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20 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
21 **COUNTY OF FRESNO**

22 JOHN DOE (J.S.), an Individual;

23 Plaintiffs,

24 vs.

25 DOE 1, A CALIFORNIA CORPORATION;
26 DOE 2; DOE 3; AND DOES 4-10,
27 INCLUSIVE,

28 Defendants.

Case No.: [22CECG03647](#)

COMPLAINT FOR DAMAGES

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

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NATURE OF ACTION

Between approximately 1984 and 1985, when Plaintiff JOHN DOE (J.S.) was a minor child and a member, parishioner and student of Defendants DOE 1, DOE 2, and DOE 2 in Riverdale, California, he was sexually molested by Jim Davis, a music director, choir director, and photography director of Defendant DOE 3. Despite the fact that Defendants DOE 1, DOE 2, and DOE 3 knew or should have known that Jim Davis was a danger to children, in that he was likely to use his positions with them to groom and to sexually abuse them, they failed to take reasonable steps to protect Plaintiff JOHN DOE (J.S.) and other children from that danger.

Plaintiff JOHN DOE (J.S.) complains against each Defendant as follows:

PARTIES

1. Plaintiff JOHN DOE (J.S.) is an adult male who currently resides in the State of Oklahoma.
2. At all relevant times Defendant DOE 1 (hereinafter referred to as "DOE 1") was and is a foreign non-profit corporation with its principal place of business in Springfield, Missouri.
3. At all relevant times DOE 1 conducted business as "DOE 1" and "DOE 1."
4. At all relevant times DOE 1 owned, operated, managed, and/or controlled local churches and schools throughout California, including DOE 3 in Riverdale, California (hereinafter referred to as "DOE 3").
5. At all relevant times DOE 1 employed pastors, teachers, volunteers, school administrators, and others who served various institutions and families, including JOHN DOE (J.S.) and his family.
6. Jim Davis was a music director, choir director, and photography director employed by DOE 1 to serve families in the geographic area under its supervision and control, including Plaintiff JOHN DOE (J.S.) and his family.

1 7. At all relevant times DOE 1 was the owner of DOE 3 and held itself out to the public
2 as the owner of DOE 3.

3 8. At all relevant times DOE 1, through its agents, servants, and employees, managed,
4 maintained, operated, and controlled DOE 3.

5 9. At all relevant times DOE 1, through its agents, servants, and employees, managed,
6 maintained, operated, and controlled DOE 3, and held out to the public its agents, servants, and
7 employees as those who managed, maintained, operated, and controlled DOE 3.

8 10. At all relevant times DOE 1 was responsible for and did the hiring and staffing at
9 DOE 3.

10 11. At all relevant times DOE 1 was responsible for and did the recruitment and staffing
11 of volunteers at DOE 3.

12 12. At all relevant times Jim Davis was on the staff of, acted as an agent of, and served
13 as an employee of DOE 1.

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

16 14. At all relevant times DOE 1 materially benefited from the operation of DOE 3,
17 including the services of Jim Davis and the services of those who managed and supervised Jim Davis

18 15. During the time Jim Davis was employed by DOE 1, he used his positions as a music
19 director, choir director, and photography director of DOE 1 to groom and to sexually abuse Plaintiff
20 JOHN DOE (J.S.).

21 16. To the extent DOE 1 was a different entity, corporation, or organization during the
22 period of time during which Jim Davis used his positions as a music director, choir director, and
23 photography director to sexually abuse JOHN DOE (J.S.), such entity, corporation, or organization
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1 is hereby on notice that it is intended to be a defendant in this lawsuit and is identified in the
2 Complaint as DOE 1 or as a “Doe” defendant.

3 17. To the extent DOE 1 is a successor to a different entity, corporation, or organization
4 which existed during the period of time during which Jim Davis used his positions as a music
5 director, choir director, and photography director to sexually abuse JOHN DOE (J.S.), such
6 predecessor entity, corporation, or organization is hereby on notice that it is intended to be a
7 defendant in this lawsuit and is identified in the Complaint as DOE 1 or as a “Doe” defendant.
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9 18. All such DOE 1-related entities, corporations, or organizations are collectively
10 referred to herein as the “DOE 1.”

11 19. At all relevant times Defendant DOE 2 (hereinafter referred to as "DOE 2") was and
12 is a non-profit California corporation with its principal place of business in Irvine, California.
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14 20. At all relevant times DOE 2 conducted business as “DOE 2” and “DOE 2.”

15 21. At all relevant times DOE 2 owned, operated, managed, and/or controlled local
16 churches and schools throughout Southern California, including DOE 3 in Riverdale, California
17 (hereinafter referred to as “DOE 3”).

18 22. At all relevant times DOE 2 employed pastors, teachers, volunteers, school
19 administrators, and others who served various institutions and families, including Plaintiff JOHN
20 DOE (J.S.) and his family.
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22 23. Jim Davis was a music director, choir director, and photography director employed
23 by DOE 2 to serve families in the geographic area under its supervision and control, including
24 Plaintiff JOHN DOE (J.S.) and his family.

25 24. At all relevant times DOE 2 was the owner of DOE 3 and held itself out to the public
26 as the owner of DOE 3.
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1 25. At all relevant times DOE 2, through its agents, servants, and employees, managed,
2 maintained, operated, and controlled DOE 3.

3 26. At all relevant times DOE 2, through its agents, servants, and employees, managed,
4 maintained, operated, and controlled DOE 3, and held out to the public its agents, servants, and
5 employees as those who managed, maintained, operated, and controlled DOE 3.
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7 27. At all relevant times DOE 2 was responsible for the hiring and staffing, and did the
8 hiring and staffing, at DOE 3.

9 28. At all relevant times DOE 2 was responsible for and did the recruitment and staffing
10 of volunteers at DOE 3.

11 29. At all relevant times Jim Davis was on the staff of, acted as an agent of, and served
12 as an employee of DOE 2.

13 30. At all relevant times Jim Davis was acting in the course and scope of his employment
14 with DOE 2.
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16 31. At all relevant times DOE 2 materially benefited from the operation of DOE 3,
17 including the services of Jim Davis and the services of those who managed and supervised Jim
18 Davis.
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20 32. During the time Jim Davis was employed by DOE 2, he used his positions as a music
21 director, choir director, and photography director of DOE 2 to groom and to sexually abuse Plaintiff
22 JOHN DOE (J.S.).

23 33. To the extent DOE 2 was a different entity, corporation, or organization during the
24 period of time during which Jim Davis used his positions as a music director, choir director, and
25 photography director to sexually abuse Plaintiff JOHN DOE (J.S.), such entity, corporation, or
26 organization is hereby on notice that it is intended to be a defendant in this lawsuit and is identified
27 in the Complaint as DOE 2 or as a “Doe” defendant.
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1 34. To the extent DOE 2 is a successor to a different entity, corporation, or organization
2 which existed during the period of time during which Jim Davis used his positions as a music
3 director, choir director, and photography director to sexually abuse Plaintiff JOHN DOE (J.S.),
4 such predecessor entity, corporation, or organization is hereby on notice that it is intended to
5 be a defendant in this lawsuit and is identified in the Complaint as DOE 2 or as a “Doe” defendant.
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7 35. All such DOE 2-related entities, corporations, or organizations are collectively
8 referred to herein as the “DOE 2.”

9 36. At all relevant times Defendant DOE 3 (hereinafter referred to as "DOE 3") was and
10 is a non-profit California corporation with its principal place of business in Riverdale, California.

11 37. At all relevant times DOE 3 conducted business as “DOE 3” and “DOE 3.”

12 38. At all relevant times DOE 3 owned, operated, managed, and/or controlled a church
13 and school in Riverdale, California.
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15 39. At all relevant times DOE 3 employed pastors, teachers, volunteers, school
16 administrators, and others who served various families, including Plaintiff JOHN DOE (J.S.) and
17 his family.

18 40. Jim Davis was a music director, choir director, and photography director employed
19 by DOE 3 to serve families at DOE 3, including Plaintiff JOHN DOE (J.S.) and his family.
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21 41. At all times relevant DOE 3 was the owner of DOE 3 and held itself out to the public
22 as the owner of DOE 3.

23 42. At all relevant times DOE 3, through its agents, servants, and employees, managed,
24 maintained, operated, and controlled DOE 3.

25 43. At all relevant times DOE 3, through its agents, servants, and employees, managed,
26 maintained, operated, and controlled DOE 3, and held out to the public its agents, servants, and
27 employees as those who managed, maintained, operated, and controlled DOE 3.
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1 44. At all relevant times DOE 3 was responsible for the hiring and staffing, and did the
2 hiring and staffing, at DOE 3.

3 45. At all relevant times DOE 3 was responsible for and did the recruitment and staffing
4 of volunteers at DOE 3.

5 46. At all relevant times Jim Davis was on the staff of, acted as an agent of, and served
6 as an employee of DOE 3.

7 47. At all relevant times Jim Davis was acting in the course and scope of his employment
8 with DOE 3.

9 48. At all relevant times DOE 3 materially benefited from the operation of DOE 3,
10 including the services of Jim Davis and the services of those who managed and supervised Jim
11 Davis.
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13 49. During the time Jim Davis was employed by DOE 3, he used his positions as a music
14 director, choir director, and photography director of DOE 3 to groom and to sexually abuse Plaintiff
15 JOHN DOE (J.S.).
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17 50. To the extent DOE 3 was a different entity, corporation, or organization during the
18 period of time during which Jim Davis used his positions as music director, choir director, and
19 photography director to sexually abuse Plaintiff JOHN DOE (J.S.), such entity, corporation, or
20 organization is hereby on notice that it is intended to be a defendant in this lawsuit and is identified
21 in the Complaint as DOE 3 or as a “Doe” defendant.
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23 51. To the extent DOE 3 is a successor to a different entity, corporation, or organization
24 which existed during the period of time during which Jim Davis used his positions as a music
25 director, choir director, and photography director to sexually abuse Plaintiff JOHN DOE (J.S.), such
26 predecessor entity, corporation, or organization is hereby on notice that it is intended to be a
27 defendant in this lawsuit and is identified in the Complaint as DOE 3 or as a “Doe” defendant.
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1 52. All such DOE 3-related entities, corporations, organizations, and ministries are
2 collectively referred to herein as the “DOE 3.”

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

13 54. Between approximately 1984 and 1985, when Plaintiff JOHN DOE (J.S.) was a
14 minor, he and his parents were members and parishioners of DOE 1, DOE 2, and DOE 3, including
15 when Plaintiff JOHN DOE (J.S.) was a student at DOE 3.
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17 55. DOE 1, DOE 2, and DOE 3, through their respective agents, servants, and employees,
18 held Jim Davis out to the public, to Plaintiff, and to his parents, as their agent and employee
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20 56. DOE 1, DOE 2, and DOE 3, through their respective agents, servants, and employees,
21 held Jim Davis out to the public, to Plaintiff, and to his parents, as having been vetted, screened, and
22 approved by it as someone who was safe and could be trusted with children

23 57. Plaintiff and his parents reasonably relied upon the acts and representations of DOE
24 1, DOE 2, and DOE 3, through their respective agents, servants, and employees, and reasonably
25 believed that Jim Davis was an agent or employee of the Defendant who was vetted, screened, and
26 approved by it and who was safe and could be trusted with children
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1 58. Plaintiff and his parents trusted Jim Davis because DOE 1, DOE 2, and DOE 3 held
2 him out as someone who was safe and could be trusted with the supervision, care, custody, and
3 control of children, including Plaintiff JOHN DOE (J.S.).

4 59. Plaintiff and his parents believed that DOE 1, DOE 2, and DOE 3 would exercise
5 such care as would a parent of ordinary prudence in comparable circumstances when the Defendants
6 assumed supervision, care, custody, and control of Plaintiff, including protecting Plaintiff from the
7 danger of being sexually abused.

8 60. When JOHN DOE (J.S.) was a minor, Jim Davis used his positions with the
9 Defendants to sexually abuse him.

10 61. Between approximately 1984 and 1985, Plaintiff JOHN DOE (J.S.) was sexually
11 abused by Jim Davis. Plaintiff JOHN DOE (J.S.) was approximately 15 to 17 years old when Jim
12 Davis sexually abused him.

13 62. Based on the representations of DOE 1, DOE 2, and DOE 3 that Jim Davis was safe
14 and trustworthy, Plaintiff JOHN DOE (J.S.) and his parents allowed him to be under the supervision
15 of, and in the care, custody, and control of, DOE 1, DOE 2, and DOE 3, including when Plaintiff
16 was sexually abused by Jim Davis.

17 63. In order to sexually abuse Plaintiff JOHN DOE (J.S.) and other children, Jim Davis
18 exploited the trust and authority vested in him by the Defendant by grooming Plaintiff to gain his
19 trust and to obtain control over him.

20 64. Jim Davis used his positions of trust and authority as a music director, choir director,
21 and photography director of DOE 1, DOE 2, and DOE 3 to groom Plaintiff JOHN DOE (J.S.) and
22 to sexually abuse him, including when Plaintiff JOHN DOE (J.S.) was under the supervision of, and
23 in the care, custody, or control of DOE 1, DOE 2, and DOE 3, and Jim Davis.

1 65. Some of the sexual abuse of Plaintiff JOHN DOE (J.S.) by Jim Davis occurred using
2 the tasks, premises, or instrumentalities that the Defendants entrusted to Jim Davis, including the
3 classrooms of DOE 3, the church of DOE 3, and at hotels during choir tours across the United States.

4 66. Jim Davis's sexual abuse of Plaintiff JOHN DOE (J.S.) occurred during activities
5 that were sponsored by, or were a direct result of activities sponsored by, DOE 1, DOE 2, and DOE
6 3, including at and during school, choir retreats, and church activities.

7 67. Jim Davis' sexual abuse of Plaintiff JOHN DOE (J.S.) was unlawful molestation
8 under California law, including California Code of Civil Procedure Section 340.1.

9 68. At all relevant times DOE 1, DOE 2, and DOE 3, through their agents, servants, and
10 employees, knew or should have known that Jim Davis was a danger to children, in that he was
11 likely to sexually abuse them.

12 69. It was reasonably foreseeable to Defendants, through their agents, servants, and
13 employees, that Jim Davis's sexual abuse of children would likely result in injury to others,
14 including the sexual abuse of Plaintiff JOHN DOE (J.S.) and other children by Jim Davis.

15 70. DOE 1, DOE 2, and DOE 3, through their agents, servants, and employees, knew or
16 should have known that Jim Davis was sexually abusing children at DOE 3, including Plaintiff
17 JOHN DOE (J.S.).

18 71. DOE 1, DOE 2, and DOE 3, through their respective agents, servants, and employees,
19 knew or should have known before and during Jim Davis's sexual abuse of Plaintiff JOHN DOE
20 (J.S.) that pastors, teachers, school administrators, volunteers, and/or other persons serving DOE 3
21 had used their positions with the Defendants to groom and to sexually abuse children.

22 72. DOE 1, DOE 2, and DOE 3, through their respective agents, servants, and employees
23 knew or should have known before and during Jim Davis's sexual abuse of Plaintiff JOHN DOE
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1 (J.S.) that such pastors, teachers, school administrators, and/or other persons could not be “cured”
2 through treatment or counseling.

3 73. DOE 1, DOE 2, and DOE 3, through their respective agents, servants, and employees,
4 concealed the sexual abuse of children by Jim Davis in order to conceal their own bad acts in failing
5 to protect children from him, to protect their reputations, and to prevent victims of such sexual abuse
6 from coming forward during the extremely limited statute of limitations prior to the enactment of
7 the recent legislative amendment that allows Plaintiff to pursue his claim now, despite knowing that
8 Jim Davis would continue to molest children
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10 74. DOE 1, DOE 2, and DOE 3, through their respective agents, servants, and employees,
11 consciously and recklessly disregarded their knowledge that Jim Davis would use his positions with
12 the Defendants to sexually abuse children, including Plaintiff JOHN DOE (J.S.).
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14 75. DOE 1, DOE 2, and DOE 3, through their respective agents, servants, and employees,
15 acted in concert with each other and/or with Jim Davis to conceal the danger that Jim Davis posed
16 to children, including Plaintiff, so that Jim Davis could continue serving it despite their knowledge
17 of that danger.

18 76. DOE 1, DOE 2, and DOE 3, through their respective agents, servants, and employees,
19 acted in concert with each other and/or with Jim Davis to enable Jim Davis to sexually abuse
20 children, including Plaintiff.
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22 77. DOE 1, DOE 2, and DOE 3, through their respective agents, servants, and employees,
23 knew that their negligent, reckless, and outrageous conduct would inflict severe emotional and
24 psychological distress, as well as personal physical injury on others, including Plaintiff, and Plaintiff
25 did, in fact, suffer severe emotional and psychological distress and personal physical injury as a
26 result of their wrongful conduct.
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90. Each Defendant had a duty to take reasonable steps to protect Plaintiff JOHN DOE (J.S.), a minor from foreseeable harm when he was in its care, custody, and control.

91. During the time that Jim Davis was working for and serving the Defendants, each Defendant had a duty to use reasonable care to prevent Jim Davis from using the tasks, premises, and instrumentalities of his positions with each Defendant to target, groom, and sexually abuse children, including Plaintiff JOHN DOE (J.S.).

92. Each Defendant breached the foregoing duties by failing to use reasonable care to protect Plaintiff JOHN DOE (J.S.) from Jim Davis and allowed Jim Davis to groom and to sexually abuse him.

93. As a direct and proximate result of the above-described conduct, Plaintiff JOHN DOE (J.S.) suffered, and will continue to suffer, great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life, and Plaintiff was prevented from performing daily activities and obtaining the full enjoyment of life.

THIRD CAUSE OF ACTION

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

(Against Defendants DOE 1, DOE 2, DOE 3, and DOES 4 through 10, Inclusive)

94. Plaintiff JOHN DOE (J.S.) incorporates all paragraphs of this Complaint as if fully set forth herein.

95. DOE 1, DOE 2, and DOE 3 engaged in reckless, extreme, and outrageous conduct by providing Jim Davis with access to children, including Plaintiff JOHN DOE (J.S.), despite knowing that he would likely use his positions to groom and to sexually abuse them, including Plaintiff. The Defendants’ misconduct was so shocking and outrageous that it exceeds the

1 reasonable bounds of decency as measured by what the average member of the community would
2 tolerate and demonstrates an utter disregard by it of the consequences that would follow.

3 96. As a result of this reckless, extreme, and outrageous conduct, Jim Davis gained
4 access to Plaintiff JOHN DOE (J.S.) and sexually abused him.

5 97. DOE 1, DOE 2, and DOE 3 knew that this reckless, extreme, and outrageous conduct
6 would inflict severe emotional and psychological distress, including personal physical injury on
7 others, and Plaintiff JOHN DOE (J.S.) did, in fact, suffer severe emotional and psychological
8 distress and personal physical injury as a result, including severe mental anguish, humiliation, and
9 emotional and physical distress.

10 98. As a direct and proximate result of the above-described conduct, Plaintiff JOHN
11 DOE (J.S.) suffered, and will continue to suffer, great pain of mind and body, shock, emotional
12 distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace,
13 humiliation, and loss of enjoyment of life, and Plaintiff was prevented from performing daily
14 activities and obtaining the full enjoyment of life.

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17 **PRAYER**

18 99. For economic damages according to proof;

19 100. For non-economic damages according to proof;

20 101. For all attorney's fees allowable by statute;

21 102. For costs of suit incurred herein;


22 103. For prejudgment interest as may be allowed;

23 104. For such other and further relief as the Court deems just and proper
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1 DATED: November 14, 2022

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By: 

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DEMAND FOR JURY TRIAL

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

16 DATED: November 14, 2022

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