE SPENCER and failed to provide adequate warning to Plaintiff
28 and Plaintiff's parents of CHUCK SPENCER's, DAVIS's and DALE SPENCER's dangerous

1 propensities and unfitness. Defendants further failed to take reasonable measures to prevent
2 future sexual abuse.

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

10 **FIFTH CAUSE OF ACTION**

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

12 **AGAINST ALL DEFENDANTS**

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

14 160 Defendants RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL,
15 DISTRICT COUNCIL, and DOES 8 through 100, conduct was extreme and outrageous and was
16 intentional or done recklessly.

17 161. Defendant CHUCK SPENCER, DAVIS and DALE SPENCER's conduct in
18 sexually assaulting minor Plaintiff was extreme and outrageous.

19 162. Defendants RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL,
20 DISTRICT COUNCIL, and DOES 8 through 100, ratified or approved of the extreme and
21 outrageous conduct of CHUCK SPENCER, DAVIS, and DALE SPENCER.

22 163. As a result of Defendants' conduct, Plaintiff experiences and continues to
23 experience severe emotional distress resulting in bodily harm.

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

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

3 **SIXTH CAUSE OF ACTION**

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

5 **AGAINST ALL DEFENDANTS**

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

7 166. Pursuant to California Civil Code § 51.7(a), Plaintiff has the right to be free
8 from any violence, or intimidation by threat of violence, committed against their person on
9 account of his gender. CHUCK SPENCER, DAVIS and DALE SPENCER had a statutory duty
10 not to perpetrate violence or the threat of violence upon Plaintiff. Defendants repeatedly
11 breached that duty as alleged in the facts above.

12 163. Defendants RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL,
13 DISTRICT COUNCIL, and DOES 8 through 100, ratified or approved of the violence against
14 Plaintiff committed by Defendants CHUCK SPENCER, DAVIS and DALE SPENCER.

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

18 165. 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 insured and will
24 continue to incur expenses for medical and psychological treatment, therapy, and counseling.

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1 **WHEREFORE**, Plaintiff prays for a jury trial and for judgment against Defendants,
2 RIVERDALE ASSEMBLY OF GOD, GENERAL COUNCIL, DISTRICT COUNCIL, CHUCK
3 SPENCER, DAVIS, DALE SPENCER and DOES 8 through 100, and each of them, as follows:

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

13
14 DATED: August 10, 2022

15 DIAS HALL INC.
16 A Professional Corporation



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18 _____
19 STEVEN S. DIAS,
20 Attorney for Plaintiff,
21 JOHN ROE 20
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